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Shrimping at Fernandina, Florida, before 1920:  
Industry Development, Fisheries  
Regulation, Maritime Maturation

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## Introduction

Shrimp is the United States' most valuable commercial fishery product today and ranks fourth in volume. Total domestic production in 1975 amounted to 346.7 million pounds valued at 225.7 million dollars dockside or 902.8 million dollars retail. Florida's contribution to this total is significant, accounting for nine percent of the volume and fourteen percent of the value, which ranks it fourth and third respectively among the fifteen shrimp producing states.

This contribution seems almost trivial, however, when compared to Florida's historic role in modern shrimp industry development. Shrimping, as it is carried on virtually worldwide today, was inaugurated at Fernandina, Florida, during the first two decades of the twentieth century. The first power boat ever used in shrimp fishing appeared at Fernandina in 1902. Fernandina shrimpers also pioneered the use of the otter trawl in 1913, a rig which is still standard today. These two achievements allowed Fernandina shrimpers to be the first to pursue shrimp into offshore waters, an event of monumental importance to the industry's future. Equally significant, Fernandina shrimpers made the first successful shipments of fresh shrimp to the distant but voracious markets of the northeastern United States.

The first section of this study examines how each of these events came about and measures their significance to the development of our modern shrimping industry. More generally, I have traced the history of shrimp fishing at Fernandina from its beginnings to World War I when it reached its essentially modern character. I have emphasized the evolution of fishing techniques and equipment. Attention also is given to the development of markets and transportation and to methods of preservation.

On the eve of America's entry into World War I, the Fernandina pioneers had given to shrimping an importance, which warranted, for the first time, the attention of the state's fisheries regulatory apparatus. Indeed, industry leaders demanded state intervention to protect their position and guarantee the industry's future. The timing of this development proved extremely propitious for the shrimp industry since the state government, after nearly a century of tokenism and neglect, had only four years earlier extended a measure of effectiveness to the enforcement of its fisheries regulatory laws. In the second section of this study, I have reconstructed the history of fisheries regulation enforcement in Florida. Its purpose is to establish the conditions under which shrimp industry regulation began.

World War I had a significant impact on both the Fernandina shrimp industry and Florida's fisheries regulatory establishment. The shrimp industry experienced a level of prosperity and expansion unimagined by its pioneers. Of course, it was short-lived and the industry resumed a more normal development upon war's end. The war's effect on Florida's regulatory establishment holds a significance of wider historical interest, however, as a case study of federal, state jurisdictional conflict; and for this reason, the story has been included here.

## PART I

# INDUSTRY DEVELOPMENT

## CHAPTER 1

### UNREALIZED POTENTIAL

Shrimp, along with numerous other varieties of finfish, shellfish, and crustacea have been plentiful in the waters around Amelia Island for many thousands of years. This abundance and diversity of aquatic life is explained by the island's geographical location and the ecology of the surrounding waterways. Amelia, which lies at 30 37' north latitude in the extreme northeastern corner of Florida, measures fifteen miles long by three miles at its greatest width, and is one of the southernmost of a chain of barrier islands on the south Atlantic coast of the United States known as Sea Islands. The island is bounded to the seaward by sandy beach, a broad continental shelf and the warm waters of the Gulf Stream and to the landward by salt marshes and tidal creeks.

Its northern and southern boundaries are formed by the mouths of the St. Mary and Nassau Rivers. There, in broad, shallow lagoons, the fresh water of these two rivers meets the salt water of the Atlantic Ocean to form estuaries, which rise and fall in salinity with the tides and seasonal rainfall. Brackish estuarine waters are rich in microscopic plant and animal life upon which many varieties of small or immature finfish and shellfish feed. Shrimp utilize estuaries as nursery grounds during adolescence and young adulthood.

The Timuquan Indians, who settled the vicinity of Amelia Island sometime before 2000 B. C. and remained there until the Spanish drove them off in the seventeenth century, are the first humans known to have exploited the fishery resources of the area.

Excavations conducted on the island in 1972-73 by a team of Florida State University anthropologists "reveal an extensive utilization of the fish and shellfish resources of the nearby estuaries by the native Timuquan Indians."

Although sedentary agriculture became ascendant in the Timuquan economy after A. D. 1200, the fisheries of the area remained an important source of food.

The Timuquans employed several methods of capture in their fishing activities. Spears made of long reeds or other suitable material pointed by fish teeth or spines were standard. The Timuquans also made extensive and diverse use of woven baskets and it is possible that such baskets were used to capture shrimp.

But they caught the great bulk of their fish supplies in weirs, long fence-like constructions staked into positions running from shore into deeper water. Fish feeding along the shoreline instinctively turn offshore upon meeting an obstruction and so were led along the weir into an elaborate pocket-like trap at the offshore end.

Jean Ribault, the French explorer and first European to make contact with the Timuquans around Amelia when he sailed into the mouth of the St. Mary's River on May 3, 1562, was impressed that the weirs were "so well and cunningly sett together after the fashion of a labirinthe or maze, with so many tourns and crokes, as yt is impossible to do yt with more cunning or industrye" Seventeenth century drawings and paintings of the Timuquans include many examples of these fish weirs as well as fishermen working their spears from canoes or while wading.

It is possible that shrimp were caught incidentally in the Timuquan's fish weirs. If this is true, it is typical of the earliest stages of shrimp fishery development elsewhere. In Europe, particularly Britain and at points along the eastern seaboard of the United States, fishermen were introduced to shrimp initially as a byproduct of fin fishing activities. The knowledge that fish feed on shrimp gave fishermen the idea of using the crustaceans as bait in hook and line fishing. In locales where commercial hook and line fishing was extensive, some fishermen turned part or full time to fishing exclusively for shrimp to sell as bait. Commercial shrimping for human consumption developed similarly, emerging at locations where fin fishing industries were already well established.

The erection of a small Spanish fort on Amelia Island in 1567, signaled the dislocation and eventual destruction of Timuquan civilization in the area. Although some of the Indians remained to populate seventeenth century Jesuit and Franciscan mission communities, many more were killed or driven inland by disease and warfare. The mission Indians continued their traditional fishing activity, although on a much reduced scale, until the early years of the eighteenth century when it was snuffed out altogether by the Spanish mission system. Never, throughout the two-hundred fifty four years of colonial rule in Florida, did development of the fishery resources around Amelia Island approach the level attained by the Timuquans.

Spanish colonial policy in Florida offers a partial explanation for the absence of a commercial fishery in the area. After initial explorations in the first half of the sixteenth century revealed neither great wealth in precious metal nor a large, thriving Indian society, Spanish interest in Florida declined. Well satisfied with its enormously profitable possessions in South and Central America, the Spanish crown saw little reason to risk precious manpower and other resources in less promising Florida ventures. This attitude persisted even after French and English encroachment forced Spain to establish a strong military presence on the peninsula to protect her trade route through the Bahama channel. Consequently, Spanish settlements in Florida, including those around Amelia Island, were little more than military outposts dependent on annual subsidies from the crown, with official encouragement to develop only subsistence agriculture.

Official discouragement of further economic development was compounded by a century of unsettling colonial rivalry in the area, initiated by the English founding of Charles Town, Carolina in 1670. During the next ninety-three years, the tiny settlement on Amelia Island was caught in a military tug of war, which resulted in the island's changing hands between the Spanish and English seven times. This instability precluded any kind of economic initiative even had official Spanish policy been more favorable.

Because Spain's rivals challenged her exclusively in the north, the strategic importance of the southern half of Florida peninsula became so secondary that Spain failed to establish settlements there. Nevertheless, it was from locations in this southern region that seventeenth century Cuban and Bahamian fishermen inaugurated commercial exploitation of Florida's fishery resources. The fishermen, operating from camps or Ranchos between early fall and the end of spring, employed haul seines in the production of a variety of finfish, particularly mullet, which they salted before transporting to West Indian markets. Most of the Cubans worked from Ranchos in the Keys and on the southwest coast and sold their catch in Havana; but on the peninsula's eastern coast, Bahamian fishermen produced fish for the Haitian and other West Indian markets where their product commanded better prices than the Newfoundland fish which constituted the bulk of the

West Indian supplies. Amelia Island, with its convenient location and abundant resources, might have caught up in the international contests of the period.

While turbulent conditions in northeast Florida militated against the development of commercial fishing around Amelia Island during the first Spanish occupation, Europeans who fished for personal consumption introduced new equipment that would become standard when commercialization emerged. The cast net and the haul seine, constructed of silk twins, were particularly suited to the shallow waters around the island. These two types of nets, later made from linen or cotton rather than silk, became the principal gear in the area's commercial shrimp fishery. The Europeans also introduced salting to preserve edibility. (The Timuquans preserved their meat and fish by smoking it dry but were ignorant of the salting method). Because of the extreme perishability of seafood, availability of an effective preservative technique was a necessary pre-condition to the development of a large-scale commercial fishing industry.

The British acquisition of Florida in 1763 stimulated, for the first time, serious economic development in the province. By 1774, about one hundred plantations had been established in northeastern Florida, many of them along the St. Mary's and Nassau Rivers upstream and very near to Amelia Island. This number increased considerably during the American Revolution. By the time of Cornwallis' surrender in 1781, Tory planters immigrating from South Carolina and Georgia swelled Florida's English population to over sixteen thousand. Virtually all of these newcomers settled in Florida's northeastern region along the St. Mary's and Nassau Rivers.

The growth of a settled and production population nearby was important to the development of Amelia Island's fishing industry for two reasons. First, the plantations provided a potential market for fishery products. Indeed, trade with these plantations probably stimulated the area's first purely commercial fishing activity. More importantly, the commodity-producing plantations depended on maritime commerce which provided the fishing industry with a transportation link to more distant markets in the Wet Indies and up the Atlantic seaboard. Yet the newly-developing region's trade volume remained small during England's twenty-year rule, and imports outweighed exports three to one.

English governmental trade statistics for the period record no shipments of fishery products out of the province. Nevertheless, English observers at least recognized the existing potential for development of a fishing industry in the area. In March 1774, while on a visit to Amelia Island in preparation of a report on Florida's natural resources, the famous botanist, William Bartram, observed that "the coasts, sounds, bays, inlets and lagoons environing these islands, abound with a variety of excellent fish, oysters, crabs, shrimp, etc. (Bartram also mentions the existence of fishermen at Amelia Island, but gives us no further description.) Bartram was equally impressed by other natural features of Amelia, particularly its fertile, hammocky soil and the deep, spacious harbor opposite the island's western shore. Amazed that such a location was still so lacking in settlers (he mentions the existence of "a few poor families" engaged in subsistence agriculture), Bartram enthusiastically recommended development of the island. Bernard Romans, whose "Concise Natural History of East and West Florida" is the most valuable contemporary document of its kind, recognized that Florida's fishery wealth was a "little known" and "perhaps not much thought of" by English investors and colonial officials. Disturbed by the Cuban-Bahamian monopoly on commercial fishing in the province, Romans bluntly criticized his countrymen for not showing grater interest in "the extensive fisheries in the power of these colonies, with which they now supinely, not to say stupidly, allow the Spaniards to run away.

With the retrocession of Florida to Spain in 1783, the English period's embryonic interest in economic development stalled under the instability and uncertainty of Spanish rule. Spanish authority, never strong during the first occupation period, was nearly nonexistent during the second. Although this condition contributed to Amelia's most exciting historical period, it delayed sound economic progress for another forty years.

The absence of governmental authority soon made Amelia and its tiny settlement, now known by its present name of Fernandina, notorious for its lawlessness. Runaway slaves, escaped convicts, and other fugitives from justice outnumbered other local residents. Fernandina became a market place for pirated goods. Even Jean LaFitte is said to have frequented the town.

Then in a desperate attempt to avoid becoming entangled in an escalating European war, the United States government embargoed all trade with the warring states. Instantly, Fernandina became a port of major importance. Its close proximity to the United States southern border, its excellent harbor, and the absence of government authority made the island an ideal smuggling center. The illegal trade received an additional boost in 1808 when the United States banned the importation of black slaves.

The smuggling trade brought a lively commerce to Fernandina and hard cash was abundant. But interest was in more lucrative if less conventional ventures than commercial fishing. Indeed, the local fishermen, with their boats and knowledge of the waterways, were a much sought after commodity in the smuggling trade and often neglected their fishing business for the black market's easy money. The weakness of Spanish authority permitted Fernandina's smuggling and privateering activity to continue unmolested until 1817 when the United States government, determined to end the lawlessness, occupied Amelia Island with United States marines. This was the first step in Florida's eventual transfer to United States ownership, an inevitable event given the covetous attitude of the aggressive and expansive Americans and Spain's own serious weaknesses.

American ownership promised a rapid development of Florida's long-recognized potential. The energetic Americans were accustomed to imposing "civilization" on the wilderness, and a strong tradition in maritime commerce assured connection between Florida's producers and the world's markets. Soon South Carolina and Georgia cotton planters expanded into the territory's northern tier. Timber cutters, who had been supplying New England shipbuilders with Florida live oak since before 1820, undertook extensive operations along Florida's river banks. Fernandina stood to benefit from the growing activity. Its harbor was superior to any on Florida's east coast and its numerous river links to the interior made it an ideal transshipment point. A busy port at Fernandina would have greatly enhanced the possibility of developing a commercial fishery in the area by providing access to outside markets.

But circumstances combined to delay Fernandina's emergence as an important shipping point. Amelia Island's 1817 occupation by American troops which severely curtailed the smuggling trade, was followed in 1818 by a yellow fever epidemic. These two events left the island's population at about one-hundred fifty, down from a high of around eight hundred. Fernandina in 1821 consisted of "almost forty wooden houses, one small store, a boarding house with four rooms, and no post office. Only one ship a year visited the harbor.

Fernandina's subsequent stagnation, which lasted until 1853, was caused by the rapid development to the south of the new town of Jacksonville on the St. Johns River. Jacksonville's growth coincided with the expansion of lumbering and agriculture along the banks of the St. Johns. Although the unimproved bar at the south of the St. Johns made Fernandina with its inland water link to the river a safer transshipment point between ocean-going and river-bound vessels. Jacksonville's strategic position and her more energetic population effectively took Fernandina out of the flow of sea-bound commerce in and out of eastern Florida.

Prospects brightened abruptly in 1853, however, when news spread that the Florida Railroad Company planned to make Fernandina the eastern terminal of the first cross-state railroad. Although the railroad was not completed to Cedar Key, its western terminus, until 1860, its westward advance opened the interior's timber wealth to exploitation. Turpentine operations were begun. Steam sawmills began sending cut lumber by rail to Fernandina where railroad shops,

wharves, and warehouses were built to facilitate the industry. Trade in cotton, lumber, and naval stores became heavy. Consulates from many countries opened as vessels from around the world began visiting Fernandina's harbor. New steamer routes linked Fernandina to Savannah, Charleston, Philadelphia, New York and Boston, and the town's population, not more than a few hundred in 1853, stood at 1,390 seven years later.

By 1860, the preconditions necessary to the development of a commercial shrimping industry at Amelia Island were all present for the first time. Shrimp were abundant and easily accessible with haul seines or cast nets. The fishing season was long compared to established commercial shrimping centers farther north, and the shrimp, much larger than northern varieties, were more highly prized. A proven preservation technique was available. After washing the freshly caught shrimp of mud and grass, the fishermen boiled them about ten minutes in a strong brine, about one bushel to every gallon of brine. They then sun-dried the boiled shrimp by spreading them thinly on wooden platforms. Once thoroughly dried, the shrimp remained in a marketable condition for several weeks. The local market, although growing, was much too small to sustain a profitable industry; but the increased commercial activity stimulated by Fernandina's railroad communication with the interior created a transportation link to promising outside markets. Savannah and Charleston steamship companies which had serviced the St. Johns River throughout the 1840's and 50's began making regular stops at Fernandina. Regular, reliable service to Savannah and Charleston was important because it connected Fernandina to the cities of the northeast where markets for shrimp were well established. Markets existed in Brunswick, Savannah, and Charleston, but were sufficiently supplied by local shrimpers. Jacksonville, with an 1860 population of about two thousand, held some promise but most inland markets were eliminated by the absence of rail links. Success then, hinged on the strength and receptivity of the northeast markets.

It remained to be seen whether or not the northeastern markets would return a margin of profit sufficient to justify entering the trade. Production and transportation costs could be calculated easily enough, but judging a fluctuating market was impossible without actual testing.

Furthermore, wholesalers of perishable produce normally accepted a new source of supply only on consignment until certain of the product's salability. This meant that anyone joining the shrimp trade would need adequate capital, both to sustain the operation until it could establish itself in the market and to carry it through the market's inevitable slumps.

The Old South was notoriously capital poor. In Florida the meager money supply was concentrated in land, lumbering, agriculture and slaves. Nevertheless, the amount needed to start a shrimp business was comparatively modest. It remained only for someone willing to risk the venture, to take the initiative, acquire the capital, and organize a business. Then the Civil War erupted in 1861 and the favorable conditions vanished.

The Civil War devastated Florida's economy. The value of real and personal property, aside from slaves, was nearly halved. The state debt quadrupled. Over two-fifths of the 1860 voting population died while serving in the Confederate armed forces and considerable numbers of dependents and other civilians fled the state to escape the effects of the Union blockade.

Amelia Island was captured by Union forces on March 3, 1862, and held for the war's duration. The occupying soldiers found about two-hundred civilians and slaves on the island and Fernandina's waterfront facilities burned to the ground. In June, 1863, war correspondent Noah Brooks described Fernandina as "a desolation and a heap", and predicted that it "would be a long time before the squalid, ruined, and Negro-haunted town of modern Fernandina is of any account to itself or the rest of the world. With the war's end, a steamer service from Charleston and Savannah quickly returned to Fernandina, and a backlog of exports produced a spurt of commercial activity on the docks. But the effects of the war and the political uncertainty of Reconstruction delayed a return

to normal economic activity for several years. In 1870, most of Fernandina's 1,772 people remained economically depressed. Its fishermen, dependent on the local market, shared the hard times. Yet an increasing flow of northern and European capital into the region, principally into the lumber industry, promised an eventual return to prosperity.

Fernandina's recovery during the 1870's was hampered by the effects of the Panic of 1873. Nevertheless, sometime between 1875 and 1877, E. E. Fisher entered the business of preparing and shipping Fernandina shrimp to the New York markets. Little is known of Captain T. E. Fisher. Our only record of his shrimp business is contained in the information he provided the United States Fish Commission during its 1880 canvass of the nation's fishery industries. Fisher, a Fernandina resident, appears to have been a seafood dealer rather than a fisherman. He may have owned boats and equipment and hired fishermen to work for him but, more likely, he was a fish-house owner who dealt in a variety of seafood, wholesale and retail. His investment in the shrimp business amounted to the equipment and materials necessary for brine-boiling and sun-drying the shrimp in the manner described before. Fisher got the idea to establish a trade with New York after observing similar operations in the Charleston and Savannah shrimp fisheries.

The trade from these points, although small in volume and restricted by the shrimp season and warm weather to about ninety days each year (February first to May first), was nevertheless extremely profitable. Shrimp wholesaled for about \$.06 per pound in Charleston and \$.07 at Savannah during the 1870's but fetched as much as \$.50 per pound in New York. Savannah and Charleston shipments to New York during the decade averaged about 10,000 pounds per year worth up to \$5,000.00. This meant a shipper could earn an eight-hundred percent profit before costs in the New York trade. Naturally, business expenses reduced the market considerably, but the net profit remained quite attractive.

Except for Captain Fisher's venture, Fernandina's shrimp industry during the 1870's was small and limited to the home market. A dozen or so fishermen worked the shrimp grounds during two seasons each year. The first lasted from March until May or June and the second, from September to December. The height of the season was usually during the months of September and October. The shrimpers operated in two-man crews from small oar driven boats. One man paddled while the other worked a cast net from the bow. The nets, made of cotton or linen twine, were ten to fifteen feet in diameter with a one-half inch mesh. The shrimpers worked over mud or sand bottoms of depths from a few inches to five or six feet and fished almost exclusively at night, as shrimp bury themselves in the bottom during the day to avoid predators. The average daily catch by one of these crews was three bushels which converted to about one-hundred and thirty pounds – six dollars and fifty cents in the local market. Evidence indicates that catches could have been much greater had there been a stronger market. Indeed, one report claims a catch by one of these two-man crews of seven bushels (three-hundred pounds) in three hour's time.

Captain Fisher had every reason to expect success when he started his business. The New York market, "seldom, if ever, overstocked with shrimp," promised handsome returns and the steamer connection between Fernandina and New York was greatly improved when the Mallory Line established direct weekly service between the two cities in the early part of the decade.

Additionally, Fisher could supply the northeastern markets during the autumn months when fisheries farther north were out of season. Fisher diligently built up his shrimp trade during the latter 1870's and in 1879 shipped 12,900 pounds of dried shrimp to seafood dealers in New York, Philadelphia, Savannah, Atlanta, Macon, and Charleston. But the next year he abandoned the project altogether, and no Fernandina shrimp were sold outside the local market. Fisher had been "obliged" to terminate the trade "after meeting with some losses and bad returns from dealers" to whom he was shipping, he told the United States Fish Commission in 1880. That was all he ever said, and the demise of Fisher's business remains a mystery.

Despite T. E. Fisher's failure, Fernandina shrimp production increased steadily from 45,920 pounds in 1880 to 97,280 pounds in 1888. The number of shrimpers grew only slightly and their fishing and preservation methods remained unchanged. The bulk of the catch was still sold in the local market with no more than a few thousand pounds a year shipped north. In 1889, production declined by nearly half from the previous year to 49,920 pounds. Severe fluctuations in production from one year to the next are not uncommon in the shrimp industry, but the 1889 drop was followed the next year by a twenty percent decline to 40,080 pounds and continued downward to a low in 1897 of 24,720 pounds. The decline in Fernandina's shrimp production between 1888 and 1897 is difficult to account for. The crippling depression of 1893-97 probably played some role, but the decline actually began four years prior to the depression. Furthermore, the depression's effect on nationwide shrimp production was not serious – merely delaying further expansion for a time. Shrimp prices dropped slightly, but they reflected lower transportation costs rather than a depressed market. Finally, Fernandina itself was little effected by the depression due to its growing overseas lumber and phosphate trade. During the 1880's and 1890's, Fernandina emerged as the most important port on Florida's east coast and in 1894 was the nation's leading exporter of fertilizers. The increased maritime activity stimulated improvements of Fernandina's transportation facilities, which were vital to a successful shrimp trade. The Mallory Line's monopoly over direct steamer service between Fernandina and New York ended in 1886 when the Clyde Line extended similar service on a twice weekly basis.

Additionally, both of these companies were to compete with a proliferation of independent steamship operators for a share of the coastwise trade. The most dramatic improvement came in 1894 when the Florida Railroad and Navigation Company connected its system to the major trunk lines of the eastern seaboard giving Fernandina rail contact with every region of the country.

The general prosperity seems to have had no effect on Fernandina's shrimp industry, however, and its obvious potential remained unrealized for the balance of the century. In retrospect, we know that by the century's end, all but two of the preconditions necessary to a successful shrimp industry had emerged at Fernandina Shrimp were abundant and of superior quality. Demand was strong and an improving and expanding transportation system created access to an ever-larger market. Capital and entrepreneurial initiative, absent since T. E. Fisher's experience, were all that was lacking. Fernandina's commercial fishermen were among the poorer class with virtually no capital and little business knowledge or experience. The town's business community holding access to both these key ingredients, focused its attention elsewhere, either ignorant of the shrimp industry's potential or disinclined toward its development.

## CHAPTER II

### GROWTH AND MODERNIZATION

The gilded Age in America was a period of unprecedented economic expansion. Even the recurrent financial panics of the era, with their attendant business failures and high unemployment, failed to dampen the enthusiasm and optimism of the times.

Certainly, Florida shared in the general prosperity. Yet references to a ubiquitous malaise of laziness, squalor – an absence of ambition among native Floridians – are common in the contemporary accounts of northern visitors to the state. Moreover, a feeling that business opportunities in Florida were not ever recognized by the native population, to say nothing of being realized, persuaded a large number of northerners to migrate there after the Civil War. The experience of Fernandina's shrimp industry during these years does nothing to discount this view of the Florida "cracker". Indeed, the industry's subsequent development is evidence that contemporary complaints of Florida's need for an infusion of Yankee initiative were more than sanctimonious expressions of a northern sense of superiority.

The absence of capital and initiative, which had plagued Fernandina's shrimp industry since T. E. Fisher's withdrawal from the business in 1879, was finally remedied by the arrival of, not a Yankee, but an Italian in 1898. Sollecito Salvatore, of Syracuse, Sicily, was a merchant seaman aboard an Italian freighter when a hurricane forced an extended layover at the port of Fernandina.

Salvatore, later anglicized to Mike Salvador, belonged to a group of Sicilian fishing families who for years had planned to escape the depressed conditions of their homeland by migrating to a locale offering opportunities in their traditional livelihood. Salvador joined the merchant marine in the hopes of discovering such a spot. While his ship laid over at Fernandina, he saw much that was attractive and decided to stay. The unexploited potential of the area's fisheries seemed to offer the opportunities he looked for and, equally important, Fernandina reminded him of his home – the balmy climate, the citrus trees, the flavor of the seaside.

Initially, Salvador fished part-time and supplemented his income interpreting for foreign ships. Very quickly though, he recognized the local shrimp industry's potential and ventured into the business. A chattel mortgage registered in the Nassau County Courthouse on June 23, 1899, records Salvador's purchase of a considerable inventory of equipment and supplies for producing, processing, and shipping shrimp – including, "one large ice box, one small ice box, one ten-gallon iron boiler, one shrimp cast net, twenty kegs and 150 pounds of preserving powder".

Salvador proved to be an innovator of immense energy and perseverance. Almost immediately after entering the business, he began experimenting with new products and techniques in every aspect of the industry from production to marketing. He worked to improve the marketability of shrimp by testing an array of newly developed preservatives, often with horrifying results. He shipped fresh shrimp packed in ice to New York only to discover that successful shipment of the fresh product outside the local market required substantial improvements in transportation.

Successful delivery of fresh shrimp to the promising northeastern markets depended on speed and the utmost care in handling. Frequent re-icing and protection from heat were essential; but the express companies showed little interest in providing such specialized service until they could be assured a profitable volume in traffic. Even at that, trade in fresh shrimp promised to be costly and always risky.

Canning, which had been successfully employed in the Galveston, Texas; Barataria Bay, Louisiana; and Biloxi, Mississippi shrimp industries since the mid-1870's, also received Salvador's attention. The potential had existed since the mid-eighties when two oyster canneries opened at Fernandina, but the area's limited shrimp production and the more costly process involved in shrimp canning discouraged the cannery operators from expanding into shrimp. A weak financial position seems also to have contributed to the canners' timidity. In any event, Salvador failed in his early attempts to secure contracts for delivery of fresh shrimp to the Fernandina oyster canneries.

Salvador's failures to discover a more attractive preservative, to establish a fresh shrimp trade, and to interest the local oyster canners in producing canned shrimp, forced him to continue processing his product with the time-honored method of sun drying after boiling in brine; but Salvador had faith that with time, the demand for shrimp would grow, trade in fresh shrimp would become feasible, and the local canneries would begin handling shrimp as well as oysters. Meanwhile, he worked to increase production and lower its cost.

When Salvador joined the local shrimpers in 1899, he adopted the fishing method prevalent at that time, cast netting in the shallow estuaries from row boats. Haul seines, which were common in several of the fin fisheries of the area, particularly mullet, had from time to time been used in shrimp fishing, but because the seines were more expensive and the fishing more laborious, shrimpers preferred the cast net. Nevertheless, haul seines were larger and capable of surrounding greater concentrations of shrimp in deeper water than cast nets. Salvador, interested in increasing his production, soon opted for the haul seine.

Haul seines are the simplest form of seine, and find wide use in Florida even today. In Salvador's time, they were restricted by state law to a maximum of three-hundred yards length and in the commercial fisheries were seldom less than one-hundred yards. About fifteen feet deep in the center, the nets tapered to around five or six feet at each end. A leaded line running along the lower edge of the net held it on the bottom while the top of the net was buoyed by regularly spaced cork floats. In fishing, one end of the net was staked or held on the beach while a boat "played out" the neatly stacked net from its stern in a concave curve for some distance around the shrimp concentration bringing the net's opposite end back to shore. There, fishermen slowly drew the net ashore entrapping the shrimp in an ever smaller arc. Once drawn into a very tight enclosure, the shrimp were easily boated with handled dip nets or cast nets. To improve the efficiency of haul seine fishing, Salvador equipped a boat with a small one-cylinder, four-cycle gasoline engine. This was the first time a power-driven boat was employed in the Fernandina shrimp fishery and occurred sometime between 1900 and 1902.

Salvador's innovative use of a power-driven boat to increase his catch, along with his energy and enthusiasm, fueled a renewed interest in the Fernandina shrimp industry and production soared from the 1897 low of 24,720 pounds worth \$958.00 to 2,791,754 pounds worth \$58,185.00 in 1902. Haul seines accounted for 40.25 percent of the 1902 harvest while cast nets took the balance. For the next eleven years, until 1913, shrimp fishing at Fernandina continued much the same, with increased use of haul seines and power boats. Production grew steadily as more people joined the industry. Although the price per pound dockside remained constant throughout the period at about two cents, the shrimpers were able to sell all the shrimp they could catch. This condition was created by a significant improvement in the transportation of fresh shrimp to the northern markets, an accomplishment in large measure due to the efforts of Mike Salvador.

In 1906, Salvador was joined by his brothers-in-law from Sicily, Antonio Poli and Savatore Versaggi. Although Versaggi soon became disgruntled with the arrangement and moved to New York City to work as a longshoreman, the addition of these two men to his business permitted Salvador to devote more time to the marketing end of the industry.

The same year, he organized S. Salvador and Company, moved into a dockside fish house equipped with cold storage facilities and began dealing in a variety of seafood, wholesale and retail.

Salvador continued to focus his energies on the shrimp trade, however. Salvador learned a valuable lesson from his initial disappointments in the fresh shrimp trade with New York. Those early shipments had been too small and irregular to command from the express companies the special attention necessary to insure the shrimp's arrival in a salable condition. The problem could be overcome, Salvador thought, by making shipments in entire refrigerator car lots.

The first step, of course, was to increase production to a sufficient level. By 1902, it had been reached. The next step was to acquire cold –storage space where fresh shrimp stocks could be built up and held for shipment. This, Salvador accomplished in 1906. Salvador's own small shrimp fleet provided him with part of his stock, while he purchased additional supplies from his fellow shrimpers.

Naturally, many details had to be worked out before the trade became profitable and losses were inevitable in the early years. Shipping perishables over long distances was expensive, as was insurance. Buyers had to be won over to the novelty and contracts for purchase secured. But volume proved to be the answer to the transportation problem. Indeed, the ability to deliver the large southern shrimp to market in the fresh state served only to increase already strong demand. As a pioneer Salvador monopolized the early New York trade. But his lead was quickly followed by other in the business and by 1912, trade was extensive.

As early as 1902, shrimping had emerged as Fernandina's valuable commercial fishery. Its continued growth over the ensuing decade stimulated the creation of a cluster of dependent businesses until by 1912, it was Nassau County's most important industry. Among the ancillary industries attracted to the area was boat building, pioneered by the Greek Tiliakos family. Engine mechanics, net makers ice manufacturers, boat insurance companies and supply houses also contributed to shrimping's growing importance. Shrimp production at Fernandina increased two-thousand fold between 1897 and 1912, a truly notable achievement. Yet as spectacular as this growth was, it was only the beginning. After 1913, the adoption and then perfection of the otter trawl in the Fernandina shrimp industry caused an even more dramatic increase in productivity.

The otter trawl was originally developed in the mid-nineteenth century by English fishermen to catch halibut and other bottom-dwelling fish. The rig consisted essentially of a net shaped like a flattened cone. Connected to either end of the net's mouth was a board or "door". The doors were attached to a tow line by bridles in such a way that when under tow, the water pressure forced the doors outward and down, thus holding the net's mouth open and on the sea floor.

The idea of adapting the otter trawl to shrimping seems to have occurred first in 1912 at Beaufort, North Carolina, where the United States Bureau of Fisheries operated a marine laboratory. Bureau scientists employing small otter trawls to collect marine specimens were observed by local fishermen who took note of the quantities of shrimp taken and began experimenting with larger versions in the commercial shrimp fishery.

The otter trawl was introduced to the Fernandina shrimp fishery in a somewhat different manner in 1913. A fleet of New England vessels bluefish fishing off Fernandina in the winter 1912-13 were idled when the fishing suddenly fell off. Disinclined to return north where winter fishing conditions were extremely difficult, the New Englanders docked their boats at Fernandina to await the return of the bluefish. While unoccupied one of the New England skippers, Billy Corkum from Massachusetts, watched the local shrimpers working their haul seines. Corkum, who was familiar with the otter trawl, having seen it used in the New England halibut fishery, constructed a modified version for shrimping and had such phenomenal success that the local shrimpers quickly copied him.

Of course, the new technique required experience and prototypes were constantly modified; but once mastered, the otter trawl proved superior to the haul seine in every way. A single fisherman,

towing the trawl behind a power boat, could catch more shrimp in less time than six men working the cumbersome haul seine.

More importantly, the otter trawl freed the fishermen to pursue shrimp in deeper water year round. Previously, shrimping was restricted to the inshore waterways and along the beaches, a doubly disadvantageous limitation. First, shrimping had been possible only during those times of the year when the shrimp congregated near shore. Second, because these “seasons” were the nursery period in the shrimp’s life cycle, the harvest was made up of mostly immature shrimp. The shrimpers of 1913, however, were ignorant of the shrimp life cycle and had no idea that shrimp moved into the open sea upon reaching adulthood.

The discovery of large shrimp concentrations offshore, then, came about quite by accident. A local harbor pilot, Captain William Jones Davis is reputed to have been responsible for the discovery. Davis had recently acquired the thirty-three foot power boat, “Automatic”, which he planned to use for flounder fishing. He equipped the boat with a trawl similar to those used in shrimp fishing and while dragging for flounder one day, hit a shrimp concentration of unprecedented proportions.

Davis’ find heralded the birth of modern offshore shrimping as it is carried on worldwide today. Boat owners virtually rushed to meet the new conditions and increase their production. They added more horsepower to pull larger trawls. Boats grew larger and more seaworthy. Holding capacity and deck space increased. The larger catches became too heavy to be hauled in by hand so the shrimpers erected A-frames equipped with a block and tackle to facilitate the work.

By 1917, the otter trawl had gained universal ascendancy in the commercial fleet which now numbered over one hundred vessels employing more than two hundred and fifty men. Annual production exceeded ten million pounds worth over \$200,000.00.

A dozen raw shrimp houses handled virtually the entire catch. The dealers shipped the bulk of Fernandina’s production to New York by rail, packed in ice in standardized one-hundred pound wooden boxes. To minimize freight costs, the dealers made their shipments cooperatively. One resident in 1916 reported seeing as many as fourteen refrigerated freight cars loaded with shrimp in a single day. With the New York trade’s successful establishment and the continued strong demand for the fresh product in the northeastern markets, interest in shrimp canning subsided. Although three shrimp canneries employing over four hundred persons were in operation at Fernandina by 1916, they processed less than one percent of the annual harvest, about 950,000 pounds.

By 1917, the typical Fernandina shrimp trawler was a twenty-five foot long wooden boat with a ten-foot beam and a net displacement weight of three or four tons. Its cost, engine included was \$675.000. The Lathrop was the preferred engine of that period, although numerous other makes were used, including Globe, Palmer, Wolverine and Fairbanks-Morse. Both two and four cycle engines were common, but all were gasoline fueled and typically of two cylinders generating fifteen horsepower. Nets ranged up to sixty feet across the mouth and cost, on the average, \$33.00.

On the eve of America’s entry into World War 1, the essential features of today’s worldwide shrimp industry were present at Fernandina. The otter trawl, although considerably refined, remains unchanged in its basic design and purpose. Shrimp boats today are larger, more powerful, have greater range and are more highly mechanized than the 1917 Fernandina fleet, but these are differences in scale, not methodology.

Similarly, today’s fresh shrimp trade with its vast network of markets and sophisticated distribution system descends directly from the efforts of the Fernandina pioneers.

The war's initial impact on Fernandina's shrimp industry was negative. The military draft depleted the ranks of younger fishermen while many of those above draft age, because of their maritime experience, entered the Coast Guard or the Naval Reserve. The Navy commandeered part of the shrimp fleet for coastal patrol work and shortages in replacement gear and gasoline idled many of the remaining boats. Furthermore, wartime demands on the nation's rail system left Fernandina's shrimp producers without adequate transportation to their markets. This situation was reversed, however, by the intervention of the United States Food Administration in the summer of 1917, and by year's end production had surpassed pre-war levels. Fernandina's wartime shrimp production peaked during the Christmas holidays of 1918 when for two solid weeks, \$10,000.00 worth of fresh shrimp departed Fernandina each day for northern markets. During this period, an individual boat operator could earn as much as \$200.00 per day. Truly, Fernandina's shrimp industry had come of age.

## PART II

## FISHERIES REGULATION

### CHAPTER III

#### THE PROBLEM OF ENFORCEMENT

The infusion of capital and initiative, the application of the otter trawl and the development of cheap, reliable transportation of the fresh product to lucrative northeastern markets caused a dramatic expansion of the Fernandina shrimp industry during the first two decades of the twentieth century. The wartime demand for food pushed the market for shrimp to unprecedented heights, further stimulating the industry's growth. Inevitably, this increased activity produced a corresponding demand from industry leaders for state regulation to protect and promote their interests.

In 1919, when the first law specifically regulating the shrimp industry appeared on state statute books, Florida had nearly a century of experience in state fisheries regulation. In the eighty-eight years since the enactment of the first regulatory law, many laws had been passed. Most were badly needed and many were well conceived, yet the heritage of legislation was mixed.

The early years were periods of gradual but ever-increasing activity, characterized by trial and error which often enough produced confusion and conflict. By 1913, a tangle of no less than one-hundred and twenty state laws cluttered the statute books. Many were obsolete, while others contradicted each other so as to produce more problems than they solved. More positively, those same years yielded an educational experience through which various regulatory experiments were tried and discarded until by 1919 an elaborate, efficient, and firmly established regulatory apparatus had evolved.

This legacy, which Florida's shrimp industry inherited, virtually determined both the nature and implementation of early shrimp regulatory laws. More important than the laws themselves was, of course, their implementation. The study of the enforcement machinery created in successive waves of legislation is therefore of special importance, for the machinery betrays the tensions of the regulatory task.

Aside from the rare newspaper report and the valuable, but few, U. S. Bureau of Fisheries publications, all of my information on Florida fisheries regulation history for the forty-four years between 1845 and 1889 came from the Florida Senate and House Journals and the "Laws of Florida" published for each biennial session of the Legislature. These sources are clearly inadequate for a thorough investigation of the subject. I have been unable to locate sources which, quite likely, are invaluable.

First, the records of the Florida House and Senate Fisheries Committees are imperative to a detailed understanding of the origins, purpose and consequences of fishery regulation in Florida. The whereabouts of these records is unknown at present, a condition not uncommon to nineteenth century Florida governmental documents. Additionally, the following works would be helpful to this study: "Compilation of Florida Conservation Laws Relating to General and Special Conservation, Shellfish, Shrimp, Crab, Crayfish, Sponge, Manatee, Turtle, Terrapin, Saltwater Fish, Geological and Archeological Laws", rev. (Tallahassee: Rose Printing Co., 1937) 185 pp.; Florida, State Board

of Conservation, "The Conservation Law Relating to General and Special Conservation, Shellfish, Saltwater Fish and Geological Laws," rev. and indexed by Greene S. Johnston (Tallahassee: n. p. 1935) 175 pp.; "General and Special Saltwater Fish Laws Relating to Saltwater Fish Crayfish, Shrimp, Sponge, Manatee or Sea Cow, Diamond Backed Terrapin, Loggerhead and Green Turtle and Crabs (Tallahassee: T. J. Appleyard, Inc., 1927) 99 pp.; "Florida Laws and Rulings of the Shellfish Commissioner and Instructions to his Deputies concerning Saltwater Fish Laws and their Industries, comp. By J. Asakiah William (Tallahassee: n. p. 1918) 30 pp.; "General and Special Laws Relating to Saltwater Fisheries", comp by T. R. Hodges (Tallahassee: T. J. Appleyard, State Printer, 1915) 30 pp.; " General and Special Laws Relating to Saltwater Fisheries, comp. By T. R. Hodges Tallahassee: T. J. Appleyard, State Printer, 1915) 16 pp; Florida Department of Agriculture, Shellfish Commission, Marketing Bureau, "Florida Fish and Seafood Industries," (Tallahassee, n. p., n. d.) folder.

Fisheries regulation in Florida, from the beginning, has been recognized as the responsibility of state government. This responsibility devolved on the state by way of a traditional concept in western legal thinking: that the resources of the sea are common to all the people. The Roman statesman Cicero and the poets Virgil and Ovid all believed that "the world of water was free to all, that nature made neither sun nor air nor water private property, but rather made them public gifts, belonging to human society as a whole".<sup>90</sup> These ideas were embodied in Roman law and have influenced water resource law down to the present. The state government the, as the legal representative of the interests of the people of Florida, is by tradition the logical and legitimate agent for regulating the state's commonly owned resources, including fishery resources.

The concept of common ownership, while it provides a legitimate legal basis for state regulation, is also the major cause of conflict between regulators and resource users. Ownership confers rights, among them, the right of free usage. In the case of fishery resources, this right, like the concept of common ownership, has long been an accepted dictum, going at least as far back as Roman times.

The right of free and unrestricted access to nature's bounty carries particular weight among pioneers living on the frontier. Until well into the twentieth century, much of Florida remained a frontier. Many of its people , particularly its fishermen, truly were pioneers living in isolation, far away from law and government. Inevitably, every move to bring Florida's fishery industries under regulation was met by ignorance, indifference or outright hostility among fishermen, all adding up to non-compliance. There was, of course, some voluntary compliance, which increased as fishermen became more sophisticated. But even the honest, forward-looking fisherman could not comply with restrictions ignored by his competitors without suffering a disadvantage.

During the eighty-six years following enactment of Florida's first fishery regulatory law, four basic schemes for enforcement were put into effect and failed before a fifth proved effective. The first, rather haphazardly left the responsibility for compliance with state officials appointed by the governor. The second shifted responsibility for enforcement to existing county officials who proved unable to perform the additional duties. The third formula transferred the enforcement function back to the state under a Fish Commission that never measured up to intentions. The fourth scheme again placed responsibility with the counties who once again lacked the resources to do an effective job, and the fifth finally brought a measure of efficiency to fisheries regulation in Florida. The fifth formula squarely placed the enforcement responsibility upon a well-manned, adequately funded state agency in 1915, the Shell Fish Commission.

The first attempt to regulate Florida's fisheries began way back in 1831, when only ten years a part of the United States, it was a territory of barely thirty-five thousand residents, nearly half of them, about sixteen thousand black slaves. The vast majority of the population lived in Pensacola, St. Augustine, or in the plantation belt along the extreme northern border.

In that year, the British Governor of the Bahamas, through the minister to the United States, requested permission for Bahamian fishermen to fish in Florida waters. The practice had been carried on in the days when Florida was a province of Spain, but was halted by the U. S. government upon the cession of Florida to the United States in 1821. This denial of fishing privileges to British subjects was an outgrowth of the animosity between the U. S and Great Britain spawned by the Orders in Council of 1783, by which the English government severely restricted American trade with the West Indies.

The Bahamians were most anxious to reenter the sea turtle fishery which they had profitably dominated during Florida's colonial era. By the 1830's, Florida sea turtle renowned for its flavor, was in great demand in the markets of the United States and Europe, which encouraged the Bahamians to reenter the trade. Bahamians, however, were not the only non-resident fishermen to have long profited from Florida's rich fishery resources. Americans from other states, especially New England, and the Spanish from Cuba had by 1831 developed an extensive trade in Florida fishery products.

The most important non-resident group were the Cubans who, over the previous several hundred years, had built up a valuable trade in salted fish and roes for the Havana market. Most of their product was consumed in Cuba, but some found its way into other West Indian markets. The Cubans pursued their fishing and salting activity from camps located along Florida's coasts as far north as Cape Canaveral in the east and Tampa Bay in the west. Four such camps were located in the area of Charlotte Harbor on the southwest coast of Florida. There, some sixty or seventy Cubans aided by an equal number of Indian employees, carried on an extremely profitable trade. The U. S. Customs Collector for that district estimated the value of their exports of fish, roes, and fish oil to Cuba in 1831 at about \$18,000.00. Add to this the value of exports from other similar camps ringing Florida's coast and the figure exceeded \$100,000.00 annually.

It is no surprise then, that upon being informed of the Bahamian request, the governor and territorial Council of Florida turned their attention to the whole question of foreign and non-resident exploitation of Florida's fishery resources. The legislation that resulted had a two-fold purpose. Its principal purpose was to discourage undesirable non-resident and alien fishermen from fishing in Florida by requiring prohibitively high license and privilege fees. The government hoped, however, that the effect on the Spanish Cubans would not be to drive them away, but to encourage them to take up U.S. citizenship and Florida residency. This was, first of all, because the Cubans lived in Florida most of the year anyway and more citizens meant earlier statehood, Secondly, simply driving the fishermen off would defeat the second purpose of the bill "to raise a revenue for the government."

To enforce the law, the governor was empowered to appoint "at such places as may be necessary" one or more commissioners whose duties included, "issuing licenses, collecting fees, fines, forfeitures and penalties and directing the state S District Solicitors in prosecutions under the law. For compensation, each commissioner could keep for himself five percent of the revenue collected. Additionally, each commissioner could appoint one or more deputies to aid him. The individual commissioner could appoint one or more deputies to aid him. The individual commissioner compensated his deputy as he saw fit.

Problems quickly developed with this arrangement. Enforcement of the law, difficult in any case over a three-thousand mile coastline, was further hindered by inadequate funding and by widespread malfeasance among the commissioners. Most of the commissioners were selected for their knowledge of the fishery industries of their locality and many had been fishermen themselves. Susceptible to pressure from their peers, the commissioners sometimes were reluctant to prosecute violators of the fishery laws. Some commissioners did not report fees collected, keeping the money for themselves.

Others apparently desiring the title but not the responsibility , simply did not carry out their duties. In any case, the law was not properly enforced.

Seeking to remedy the situation, the legislature, in 1861 enacted a bill that provided stiffer penalties for violation of the law and, more importantly, placed responsibility for enforcement with existing local government officials. The tax collectors and assessors of the several counties ere designated Fish Commissioners. As such, their duties were to issue licenses and collect license fees, five percent of which they kept as compensation. Half the revenue so collected went to the state, the other half to the county for "as far as may be necessary" harbor improvements.

To better control the flow of revenue from licenses and fines, uniform record keeping methods were ordered and semi-annual returns were required. To strengthen further the state's fishery laws, the fine for violation was raised from \$500.00 to \$1,000.00. Additionally, boats and vessels employed by fishermen violating the law were made subject to seizure and forfeiture.

Tax Assessors and Collectors in their role as Fish Commissioners were empowered to initiate proceedings against violators in the Circuit Courts of the state. The court could then order an attachment, directing the Sheriff to seize and take custody of a vessel or boat suspected of being used in violation of the law. The owner was notified of the action and ordered by the court to appear to answer the charge. If the fisherman was judged guilty, his boat would be sold, the proceeds going half to the state, half to the county.

Charging the Tax Collectors and Assessors of the various counties with administering the state's fishery laws moved this function into more competent hands. The Sheriffs of the various counties and their deputies were also instructed to enforce the law and arrest any violators.

Higher fines and the threat of losing one's boat encouraged a wider compliance with the law, but this was mostly among resident fishermen and even then only among those operating in more populated areas where law enforcement agencies were close at hand. In more isolated areas, resident fishermen continued to ignore the law. Non-resident fishermen engaged in offshore fishing could carry their catch to out-of-state markets to avoid the high license fees. The Sheriffs of the state, already burdened by their normal law enforcement duties, had neither the time nor the means to patrol adequately the waters of the state to insure compliance with fishery regulations.

Lack of effective enforcement remained the chief deficiency of fisheries regulation in Florida so long as sufficient manpower and adequate provision for patrolling the waters of the state were denied by the legislature. Nevertheless, during the quarter century following passage of the 1861 law, the enforcement machinery remained unchanged . Not until 1889 did the Florida legislature, yielding to mounting pressure from several quarters, take action to improve the effectiveness of fisheries regulation by creating the Florida Fish Commission to supervise the fishery industries and enforce the regulatory laws of the state.

During the interim, as Florida's population increased by one-hundred and eighty percent, her fishery industries grew proportionately. The increased activity strained the state's fishery resources to their limit, causing a decline in production in the most extensively developed industries.

The situation became particularly acute in the oyster industry, which throughout the nineteenth century was one of Florida's most important fishery industries, both in monetary value and in the number of people employed. Unenlightened harvesting methods which stripped the oyster beds of everything, including the seed oysters needed for replenishment, were gradually depleting the natural oyster reefs of the state.

The increasing numbers of fishermen entering the trade quickened this process and at the same time helped to produce a glut in the market that hurt everyone in the business.

The clamor to do something to correct this condition arose initially within the oyster industry itself. Larger operators with substantial investments in boats and equipment were joined by forward-looking processing plant operators and wholesalers in demanding stricter conservation laws as well as more effective enforcement of current regulatory laws. Additionally, such men began urging the state government to initiate artificial planting of seed oysters to replenish depleted beds.

Other fishery industries were experiencing during this period, a similar decline in fish stocks, most notably the shad and mullet industries. Just as in the oyster business, the initiative for state action came from the larger, well established elements in the industry – those with the most to lose. Although wise and effective regulation remained an important concern, these men seized on “fish culture,” the artificial breeding and distribution of fish as the key to their future.

Fish culture is a practical application of marine science and, as such, became popular among American marine scientists eager to see some useful benefit from their work. The first successful artificial propagation of fish in the United States occurred in Cleveland in 1854. Shortly thereafter the American Fish Culture Association was formed. Renamed the American Fisheries Society it successfully brought about the creation of the United States Fish Commission in 1872.

Beginning with Massachusetts in 1856, states in the northeast where the problems of depletion in fishery stocks developed at a much earlier time than in Florida, began sponsoring fish culture work to aid their respective fishery industries. Scientists were employed to direct this work and over the succeeding decades state fish commissions were formed to bring fishery conservation and regulation along with fish culture work under a single administrative agency. Where the efforts were combined, success was often spectacular.

Fish culture work was widely publicized in newspapers and trade journals, and among the more farsighted and conservation minded, both within the fishing industry and without, pressure for the creation of a similar commission for Florida grew. In the tight-fisted legislature, the most appealing testimony was that at their best, these fish commissions, through their work in fish culture, could increase fish populations to such a level that expensive enforcement of restrictive laws became unnecessary.

Bowing to pressure from industry leaders, from members of the scientific community, and from conservationists within the government and without, the legislature of Florida created the Florida Fish Commission in 1889. The Governor was authorized to appoint three “competent” persons to serve two-year terms as Commissioners. The Commissioners were instructed to select some other competent person, whose term was indefinite, to serve as Superintendent of Fisheries. The Commission’s first task, as ordered by the legislation, was to “inspect the waters of the state and to select proper locations for the propagation of such food fishes as ...deemed desirable to introduce into the waters of the state.” Afterwards, they were instructed to “communicate with the Commissioner of Fisheries of the United States and with other Fish Commissioners” on the subject and “report the results of their investigation to the Governor as soon as practicable.” The Commissioners were further instructed to select sights for the construction of fish hatcheries, to employ agents to aid them in distribution, and then to supervise the whole operation. Similar responsibility was given the Commissioners with regard to the oyster fishery. Additionally, the Commissioners were made responsible for enforcement of all existing fishery regulatory laws. They were authorized to appoint fish wardens to aid them in this task. All in all, creation of the Florida Fish Commission seemed a major step forward for fisheries conservation in Florida. It was not. Until its abolishment sixteen years later, the Florida Fish Commission never received the necessary funds to carry out the functions for which it was created.

It is impossible to trace the day-to-day history of the Florida Fish Commission from its creation to its abolishment because the whereabouts of its records is unknown. Nevertheless, the evidence available suggests several reasons for its demise.

Florida in the 1880's and 1890's was not a particularly progressive state. Its legislature was ruled by the great landholders of the northern counties, men who construed the role of government as a minimal one. They saw the appropriation of the substantial funds needed for fish culture work not as an investment in the future health of one of the state's major industries, but rather as unwarranted special treatment for a single class. The fishery industry itself must accept a major share of the blame for the Commission's demise. Aside from the few industry leaders and their allies from the scientific community, the attitudes among fishermen toward the Fish Commission ranged from ignorance or indifference to outright hostility. To these men, the Fish Commission meant only more restrictions, more taxes. So long as this kind of thinking prevailed within the fishing industry, the kind of Fish Commission originally envisioned would remain a dream.

The Florida Fish Commission was formally abolished by the state legislature in May 1905, but among those who had hoped for an agency that would direct a broad-ranged conservation program, it had long since been dead. Fish culturalist James A. Henshall gave it a fitting epitaph in 1898 during a presentation to the National Fisheries Congress at Tampa, Florida. Said Henshall: "The Fish Commission of Florida is virtually obsolete at present for not withstanding the appointment of three commissioners several years ago as provided by law, I have learned on good authority that to all intents and purposes, the commission has ceased to exist.

Oddly, the Florida Fish Commission's official demise seems to have been spurred more by political factionalism than by any failure of its own. Indeed, legislators closest to dominate interests within the fishing industry strongly objected to the abolishment of the Commission. During the House debate over the issue, Representative William J. Oven of Franklin County and Charles L. Smith of Volusia County, both major centers of Florida's fishing industry, argued that the Commission already served a vital role in their own constituencies. However, it appears that the office of the Fish Commissioner had increasingly become little more than a tool for the incumbent governor's political ambitions. Representative L. W. Blanton of Taylor County, sponsor of the bill calling for the Commission's abolishment, said as much, going so far as to call "the whole business...a sham".

The 1905 law shifted enforcement responsibility back to the counties, where it had been before 1889. It provided that upon the petition of seventy-five freeholders of any county to their County Commission "praying that a Fish and Game Warden be appointed for each county" the Governor, upon request of the County Commission, would appoint to the office of Fish and Game Warden for that county, the candidate recommended by the County Commission. The Warden's duties were "to see that the laws for the protection of fish, oysters and game in the county for which he is appointed

are observed and obeyed." The law also provided that "in any county where no Fish and Game Warden has been appointed, the sheriff shall perform the duties of that office." Compensation for the wardens was the responsibility of the individual counties.

The enforcement machinery provided by this law remained in place for ten years during which its performance met only limited success. Its features of local responsibility appealed to conservation law-makers, but those same features meant that enforcement of the state's fishery regulations would be inconsistent. In wealthy counties or in counties where fishing industries were important, adequate means of enforcement was well provided, but in poorer counties or in counties where the fishing industry was not so important, enforcement was totally neglected. There were other problems with the law as well. For one thing, the nature of the resource being regulated often made county-wide enforcement unworkable.

For example: fishermen in a county where enforcement of the laws was lax could illegally net fish upstream of a river that ran into an adjoining county where the laws were strictly enforced. Not only were the fishermen of the downstream county damaged by the loss of fish to the illegal netting, but they were also encouraged to believe the law was a mockery.

The unworkability of this system of local enforcement was assured by the steady growth of the fishing industries and their regulatory needs. Between 1889 and 1915, the year the arrangement was abandoned, the Florida legislature enacted no less than eighty-four state laws dealing with fishery regulation. The weight of growth simply overwhelmed the ability of the counties to provide adequate means of enforcement.

## CHAPTER IV

### THE SHELL FISH COMMISSION

In 1913 and 1915 the Florida legislature enacted three detailed and comprehensive laws that represented, for the first time, a determined effort on the part of the state to bring its fishery industries under effective regulation; but before so significant a development could occur, Florida had to undergo a major realignment of political power.

The problems of fishery regulation were merely a small slice of a much greater crisis occurring throughout the American political system during the second half of the nineteenth century. The traditional political doctrines as perpetuated by the conservative establishment were becoming increasingly inadequate to cope with the complexities of industrial society. Progressivism, the reform movement that grew up as a response to this condition, touched Florida during the first years of the century and is known in Florida history as the Broward Era.

Napoleon Bonapart Broward was the candidate for governor in 1904, of a faction of the Democratic Party known as the "straight-outs" centered in Jacksonville. These men nicely fit the traditional profile of a turn-of-the-century progressive. They were mostly middle class, educated, usually professional or small businessmen, and they lived principally in urban areas. They feared the growth of a big business, especially the trusts; desired a curtailment of the political influence of railroads and corporations; and, generally held a much more positive conception of the proper role of government than was traditional. The straight-outs selected Broward as their candidate mainly because he agreed with their views and had demonstrated so during his term as Sheriff of Duval County. A further attraction was his fame throughout the state built on his filibustering exploits during the Spanish-American War. To many in the state, Broward was both a hero and a man of the common people. Despite the mobilization of conservative opposition, Broward won the Democratic nomination and took the general election in the fall.

Broward's program was a sparkling display of progressive thinking. He called upon the legislature for, among other things, state aid to common schools, a powerful railroad commission a corporation franchise tax, a state library, state life insurance, food and drug legislation and laws "for the conservation of fish, oysters, game and forests".

Broward was a colorful and forceful crusader in the progressive cause. In this and other respects he parallels in Florida, the role of Theodore Roosevelt on the national level; a symbol of action around whom all progressives could rally. Broward was able to push through the state legislature an admirable portion of his program, but more importantly, he mobilized the progressive spirit in Florida which was carried with varying degrees of intensity through the administrations of the next three governors.

One of the fruits of the Broward Era was the birth of the Shell Fish Commission in 1913, during the administration of Park Trammel, the second governor to follow Broward in the progressive mold. The law creating the new agency and placing it within the Department of Agriculture reflects the changed nature of Florida government.

Although it dealt only with the oyster and clam industries, the legislation was sweeping in its scope. True to its title, it really was an act "to encourage, protect and develop the shell fish industry of the state." In a full twenty-six pages of text, the law spells out a detailed program for the leasing of all public oyster and clam beds as well as the licensing of everyone in the business from fishermen to retailers. The revenue collected from these sources was then used to replant depleted beds and to cover the expenses incurred administering and enforcing the law.

By this scheme, the whole program was designed to be self-supporting, although an appropriation of \$1,000.00 was to fund the Commission's initial endeavors. Commission records show that in the first eighteen months of operation, it collected \$20,487.84 from lease and license fees while it spent \$15,638.84, most of this going to investments in boats and other equipment. Thus, the state was left a net credit of \$4,848.26, and this despite the slowdown in the fishing industry in 1914 caused by the European War. The Commission proved a great success during those first months and would continue so to the benefit of the oyster and clam industries.

In 1915, all the salt water fishery regulations of the state were consolidated in a single legislative act. (The same thing had occurred with fresh water fisheries in the 1913 session of the legislature when a Department of Game and Fish was created to take control of the game and fresh water fishery resources of the state.) The 1915 law also placed responsibility for enforcement firmly with the Shell Fish Commission. This is significant for the shrimp industry because when regulation did begin in 1919, its enforcement was provided by the agents of the Shell Fish Commission.

Under the leadership of Commissioner T. R. Hodges, the Shell Fish Commission finally brought a measure of effectiveness to the enforcement of Florida's fishery regulations. Hodges was a determined leader who realized that if Florida's fishery regulations were to be anything more than mere scraps of paper, strict observance would be necessary of all fishermen. He also was well aware that a significant minority of fishermen flouted the law daily, and thus from the beginning he embarked on a policy of aggressive and strict enforcement. Hodges was aided in this task by the resources provided the Shell Fish Commission. During the first year of operation, the Commission purchased four boats for patrol work and swore in fourteen men, representing all the major fishery centers of the state, as Deputy Shell Fish commissioners.

The law, placing responsibility for all salt water fishery regulation with the Shell Fish Commission, gave Hodges ample authority. By it, the Commissioner and his deputies were given "full police powers to arrest without warrant anyone violating any" salt water fishery regulations. Additionally, they were given authority "without warrant, to board and search any vessel or boat, or enter any fish house, warehouse or other building in which fish or nets are kept, which they may have cause to believe that fish taken out of season are stored, or that contains illegal nets." Thus sufficiently supplied in manpower and boats and provided with sweeping authority, Hodges set about vigorously enforcing the law. He quickly ran into a hornet's nest of resistance.

The initiation of strict enforcement of the state's fishery laws after so many years of tokenism was bound to create friction between enforcement officials and fishermen unaccustomed to interference with the pursuit of their livelihood. But by 1913, the majority of fishermen, especially the oystermen, had come to realize that effective regulation was necessary for the survival of their industry. The resistance that grew up over the next three years was not so much aimed at regulation per se. Rather, it resulted from personal animosity directed toward Commissioner Hodges.

Hodges' commitment to fisheries conservation aside, he lacked the diplomatic instinct necessary to make the transition to strict enforcement a smooth one. He had never been a commercial fisherman, nor was he sensitive to their customs and attitudes. Most fishermen are fiercely jealous of their independence, and generally a quick way to anger one is to board his boat without permission. By law, agents of the Commission could board any boat merely on suspicion, and this the Commissioner and his deputies did with little regard to the feelings of the fishermen. This kind of high-handedness, along with Hodges ill-disguised elitism, aroused intense resentment. Fishermen complained that Hodges was "totally unsympathetic toward them" and treated them as if he was "above their level."

They accused him of being “as expensive in his tastes as a European monarch and as far removed from the common man in his personal attitude. In the industry he came to be known as the “tyrannical and uppish COMMODORE Hodges”

The poisoned atmosphere inevitably led to violence when in 1915 a Deputy Shell Fish Commissioner was shot and killed while attempting to arrest a fisherman accused of violating the law. The fisherman was acquitted by a sympathetic jury, indicating how strong feelings had become. Undaunted, Hodges redoubled his efforts. He armed his deputies and the “Roamer”, the largest of the Commission’s patrol boats, was outfitted with two one-pound cannons. But this move served only to exacerbate an already tense situation which remained unchanged until the spring of 1916, when the whole issue became a focal point of the gubernatorial election campaign.

Sidney Joseph Catts, former lawyer, preacher, insurance salesman, and lately, politician, was considered a long-shot in a five man race for the Democratic gubernatorial nomination in 1916. Catts was an outsider to state politics and had no support among party regulars. Even the state’s newspapers and the other four candidates largely ignored him; but he was a shrewd campaigner and the strategy he employed turned out to be the right one for the times.

Catts moved to Florida in 1911, and in 1914 became the state representative for a fraternal insurance company. Catts was a campaigner in the tradition of Thomas E. Watson of Georgia . He got his training in the Watson technique as a victim in Alabama, his native state, in 1903, when he challenged U. S. Congressman J. Tom Heflin for his seat. Heflin, a campaigner of the Watson type, soundly defeated Catts with the same tactics Catts would later use in Florida. As he traveled over the state for the company, Catts “perceptively took stock of political conditions and discovered neglected voters and issues that he believed he could use to become governor of the state.” One of these issues was the widespread hostility among fishermen toward T. R. Hodges and the Shell Fish Commission.

Campaigning in the fishing villages of the state, Catts vigorously denounced Hodges, the patrol boat “Roamer”, and the Commission itself. His message was simple. He vowed that if elected, he would fire Hodges and “sweep the “Roamer” off the seas.” He maintained that had he been governor, he would have vetoed the legislature’s \$15,000.00 appropriation for the “Roamer” and that “if elected he would sell the “Roamer” and use the money to establish fish hatcheries on both coasts. Catts’ campaign for the fishermen vote proved particularly effective because Hodges was supporting the leading candidate in the race, W. V. Knott. Catts, ever the opportunist, made sure this fact became known among the fishermen. In the end, Catt’s campaign carried him to the nomination and on to the governorship. It is quite possible that the fishermen vote provided the difference in the Democratic Primary as Catt outdistanced runner-up Knott by a little more than 5,000 votes, 30,092 to 24,765.

Upon taking office in January, 1917, Catts ordered the disarming of the “Roamer”, commenting that he did not “deem it necessary that the state operate a gunboat in order to cower the fishermen.” Shortly thereafter, the “Roamer” was ordered sold by the legislature, although it is unclear who initiated the move. No record exists that Governor Catts ordered the sale as he had promised during the campaign. Rather, it appears that pressure to sell the “Roamer” grew up within the legislature itself following the unfavorable publicity generated during the gubernatorial election campaign. In the House, speakers were critical of the \$15,000.00 cost of the yacht and its high maintenance expenses. Even strongly pro-regulation legislators considered the “Roamer” too extravagant for its purpose and supported its sale.

Soon after Catts’ inauguration, Hodges resigned as Shell Fish commissioner, anticipating Catts’ promise to dismiss him if elected. Following his repeated and emphatic statements during the campaign, it seems certain that Catts would have followed through on his pledge had not the controversial Hodges stepped down on his own. Yet as his record as governor shows, Catts’

attitude toward Hodges in no way signaled an assault upon the Shell Fish Commission's authority. Despite his hostile campaign rhetoric, Catts pursued a hands-off policy toward the Commission, leaving the issue of fisheries conservation and regulation to the state legislature.

The antagonism built up among fishermen toward the Shell Fish Commission during the Hodges years persisted after his resignation. Periodically, groups of fishermen protested to the legislature by petition and other means that the Shell Fish Commission was driving them out of business by its strict enforcement of the state's regulatory laws.

The most extreme manifestation of discontent occurred in 1919 when Representative H. H. Surrency of Nassau County introduced a bill to abolish the Shell Fish Commission. The paucity of records makes it difficult to determine the bill's origin, but several important facts suggest that it was initiated by a group of disgruntled fishermen. After a first reading on May 20, the bill was referred to the House Committee on Fisheries which on the same day recommended by a unanimous vote to kill the measure. Surrency, the bill's sponsor, was also a member of the Fisheries committee and thus voted against his own proposal. It seems unlikely that Surrency would introduce a bill and then a few hours later vote to kill it unless he disapproved of the measure from the start. Indeed, Surrency probably was pressured by a determined group of fishermen constituents hostile to the Shell Fish Commission, and felt politically obligated to introduce, on their behalf, a bill which he personally opposed. Of course, if his interest was to avoid alienating a powerful group of constituents, the question remains: why did he not follow through and support the bill in committee? Without evidence the question remains a puzzle, but two facts are certain. The bill was withdrawn from the House on Jun 3 and Surrency was not reelected as Representative of Nassau County.

By 1919, although some fishermen continued to oppose or ignore Florida's fishery regulations, the widespread ill will of the Hodges years had largely disappeared. Much of the credit for the improved relations must go to J. Asakiah Williams, who on July 19, 1917, replaced the departed Hodges as Shell Fish Commissioner. Like Hodges, Williams was a dedicated conservationist convinced of the necessity for government regulation to preserve the health and future of the state's fishery industries. In directing the Commission's enforcement functions, however, Williams displayed statesman-like sensitivity and flexibility that was wholly lacking in former Commission Hodges. As a result, fishermen became less hostile and defiant toward the Shell Fish Commission. The level of voluntary compliance with the law increased, which in turn diminished the need to resort to the coercive measures that, under Hodges, had created so much controversy and poisoned relations between the Shell Fish Commission and Florida's fishermen in the first place.

Reasons more significant than J. Asakiah Williams' personal talents lie at the heart of the improving relations between the Shell Fish Commission and Florida's fishing industries, however. Voluntary compliance with regulatory laws increased chiefly because the fishing industries of the state began to recognize the beneficence of restrictive regulation. Indeed, the regulatory laws then in force, largely originated within the industries themselves and thus not only were supported but demanded.

The state's fishing industries also began to appreciate the value, both present and potential, of the Shell Fish Commission's work. Its system of leasing publicly owned oyster and clam beds brought order and efficiency to their use while its program of replanting depleted beds contributed to increased production and a more stable market in the state's oyster and clam industries. These accomplishments were roundly applauded by virtually everyone in the fishing industry.

The Shell Fish Commission's work in fish culture, although still in its infancy, won the enthusiastic endorsement not only of the commercial fishing interests of the state, but of sport fishermen as well. Sport fishing is intimately tied to tourism which, even before World War I, was Florida's largest industry. The additional support from this segment of the economy further enhanced the Shell Fish Commission's prestige

During its initial years, the Shell Fish Commission also achieved its goal of self-sufficiency. For the biennial period, 1917-1918, the Commission collected \$39,524.43 in license and tag fees, an increase of ninety-three percent from the Commission's first two years of operation in 1913-14. Most of this increase was because of the expansion of the Shell Fish Commission in 1915, when all the salt water fishing industries were placed under its jurisdiction. Nevertheless, the money collected was more than enough to cover the Shell Fish Commission's expenditures for the period, which increased one-hundred twenty-one percent from \$15,638.84 in 1913-14 to \$34,546.58 in 1917-18.

## PART III

### WARTIME MATURATION

## CHAPTER V

### JURISDICTIONAL STRUGGLE

On April 6, 1917, fifteen weeks before J. Asakiah Williams' appointment as Shell Fish Commissioner, the United States declared war on Germany. The war's impact on fisheries regulation in Florida proved no less far-reaching than on any other aspect of American life. During the war years, a power struggle between the Shell Fish Commission and the United States Food Administration became an acid test of the Shell Fish Commission's effectiveness. The war years also provided a backdrop against which to measure both the soundness of Florida's fishery regulations and the degree of their support by state fishing industries. The record of Commissioner Williams and the Shell Fish Commission during the war years clearly demonstrates that the Commission and the regulations it enforced were indeed of, by, and for the state's fishing industries.

One of the chief wartime priorities of the federal government was the mobilization of the nation's enormous agricultural potential to meet the needs of the allies. The task of coordinating this effort was assigned to the U. S. Food Administration, which was created by Executive Order on August 10, 1917, and placed under the direction of Herbert Hoover.

During its two-year existence, the U. S. Food Administration involved itself in a vast range of problems relating to every aspect of food production, distribution, and consumption in the United States. Its success depended almost entirely on the voluntary cooperation of federal, state, and local governmental agencies and food-related industries.

At war's end, the Food Administration employed nearly three thousand full-time, salaried personnel. More significant however, were the services of eight thousand full-time and an estimated 750,000 part-time volunteers. Without their help, the Food Administration could not have achieved a coordinated program. In addition to Federal Administrator Hoover, a volunteer Food Administrator was selected for each state, county, and all the larger cities of the nation. Florida's Food Administrator was the Honorable Braxton Beacham, an elderly and universally respected jurist.

From the beginning, Herbert Hoover realized the need to stimulate increased production among the nation's fishing industries. The wartime rise in meat prices and the Food Administration's program of conservation through meatless meals would greatly increase the nation's demand for seafood. Yet the Navy's commandeering of ocean-going fishing vessels for military use, the depletion of the fisherman population by the armed forces, and the wartime shortages of fuel and equipment had combined to force the nation's production of seafood below normal "just when national interest called for the greatest production in our history." On August 11, 1917, one day following creation of the U. S. Food Administration, Chief Administrator Hoover assigned staff member Kenneth Fowler to head a Fish Section of the Food Administration.

Before joining the Food Administration, Fowler had been an associate of Cheeseboro Brothers, wholesale seafood dealers in New York City. He was also the son-in-law of Samuel Z. Cheeseboro, president of the firm.

The recruitment of men like Fowler reflected Hoover's desire to achieve voluntary cooperation between his agency and the industries directly affected by Food Administration programs. Such an approach also took advantage of industry expertise in designing Food Administration programs, thereby increasing the likelihood for widespread voluntary compliance. At the same time, however, it made abuses of public office for personal gain temptingly easy. The Food Administration encountered considerable criticism from farmers and other food producers for its recruitment

policy. In Florida, Shell fish commissioner Williams publicly accused Kenneth Fowler of conflict of interest during their battle for wartime control of Florida fisheries regulation.

The first order of business for Fowler and the fish section was to eliminate the handicaps to normal seafood production. After conferring with the war and navy departments, the council of national defense, and other government agencies, a number of steps were taken by the food administration. The navy agreed to stop commandeering fishing vessels. Through the cooperation of the British War Department, Scottish suppliers provided new stores of linen thread for nets. The food administration expedited delivery of essential replacement gear and equipment and speeded the movement of coal, fuel oil, and gasoline to centers of production. The administration also corrected problems associated with transporting fishery products to market. While each of these measures helped to restore the supply of seafood to normal conditions, food administration officials felt production had to be increased beyond peacetime levels. That meant reducing existing legislative restrictions.

In his "History of the United States Food Administration." William C. Mullendore stated the problem clearly:

Perhaps the most important influences curtailing the fish production of the country was the restrictive state legislation prevailing throughout most of the salt-water fishing districts. For many years restrictive laws in the various states, particularly along the Atlantic Coast, has accumulated and shut out the use of many of the most productive kinds of fishing gear. In some of the states, closed seasons on certain varieties of salt-water fish were being enforced at a time when supplies of these varieties were available in the shore waters in the greatest abundance. In many of the states, restrictive laws against nonresident and alien fishermen made it impossible for vessels and equipment from one state to be operated in the shore waters of adjacent states.

By 1917, all of the restrictions which Mullendore noted had found expression in Florida law. Furthermore, the laws were generally obeyed because of the new influence of the Shell Fish Commission and the industry's growing acceptance of the legislation's beneficence.

When the Food Administration began a campaign against all state salt-water fishing restriction "not absolutely necessary for the conservation of the fish supply," Florida officials received early attention. On September 28, 1917, Hoover wired Florida Food Administrator Beacham requesting that he take steps to gain the support of state authorities for the suspension of state laws for duration of the war. Beacham relayed the message to Governor Catts and asked the Governor for "his attitude" toward the Food Administration's request. The Governor promised his cooperation.

Apparently expecting swift action by the State of Florida, Fish Section director Fowler then embarked on a program of direct appeal to the commercial fishermen – by letter and telegram and through newspapers and trade journals – to increase production by every means, including those which Florida law prohibited. In these appeals, Fowler reminded the fishermen of their patriotic duty to contribute to the war effort and assured them that federal authority stood behind them.<sup>166</sup> The fishermen were eager to comply. The wartime demand for seafood sent prices soaring to unprecedented levels. Mullet, for instance, which sold in the wholesale markets of the state before the war at \$.05 to \$.08 per pound, brought the fishermen \$.12 to \$.15 per pound during the war. If the fisherman and his family had survived at pre-war prices, they could get rich at the wartime levels.

Most of the fisherman, however, were reluctant to engage in activities outlawed in the state without explicit permission from state authorities. On October 30, 1917, a group of west coast mullet fishermen petitioned Florida Food Administrator Beacham requesting a suspension of the state's closed season law on mullet (from November through January twentieth). By directing their petition

to Beacham instead of state officials, the fishermen hoped to enlist the support of the federal government whom they knew favored the action.

When Beacham relayed the petition to Governor Catts, however, the Governor replied that he had no power to suspend the law, that only the legislature had such authority. Obviously, there was a misunderstanding between federal and state authorities over the issue. Although in September the Governor had said he “would be glad to cooperate” with federal authorities to help win the war, events proved that Governor Catts was unwilling to proceed without legislative sanction. On the advice of Florida’s Attorney General and after conferring with Agriculture Commissioner William A. McRae, Shell Fish Commissioner Williams’ immediate superior, Catts announced that only the state legislature had the authority to reverse one of its own acts.

Since the legislature would not meet again in regular session until the spring of 1919, Catts was left with three options. He could comply with the Food Administration’s request and order the Shell Fish Commission to suspend enforcement of the state’s restrictive fishery regulations at the risk of violating his constitutional oath to faithfully execute the laws of the state. He could call a special session of the legislature for the sole purpose of deciding the question; or he could do nothing and await the next move by federal authorities. Catts chose the latter.

Catts’ decision not to interfere with fisheries regulation enforcement resulted in part from the approach taken by the Food Administration. Hoover’s telegram of September 28<sup>th</sup> was in keeping with the Food Administration’s cardinal principle of voluntary cooperation. It was a request, rather than an order. Although under the provisions of the Lever Food Control Act Hoover had the authority to order compliance, he chose to leave coercion as a last resort. Had Hoover exercised his full power in the matter, Catts might well have taken a different course, not wishing to leave himself open to the charge of obstructing the war effort.

The reasons that Catts did not call a special session of the legislature to address the problem are less clear. The record shows only that he did not do so. One is tempted to argue that Catts’ failure to act is but another manifestation of the general hostility among southern states to any interference in state affairs by the national government which, in the early twentieth century, was still quite strong. More likely, Catts simply determined that the issue did not warrant the expense and effort of a special session.

Catts remained consistent in his position throughout the war despite continuing pressure from the Food Administration to act. The effect was to shift the point of confrontation to the Office of the Shell Fish Commissioner.

Shortly after mullet fishermen petitioned Braxton Beachman, a group of south Florida mackerel fishermen complained to Shell Fish Commissioner Williams that some of their competitors were fishing illegal purse seines. Williams notified the law-breakers that the nets were illegal, but they ignored him, apparently relying on federal authority and the extraordinary circumstances of the war to prevent their prosecution.

Williams was reluctant to make any arrests because first of all, he saw no harm to the state’s fisheries resulting from the nets’ use and secondly, because he was keenly aware of the worldwide food shortage and the Food Administration’s program to increase seafood production. However, as Shell Fish Commissioner, he could not ignore a flagrant violation of state law. Hoping to avoid controversy, Williams, therefore, told the net owners that he would refrain from enforcing the law in this case only if they secured an exemption from either the Governor or the Commissioner of Agriculture. The net owners, through their attorneys, then approached Governor Catts first, and then Agriculture Commissioner Mcrae requesting exemption from the law. Both men refused, citing a lack of authority to nullify state law. Having no other choice, Shell Fish Commissioner Williams ordered the arrest of sixteen fishermen and the confiscation of two purse seines.

The net owners then appealed to the U. S. Food Administration, which asked Williams to “refrain from enforcement of the law in this particular case”. After carefully considering the circumstances involved, Williams decided to comply with the Food Administration’s request and upon his order, the court cases were dropped and the seines were returned to their owners. When Williams explained his actions to the Commissioner of Agriculture, he made it clear that his decision applied only to the purse seiners and was based solely on the extraordinary circumstances involved. In no way, Williams added, did his decision recognize federal supremacy over state authority

Soon after the purse seine owners made their appeal to Washington, a public statement appeared in the Florida Times-union over the signature of Herbert Hoover, claiming that the Shell Fish Commissioner had refused to cooperate with federal authorities. Angered, Williams inquired to the Federal Food Administration and discovered that Fowler, not Hoover, had published the statement. Fowler later apologized and promised to publish a retraction, but never did. Also about this time, Williams received a telegram from a minor official in the Food Administration beforehand about the purse seines and so could not justifiably be accused of non-cooperation. Indeed, Williams decision to order a halt to the prosecution of the arrested purse seiners was a generous if not courageous act of cooperation. He had acted in clear violation of his oath of office to enforce state law, and had done so purely on his own initiative after the Governor and the Commissioner of Agriculture skirted the issue by claiming their lack of authority.

Despite Williams’ action regarding the purse seiners, it became clear to both the Food Administration and Florida’s fishermen that the state intended to continue enforcing its restrictive regulatory laws regardless of the federal agency’s desire to see their suspension or removal. Clearly, voluntary cooperation in this instance was not working. In fact, the Food Administration encountered similar non-cooperation from among other maritime states on the Atlantic and Gulf coasts. Georgia, proved particularly non-cooperative, going so far as to step up its enforcement activities after the Food Administration requested their suspension.

The inability or unwillingness of state government to suspend their restrictive regulatory laws forced the Food Administration to invoke its authority more directly. One of the powers granted the President of the United States by the Lever Food Control Act of 1917, was the authority to license food producers and distributors and provide a penalty for any person conducting his business without a license. By establishing the desired regulations and then making their observance a condition of license holding, the Food Administration was provided greater leverage to effect its goal of increased seafood production. In the case of a state like Georgia, which appeared to defy federal authority on the principle of states’ rights, the licensing scheme would enable the Food Administration to outflank state authority by bringing federal authority to bear directly on the state’s citizens; in this case, its seafood producers. With regard to Florida, however, it appeared that the only obstacle to full cooperation was a lack of constitutional authority on the part of the governor to suspend the state’s restrictive regulatory laws. By federal licensing, the problem would be solved by simply letting federal authority reign supreme in the matter.

The Food Administration’s decision to invoke its licensing power to bring the nation’s fishing industries under more direct control, should not be construed as an abandonment of the goal of voluntary cooperation. License regulations were to be established only after extensive consultation aimed at achieving a consensus among the Food Administration, the industries effected, and the various state governments. Agreement by all concerned on the kinds of regulations to be put in force would insure widespread compliance, minimizing the incidence of license revocations, which the Food Administration most wanted to avoid. After all, the goal was increased seafood production, one not well served by frequent penalties or license revocations.

A presidential Proclamation of January 10, 1918, required “all salt water fishermen not already licensed by the United States Food Administration, whether fishing independently or on shares, engaged at any period of the year, in the commercial distribution, including catching and selling of

any or all varieties of salt water fish including menhaden and of shell fish and crustaceans” to secure licenses on or before February 15, 1918. By war’s end, the Food Administration had issued some 69,218 licenses to salt water fishermen nationwide.

Also in January, 1918, the Food Administration sponsored a conference of state officials and industry representatives to devise the needed regulations. At that Washington meeting, Shell Fish Commissioner Williams and Agriculture Commissioner McRae questioned two proposals that bore directly on Florida’s salt water fishery regulations.

The first was a proposal to allow unrestricted seining all the inshore waters on the east coast of the state, which Florida law prohibited. A group of producers who, according to Williams, favored the proposal, had been invited by Fish Section Director Fowler to express their views. Williams found this curious because the vast majority of Florida east coast fishermen were inshore fishermen and, because of their illegality, did not possess seines. Williams knew that these fishermen would have strongly opposed the use of seines in inshore waters had they been present to voice their views and so took it upon himself to act on their behalf by objecting to the proposed Federal regulations. So vigorous was Williams’ opposition that Fowler called a special meeting at Jacksonville to hear from all interested parties. At the Jacksonville meeting, opposition to the proposed regulation was so overwhelming that the Food Administration dropped the issue entirely.

The second matter was a proposal to shorten Florida’s closed season law for mullet from sixty days to twenty-five days. Shell Fish Commissioner Williams felt that such a regulation could be implemented without harm to the fishery, but because mullet spawn at a much earlier time on the state’s far western coast than on the southern and eastern coasts, he recommended that the state be divided into zones with staggered closed seasons.

No further action was taken by the Food Administration until the summer of 1918 when Fish Director Fowler requested Commissioner Williams to devise a zone system with proper closed seasons for each zone preparatory to adoption of the system. But upon instituting the system, the Food Administration failed to give adequate notice to the most westerly mullet fishermen until “about the day the closed season began.” Faced with losses for which they were unprepared, the mullet fishermen requested a hearing on the issue which was set in Jacksonville. Governor Catts, Agriculture Commissioner McRae and Shell Fish Commissioner Williams attended as well as the mullet fishermen directly affected. Williams offered to request a rescinding of the zone system from the Food Administration if the Governor or Agriculture Commissioner ordered him to do so. This they did and the Food Administration ultimately agreed to abandon the system.

During the Jacksonville hearing on the zone system, an issue was raised which warrants discussion here. Following the controversy which developed over Williams’ arrest of the Miami and Key West purse seiners discussed above, he secured for himself the position of Director of Fisheries of Florida of the U. S. Food Administration.

This position corresponded at the state level, to Kenneth Fowler’s job in Washington in the same way that Braxton Beacham’s position corresponded to Herbert Hoover’s. The job, like so many Food Administration positions, carried no salary or compensation of any kind. Williams hoped that in this capacity, the kind of misunderstanding and conflict that surrounded his arrest of the purse seiners could be avoided. To prevent a repeat of that incident, Williams reached an understanding with the Food Administration that no regulations would be forthcoming without his prior consent and that of Florida Food Administrator Beacham.

The mullet fishermen who attended the Jacksonville zone system hearing were understandably miffed at the Food Administration for its failure to give them adequate notice before instituting the zone system and more generally resentful of the interference in their business. Upon hearing of Williams’ role in the matter and learning that he was a federal official, the fishermen directed their

criticism toward him. They argued that it was improper for Williams to hold federal and state office simultaneously. Governor Catts submitted the question to the State Attorney General for a ruling, but before an opinion was formed, Williams resigned his federal post. In his biennial report, Williams said that he resigned to save the Catts administration from embarrassment. He also insisted that had he been able to stay on, "many if not all the subsequent conflicts and evils might have been avoided."

On at least five other occasions during the war, the U. S. Food Administration issued rules and regulations which Williams determined too damaging to the state's fishing industry to justify compliance and either secured a rescinding of the regulations or otherwise rendered them ineffective.

In April 1918, the Food Administration issued a ruling that permitted unrestricted fishing in the inlets and passes on the east coast and prohibited such fishing on the west coast. Florida law was exactly the reverse; fishing in east coast tidal waters was restricted to hook and line and cast nets only, while there were no laws governing fishing in the tidal waters of the west coast. The state law was the result of sound reasoning, long experience, and scientific investigation. On the east coast, the passes that link inshore with offshore waters are far and few between, shallow and narrow. On the west coast, the passes are numerous, frequent, large and deep. Many species of food fish pass through these inlets to feed in the inside waters. To have permitted any nets to be fished in the passes on the east coast would have resulted in the diminution of fish trying to pass into inshore waters. Hundreds of fishermen with equipment suitable only for such shallow water operations, depended for their livelihood on inshore fishing. Because the proposed regulation was highly detrimental to the business of these fishermen, Commissioner Williams persuaded the Food Administration to rescind the regulation. The Food Administration also issued rules governing the mullet fishery that threatened the existence of Florida's mullet industry. Florida law on the subject was sound. It set a minimum mesh size for mullet nets at three inches which allowed immature and unmarketable small fish to pass through the nets unharmed. By contrast, the Food Administration regulations were deceptive in theory and disastrous in their application. Fish Section Director Fowler's sole concern was to maximize mullet production. Thus the regulation removed the state's restriction on mesh size. To counter expected objections by the Shell Fish Commission and conservation-minded elements in the industry, Fowler set a minimum marketable size for mullet at eight inches. Unfortunately, once caught and culled, the fish were usually dead. The waste caused by the federal regulation was extraordinary. During one week in 1918, 150,000 pounds of St. Andrews Bay mullet alone were destroyed because they failed to meet the eight-inch minimum size.

Concern mounted within the industry prompting the Shell Fish Commissioner Williams to urge Fowler to withdraw the regulations. Fowler refused, but did raise the minimum fish size to ten inches. Of course, this failed to halt the waste. Furthermore, the Food Administration made no attempt to inform the fishermen of the change after previously conducting an extensive campaign to notify them of the original Regulations, despite the damaging effect of the federal regulation, Williams, in this instance, confined himself to a formal protest to the Food Administration and the regulation stood. Fortunately, it remained in effect for only seven months before the war ended and the Food Administration began dismantling itself.

Commissioner Williams took decisive action, however, when the Food Administration issued rules permitting mullet fishing during the closed season in offshore waters (shoreline to three miles). Williams believed this regulation was unfair to the mullet fishermen who, in obedience to state law, had allowed the fish to go into outside waters to spawn. Under the federal regulation, operators of purse seines used chiefly in the catching of menhaden—a fish used in making fertilizers and oil—would be able to take concentrations of mullet "by the carload". Williams pled with the Food Administration, successfully at first, not to interfere with the state's closed on mullet. Later, however, Fish Section Director Fowler insisted that mullet be caught all during the closed season in outside

waters. For the first time, Williams balked. "Notwithstanding federal rules and regulations," the Shell Fish Commissioner wired the Administration he would "arrest and prosecute any person taking mullet during the closed seasons." Ignoring Williams, Fowler encouraged fishermen and fish dealers to defy Florida law. An agonized Williams then placed a deputy at Jacksonville, where virtually all the fish caught in Florida east of the Suwannee River stopped for re-icing on their way to northern markets. The deputy inspected the fish shipments and notified Commissioner Williams when he found mullet. Williams meanwhile received the full cooperation of express companies, who began instructing their agents to receive no mullet for shipment. By these means, the Fish Commission virtually halted closed season violations of the mullet fishery despite the Food Administration's efforts to encourage extra-legal production.

The several instances of conflict and confrontation between the United States Food Administration and the Shell Fish Commission of Florida during World War I, show clearly that, in practice, voluntary cooperation between state and federal authorities did not always conform to theory. There were several reasons for that. The first originated with a key phrase in the Food Administration's statement of its position regarding the stimulation of increased seafood production. In that statement of August, 1917, the Food Administration announced that it was essential to suspend all state salt water fishing restrictions NOT ABSOLUTELY NECESSARY FOR THE CONSERVATION OF THE FISH SUPPLY. Shell Fish Commissioner Williams applied this criteria to each of the federal wartime regulations governing Florida salt water fishing. In those instances where Williams determined a regulation was not harmful to the particular fishery affected, he cooperated fully with federal authorities. But in those cases where the well-being of a fishery was threatened by a proposed regulation, Williams vigorously objected and usually succeeded in blocking its issuance or securing its repeal. Williams carried this policy a step further by insisting that the fishing industries themselves should not be damaged by federal regulations. By placing the welfare of the industries ahead of the demands of the Food Administration, Williams proved the value of the Shell Fish Commission to Florida's fishing industries, further strengthening their support of the agency and justifying the Commission's claim as the protector of Florida's salt water fishing industries.

A further reason for the frequent clashes between the Shell Fish Commission and the United States Food Administration may well be hidden in the professional priorities of Fish Section Director Kenneth Fowler. It will be remembered that Fowler had a heavy pre-war interest in Cheeseboro Brothers, a wholesale seafood business in New York City. The firm had a considerable investment in purse seining equipment, including the boats used in their operation. The boats engaged in seining operations all along the eastern coast of the United States, including Florida. The company also was a principal buyer of fish caught by independent Atlantic and Gulf Coast seine fishermen. In many cases, the relationship between Cheeseboro Brothers and the independent fishermen was a contractual one, with the fishermen agreeing to sell their entire catch at a predetermined price. This kind of arrangement was then and is today common in the trade, offering the fisherman protection from volatile markets and insuring him of a buyer for his produce while it guaranteed the fish dealer a steady supply at a predictable price.

Various actions by Fowler and peculiar occurrences during the war, when added together, suggest that he may have been using his government position for personal gain. The first such occurrence involved the Miami and Key West mackerel fishermen discussed earlier in this study. The purse seines that the fishermen were employing were of a mesh size less than the three inches allowed by Florida law. The nets were of recent manufacture which is odd because the industry was suffering from extreme shortages of twine for net making. It will be remembered that one of the responsibilities of the Fish Section of the U. S. Food Administration was to expedite to centers of production. There is no record of how the fishermen secured possession of the nets nor to whom they were selling their catches; but if the fishermen were supplying the firm of Cheeseboro Brothers, there would be cause to suspect Fowler of a conflict of interest.

Two incidents related to the mackerel fishermen controversy lend credence to such suspicion. They were Fowler's public accusation of non-cooperation on the part of Shell fish Commissioner Williams, which was published in the Florida Times-Union and the telegram Williams received from the U. S. Food Administration threatening him with prosecution. It could be argued that these actions represented simple over-zealousness by Fowler and his underling during a period of national crisis. The question remains, however, why did Fowler not contact Williams directly and inform him beforehand about the mackerel fishermen? Fowler's failure to do so makes sense only if he wished to keep Williams ignorant of the affair.

Fowler's actions in four additional instances caused Shell Fish Commissioner Williams to suspect him of ulterior motives. They were as follows: 1) Fowler's invitation to the January, 1918, Washington conference, of a group of producers favoring the opening of Florida's east coast inshore waters to seine fishing while neglecting to extend a similar invitation to fishermen of the area who did not operate seines and opposed their use in inshore waters; 2) Fowler's failure to inform Florida's mullet fishermen of the change in the federal regulation which raised the minimum legal size mullet they were allowed to market; 3) Fowler's refusal to rescind the federal regulation setting the minimum mesh size for nets used in Florida's mullet fishery, after a clear demonstration by Shell Fish Commissioner Williams of the regulation's damage to the industry; 4) Fowler's insistence on issuing a regulation, despite strenuous objection by Shell Fish Commission Williams, that permitted the seining of mullet in offshore waters during the closed season. This final action by Fowler was considered "outrageous" by Williams because it occurred after the signing of the armistice ending the war.

In each of the above instances, it can be argued that Fowler was only acting on his instructions to stimulate increased seafood production. His open disregard of Shell Fish Commissioner Williams' objections in the promulgation of some of the wartime regulations is not easily explained by such an argument, however. The guiding principle of the Food Administration was cooperation, which was acknowledged by Fowler in his promise to Williams not to issue regulations affecting Florida fisheries without the Shell Fish Commissioner's prior consent. The combination of circumstances: Fowler's business interest, his disregard of the Shell Fish Commissioner's views in the establishment of regulations, and his sometimes heavy-handed methods, leave the Fish Section Director's motives open to question. The problem of conflicting interests is unavoidable, however, if the government is to benefit from industrial expertise in its regulatory role.

## CHAPTER VI

### SHRIMP REGULATION

The Shell Fish Commission's record during the war years clearly demonstrated to all observers that under able leadership, the agency could effectively perform the twin functions of protecting the state's fishery resources while advancing the interests of its fishing industries. The consequence of this accomplishment was that the Commission gained an ever wider degree of support from among the state's fishing industries. Approval and support from the industry led naturally to more widespread compliance with the state's regulatory laws, the result of which was a promising future of steady growth and prosperity for the state's fishing industries.

The Fernandina shrimp industry likewise benefited greatly from the fine work of the Shell Fish Commission during J. Asakiah Williams' tenure. The war, although a great stimulus to the industry's growth, caused disruptions which could have been disastrous had it not been for Williams. Additionally, the Commission gave problems not associated with the war prompt and effective attention.

By the time of Williams' appointment as Shell Fish Commissioner in July, 1917, the shrimp industry had become Fernandina's principle industry. Three large canning factories and a dozen fresh shrimp dealers served a fleet that numbered over one hundred vessels. The fleet ranged the offshore waters of the east coast as far north as South Carolina in pursuit of shrimp concentrations. Fully one half of the Fernandina shrimp production during this period came from Georgia waters which lay across the mouth of the St. Mary's River, only a few hundred yards north of Amelia Island. Georgia law, however, prohibited aliens and non-residents from fishing its waters. Before 1917, the number of Florida fishermen operating in Georgia waters was non-threatening to Georgia fishermen; but the Fernandina industry's recent explosive growth changed the situation dramatically, resulting in complaints by Georgia's own shrimpers to the Georgia Game and Fish Commission. That Commission began vigorously enforcing its ban on non-resident fishing.

Shell Fish Commission Williams knew about the problem soon after assuming office. After conferring with Agriculture Commissioner McRae and Governor Catts, Williams wrote Georgia Governor Hugh M. Dorsey and Game and Fish Commissioner C. S. Arnow complaining of the "unfairness and foolishness and injury" of the ban, and requesting their initiation of a legislative remedy.

What Williams meant by "foolishness" and "unfairness" was that Georgia had a burgeoning shrimp industry of its own which caught a large percentage of shrimp in Florida waters; but the Georgia shrimpers were free to fish Florida waters after paying a nominal \$10.00 non-resident fee. The alternative to some kind of reciprocal non-resident law was the passage by the Florida legislature of its own prohibitive law which would only hurt the shrimp industries of both states. The Georgia officials wanted to avert disaster inherent in the situation.

When Shell Fish Commissioner Williams went to Atlanta to lobby for a change in the Georgia law, he was informed by Georgia Game and Fish Commissioner C. S. Arnow that a bill which would "adjust the matter to the satisfaction of the Shell Fish Commission of Florida and the shrimp fishermen of Fernandina," had already been introduced. Unfortunately, the bill was introduced only four days before the legislature adjourned and despite Governor Dorsey's support for the measure, the session ended before the bill was passed.

Nevertheless, Commissioner Williams did get something of what he wanted. He made a gentleman's agreement with the Georgia Fish and Game Commissioner which permitted Florida fishermen to fish Georgia's waters "under the same terms and conditions non-residents were allowed to fish in Florida waters." This temporary arrangement was to last until the next session of

the Georgia legislature when an appropriate law could be enacted. The arrangement, however, solved the problem only so long as the parties to it remained in office. A few months after the agreement was made, Arnow was replaced as Fish and Game Commissioner of Georgia by S.J. Slate. Williams later secured a renewal of the gentlemen's agreement with Slate; but during the interim, the situation became complicated by the issuance of rules by the Food Administration affecting alien and non-resident fishing. The federal regulations directed all the maritime states to permit aliens and non-residents to fish within their territorial waters upon payment of the license tax required of each state's own citizens. Georgia authorities, ignoring federal directives, instead began a strict enforcement of state laws against non-resident and alien fishermen. Once again, Fernandina shrimpers were threatened with the loss of half their annual catch.

Upon learning of Georgia's determination to evade federal directives, Shell Fish Commissioner Williams wired Georgia Fish and Game Commissioner Slate on behalf of continued cooperation between the states. Williams asked "as a favor to the State of Florida, that Slate permit Florida fishermen to fish in Georgia waters upon payment to Georgia of the license tax Florida requires of aliens and non-residents." Commissioner Slate granted the request provided it apply to fishing in offshore waters only. That was what Williams wanted. He had meant only to relieve the Fernandina shrimpers who operated exclusively in offshore waters. Once again Williams had rescued the Fernandina shrimp industry from certain financial loss and possible ruin. In 1918, Williams again lobbied the Georgia legislature to urge a change in the law on non-resident fishermen. S. J. Slate was extremely cooperative. He advised Williams that a bill was pending that could, in Williams words, "meet the situation and give us what we desired." The final bill, however, disappointed both the Commissioner and the Fernandina shrimpers. As amended and passed, it required all aliens and non-residents fishing in Georgia waters to fish only from boats owned by Georgia citizens and to sell their catch to Georgia citizens only. These provisions completely nullified the original intent of the bill. Fortunately for the Fernandina shrimp industry, Commissioner Williams was able to renew his gentlemen's agreement with Georgia Fish and Game Commissioner Slate. Yet such a measure was temporary and tenuous – "a patriotic act." Williams called it, "a war measure and a courtesy to the State of Florida by the State of Georgia...liable to be terminated at any time."

It is unclear exactly when the gentlemen's agreement was terminated, but in the spring of 1921, State Representative F. D. Upchurch of Nassau County began receiving complaints from the Fernandina shrimpers of harassment by officers of the Georgia Game and Fish Commission. With the approval of his constituent shrimpers, Upchurch introduced a bill to the Florida House of Representatives severely restricting commercial shrimping in Florida waters by aliens and non-residents. The Upchurch bill, which was aimed exclusively at the shrimp industry, called for an annual license fee of \$2,000.00 for each boat "owned in whole or in part by alien or non-residents...used in the taking or catching of shrimp or prawn for commercial purposes in the waters of the Atlantic coast within the jurisdiction of the State of Florida."

The bill met no opposition in the legislature, passing both the Senate and the House by unanimous vote and receiving the Governor's approval on June 14, 1921. The law took effect on January 1, 1922.

The prohibitively high license fee required by the law indicates that the law meant to discourage completely alien and non-resident shrimping in Florida's Atlantic coast waters; but the real purpose of the law was to give Florida authorities better leverage. Georgia's growing shrimp fleet pursued shrimp into Florida waters each fall as they moved south into warmer water. Before passage of the Upchurch bill, Georgia shrimpers had been able to fish in Florida waters after paying the insignificant fee of \$10.00, while Florida shrimp boats were barred entirely from fishing in Georgia waters. Armed with the new law, the Shell Fish Commission could more effectively bargain with Georgia to allow the Fernandina shrimpers to fish in Georgia waters. To insure strict enforcement of the law, Commissioner Williams ordered the thirty-five foot patrol boat "Mina" to concentrate exclusively on patrolling the state's northeastern shrimping grounds.

The strategy worked. Despite the restrictive laws on the books of both states, the Fish Commissions of Florida and Georgia maintained a policy of non-enforcement until 1939 when a formal reciprocity agreement was worked out between the two states.

Commissioner Williams also protected the Fernandina shrimp industry from ill-designed Florida law. Section two of the 1915 law, which brought all saltwater fishery regulations under a single comprehensive statute, made it unlawful for anyone to fish a net in the saltwaters of the state “of less than one and one-half inch bar measured from knot to knot, or a stretched mesh of three inches from knot to knot after being tarred or shrunk.” Nets used in the shrimp fishery were of much smaller mesh, normally one-third the legal size provision to shrimp fishing would have made shrimping impossible.

Enforcement of the law would destroyed the industry. Shell Fish Commissioner Williams, with great common sense, decided that the intent of the legislature when it passed the 1915 law was as stated in the title of the act, “to protect the fishing industry of the state.” He thus ruled that the legislature “never intended to prescribe the size of mesh nets should have which were fished for shrimp.” Thus satisfied, he refused to enforce the provision of the 1915 law with regard to shrimp fishing.

Williams’ action is significant. By judging the intent of the law, he performed an interpretive function normally the responsibility of the judiciary. Although his handling of the situation may well have been beyond his actual authority, it nevertheless avoided a major disruption of east coast shrimping and increased shrimpers’ trust in the Commission itself.

A similar problem in the herring fishery persuaded Williams that a law prescribing a minimum mesh size was unwise. Accordingly, he recommended to the 1919 session of the Florida legislature that it grant authority to the Shell Fish Commissioner to determine minimum mesh sizes according to the particular use of the nets. The legislature exempted the herring and shrimp industries from the minimum mesh size law, but was unwilling to grant the Shell Fish Commissioner the broad authority and flexibility Williams desired. (The new law actually strengthened the minimum mesh size provision by making illegal not only to fish nets of less than one and one-half inch bar mesh, but also to own such nets.) For the shrimp industry, the new law said, “Provided that the provisions of this Act shall not apply to shrimp (sic) nets....”

Another matter which came before the legislature in 1919 was even more crucial to the industry’s future. The employment of the otter trawl to shrimp fishing, which was so quickly and universally adopted by the Fernandina shrimpers because of its enormous efficiency, alarmed commercial hook and line fin fishermen who pursued various bottom dwelling species. Their concern was well-founded. The otter trawl, when rigged for shrimping, sweeps along the sea floor, picking up everything in its path including large numbers of fish. It had been estimated that for every one-hundred pounds of shrimp caught, an additional two-hundred pounds of fish are netted. Understandably, the commercial fin fishermen feared that a continued proliferation of shrimp trawlers plying back and forth over their fishing grounds would destroy their livelihood. Thus they attached the use of otter trawls. Conservationists and sport fishing interests shared the concerns of the commercial fin fishermen and joined them in lobbying for legislation outlawing the otter trawl.

Naturally, the activities of these groups aroused the Fernandina shrimpers who sought legislation of their own.

Because of the shrimp industry’s importance to the local economy, its point of view was most sympathetically received by Nassau County’s state legislators. As a result, on May 16, 1919, Representative J. Hampton Jones of Nassau County introduced into the Florida House, a bill entitled, “An Act to Make Lawful the Use of Trawl Nets in the Waters of Nassau County for the Purpose of Catching Shrimp”. The shrimpers would probably have preferred the law to apply more

generally since they fished the waters of Duval, St. Johns, Flagler and Volusia Counties as well as Nassau. But their chief concern was to set precedent for the legislation of trawls. The tradition in Florida's legislature, as a courtesy among legislators, has been to pass bills of strictly local application unquestionably. Thus, on the same day as its introduction, the bill received its mandatory three readings and was passed unanimously, fifty-seven to zero. The bill passed the Senate on May 24, was approved by the governor May 29, and became effective immediately

Although the 1919 legislation was a significant victory for the shrimping interests in Fernandina, the law itself was poorly drawn. The generalized language of the law meant that shrimpers had license to drag their large trawls through all the waters of Nassau County, including the numerous estuarine bays and even up the county's several rivers. The damage to the area's fisheries, if this practice became widespread (which evidently occurred) would be devastating.

Under those circumstances, opposition to indiscriminate shrimp trawling grew quickly. The evidence suggests that the protests had broad-based support. Certainly those groups originally opposed to legalization of the otter trawl continued to voice their objection. Additionally, it was common knowledge that estuarine waters are breeding grounds for commercial varieties of fish and the species on which they feed. We can assume then, that opposition to inshore shrimp trawling was virtually unanimous in the fishing industry aside from the shrimpers. Even within the shrimp industry, some farsighted individuals objected to inshore trawling. Only recently, they had learned something of the natural history of "*Panaeus Setiferus*", the common white shrimp that made up virtually the entire Fernandina shrimp fishery at that time. Marine scientists employed by the United States Bureau of Fisheries had discovered that the rivers and estuarine waters along the coast were nursery grounds for adolescents. Taking shrimp at this stage of development, as was done by shrimping inshore waters was wasteful since the shrimp had not reached maximum size and market value.

Such widespread opposition made it inevitable that the legislature would move to ban shrimp trawling in inshore waters. On May 11, 1921, State Representative and House Fisheries Committee Chairman F. D. Upchurch of Nassau County introduced a bill that would make it unlawful for any person, firm or corporation to take or catch any shrimp or prawn for commercial purposes in any bay, sound, inlet or river in the county of Nassau in the State of Florida. A similar bill that included Duval and St. Johns counties as well as Nassau, was proposed to the Senate by Senator James Peiper of St. Johns County. Duval was left unaffected. The demand for a general ban on inshore shrimp trawling continued strong and in 1925, the legislature extended the prohibition to the entire state.

One final development during this period, which was of major importance to the future of Florida's shrimping industry, was the Shell Fish Commission's 1817 purchase of the patrol boat "Mina". As mentioned before, the "Mina" played an important role in gaining the cooperation of Georgia officials when Florida sought reciprocal shrimping privileges with that state. Of greater significance, however, were two additional functions of the "Mina". In 1919, Shell Fish Commissioner Williams correctly predicted that "in a few years the shrimp industry of Florida will equal in value the entire catch of fish at this time." He was concerned, however, about the destruction of food fish that inevitably occurs in shrimp trawling. Although he understood that "in value, the loss is very small in comparison with the value of the shrimp taken," and that "it would be folly to prohibit the taking of shrimp because of the fact that this quantity of food fish is wasted," Williams knew that "it would be a great thing if a way could be devised for the taking of shrimp as successfully as they are now taken without such great destruction of fish."

Thus the "Mina" was outfitted for shrimp trawling, in a search for a rigging that would reduce the numbers of fish taken without affecting the volume of shrimp. Unfortunately, the effort proved fruitless. (Even today shrimp trawls remain basically the as those of 1917). Nevertheless, such an extension of state aid to the industry was unprecedented.

The second task of the “Mina” was to search for hitherto unknown shrimping grounds. Because shrimp trawls are dragged along the bottom, virtually any obstruction such as rocks, ledges or even very heavy plant growth can snag the nets or other parts of rigging, often resulting in the loss of the entire rig. Shrimpers therefore venture onto unknown bottoms only after known fishing grounds prove unproductive over a long period. The “Mina” served best here to prevent private loss by discovering where not to fish. Yet the search for new shrimping grounds remained an important function of the Shell Fish Commission and its successor agencies through the years.

Somewhat ironically, it was a privately owned shrimp trawler that made the most important new find when in 1949 the fabulously rich Tortugas beds were uncovered. That discovery came about after a succession of poor years on the east coast prodded a couple of bold young shrimpers to take a chance on rumors they had heard that shrimp were plentiful off Key West. While the actual performance of the “Mina” in its new tasks was disappointing, their very nature signaled an important step forward in the Commission’s role regarding the shrimp industry. As the industry grew in importance, special state research projects aimed at increasing productivity became more common.

## CONCLUSION

The Fernandina shrimp industry's rapid development after the turn of the century signaled the recognition of a long unrealized potential. The industry's ultimate rise had awaited a maturation of our national economy. The arrival of stable government in Florida after its incorporation into the United States in 1821, created a climate for economic growth which in turn produced the preconditions necessary to the industry's emergence. Urbanization in the country at large created conveniently centralized markets. The growth of an efficient transportation system gave shrimp producers access to these markets. Once these key ingredients appeared, the way was clear for large-scale production. The Civil War, while it accelerated economic growth in the north, delayed the process in Florida for a time. But once favorable conditions returned, the promising possibilities attracted capital and initiative to the shrimp industry, which spurred technological advancement in production and processing. Growth and refinement followed and was accelerated by World War I.

The industry's growing importance inevitably produced a desire for regulation and protection. By good fortune, the shrimp industry's emergence coincided with significant improvements in the efficiency of Florida's fisheries regulatory establishment. The Shell Fish Commission was the product of eighty-eight years of fisheries regulation experience. Sufficiently funded and manned, the Commission brought, for the first time, a measure of effectiveness to the enforcement of the state's fisheries regulatory laws.

The war proved a crucial test of the Shell Fish Commission's ability to protect the state's fishing industries from potentially disastrous disruptions. Under the decisive leadership of J. Asakiah Williams, the Commission emerged from the war experience with an enhanced prestige and widespread support from all quarters. The Fernandina shrimpers were prominent among the beneficiaries of Commissioner Williams' wartime leadership.

The presence of the Shell Fish Commission when Florida shrimp regulation began proved extremely fortuitous to the industry. The Commission kept productive shrimp grounds in Georgia open to Florida producers. It protected the industry from ill-designed regulations while providing effective enforcement of wise laws. Finally, the Shell Fish Commission initiated a close partnership between state and industry which, over the years, greatly aided the industry's growth.

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