

## Oyster War <sup>[1]</sup>

# Oyster War

by George Stevenson, 2006

In 1891 North Carolina declared "war" on the oyster fishermen who had drifted down from the north. By the 1880s overfishing had dangerously depleted the seemingly inexhaustible oyster beds of Maryland and Virginia. Armed oyster pirates were destroying what remained with dredges that gathered seed oysters and mature oysters indiscriminately. In 1888 the governor of Maryland armed the state's patrol vessels with cannon and ordered them to return fire, ram dredges, and oust the pirates from Chesapeake Bay at all costs. Consequently, the pirates moved their dredging operations to North Carolina. Also in 1888, seven armed pirate vessels from Virginia were reported plying the waters of [Hyde County](#) <sup>[2]</sup>, gathering and transporting 7,000 bushels of oysters weekly through the [Albemarle and Chesapeake Canal](#) <sup>[3]</sup> and the [Dismal Swamp Canal](#) <sup>[4]</sup> to Virginia. During the 1890 season [Carteret](#) <sup>[5]</sup>, [Hyde](#), and [Pamlico](#) <sup>[6]</sup> Counties dispatched patrol boats to drive off the pirates, but individual confrontations locally proved ineffectual.

In the first week of 1891, 150 Maryland dredge boats were reported in Pamlico Sound while Virginia pirates, said to be armed with Winchester rifles and 36-pounders, were said to have taken possession of all of the beds off of [Dare](#) <sup>[7]</sup> and [Hyde](#) Counties. Governor [Daniel G. Fowle](#) <sup>[8]</sup> immediately pushed through the [General Assembly](#) <sup>[9]</sup> legislation strong enough to put the dredgers out of business and to prevent the shipping of North Carolina oysters to out-of-state markets. Fowle then hired a vessel, called out Company E, 1st Regiment, of the [National Guard](#) <sup>[10]</sup> to man it, and armed the men as an oyster patrol. On 21 January he sent a copy of the newly enacted oyster law to Col. J. E. Wood with orders to cruise the oyster beds in Pamlico Sound, serving notice on all boats and ships and arresting any that persisted in dredging or other illegal operations. Within a week, the foreign vessels had departed and all was quiet in North Carolina waters. To keep it so, Fowle hired another boat, the *Nellie B. Dey*, outfitted it with a howitzer, and deputized Capt. Adam Warren as sheriff to patrol Pamlico Sound and arrest any dredgers. From 31 Jan. to 20 Apr. 1891 the *Dey* seized only one vessel, the schooner *Sailor's Return*. Its dredges were impounded and its captain and crew charged and tried in the [Pamlico County](#) <sup>[6]</sup> Superior Court, thus ending the oyster war.

### Additional Resources:

"An act for the better protection of the oyster interests of North Carolina and for other purposes." *Laws and resolutions of the State of North Carolina, passed by the General Assembly at its session of 1891*. Raleigh, N.C.: Edwards and Broughton. 1891. p.43. <https://digital.ncdcr.gov/Documents/Detail/laws-and-resolutions-of-the-state-of-north-carolina-passed-by-the-general-assembly-at-its-session-1889/3968946?item=3970269> <sup>[11]</sup>.

"An act to promote and protect the oyster interests of the state." *Laws and resolutions of the State of North Carolina, passed by the General Assembly at its session of 1891*. Raleigh, N.C.: Edwards and Broughton. 1891. p.369. <https://digital.ncdcr.gov/Documents/Detail/laws-and-resolutions-of-the-state-of-north-carolina-passed-by-the-general-assembly-at-its-session-1889/3968946?item=4000545> <sup>[12]</sup>.

Carter, Kathleen S. "The Oyster War of 1891." *The More Things Change...: Oysters, Public Policy, and Species Decline in the Pamlico Sound, 1880-1900*. IIFET 2000 Proceedings. <http://ir.library.oregonstate.edu/xmlui/bitstream/handle/1957/30785/270.pdf?sequence=1> <sup>[13]</sup>.

Fitzgerald, D. B. "The Oyster War between Maryland and Virginia." *Lippincott's Monthly Magazine*. November 1891.p. 699.

"Report On The Waters Of North Carolina, With Reference To The Cultivation Of Oysters, Together With The Results Of The Survey Of The Oyster Beds." : P. M. Hale. 1887. <https://digital.ncdcr.gov/Documents/Detail/executive-and-legislative-documents-1887/3968738?item=4003801> <sup>[14]</sup>.

### Subjects:

[Gilded Age \(1876-1900\)](#) <sup>[15]</sup>

[Industry](#) <sup>[16]</sup>

[Law and legal history](#) <sup>[17]</sup>

[Ships](#) <sup>[18]</sup>

### Authors:

[Stevenson, George, Jr.](#) <sup>[19]</sup>

### Origin - location:

[Carteret County](#) <sup>[20]</sup>

[Dare County](#) <sup>[21]</sup>

[Hyde County](#) <sup>[22]</sup>

[Pamlico County](#) <sup>[23]</sup>

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