

of the fishery. Accordingly when the charter of the city was drawn up, provision was made that the fisheries between high and low water mark on the eastern side of the harbor, from the falls at the mouth of the river to Reed's Point, should be for "the sole use, profit and advantage of the freemen and inhabitants of the city," who were to have the right of fishing, hauling the seine, erecting weirs, and taking fish between high and low water mark to the exclusion of all others.

We need not be surprised that this provision in the city charter did not accord with the views of Hazen, Simonds and White who insisted it could not apply to their "vested rights" along the north shore of the harbor of which they claimed to have held undisputed possession for a score of years. Before long the citizens of St. John came into violent collision with the old Portland grantees and their tenants over this fishery business, and the animosity aroused soon became intense. The controversy occasionally shifted its ground a little. At one time it was insisted that the freemen and inhabitants of the city were entitled to the sole and absolute possession of the fisheries in dispute; at another it was claimed that all the fisheries within the harbor were common to the public. Both claims were stoutly resisted by the three old partners, who insisted on their right to absolute control of the shores in front of their property from high to low water mark.

The controversy was the source of much ill will and trouble from the first, but it assumed an acute form about the beginning of the present century. The St. John fishermen were assured by certain gentlemen of the law that they had a good cause and they found influential citizens to back them in their claims. Encouraged by the prevailing public sentiment, the overseers of the fishery, about the year 1800, laid out