On 14 January 1866, Hamilton’s Fishery Overseer, John William Kerr, caught two men illegally spearing fish in an ice hut on Dundas Marsh, off Burlington Bay. Refusing to accept a bribe of “good whiskey,” the energetic Kerr promptly confiscated their spear and began to return to the city. One of the men, who took the alias “Robert Barney,” and who perhaps was enjoying the bravado associated with good whiskey, chased Kerr down and attempted to wrestle the spear from him. But this resident of Corktown, Hamilton’s Irish working class district, soon thought better of the idea. Kerr, a former Irish Constable, drew his pistol, aimed, and threatened to shoot “Barney” dead in his tracks. The following day in the quiet of his office, the fish inspector addressed a memo to his superior, the Commissioner of Crown Lands, reporting on the incident and requesting to be furnished with a proper gun. Kerr then completed and submitted his first annual report as regional Fishery Inspector. In his report, he praised Hamilton’s harbour, Burlington Bay, as a “mine of wealth” and hoped that “every facility will be provided me for its proper protection.” The words recalled the views Kerr had expressed in earlier correspondence, when he had promised that with a good fishing act—one which protected Hamilton’s enclosed harbour against all fishers except anglers—Lake Ontario would have “ten thousand more fish to one as compared with its present position.” The Fishery Inspector’s encounter with Barney reflects in dramatic and personal form an expansion of the powers of the mid-Victorian Canadian state. To paraphrase environmental historian Donald Worster, Kerr and his social and political peers sought to define and prohibit behaviour that might be environmentally degrading, and generally to choose “the ends to which nature” ought to be put. Sport-conservation historian John Bouchier is with the Department of Kinesiology, McMaster University, 1280 Main St. West, Hamilton, Ontario, Canada L8S 4K1. Ken Cruikshank is with the Department of History, McMaster University.
F. Reiger emphasizes that such environmental choices were not the product of an undifferentiated "people," as Worster's analysis may suggest. Reiger argues that conservationists formulated a class-bound sportsman's code that shaped their efforts to limit outdoorsmen to "legitimate" sporting behaviour and pursuits. In this light, Kerr's confiscation of Barney's spear can be seen as part of a class-based campaign to restrict "unsporting" methods of fishing. Barney's response suggests that the sport-conservationist's vision of the appropriate uses of nature could be and was contested.

This paper explores the conflict between the different members of an industrializing city over a shared environmental resource—the fishery of Hamilton's harbour. It analyzes how a segment of Hamilton society sought to use the state to define for themselves and others the way the fishery ought to be conducted. The debate over winter spearing in the Harbour reveals how class-based definitions of recreation influenced early efforts at environmental conservation, and how such efforts could be contested. In the final analysis, an alliance of Hamilton's farmers, commercial fishers, and industrial workers successfully restrained the efforts of middle-class "sportsmen" to control the terms upon which they would have access to their community's natural resources.

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**Notes:**

- Burlington Bay became better known as Hamilton Harbour.
- Cootes Paradies also was known as Dundas Marsh.

**Sources:**


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**Figure 1 — Map of Burlington Bay and Cootes Paradise Area.**