

The Net Men and the Anglers, A Case Study in the Conflicts Over Recreational and Commercial Fishing.

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Abstract

Jamaica Bay is a shallow tidal estuary on the south shore of Long Island and entirely within New York City. Before the creation of the modern city in 1898, fishing rights in the bay were controlled by the municipalities along its shores. During the 1800s railroad transportation and tourist infrastructure made the bay popular for swimming, boating, camping, and fishing. In the 1880s the use of large nets by Jamaica Bay's commercial fishermen was seen as harming fish stocks. To preserve fish and promote tourism, New York State closed the entire bay to commercial net fishing. The Stadler Bill of 1890 removed two-centuries of local fisheries control and was the first state law regulating a fishing method within a region. This heightened the conflict between fishing communities and the tourist industry. The Stadler bill was a temporary measure, the state passed a permanent ban in 1896 and revised the law in 1904.

Introduction

Conflicts over fishing rights are among the oldest, and indeed most common, of all disputes in the maritime world. One conflict of this type is between commercial fishing and modern tourism. There is no inherent incompatibility between these two industries and their relationship has often been complex. Sometimes these relationships are beneficial such as on Cape Cod where the population had shrunk to 26,000 by 1920. The cape's agriculture, manufacturing, and fishing industries were all in decline, the fishing industry having peaked in the 1850s. Tourism revived the cape, so that by 1951, it contributed \$70,000,000 to Barnstable County while the traditional farming and fishing industries brought in only \$8,000,000. (1) In Gilded Age, Bar Harbor, Maine, the growth of a summer colony of elite "cottagers" was less benign as it created a situation where

almost the entire working population was employed in the service sector. (2)

The displacement of traditional fishing communities by waterfront development has been documented in many parts of the United States. Beginning in the early 1900s access to waterfront for the subsistence and independent fishers in Native American and minority communities began to be restricted by development in the San Francisco Bay Area, Seattle, and Los Angeles. (3) In twenty-first century Maine, a survey of 25 coastal communities found that 84 percent were concerned over a lack of shore access for working fishermen many of who were already crowded onto public wharfs. (4)

During the 1800s an expanding city of New York increasingly came to rely on Jamaica Bay for recreation. Reliable railroad transportation and a growing infrastructure centered on tourism made the bay popular for swimming, boating, camping, and fishing. By the end of the 1800s the recreational needs of the city focused new attention on the practices of commercial fishermen whose use of seines and other types of nets was increasingly seen as wasteful. In the interest of preserving game fish as well as protecting the opportunities for recreational fishing, and the tourist dollars it brought in, a series of laws were enacted that effectively closed the entire bay to all commercial fishing that employed any type of net.

The conflict between the two groups was also counterproductive. In 2009 Columbia University PhD candidate Elizabeth Blackmar published a PhD dissertation in which she argues that after 1870 an alliance based on mutual interests between the commercial and recreational fishing interests in the New York region began to break down. The resulting conflict delayed the implementation of the regulations and management practices that would have protected the commercial fisheries. (5)

Jamaica Bay

Jamaica Bay is a shallow tidal estuary on the southern shore of Long Island and is entirely located within the borders of present-day New York City. The western portion of the Bay is in the Borough of

Brooklyn and the eastern portion is in the Borough of Queens. The bay measures approximately 52 square kilometers (20 square miles.) It is roughly semicircular with many sandy marsh islands in the center. Shrubs and thickets dominate the uplands on many of the larger islands. Some islands contain peat-rich marshes with meandering tidal channels. Other islands such as Rulers Bar Hassock, have a sandy shore tidal marsh with limited channel inlets. (6)

The southern boundary of the bay is formed by the Rockaway Peninsula. The Rockaway Inlet separating the peninsula from Coney Island forms the one opening of the bay into the Atlantic. Jamaica Bay has eight tributaries of various sizes, Sheepshead Bay, Paerdegat Basin, Fresh Creek, Hendrix Creek, Spring Creek, Shellbank Basin, Bergen Basin, and Thurston Basin. (7)

Today the north shore of Jamaica Bay is dominated by John F. Kennedy International Airport. The airport's southern boundary is Grassy Bay and the Bergen Basin forms its western edge. In the twentieth century, large scale dredging, filling, and bulkheading created new land along the bay shores but for most of its history, the bay shores consisted on low-lying tidal marsh.

Early Settlements and Control of the Fisheries

The earliest European townships and villages were concentrated on the inland areas. All of the smaller waterfront settlements were confined to areas where sandy uplands provided isolated patches of dry ground including, Barren Island, Coney Island, Canarsie, and the Rockaway Peninsula. Because good roads connected the early settlements to the ferries over the East River there was never any need to develop Jamaica Bay as a shipping port, but the value of its fisheries was recognized and exploited very early.

New Amersfoort, later called Flatlands, was first established in 1636. The site of the original settlement was at the intersection of present day Flatbush and Flatlands Avenues in Brooklyn. Midwout or Middle Woods, was first settled in 1634 and granted a charter by the Dutch colonial government in 1651. This settlement would later become known as Flatbush and was established near the southeast

corner of Brooklyn's Prospect Park. In 1654 about twenty families from Holland and a few Palatines settled in what would become the town of New Utrecht in 1660. Governor Peter Stuyvesant granted a patent for the town in 1662. New Utrecht was located in what is now the Bensonhurst section of Brooklyn. English settlers from Milford and Hempstead created Jamaica in 1656 and received a patent in 1660. Jamaica is now in the Borough of Queens near the point where the Van Wyck Expressway crosses the main line of the Long Island Railroad. (8)

The various patents for these settlements granted control over Jamaica Bay's waters and marshes to the patentees. Flatlands had control over the marshlands of the Canarsie Meadows and beyond. Jasper Danckaerts (1679-80) described this area as being "miry and muddy at the bottom," but he also recognized the potential of the tidal creeks for navigation, fisheries, grazing, and tidal mills. As early as 1660 the area around Canarsie Point was known as Vischers Hook (fishers Hook) after a Dutch fisherman named Hoorn who built a home there. (9) The freeholders of Jamaica, Long Island believed they controlled Jamaica Bay and all of its islands because the patent granted by Governor Richard Nicolls (1624 – 1672) in 1665 specifically extended the town's southern borders as far as the "Rockaway Swampe." (10) While the early towns and villages often quarreled over exactly who had control over specific areas of the bay and its resources, the one thing that they did agree on was that control was firmly vested in local governments.

The earliest recorded efforts to regulate fishing in the bay date to the early 1700s when the town of Jamaica began to assert its claims to the bay. In May of 1704 fishermen coming from the village of Flatlands were arrested for fishing with nets and without authorization. The *New York Mercury* for January 27, 1754, reported that a period of unseasonably warm weather brought many outsiders in "canoes and pettyaugers" to Jamaica Bay for "oysters, clams, etc. . ." (11)

In July of 1763 the Jamaica town government declared that:

"Whereas divers persons, without any right or license so to do, have of late, with sloops, boats and other craft, presumed to come into

Jamaica Bay and taken, destroyed and carried away quantities of clams, mussels and other fish to the great damage of the said town, this is to give warning to all persons who have no right or liberty that they do forbear to limit any such trespass in the bay for the future.” (12)

Only a month later the town government held a special town meeting to address the problem of continued trespass into “the Bay belonging to this town.” Several men were designated to prepare a legal defense of the town’s title. (13) Challenges to the title continued and by 1791 the town of Jamaica resolved that:

“all persons be precluded from coming with boats and pettiaugers in the bay of this town for the purpose of getting clams or oysters without paying the sum of one shilling for every thousand so taken. . . .” (14)

At the same town meeting the voters decided "no person or persons other than inhabitants of the township and paying taxes within the same presume to cut any sedge on the marshes in the bay of this township, on the penalty of 40s. for each offence." (15)

The township's restrictions on fishing were re-adapted several times over the subsequent years. Voters at the town meeting of 1869 voted to exclude non-residents from fishing in the bay. Two years later the voters instructed the trustees to remove "all stakes or other obstructions illegally standing in the waters of the bay, or in the marshes thereof." Presumably these were the stakes and other obstructions placed by fishermen who were not residents of the town. Stakes were usually driven into the bottom of the bay to hold nets. (16)

During the 1840s new industries were coming to Jamaica Bay. As part of a larger sanitary reform effort, all bone-boiling works were banished from southern Manhattan in 1851-2. (17) Bone-boilers and rendering works eventually became concentrated on Barren Island, a sandy, roughly triangular piece of land near the Rockaway Inlet on the Brooklyn side of the bay. For the next seventy years, Barren Island was where New York disposed of animal carcasses, butcher's offal, and slaughterhouse wastes.

Another industry that came to the area was tourism. The Rockaway Peninsula was home to early seaside hotels and ocean bathing. Dooley's Hotel was already established as a sportsman's hotel on Barren Island when men's outdoors clubs began camping, hunting, and fishing on the bay's islands in the 1840s. (18)

By the 1850s the demand for seafood in New York made oyster raising a major business. In 1854 it was estimated that some 50,000 persons were engaged in the industry, either directly or indirectly. (19)(Spann page 122) Planting oysters began when in 1863 the trustees of Jamaica granted to D.H. Waters "the privilege of planting oysters under the waters of Jamaica Bay to the extent of one hundred square yards, under said waters known as Hell Gate Marsh." (20) The question of planted oysters soon became part of the long-standing disputes over fishing rights.

The position long held by the Township of Jamaica was supported by an act of the legislature in 1871. It authorized the leasing of underwater lands for planting oysters only to persons who were residents of the town. It also permitted penalties for any trespassing on the leased lands. Given the town's longstanding claims to control fishing in the bay, it is hard to explain why a vote in 1875 resoundingly rejected the granting of exclusive leases. Only 167 voters supported exclusive leases while 808 voters rejected them. It is not clear why the voters were dissatisfied. It might be that they feared the leasing arrangement would have a negative impact on the nascent tourism industry. Another possibility is that they felt the lease arrangements had been mishandled by the community's elected officials. Despite the vote, the leases stood and further debate on the matter was not recorded. (21)

Despite the abundance of fish, it appears that prior to the middle part of the 1800s the majority of the people living near the bay were primarily engaged in farming or other trades and only fished occasionally for either recreation or to supplement their food supply. Of 221 eighteenth and nineteenth century wills surveyed by historians, there are only three mentions of any possessions connected with fishing. One of the wills was from William Van Dyn of Newtown, who in 1769 bequeathed two canoes, the smaller one with rigging and fishing gear. Two wills dated from the 1770s

included fishing nets and in the estate of Abraham Emans, also included a canoe. An examination of wills from Gravesend, Flatlands, Flatbush, New Lots, and Jamaica finds that no person listed their occupation as fishing prior to 1801. (22)

Some idea of the abundance of fish from the late 1800s and early 1900s comes from the diarist John Baxter of Flatlands:

“August 4, 1792--Went for eels had 150 very large. . . . September 9, 1792--I fished along the meadows at the Island got 9 bars and one Drum Fish. Went to Rockaway along with R. Voorhees and Peter Voorhees had 900 eels and 200 large snipes. . . . April 13, 1801--Went out afishing with Peter G. Wyckoff and Joseph White - Garret Wychoff and Elias Hubbard—got 36 shad . . . the same day was caught 613 shads in Lots Creek” (23)

For most of the 19th century the industries on the bay appear to have coexisted peacefully. But with the rapid growth of New York after the Civil War the expanding city began to exert contradictory demands. Waste disposal, commercial fishing, recreation, resorts, and suburban growth all competed for a share of the estuarine resources. Thanks in large part to the railroads that would soon bring thousands of visitors to Jamaica Bay the hospitality and commercial fishing interests would be the first to clash.

The Growth of the Tourism Industry

Prior to the construction of railroads, steamboats and stagecoaches served the beaches of the Rockaway Peninsula. The railroads would dramatically expand an existing tourist industry as opposed to creating a new one as they did at Manhattan Beach and to a lesser extent, Coney Island. The first railroad to Jamaica Bay was the South Shore that was opened in 1869. It followed an existing stagecoach route around the eastern shore of the bay from Jamaica to Far Rockaway. Using a trestle just over four miles in length, several draw bridges, and the marsh islands, the New York, Woodhaven, and Rockaway Railroad completed a line directly across the middle of the bay in 1881.(24) The railroad had five station stops at the various hotels on the Rockaway Peninsula as

well as stops along the trestle and the marsh islands.(25) The Brooklyn and Rockaway Beach Railroad, shown on the 1873 maps, left the Bay Ridge Branch of the Long Island Railroad near the shore of Jamaica Bay east of Canarsie, ran over the shoreline marshes and drove straight through the center of Canarsie until terminating at the steamboat docks of Canarsie Landing. Passengers could transfer to a steamboat for a trip to the Rockaway Peninsula or spend the day at Canarsie swimming, boating, or fishing in Jamaica Bay. The railroads running to Coney Island included the Brighton Beach Railroad, the New York & Manhattan Beach, the Prospect Park & Coney Island Railroad, the Union Elevated Railroad, and the Brooklyn Bath & West End Railroad.(26) Local trolley lines to Bergen Beach and Canarsie also allowed recreational anglers to reach the bay where boat rentals, guides, and overnight accommodations were all available.

In addition to the well-developed rapid transit systems, other factors made the bay attractive for anglers. The calm waters of the bay made fishing from a rented rowboat practical. Numerous boat rental businesses and charter fishing boats made the entire bay easily accessible at a small cost. Jamaica Bay also featured a variety of habitats that were home to numerous fish species.

By 1902 a number of hotels were established that catered to the anglers. Period photographs show them to be modest, two-story frame buildings. The East Side Hotel on The Raunt advertised itself as being "Most Central Spot on Jamaica Bay." "Bay Dinners" were a specialty of its "First Class" dining room and the hotel was open year round. (All of the hotels advertised themselves as having "first class" dining rooms.) Charles Noehren's Fishing Station on Goose Creek advertised itself as being located at the "First Station on Jamaica Bay Trestle" and being within "easy rowing distance of most of the famous fishing spots." Messenger's Hotel at Canarsie advertised guides for weakfishing and having the latest in communications technology, a "Telephone Connection." The Hanemy House was also located at Canarsie. Boats were available for rent for fishing on the Bay and "Auxiliary Yachts" (most likely a sailboat with a small engine) for deep-sea fishing. The hotel also had launches and guides for fishing in the bay. The going rate for rowboat rental without a guide was 50 cents a day and 75 cents on Sunday. (27)

Guidebooks to the bay reported that the Island and Steamboat deep water channels on the west side of the bay were good for weakfish, fluke, sea bass, porgies and flounder. Irish Creek running behind Barren Island and separating it from Flatlands was noted for blackfish and sea bass where the banks shelved abruptly into deep water. Striped bass could be caught in the sedges lining the creek. Far from being described as an odiferous and polluted place that fishermen should avoid, the eastern side of Barren Island was described as the site of deep water where blackfish, fluke, weakfish, and snappers could be caught. (28)

Laws Limiting the Activities of Commercial Fishermen

As recreational fishing expanded in the second half of the 1800s the traditional fishing methods came increasingly under attack. By April of 1890 the Committee on Game and Fish Laws in the New York State Legislature had drafted a bill that would ban commercial net fishing in Jamaica Bay. Opponents of the bill claimed that the local fish markets would be deprived of an important source of supply. Proponents countered that the three fish markets at Rockaway Beach were being supplied from dealers in Manhattan. (29)

The Stadler Bill was introduced in March of 1890 and it prohibited fishing anywhere in Jamaica Bay except by "rod, hook, and line." (30) The Stadler Bill was named for Charles A. Stadler (1848 - ?) who represented the 9th District as a Democratic member of the State Senate from 1888-1891. He was the president of American Malting Company and involved in a number of other New York businesses. (31) A member of the committees on railroads, internal affairs, navigation and commerce, Stadler was best remembered for his support of relaxed liquor licensing laws. (32) We can speculate that Stadler was sympathetic to the hospitality sector as a result of his involvement in the liquor industry.

At that time, one of the preferred methods of net fishing was to wait until predators (sharks and porpoises) chased smaller fish up the side

creeks where nets would be stretched across them. Another method of using nets was to wait until low tides forced fish out of the bay's side creeks and into deeper water or "sinks" and then draw nets through the sinks, into the side creeks, and finally up onto land. Both of these methods were used during the winter or the spring spawning season. Although laws regulated the size of the mesh of nets, it was reported that these laws were widely ignored. Although the main target of the seine nets was the Menhaden the by-catch included a number of other species. By the summer when an estimated 500 to 1,000 recreational anglers arrived at Jamaica Bay every day, seasonal catches of sheephead, bass, and weakfish were reported to be as small as 100 individuals. (33)

In 1889 it was still possible for fishermen to net eight to tens tones of fish per day with fish prices ranging from 8 to 10 cents per pound. Any fish not sold for human consumption went to the fish oil, fishmeal, and fertilizer manufacturers, a number of whom followed the waste processing industry to Barren Island. However overall catches in Jamaica Bay had been decreasing for the previous five years. (34)

It must be noted that there was no disagreement as to the conservation science during the debate. The bay's role as a nursery and refuge for breeding fish was fully appreciated. Proponents of the bill seemed willing to accept a compromise position where the commercial netters might have been possible if the commercial netters were willing to accept conservation restrictions. (35)

At a hearing on the Stadler Bill in June, opponents would argue that the law that would only help the hoteliers and their privileged guests at the expense of ordinary people. It was also argued that if fishing in one part of New York State was restricted to hook and line, then the restriction had to be applied to the entire state and its \$4,000,000 commercial coastal fisheries. The issue of exactly how many persons were working the seine fisheries also arose during the debate. Opponents claimed that 300 men in Flatlands worked in the fishery while supporters claimed that not more than fifty men

worked the fishery and the total value of the catch was a mere \$3,000 a year. (36)

The best estimate of the number of men working in the fishing industry comes from Frederick Black's history of Jamaica Bay. Examining the occupations in Flatlands shows that as the numbers of men engaged in finfishing would peak at 200 individuals in 1870 – 1880. The number of men working in the oyster industry would begin to rise in 1870, peak at about 75 individuals in 1880 and then decline to almost none by 1892. The number of men engaged in fishing would also decline to less than 50 by 1892. Flatlands of course, was only one of the communities along the bay shore but if these general trends then it is certainly possible that the commercial fishermen saw their livelihoods dying and themselves engaged in a struggle for survival.

New York Governor David Hill (1843-1910) signed the measure on June 7th, 1890. In a memorandum to the Governor attached to the bill when it was signed, the Fish and Game Law Codification Commission noted that the bill did have flaws. In principle the commission was in favor of net fishing in any of New York's tidal waters and that it had no interest in discriminating against net fishermen in favor of recreational anglers. The commissioners however noted the proximity of the bay to population centers and because many of the anglers were poor people in need of recreation, the commissioners were willing to approve the bill for one year. (37) Consequently the bill signed by the governor on June 7, would only last one year and provide a test of the principle. (38)

The bill specifically banned any type of net fishing, whether the net was cast, drawn, or fastened to a fixed point. The ban extended to all of bay's waters, no creeks, basins, or smaller bays were excluded. The act also specifically prohibited placing nets across the Rockaway inlet. Violators could be charged with a misdemeanor and face a fine of one hundred dollars, thirty days imprisonment in the county jail, or both. Half of any fines collected would be paid to the person or persons who made the complaint, and the other half was to be paid to the treasurer of the town where the case was tried. (39) This provision made it possible to finance privately employed enforcement officers whose salaries would be paid using the collected fines. Such arrangements were not unknown at the time and were the subject of Jack London's 1905

book, *Tales of the Fish Police*.

Fish commissioners, fish wardens, deputy wardens, sheriffs, deputy sheriffs, constables, policemen, or special officers of the state were all empowered to enforce the act and destroy any offending nets at the time of the arrest.(40) It is not unreasonable to assume that this provision raised class issues. A commercial fisherman would undoubtedly resent the destruction of his equipment by persons employed by hoteliers and sportsmen's clubs.

The bill also prohibited taking any striped bass, sea bass, or tautog, (black fish) measuring less than six inches in length within the waters of Jamaica Bay. Violators could be fined five dollars for each fish. The taking of eels using spears or weirs was still permitted as was the use of hand-cast nets for catching shrimp or bait fish. Members of the state fish commission were also allowed to use hand-cast nets when removing fish from the bay for scientific research or stocking other waters. (41)

According to data compiled by Black for his National Park Service cultural resource study, in 1890 there were approximately 130 commercial fishermen in Flatlands, which was down from a peak of approximately 200 in 1870 – 1880. By 1892 there would be fewer than 50 fishermen in Flatlands. Oystermen were also in decline. The numbers of men engaged in that work began climbing after 1870 and peaked at about 75 individuals in 1880. By 1892 there were almost none. (42)

The most vocal opponent of the law was State Senator Edwards Hawkins known locally as "Mossbunker" Hawkins because of his connections to the Menhaden fishery. The supporters of the ban noted that the by-catch of the seine netting was destroying the game fish and pointed out that the state had recently created the Adirondack Park to save the northern fish and wildlife. The bill's supporters decried the destruction of Jamaica Bay for the sake of a few tons of fish that would only be ground into fertilizer.(43)

The commercial net fishers at first seemed to be following the law when it took effect in June of 1890 but by late July appeared to be ignoring it. They also pointed out that Jamaica Township had a

colonial era patent granting them ownership of the bay and had traditionally controlled its waters. Therefore, they argued, the State Legislature had no jurisdiction over the bay. Observers agreed that this argument was not likely to stand up in court and predicted a confrontation between the recreational and commercial anglers before the end of the summer. (44)

Meanwhile the organization that had lobbied hardest for the law, the Association for the Protection of Jamaica Bay, was busy documenting violations of the law and appointing three special constables who would enforce the law. The association also announced a reward of \$50 for the arrest of the net law violators. (45) Immediately after the law was passed the Association for the Protection of Jamaica Bay promised to hire five special constables to monitor compliance and even proposed to fit out a gunboat for patrol duties. One commercial fisherman responded to these announcements by claiming to have a loaded shotgun ready for any persons enforcing the law.(46)

The commercial fishermen struck back at the hoteliers, boat livery operators, and operators of fishing resorts. Noting that selling bottled beers and liquors on Sunday was unlawful, they threatened that the excise laws would be immediately enforced if any one of their number were arrested for using nets. (47)

But public opinion had long favored the recreational anglers. The previous summer an unidentified party of "some Rockaway Boys" raided the commercial fishing camps and burned several hundred yards of nets.(48) In March while the bill was first being debated over 15,000 signatures supporting it had been collected from Rockaway Beach and nearby communities. It was estimated that the value of the hotels, boat liveries, tackle shops, and other infrastructure supporting recreational fishing exceeded \$200,000. (49) A local banker at Far Rockaway was known as a supporter of the commercial fishermen but changed his views after depositors began withdrawing their funds in protest. (50) Observers noted that the fishing in the bay had improved since the net law went into effect. (51)

Apparently the net ban was extended past the one-year trial period. In September of 1891 five fishermen from Canarsie were arrested

for using nets. A constable Ward and his party are credited with making the arrest but it is not clear if Ward was the special constable hired by the Association for the Protection of Jamaica Bay and who comprised his party. Ward's full name was not mentioned in the press reports. As the constables descended on the men's boat, Ward drew his revolver. The captain jumped overboard leaving the rest of the men. The press reports that the commercial netters were growing increasingly bold. They were said to have taken several tons of weakfish and assorted game fish and this was reported to have led to a decline in fish stocks during the summer of 1891. (52)

The Stadler bill appears to have died quietly after 1891. There appears to have been no lasting impacts on either the fishing or the hospitality industries and the press was silent on the subject.

Another net ban went into effect in 1896. Support for this law was said to come from the boathouse keepers on Jamaica Bay and the act became known as the "Boathouse Keeper's Anti Netting Law." The press reports do not specify the identities of the "boathouse keepers" but we may assume they were a group of boat livery operators, hoteliers, and sportsmen's clubs headquartered on or near the bay. A volunteer organization "Protective League of Salt Water Fishermen" was created in 1898 and appears to have assumed they would have the authority to arrest all "violators of the fish and game laws of this vicinity." (53)

At its earliest meetings in the spring of 1899, the league's agenda targeted net and seine fishing in the waters around New York City. The league was also lobbying the state legislature for control of chemical discharges from factories. It promised to organize branches in every state assembly district and become a force in the upcoming legislative elections. (55) It is not clear if the league's membership was mostly confined to New York City although later press reports would state that it was trying to increase its membership on Long Island. (56)

The 1896 act shared many similarities with the Stadler Bill. It specifically prohibited placing nets in the waters of Jamaica Bay for any purpose and only allowed catching fish by "angling." As with the 1891 act, the law did allow for the catching of eels in weirs or with spears. Minnows or shrimp for bait could be taken with nets

less than 40 feet in length and four feet wide. The mesh could not be smaller than “6 inch bar.” Nor could refuse or debris be removed from the bay using a net. It is not clear why this provision was made perhaps to prevent someone from “accidentally” taking fish.

Violators of the law could be charged with a misdemeanor and fined \$25 for each violation plus \$10 for each fish caught. (57)

The Protective League soon ran into problems with the new law. The lack of official “game protectors” (game wardens) assigned to Jamaica Bay hampered the work of the Protective League. In one instance the league attempted to make an arrest but was required to write to the nearest game protector for assistance, then the Forest, Fish and Game Commission requested the Attorney General’s opinion on the case, the game protector finally had to ask the aid of the local authorities in making the actual arrest. In one instance a group of commercial fishermen claimed they were only “washing” their nets and had no intention of violating the law. The Protective League brought another case to the wrong jurisdiction and this resulted in it being dismissed.(58) But the biggest problem with the new law resulted from the 1898 consolidation of Manhattan, the Bronx, Staten Island, Brooklyn, and Queens into the City of New York. The new city charter did not define the boundaries of Jamaica bay. Violators of the law claimed that they were not netting in Jamaica Bay, but Flatland, Grassy, or Sheepshead bays. (59)

The 1896 act clearly had to be amended and the Protective League began a lobbying effort that reached well beyond the confines of Jamaica Bay. President of the League, Theodore Biedinger, claimed that two bills in the state legislature that would have prohibited net fishing within the city of New York, in the Hudson or Raritan Bays, and anywhere else within three miles of the city, were killed at the instigation of the American Fisheries Company. In March of 1900, he appealed directly to Chauncey M. Depew, director of the company, to stop net fishing in the waters of New York City. He pointed out that the company had immense operations in other parts of the country and that New York City’s 100,000 recreational anglers were both his fellow citizens and potential friends of the company. (60) The American Fisheries Company operated a fleet of more than 18 steam powered purse seiners catching Menhaden. The company however reported a bad year for 1899 with none of its boats having returned fully load and most operating at a loss. (61)

By October of 1900, the Protective League lobbied the state senate for two new bills. Together the bills called for limits on the size of commercial fish nets and the removal of any fixed nets Saturday at noon and Monday. Taking any type of food fish in tidal waters with purse nets, such as those used for Menhaden, would be prohibited. An exception would be made for fishermen taking fish for their own consumption. The bills also called for a halt to the extraction of oils from food fishes. (62) The election of a new governor in the fall of 1900 prompted the league to call for more game and fish protectors. League President Biedenger claimed that commercial fishing interests were coming to share their views. He cited the fact that commercial fishermen working in the Hudson River removed their nets three days each week and that the menhaden industry, “will not fight us.”(63) At the time the American Fisheries Company had experienced a dramatic decline in Menhaden stocks and was in bankruptcy and voluntary reorganization. (64)

Pushback came from Republican state Assemblyman Joseph N. Hallock (1861 - ?) representing the First District of Suffolk, Long Island and member of the Assembly’s Fish and Game Committee. Hollock told a reporter for the *Brooklyn Daily Eagle* that he was opposed to the measures called for in the two bills. Although he confessed to not having had the opportunity to read them, Hollock stated that he would most likely oppose them as he had “learned to view any with suspicion any bill that emanates from the Protective League of Salt Water Fishermen.” (65) Hollock claimed that when he killed two earlier bills proposed by the Protective League, he was accused of being a lobbyist for the commercial net fishermen. Hollock promised to support the commercial fishermen of his district regardless of the league’s wishes. He characterized the league members as being “hook and line fishermen and city sportsmen who fish for pleasure.” (66)

Finally in May of 1904 the Governor of New York signed a bill formally delineating Jamaica Bay and its adjacent waters. A line drawn between Rockaway Point and Coney Island defined the entrance of the bay. Jamaica, Flatlands, Grassy, Sheepshead, and all other bays and inlets were specifically designated as part of Jamaica Bay. As with the earlier bills, fish could only be taken by angling. Two additional game protectors were appointed for Jamaica Bay with authority to enforce the fishing regulations although their

salaries were not actually approved for another two years. (67)

Shield's Magazine gleefully reported in its February 1907 issue that the new laws were finally having the desired effect. The Brooklyn Branch of the Protective League of Saltwater Fishermen was able to work with the new wardens on enforcement and the magazine credited Gus Christman, president of the league's Brooklyn Branch, with much of the organization's success. The magazine noted that the situation was complicated because the commercial fishermen started working at night. Dick Wanzer, of Canarsie, who had escaped prosecution under the previous law, was arrested and fined \$60. (68)

The magazine did note that another problem arose, that some of the hoteliers, boat livery operators, and even some fishermen seemed to be afraid of the reprisals from the net fishermen. The Protective League offered to reimburse anyone who suffered a monetary loss as a result of reporting illegal net fishing. (69)

By 1910, a Dr. B. F. Briggs, Brooklyn, New York, was able to report to the Fortieth annual meeting of the American Fisheries Society that:

“...within half an hour's ride you can catch weakfish in Jamaica Bay—just as lively a fish as you could want. And if we will propagate them there see what the millions of New York can do. They can enjoy that fishing as only a few do now. This year we have been able to stop net fishing in Jamaica Bay almost entirely. The result is that anyone can go down in half an hour on the South Bay and enjoy all this that you have seen before you.” (70)

Epilog:

Even before the new game wardens were appointed, public health officials were becoming concerned about sewage pollution in Jamaica Bay. The shellfish industries were the first to suffer from pollution and by the mid-1920s all commercial shellfish harvesting in the bay would be banned. Both recreational and commercial fishermen would soon be facing widespread habitat loss as

developers filled the marshes along the bay's shore to create new room for housing and industries. They would also face the problems of sewage and industrial pollution.

The city also proposed to construct a huge new seaport in Jamaica Bay. Beginning around 1910 new channels were dredged and the tributary creeks converted to shipping basins. The seaport plan was never completed realized but the bay did become a New York City park during the 1930s. Construction of the Belt Parkway around the bay's shoreline resulted in more marsh loss and the displacement of boathouses, yacht clubs, small hotels, and other waterfront activities. Full protection for the salt marshes along the shoreline would only come with the 1973 passage of the New York Tidal Wetlands Act, Article 25 of the Environmental Conservation Law. (71)

The commercial fishing industry would continue to operate out of Sheepshead Bay and Jamaica Bay would continue to be popular with recreational anglers. The demands of a growing city pitted the two groups against each other but ultimately both would be subsumed under the same urban growth. In 1973 much of the undeveloped shoreline and almost all of the island marshes would come under the control of the National Park Service. Jamaica Bay National Wildlife Refuge and Gateway National Recreation Area would become one of the most-visited national parks in the country but never again would it have the same prominent role in the city's economic and recreational landscape.

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