

ART. XVI.—*A Whitehaven-Isle of Man fishing dispute in 1753.* By WILLIAM SERJEANT, B.A.

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THE fisherman does not, as a rule, come easily by his living. No doubt because of this he is quick to resent any threat to what he regards as his ancient and customary rights. Even to-day, when the seas, too, have their well-charted diplomatic channels for the settlement of disagreements, it is not unknown for him to venture into a little private direct action, if such a threat should seem to arise. In the past, he was certainly no less sensitive to encroachments, and a group of papers in the Manx Museum Library¹ brings to light a nautical scuffle on a modest scale, which in 1753, created a "situation" between the Whitehaven Fishery Chamber and the authorities of the Isle of Man.

To be fair to the fishermen, it must first be recorded that there were differences between the authorities on both sides, which had revealed themselves in the preceding year. On 28 September 1752, the members of the Whitehaven Fishery Chamber addressed a lengthy and indignant screeed to Mr William Murrey, senior, a Douglas merchant, evidently their agent in the town. It required him to convey to the officers of the Island, that the Chamber denied the right of the Island's water bailiff to claim payment of a custom on herring caught, as they allege, in St. George's Channel:

"Our British busses might with equal reason demand of the Manx boats such custom for permitting them to fish with our busses on His Majesty's high seas in St. George's Channel . . . If we actually took our fish within the Heads of the said Isle of

¹ Among the Atholl MSS. relating to the Isle of Man, now deposited in the Library. References in footnotes are to this collection, and are made by courtesy of the Duke of Atholl.

Mann, they might have colour of demand for such customs, but the case being otherwise, we conceive the Lord of the said Isle of Man hath no right or jurisdiction . . .”²

The herring custom which aroused the merchants’ objections was a long-established royalty of the Lords of Man. Its proportions were laid down in the earliest extant statement of the laws and statutes of the Island, dated 1417, and it may be presumed to be of still earlier origin. The custom was called the Castle maze,³ suggesting a probable origin as a defence levy, but like most such taxes, it had become simply a source of revenue to the Lord.

A decline in the fishery in the early 17th century caused a review of the custom, which had been one maze in five “as oft as they goe to sea”, and it was modified by a proclamation of 1613, which also laid down the custom due from strangers. It was thus usual, as the Whitehaven letter partially concedes, for boats putting into Manx ports to pay custom at least on fish caught in the Lord’s waters. The history of the herring custom is stated in some detail in the reply of the officers of the Island. From this reply, it is also apparent why the question arose. It recites how the British and Irish come into the ports of Man to “manufacture” the herrings on board, without landing them, and then take them off to the British and Irish markets. For the strangers to claim immunity from the custom, is to encourage the Manx boats to do the same “by which evasions the said Lord of the Isle of Man would be totally deprived of that branch of his royalty”.⁴

Having dealt with the legal basis of the herring custom, the officers proceeded to impeach the geography of the Whitehaven men. Their practice is to fish, not in St. George’s Channel, as they claim, but among the Manx

² X 28/1. The signatories on behalf of the Chamber were Ja. Lowther, Peter How, Richard Dixson, W. Brownrigg, Isa. Hamilton, John Coup-land, Jno. Spedding, John Younger, Gab. Griffith, and Curwen Hudleston. A buss was a large fishing boat of from 40 to 70 tons, about 75 ft. long, with a crew of 15 or more men.

³ A maze was five long hundred, i.e. 620 herrings.

⁴ X 28/2.

boats off the Island, less than two leagues from the coast, while the Lord's territorial waters extend to four leagues (twelve nautical miles) from the coast. The Manx boats, they asserted, never fish more than two leagues from the shore, but the Whitehaven busses regularly fish between them and the shore. At this point the customs question is left, and is followed by a series of counter-complaints in which one detects the voice of the Manx fishermen themselves:

"They [the Whitehaven boats] cast anchor on the very fishing ground, a thing not allowed (as we are informed) at any fishery in Europe.

They shoot their nets and fish in the daytime, contrary to the known rules of the Island, and even on Sunday, to the evil example of all other fishermen.

They often gut their herrings at sea, and throw the guts overboard at and about the fishing places, which fouls the ground and makes the fish forsake it and go away."

Evidently the Whitehaven visitors, customs-paying or not, were *persona non grata*, and if nothing more is heard of the matter in 1752, it is not unreasonable to suppose that the parties remained in a state of suspended animosity. Almost exactly a year later, the resentment of the Manx fishermen hardened into hostile action, as is recounted in a Protest sworn out by the Whitehaven Chamber before a notary public on the 12 November 1753:⁵

"... in the month of September last, he [John Coupland] as master of the buss Lowther, with other three busses called the Shannon, the Griffin, and the Stephenson under his direction, set sail from Whitehaven . . . to fish among the shoals of herrings near to and upon the coast of the Isle of Man. That on Monday the tenth day of the said month of September about six o'clock in the evening, the said four busses being got upon the Manks coast, and having a proper opportunity, began to shoot their nets, when the busses Lowther and Stephenson were immediately surrounded by a great number of Manks fishing boats (upwards of one hundred in all) with six or seven men in each boat, who rowed alongside of the said busses and in a most insolent and

⁵ X 30/27.

riotous manner gave out and threatened that the English busses had no business there, and that if they did attempt to fish in those seas, they would not only cut and destroy their nets and hawsers, but would board, sink, and destroy the busses, crying out that the King of England had no right to fish off that coast, that those seas and the fish in them belonged to their king, and at the same time cursing and abusing the people on board the busses, calling them English dogs and negroes, and that they should not wet a net there. And accordingly the said boats rowed to the buoys of the said two busses who had begun to shoot their nets, and with great fury and anger stove to pieces seven of the Stephenson's buoys and seven of the Lowther's buoys, and so interrupted their fishing. Saith that the people on board the busses, being strangers, did not know the men in the said Manks boats, save one John Kissack, a master of a boat belonging to Douglas, and one Thomas Ballyah, a master of a boat belonging to Peel Town. Saith that the said appearer, meeting with such ill-usage, immediately applied to John Quayle, Comptroller in the Isle of Man, and made a proper complaint before him in order to have the offenders punished, and to have a stop put to such unwarrantable proceedings, and although the said Quayle promised that this appearer should have justice done against those rioters, and should be quieted and made easy in his future fishing on that coast, yet the four said busses were afterwards frequently and almost insistenty interrupted in their stay of about eight weeks in that trade, by having the buoys cut from the nets, whereby the nets went to the bottom, and dragged and were tore by the ground, and several times the fish were taken out of the busses nets by the said boats, and no prosecution was made by the said Quayle against such proceedings . . ."

The complainant goes on to protest the loss of fish (only 330 barrels taken, against 1,000 barrels claimed as the anticipated catch) "which is an unknown loss to the Chamber", and damage to nets and buoys to the amount of £60. Coupland's protest is attested by the additional signatures of John Braithwaite, John Forbes, and John Robinson, masters of the busses Shannon, Stephenson, and Griffin.

As will become apparent, the true extent of the skirmish between the fishermen is impossible to fix. It is succeeded by a paper war which, although instructive in other ways,

is unhelpful over the facts themselves. On the 30 December 1713, Mr Humphrey Harrison, an agent or secretary of the Duke of Atholl (Lord of the Isle of Man), having seen a copy of Coupland's protest, wrote to Mr Gabriel Griffith, a member of the Chamber, stating that when he was last in the Isle of Man he had been present when Comptroller Quayle gave a severe reprimand to some boatmen, as a result of a complaint made to him by Coupland. He adds that "if any complaint had been made to His Grace, I am very confident he would have given directions that the Whitehaven busses should not have been molested in their fishing . . ." ⁶ This letter presages the two lines of defence on the Manx side: that measures were taken, and that it would have been proper to apply to the Duke, if the Chamber was still dissatisfied.

Mr Griffith, replying on 13 January 1754, makes it clear that the Chamber was still dissatisfied. As far as Coupland's complaint was concerned, the Comptroller "scorned to hear him—and promised him things should be otherwise—but he did not find it so—the people were worse after, and not better . . ." The Chamber, meantime, had decided to exert some pressure, and had drawn up and sent off a petition to the London Fishery Chamber. He announces this, to be sure, with every deference. The petition would be shown to the Duke before it was discussed by the Council of the London Chamber, and "if these things could be ordered by His Grace, without making an application, it would be very agreeable to everybody here" ⁷ This sounds like a touch of discreet blackmail.

The petition itself shows that the Whitehaven Chamber had something of the sort in mind. It is addressed, with a flourish, to "His Royal Highness George, Prince of Wales, Governor, Slingsby Bethel, Esq., President, Stephen Theodore Tanssen, Esq., Vice-President, and the

⁶ X 30/28.

⁷ X 27/1.

Council of the Society of the Free British Fishery”.⁸ Having chastened the Duke with this array of authority, it proceeds to recite the contents of John Coupland’s protest. The sting, however, is in the tail, where it reverts to the question of the herring custom, and implies that the violence of the Manx fishermen is not unconnected with the refusal of the Chamber to pay the custom:

“ . . . not only the lower class of people who committed the above mentioned hostilities, but those who are entrusted with the government of the Isle of Man, do countenance an opinion and pretend that the Lord of Man has an exclusive right of fishing to the distance of three leagues from every part of that Island. In support of which pretension, the said John Quaille annually demands the sum of twenty two shillings for every decked vessel and wherry, and the sum of eleven shillings for every smaller boat which fisheth for herrings within the said limits, and hath of late years actually received the sums of the masters of several Scotch, Welsh, and Irish fishing vessels, who esteemed it a less evil to comply with the said demand, than to subject themselves to the continued insults, injuries, and molestations on account of their refusal . . . ”

The Whitehaven Chamber, however, stands foursquare for British liberty:

“ . . . the right to demand tolls of His Majesty’s British subjects under the circumstances above mentioned, is not (so far as appears to the said Chamber) warranted by sufficient authority of law, being founded on no better title than the law of the Isle of Man, which, however binding soever it may be upon the inhabitants of that Island, cannot be presumed obligatory upon His Majesty’s other subjects, unless supported by proper grants from the Crown, with the consent and approbation of the British legislature . . . ”

“ . . . the submitting to so unwarrantable an imposition for the liberty of fishing in the very centre of the British dominions, seems highly derogatory to the honour of the British Crown, and to the rights and privileges of His Majesty’s subjects . . . ”

Whitehaven had not only the larger fishing boats, but also the larger Government, and evidently three leagues from its shore was likely to prove deep water for the Manx authorities. To appreciate the potential effect of a petition

⁸ X 27/2.

couched in these terms, it must be remembered that, in the mid-18th century, the Isle of Man, not being subject to British customs duties, but having much lower rates of its own, was a centre of large-scale smuggling operations, and that the British Government was becoming increasingly restive about this situation. It was by no means in Manx interests to draw any more attention to the Island's independent laws and customs, than could be avoided. It is a fair assumption that the Whitehaven Chamber was well aware of this.

Whether the petition had reached the Manx officials by the 4 February, or not—probably it had—they fell back, in a letter to the Chamber on that date, on an attitude of sublime guilelessness:

“Gentlemen,

The occasion of this letter is to acquaint you that we have heard it reported that you took much amiss some irregular behaviour of the Mancks boats towards your busses the last herring fishing season on this coast, which we are sorry for, but as it was not known to us at the time (on the busses first coming), was out of our power to prevent. Different times and circumstances might have produced mistakes on both sides, but the rashness and ignorance of our people probably carried them beyond bounds, your candour and generosity however, are sufficient to dispense with their indiscretions for the time past.”⁹

The letter goes on to detail the Comptroller's concern for ensuring that no disturbance would take place, and asserts that at no time did Coupland press charges, but said “in the good-natured way, that as they had done him no other damages, he only desired they might be reprimanded and admonished to do so no more”. Although he saw Mr Coupland on other occasions, he had no more complaint from him. The officers, reporting this letter, and also receipt of a copy of Coupland's protest, to the Duke of Atholl, affirmed to him also that no formal complaint or presentment was made by the Whitehaven master, and had this to say:

⁹ X 27/9.

"We believe there is no other real foundation for the protest than that a difference happened at sea one night last season between the boats and busses, about the time of their first coming on this coast, when the former stove some of their buoys, which some of the fishermen since said, was occasioned by the busses taking up the fishing ground before the boats came out, and shooting their nets early in the afternoon, against an ordinance in that behalf, whereby the shoals of herrings would be frightened off the coast, and the fishery disappointed . . ." ¹⁰

Some time elapsed before the Whitehaven Chamber replied to the letter from the Island's officers, ostensibly because it had been sedulously obtaining the opinion of all its members. On the 29 May, a happy unanimity having presumably been achieved, the Manx authorities were favoured with a missive compounded of magnanimity and menace: ¹¹

"We . . . thought ourselves obliged to lay an account of our grievances before the Society of the Free British Fishery . . . but finding . . . that those who had the direction of affairs in the Isle of Man did not approve of the outrageous proceedings of their countrymen, and were desirous of doing us justice, we therefore avoided making our grievances public to the nation, as the resentment of such usage might probably have interrupted the good harmony and correspondence between the inhabitants of the Isle of Man, and the rest of His Majesty's subjects . . ."

". . . we have lately heard with great concern, that the populace of the Isle of Man still persevere in their resentments . . . so that, without the strongest assurance from you of their quiet behaviour, we shall scarce venture to send our busses on that station, without an armed force to protect them, which we are persuaded will readily be granted us, on our application to the Lords of the Admiralty . . ."

". . . as the Manks laws and ordinances are only calculated for small fishing boats, they cannot be observed by our large busses, it being the invariable rule and practice, both at Shetland and Yarmouth, that all small boats and rowing vessels take care to keep clear of the trains of the busses, which orders are duly enforced by His Majesty's ships of war protecting the said fisheries . . ."

The Chamber concludes with an assurance of its good

¹⁰ X 27/11.

¹¹ X 27/25.

disposition towards the Duke and those who have authority under him, and hopes by their influence, the Manx inhabitants will come to the same regard for their Society.

This amiable communication, interspersed as it is with threats of gunboats, reduced the Duke's officers, as befitted the weaker party, to a condition of plaintiveness. They have heard, they reply on the 27 June, nothing of any perseverance in resentment; such would not be countenanced; and they aspire ardently to the establishment of a good harmony and correspondence with the Society, as well as with the rest of His Majesty's subjects: ¹²

"[We] hope you will in like manner, on your part, give the proper orders and directions to your busses to behave carefully, tenderly, and cautiously towards our poor little shells, so as to avoid as much as possible distressing them in their fishing places near to and about this coast, on which the Island's subsistence principally depends . . ."

To the Duke, they put the situation in similar, but more emphatic terms:

"[The expectations of the Chamber] will not only reduce a branch of your Grace's revenue, but utterly deprive the poor people of this Isle of their chief subsistence, for the fishermen all say, that if the busses continue to take up their fishing places so near the shores, they will always bear down upon them according as the wind blows, and force them to take up their nets or go to the bottom, so that they will be obliged to quit the fishery, which is a miserable case to our land. Busy, ill-minded people are the occasion of our calamity."¹³

The Duke, replying on 29 July, can offer little comfort to his officers. He has received a copy of the Whitehaven Chamber's letter, together with their answer—

". . . which last I approve of. If the Manks boats are above three or four leagues at sea when they are disturbed by these herring busses, I am afraid we cannot expect much redress; on the other hand, I think these busses ought not to molest us within three or four leagues of our coast, as I apprehend my jurisdiction of the sea tends so far. They are much more powerful

¹² X 27/26.

¹³ X 27/24.

and stronger than we are, therefore should do our endeavours to keep fair with them with as little deterrent to ourselves as possible . . ."¹⁴

The affair is now almost done. A letter from John Quayle, the Comptroller, to a person unknown, but evidently in the Duke's entourage, dated 21 September, indicates that the 1754 fishing season had proceeded without mishap:

"We have not (I think) had a better herring fishery since I was concerned, nor better weather to follow it, and the potatoes (notwithstanding the wet season continued till sometime in August) are very good too. Happy would Mannanaghs have been were they bussless—but these arrived on the 27th August, the day I held my Admiral Court at Douglas, where Coupland the bussmaster attended, I suppose as a spy. Upon which occasion I lectured our fishermen to purpose that he might see and hear there was no failure on my part. Many of them made very shrewd and pertinent objections, but far from giving way to them in anything that might be thought encouraging, upon the insolent behaviour of one Kissack (who they complained of last year) . . . I took the occasion of punishing him for his insolence and contemptuous insult to the court, ordered him into custody, fined him smartly, and bound him over to his good behaviour both at sea and land, which hath produced the desired effect of peace and tranquillity ever since; not the least squabble hath happened, nor do I apprehend there will any this season . . ."¹⁵

which is confirmed in a letter from Lieutenant-Governor Cochrane to the Duke on 28 November:

" . . . our herring fishing was greater than it has been for many years, and with pleasure I acquaint your Grace that we had no dispute with the English bushes [sic] which did us a great deal of mischief, and if great pains had not been taken, the Manx's people would have faln upon them. Though everything in the Island is well and in good condition, yet the people are very uneasy and frightened out of their senses. Every vessel or boat that arrives from England brings some idle report of the Island being sold or just to be sold . . ."¹⁶

To summarize this correspondence is a matter of trying

¹⁴ X 27/2/8.

¹⁵ X 27/2/19.

¹⁶ X 27/2/30.

to assess the reasonable probabilities. It can be surmised that the herring shoals began to run close in shore to the Isle of Man during these years, or that the Whitehaven fishermen discovered a fruitful ground that had already been there as the preserve of the Manx boats. Their appearance in these coastal waters at once aroused the hostility of the Manx fishermen, and raised the question of the payment of Manx herring custom. It seems clear that the busses were fishing in shore, and it is difficult not to feel a little sorry for the Manxmen in their "poor little shells". The fish harvest, with that of the potato, was crucial to their winter survival. Their fishing was primitive, and regulated not only by custom, but by a curious mixture of superstitions with religious observances. The appearance in their fishing grounds of these, to them, large, heavy boats, manned by men careless of the familiar customary ways, brought a threat to their livelihood, and added to the physical dangers they already faced.

They may well have sensed, to put it no more strongly, that the authorities were feeling unsympathetic towards the Cumberland boats because of their refusal to pay the herring custom. There is no good reason to think that they resorted to violence on more than one occasion. On their own admission, Coupland and the other bussmasters continued to fish out the rest of the 1753 season after the incident they describe had occurred, although it must have been possible, had they so designed, for the Manxmen to have harassed them from the ground by sheer weight of numbers.

If the Manx authorities were guilty of complaisance towards the active resentment of the fishermen, because of the refusal of the Whitehaven boats to pay the herring custom, they were playing, as the correspondence shows, a game they could not hope to win. Their relationship with the British authorities was badly compromised by the use of the Island as a centre for the evasion of English

customs duties. The uneasiness of the Manx population about the Island's future was well founded, for eleven years later, the Duke of Atholl sold back his lordship, and it was revested in the English Crown. Lost causes tend to be supported by the ill-judged actions of desperation. The claims of both sides had a good deal of justice, and inevitably, the side with might as well as right was bound to be at a decided advantage.

The inconclusive suspension of the quarrel can be taken to represent the victory of the Whitehaven Chamber, whose boats evidently continued to fish near the Manx coast, and who, presumably, continued to refuse to pay the Manx custom. It can be taken, however, to illustrate another point. The fact that the dispute lapsed with the advent of a good fishing season, together with the leisurely and inconclusive progress of the previous interchanges between the two parties, suggests an attitude of forbearance on both sides, as between the fishermen, and also as between the authorities. The episode was an aberration in a long-standing historical relationship between the people of Cumberland and Man, of "harmony and good correspondence".