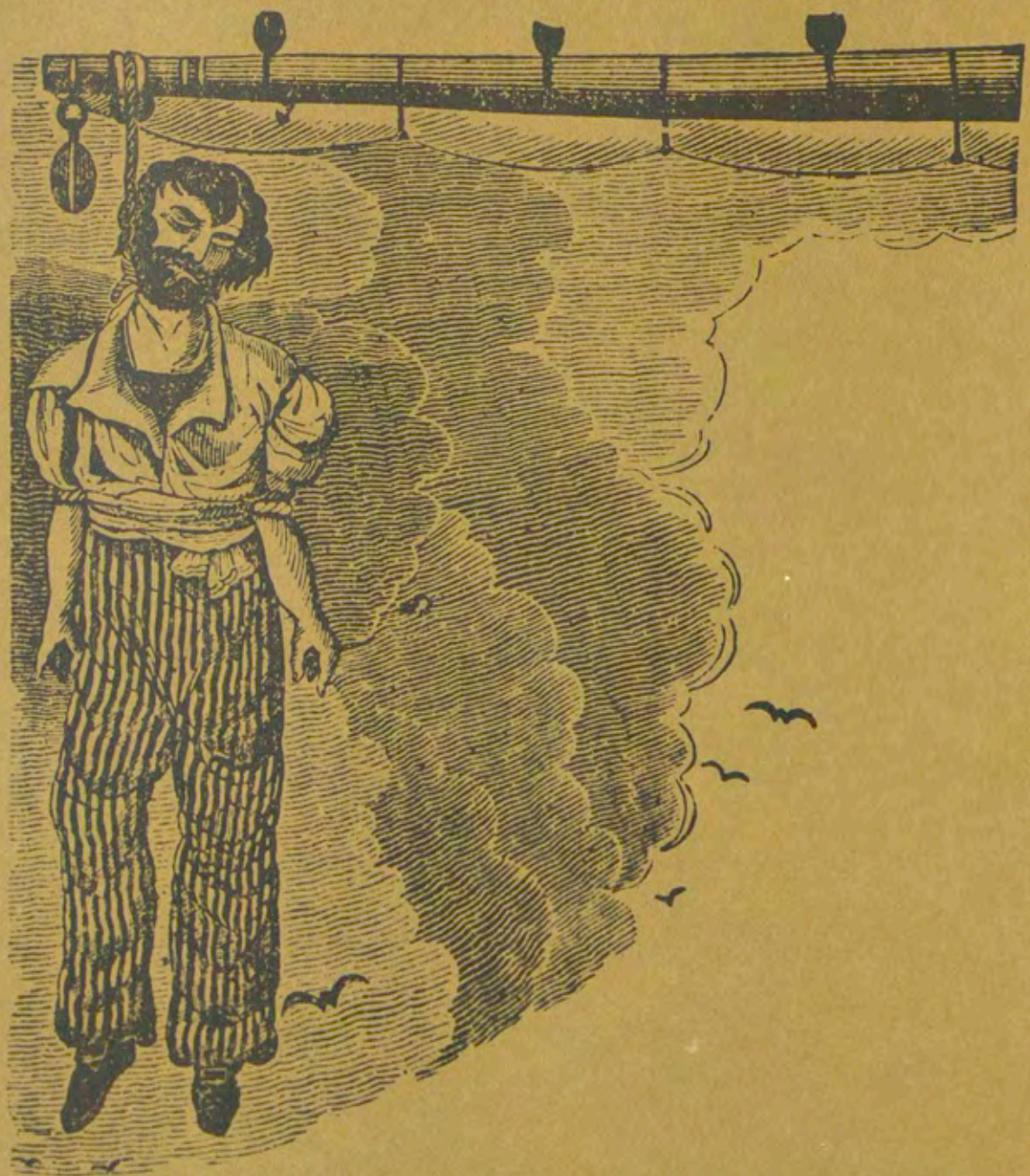
*October 1978*

# THE LOG OF MYSTIC SEAPORT



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FRONT COVER: *Illustration from* The Pirates Own Book. *Portland, 1837.*

FACING PAGE: *Pen and ink drawing of unidentified whaling bark by John F. Leavitt. (76.1.2)*

BACK COVER: *Along Seaport Street. Photograph by Claire White Peterson.*

*Volume 30, Number 3 / October 1978*

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# *SIGHTINGS*



At about the time this issue of the *Log* reaches you, Mystic Seaport will be experiencing a unique moment in its history. From all around the world colleagues will be assembling at Mystic for the third International Congress of Maritime Museums. This will be the first time the Congress has convened in the United States. Although some of the delegates have visited Mystic Seaport, most are familiar with it only through their reading or from having learned about it at earlier Congresses in England and the Netherlands.

There will be a full schedule of formal papers to hear and discuss; but while they are here, the delegates will have an opportunity to examine first hand many of the programs upon which the reputation of Mystic Seaport is built. No doubt most delegates will be keenly interested in our pioneering ship preservation effort, our youth training programs, research capabilities, the work we do with school groups, the quality of interpretation, care of our collections, the scope of our formal and village exhibits, and our college-level academic programs. They will also want to study the complicated support systems provided by the administrative and maintenance staffs which keep this museum functioning. Although we at Mystic Seaport are much too close to view it objectively, it is a fact that no maritime museum in the world has comparable breadth in its programs, facilities, and collections.

At the same time, we are acutely aware of various aspects of our work needing attention. We are sure to learn a great deal from the strengths of other maritime museums represented at the International Congress, many setting standards of quality that we would do well to try to equal.

It is, of course, basic to history museums to be aware of past, develop new sources of information, and to share this with our members and colleagues. This issue of the *Log* exemplifies these points. Gaddis Smith's article reveals a bountiful, untapped reservoir of primary material, and Joseph Cooper certainly provides a novel approach to some very old source material. This sharing of ideas and information focuses on the primary purpose of the International Congress of Maritime Museums meeting at Mystic. Delegates' awareness of their past will be heightened through discussions which relate different national experiences. During these discussions, new sources of information will be explored and ideas for potential sources will develop as we share our experiences.

Having the International Congress at Mystic this year should be a source of pride for each member of Mystic Seaport, staff, or Trustee—all who have helped support and shape the museum we know today.

J. Revell Carr

*Above:* "Eight Bells," 1886. Pencil sketch by Milton J. Burns.

# Whaling History and the Courts

*By* GADDIS SMITH

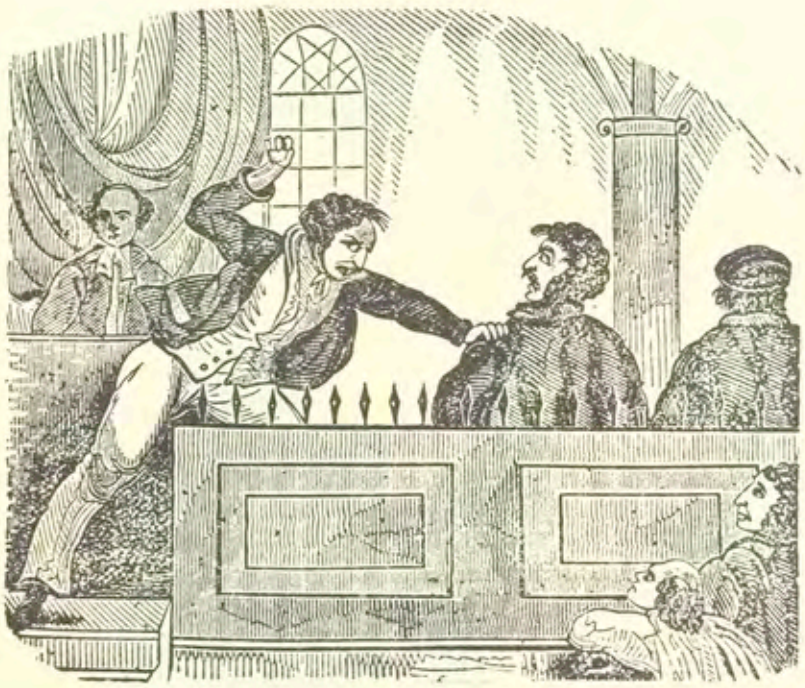
Historians of American whaling have made excellent use of logs, journals, newspapers, business records, and literary works. But they have neglected one very informative source: the reports of cases in court. Whaling cases chronicle the rise, shifting geographical focus, and decline of a major industry. They provide details on the techniques of catching whales and the business practices of owners. They tell tales of heroism, extreme hardship, high adventure; and also greed, dishonesty, and cowardice. The reports are readily available on the long shelves of buff colored volumes in any good law library.

Whalemen were a litigious lot. Partners disagreed and sued each other. Owners sued captains and vice versa. Seamen accused officers of brutality, of discharging them illegally, or ordering them to sail on unseaworthy vessels, of deviating from the agreed upon voyage, of failing to provide adequate food and medical care. Seamen and officers accused owners of cheating them of all or part of their lays, the individual's share of the vessel's earnings which constituted wages. Owners and masters in turn accused seamen of incompetence, disobedience, desertion, and mutiny. Fathers sued for money earned by their minor sons and accused masters of

Gaddis Smith, Master at Pierson College, Yale University since 1972, received his bachelor, master, and doctorate history degrees from this Connecticut university. Author of many scholarly books, Dr. Smith is also a current Munson Institute lecturer at Mystic Seaport.



Scrimshawed whale's tooth with figure of Justice. (49.1247)



"Whalemen were a litigious lot." Illustration from *The Pirates Own Book*, 1837.

wrongfully engaging runaways. Ships contended with each other over the right to whales claimed by both. Vessels were wrecked and salvaged and the courts decided how much of the proceeds were owed to whom.

Only a few fragments of legal evidence about whaling survive from the colonial period. There is, for example, the 1768 case of Doane v. Gage in the Boston Vice Admiralty Court in which John Adams represented one whaling master in a classic dispute over the ownership of a whale struck first by one vessel but killed by another.[1]

A substantial record begins to appear in the early nineteenth century with simultaneous growth of whaling and the new nation's judicial system. Whalemen at first often resorted to state courts, but by the 1830s they turned almost exclusively to the federal district courts which had original jurisdiction in all admiralty and maritime cases. The majority of cases were heard, naturally, in the Federal District Court of Massachusetts where from 1840 to 1865 Judge Peleg Sprague presided with wisdom and humanity. Indeed, Sprague should be called "the whaleman's judge." His decisions were highly respected and followed by other courts. He was seldom overturned on appeal.

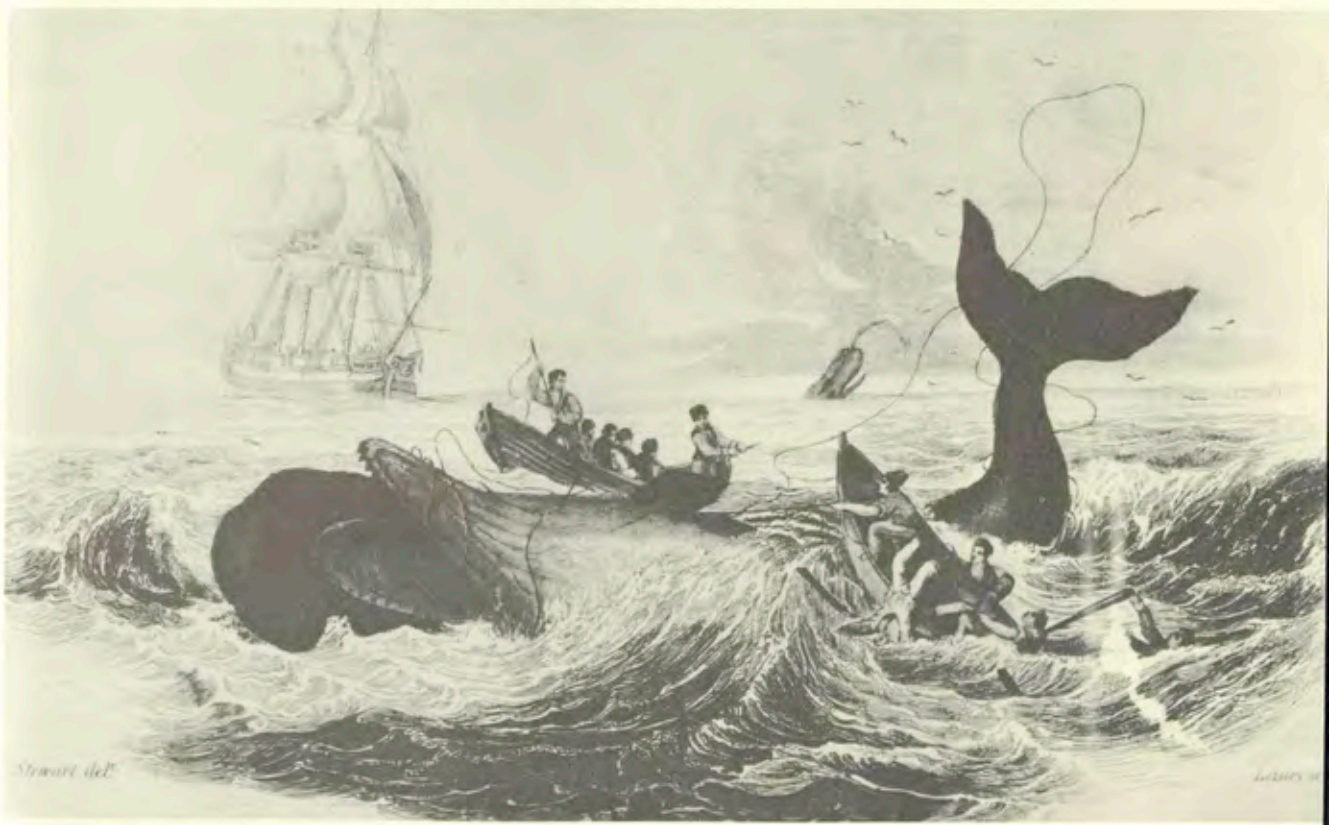
Sometimes the information about whaling is revealed incidentally in cases which focus on some other issue. For example, the original owners of the Edgartown sloop *Betsy Ann* sold her in 1805 while she was on a "whaling, fishing, and skinning" voyage to the Falkland Islands. They were not held liable for debts incurred by the sloop after the sale, even though the creditor was not aware that ownership had changed. The case illustrates the small scale and unspecialized nature of early whaling. The *Betsy Ann* was the only sloop to appear in a whaling case and one of the few vessels on a voyage which combined whaling with other activities.[2] In another Massachusetts case a master and part owner of a whaler could not keep extra income received from transporting some prisoners for a Latin American privateer and from removing goods from a wrecked French vessel on the African Coast. The court ordered him to share that money, just as he had shared the proceeds from whaling, with the other owners.[3]

Ordinary death and injury in the pursuit of whales were an accepted aspect of the occupation and seldom became grounds for legal action. When the whaleship itself was wrecked or damaged and someone claimed salvage, then the courts had business. For example, in 1834 the ship *Franklin* of Nantucket was homeward bound after three years in the Pacific. The master, mate, and five seamen all died between Cape Horn and the Falklands. Additional crew were signed at Montevideo, but the hapless vessel was wrecked and lost on the coast of Brazil. Some oil was salvaged. Two crew members went to court to be awarded the full amount of their lays based on all the oil on board before the wreck occurred. They also asked for a salvage award for work which they did at the wreck. The court gave them only their shares from the oil actually recovered and no salvage.[4] The ship *Harvest*, twenty-five days from Nantucket on a voyage to the Pacific, suffered even greater loss of life. On 14 November 1844, the *Harvest* shipped a sea which:

> carried away her mizzen mast, bulwarks, all her boats, sweeping overboard the whole of the watch on deck, consisting of the second mate and eight seamen, who were all lost. A few days afterwards, another man was lost from the bowsprit. The ship's company then consisted of the captain, first and third mates, one colored boat steerer, the carpenter, cook, steward, and six seamen, five of whom had never before been to sea, and none except the captain and mates were able seamen.

The captain abandoned the voyage. The *Harvest* shortly encountered the U.S.S. *Decatur* which discharged four seamen and permitted them to volunteer to join the whaleship. With the help of the new hands, the *Harvest* reached safety on 8 January 1845. The subsequent court case dealt not with the central tragedy, but with the claim of the four men from the *Decatur* for salvage. The court awarded them thirty-five dollars each, somewhat more than their wages, in recognition of their volunteering to join a ship with "feeble and disheartened crew, exhausted officers, wheel injured, jury miz-

"Ordinary death and injury . . . were an accepted aspect of the occupation." (58.601.10)



zen, in an inclement and boisterous season."[5] From this relatively small claim, we have preserved a record of the entire disaster.

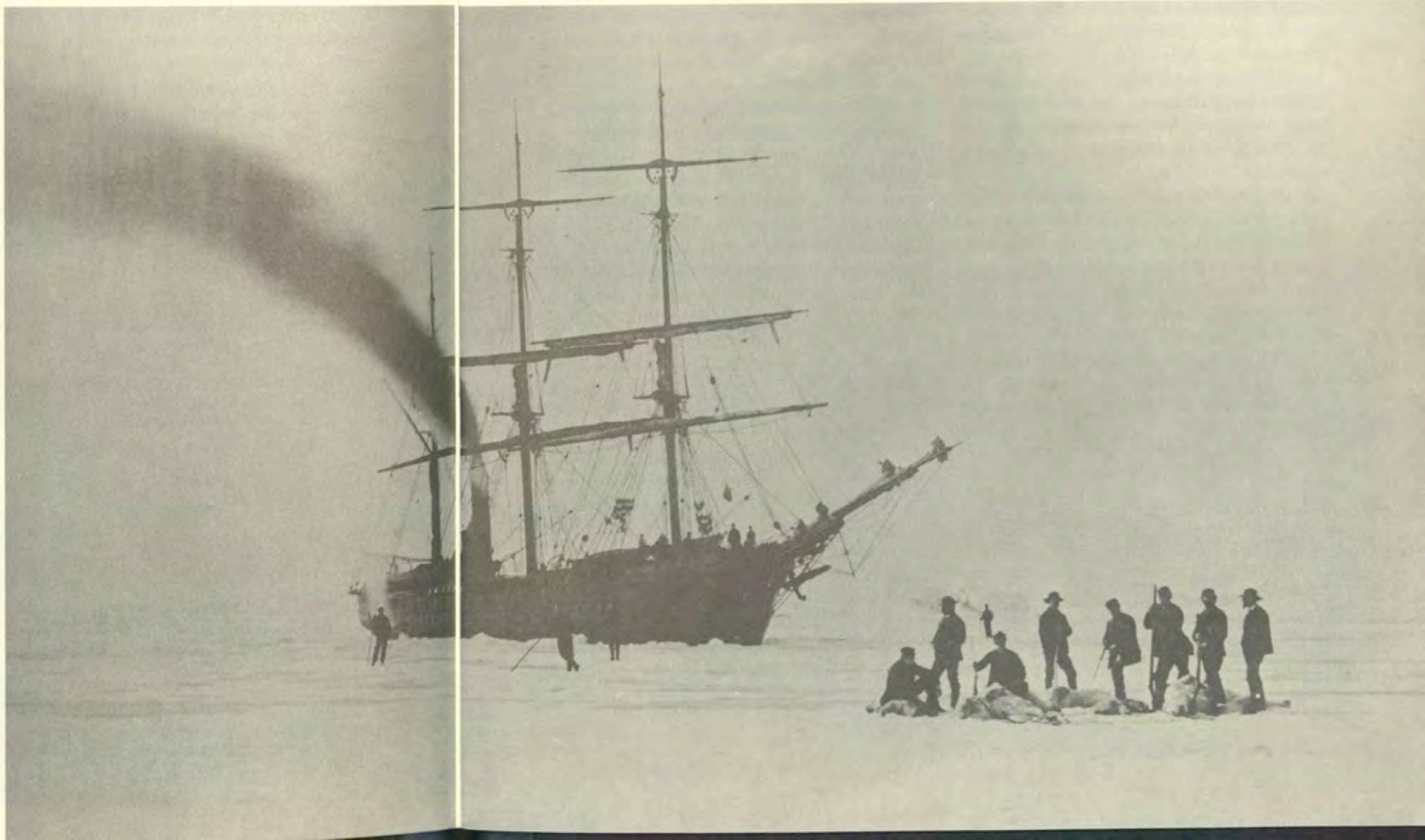
Poorly charted or uncharted reefs and islands were a constant danger to whalers working the mid-Pacific. The ship *London Packet* of New Bedford in August 1842 came upon the bark *Benezet* of Fairhaven stranded on a reef in the Fiji islands. Despite dangerously high seas, the captain and some crew of the *London Packet* went aboard the *Benezet* in a boat in order to save life. However, the *Benezet*'s crew had been taken off a few days before by the whaleship *Hoogly* and carried to New Zealand where the *Benezet* and her cargo of 700 barrels of sperm oil were sold at auction for 55 shillings. The purchaser decided against an expedition to his property. Meanwhile, the *London Packet* stood by until the seas subsided. Then her crew salvaged 210 barrels of oil and returned in 1844 to New Bedford with a full hold. Judge Sprague calculated the value of the oil saved at $6,740. He awarded $1,000 to the New Zealand purchaser, and the remainder to the owners, officers, and crew of the *London Packet*. This was very high for a salvage award, but the decision was based on the high risk involved, the distance the oil was carried, and the fact that it had been abandoned as beyond saving.[6]

The crew of another vessel saved themselves through extraordinary effort and then went to court. The ship *Holder Borden* of Fall River was lost when she struck a reef off an uncharted island 1,200 miles northwest of Oahu in 1844. Captain J. J. Pell and his crew took five months to build a small schooner from the remnants of the ship. They had few tools, but fashioned saws from cask hoops and made axes, adzes, and augers with the use of an improvised forge. They named the schooner *Hope*, loaded her with provisions, water, and thirty barrels of oil, and sailed to Honolulu. Pell then chartered a brig, returned to the island, and saved the rest of the oil. Judge Sprague denied the officers and crew salvage since they had earned their lays on the oil, but he did award them ownership of *Hope* and payment for transporting oil on her. Sprague also named the new island after Captain Pell.[7]

In 1848 the ship *Superior* of Sag Harbor was the first whaler to pass through Bering Straits into the Arctic Ocean. The season was less than three months long, but the whales were tame, numerous, and easily caught. The next year a fleet followed *Superior*'s lead. The hazards of ice, gales, dense fog, and intense cold soon pervaded the court cases. The ship *Richmond* of Cold Spring was one of the first to come to grief on these new grounds and the first to generate legal action. *Richmond*'s hold was nearly full and Captain Philander Winters was about to start home when, on 2 August 1849, in fog, the *Richmond* struck rocks and filled with water. There was no possibility of saving the ship. Soon the fog lifted and three other whalers—the *Elizabeth Frith*, the *Panama*, and the *Junior*—stood by. Captain Winters decided to sell his bone and oil by a contrived auction to the three. The bids were about 3 percent of the value of the products on the East Coast of the United States. Winters and his crew sailed for home with the three rescuers, but Winters died on the way.

Back in Sag Harbor the owners of *Richmond* challenged the validity of the sale. They suggested that Captain Winters was not in his right mind, and that he may have been conniving with the captain of the *Elizabeth Frith*, who happened to be his own brother. The federal district court did not accept these accusations and upheld the validity of the sale.[8] The owners appealed to the circuit court, and won. The three ships would have to accept a salvage award of one-half the value of the oil and bone.[9] The Supreme Court sustained the circuit court, in one of the few cases bearing on whaling ever to come before that body.[10]

From the 1860s on, the majority of cases tell of Arctic conditions. The bark *Antelope* of New Bedford was caught in the ice of Cumberland inlet off Baffin Island for two winters and then lost in 1866. Judge John Lowell, Sprague's successor, denied the crew



"From the 1860s on, the majority of cases tell of artic conditions." 1869 photograph in Melville Bay. (54.1446)

damages for enduring short supplies during their long imprisonment, or salvage from the small amount of bone and oil saved. They had to be content with "their lays, if any."[11] Also, in 1866 the barks *Ontario* and *Helen Mar*, both of New Bedford, were hove to in a gale in the Arctic Ocean. The temperature was −19°F. They collided. *Ontario* was so damaged that the crew refused further duty. She was abandoned with some loss of oil. *Helen Mar* survived, but was assessed $8,000 by the court because she had been on port tack and *Ontario* on starboard at the time of the collision. Port tack must give way to starboard tack.[12]

Sometimes fortune smiled even in the Arctic. In 1884 the barks *Eliza* and *Mabel* were caught in the ice within six miles of each other. The crew of the *Mabel* abandoned her, reached shore, and safety overland. The master of the *Eliza* elected to wait out the winter. He sent some of his men to the *Mabel* to collect supplies. While they were there, the ice suddenly parted and both vessels floated free and out of each other's sight. Eventually both reached San Francisco. *Eliza's* men on *Mabel* received a salvage award.[13]

Another 1884 case involved three vessels from New London. The *Roswell King* and *Lizzie Simmons* had been on the Greenland fishery for two years, but neither had been heard from for eighteen months. C. A. Williams and Company, owners, sent the schooner *Era* on a relief expedition with instructions to do some whaling if opportunity offered. The crew were to receive wages while the *Era* was carrying freight and lays for time spent whaling. The schooner carried out the relief work, but was trapped in the ice herself shortly after she began whaling. She had to winter over. No whales were caught. Several crew members went to court asking for more wages and damages for suffering and being on short supply. The court gave them no relief.[14]

As the nineteenth century came to an end, auxiliary steam whalers appeared on the whaling grounds and in the court cases. One long case involved the steam whalers *Belvidere* and *Lewis*, both owned by the Pacific Steam Whaling Company. They were working together on 3 October 1891, in the vicinity of Point Barrow, Alaska. This was dangerously late. A gale came up and *Lewis* was driven ashore. *Belvidere's* crew demonstrated extraordinary seamanship and endured great risk in saving the crew of the *Lewis* and her catch of bone. The court directed a handsome salvage award. The *Belvidere* figured in another case. In March 1897 she shipped a crew in San Francisco for a twelve-month voyage. On September 21 she became trapped in the ice and remained until July 1898. The master refused a new contract to the crew, even though the original twelve months were up, and required them to work the 1898 season. The court said the seamen were entitled to extra compensation.[15]

• • •

The whaling industry had its share of cruel and brutal captains. Often the victims deserted, leaving no trace for the historian. But some aggrieved seamen had a chance to tell a court of their fate, and in the process leave a record of the grim side of the whaler's life. Stewards, for some reason, seem to have been special targets for the master's wrath. Perhaps they were too much under his eye. The steward of the ship *Fabius* was flogged so mercilessly in 1831 that he became an invalid, incapable of working. Captain Thaddeus Coffin abandoned the poor fellow in the Hawaiian Islands—for which Coffin was indicted and convicted.[16] On the bark *Massasoit* ten years later the cabin boy, who worked under the steward's direction, lost a tablecloth overboard. The captain had the steward flogged and left seized up in the rigging for an hour and a half. The captain was assessed eighty dollars and court costs for "a wanton abuse of power."[17]

One of the most aggravated cases involved the captain and steward of the ship *Arab* on a voyage between 1838 and 1840 in the Indian

Ocean. Captain Benjamin Cushman beat Michael Ryan repeatedly as punishment for drinking. On one occasion Ryan was beaten almost senseless and then forced to stand for hours at the masthead. He nearly lost his grip and fell. Another time Cushman ordered Ryan stripped and flogged across the buttocks with a cat-o-nine-tails. During the beating Ryan defecated involuntarily and was then beaten some more because he did not clean up the mess fast enough to suit the captain. Justice Joseph Story condemned "the gross indecency and impropriety . . . of the punishment" and upheld a lower court's assessment of $150 damages against Cushman.[18]

Congress in 1850 abolished flogging as a legal punishment on all "vessels of commerce" and in the Navy. One whaling captain in 1853 tried to maintain in court that the law did not apply to whaling vessels. A federal judge in Rhode Island was not persuaded. Captain Charles B. Cutler was convicted of violating the antiflogging law and also of violating an 1835 law against striking a crew member "with malice."[19] Another flogging case involved the cooper of the bark *Kathleen*. The man was flogged for sleeping at the masthead. The mate testified they were afraid he might plunge to the deck and injure the officers. Judge Sprague agreed that the cooper was probably incompetent, negligent, and inattentive—but flogging was illegal. The captain was fined $125 and court costs.[20]

One captain's efforts to obtain reimbursement from the ship's owners for legal expenses illuminates the issue of punishment. Captain Elisha Babcock's contract as master said the owners would pay all expenses arising legally out of the need to chastise the crew. Two boatsteerers and the cook sued Babcock for assault and battery. Babcock was acquitted on one charge, settled the second out of court, but was convicted on the third. The court decreed that Babcock should be reimbursed for the first two cases, but that he should pay for the conviction himself since it was the consequence of his own illegal misconduct.[21]

The courts often upheld a master's right to use violent measures, especially against the reality or threat of mutiny. For example, Judge Sprague in 1843 declared that Captain Eldridge of the ship *Uncas* was justified in wounding several crew members, one very seriously with a whalespade, because of an incipient mutiny. "Had the mutineers been successful," said Sprague, "they would



"The whaling industry had its share of cruel and brutal captains." Illustration from *The Pirates Own Book*. 1837.

have found themselves in possession of all power . . . the result would have been the destruction of the officers and the loss of the ship."[22] In another situation Sprague clearly sympathized with the crew—who happened to be defended by Richard Henry Dana. While the ship *Hibernia* was at Isle of France (Mauritius today) after being at sea for a year, rot was discovered in her masts. The crew asked that the ship be surveyed in order to determine her seaworthiness. The captain not only refused, but threatened the spokesman for the crew with a sword, whereupon the crew took the sword away. The captain appealed for help from shore and had fourteen crew members jailed. The *Hibernia*, nearly full of oil, sailed home. The crew were sent in another vessel for trial at home. The jury, in what was almost a verdict directed by Sprague, voted for acquittal.[23]

Crew members appeared in court for high crimes and low. Four men from the ship *Junior* were charged with murdering a shipmate with a whale gun and hatchet. They were convicted and hanged.[24] In contrast, the cooper on the ship *Maine* was found guilty of insubordination and anti-foreign prejudice against the Portuguese second mate. Justice Joseph Story chided the man for indulging "that contempt and pique, which is certainly an infirmity, if not a disease, in the American nautical character" and ordered $100 deducted from his lay.[25]

Whaling captains in story and myth often are men of superhuman qualities—cruel perhaps, but fearless, determined, learned in the ways of the sea and its creatures. Not all were thus, as numerous court cases reveal. Some died during the voyage or went ashore too ill to continue in command.[26] Others were discharged by the owners for good reasons and bad. For example, Captain John N. Smith of the New Bedford ship *Garland* caught gold fever. A few days out in June 1849 he was heard to say "that he was a fool to go a-whaling; that he should not have gone but for the solicitations of his wife, and that he ought to have gone to California." Once around Cape Horn, he abandoned all pretense, picked up passengers on the west coast of South America, and sailed for San Francisco. There he threatened to take the *Garland* up the San Joaquin River to Stockton and "make a public house of her." The owners got on Smith's trail and secured a conviction. Another captain brought the ship home.[27]

Sometimes the owners were wrong. They removed Captain William C. Parsons from command and refused him all wages. Judge John Lowell's decision reveals the circumstances: "With regard to the allegation that [Parsons] has forfeited all his wages by carrying some casks of Madeira wine, when the shipping articles prohibit the bringing distilled spirits on board the ship under pain of such forfeiture, I can only say that wine is not distilled spirits, and cannot be made so by a usage of the port of New Bedford, or any other process that I am acquainted with, except distillation." Captain Parsons was awarded his full lay as if he had served for the entire voyage.[28] But the U.S. Government simultaneously charged him with failure to bring back to New Bedford all the crew originally shipped. This was absurd. Of the men in question, one had died, three had deserted, and one had been legally discharged but the U.S. consul at the port of discharge had failed to provide a proper certificate. And Parsons himself returned before, not with, the ship. He was acquitted.[29]

Captains who failed to make a successful voyage became more common toward the end of the whaling era as whales grew scarce and the quality of officers and men declined. The case of Captain Roswell Brown of the bark *Andrew Hicks* of New Bedford is a model, almost a nightmare, of frustration. Brown took over from the original master in December 1877 at the Seychelles. His contract called for a cruise of three years with a 1/50th lay. But within six months "his first and second mates had become dissatisfied and been discharged, his fourth mate had been left behind sick . . . nearly all his original crew



"There was a constant turnover in the crews of whaling vessels during their long voyages." On board the whaler Bertha. Tripp Collection. (73.899.299)

had deserted, and their places had been supplied from natives of the islands. . . ." Brown had not caught a single whale. When the *Andrew Hicks* arrived at St. Helena in July 1878, Brown found a letter from the owners ordering him to give up the voyage and sail home. Brown received nothing for his labor, since there had been no catch. He went to court, but received nothing but sympathy. "The case certainly is a hard one for him," said the judge. Brown appealed to the circuit court and there was successful. He was awarded 1/50th of the value of an average catch for a three-year voyage.[30]

A common category of cases involved bad feeling between a master and the mates—with the mates more often than not having their grievances redressed by the court. For example, the second mate on the small brig *Agate* proved so incompetent (the court proceedings read like a manual on how not to catch whales) that the captain disrated him to the forecastle as a seaman. The former mate refused to accept his new duty, and received a sound thrashing from the captain for disobedience. Judge Sprague said that the captain had a right to decide a man was incompetent and to force him to submit to new duties. But in this case the captain had used violence too quickly. Sprague ordered the captain to pay $50 in damages.[31] Another second mate, of the ship *Columbus* of Nantucket, claimed he was abandoned in Chile, while ashore looking for deserters. No, said Captain Peter Coffin, the mate was himself a deserter. The court believed the mate and ordered that he be paid $500. Coffin appealed and won before Judge Story in the circuit court, one of the few times that a Sprague decision was reversed.[32]

The issue of abandonment versus desertion was also involved in the case of the fourth mate separated with a whaleboat and crew from the ship off the south coast of Australia

in 1870. The men reached the wild and uninhabited shore and decided to separate, with two groups heading for different designated destinations in order to improve their chances of being found by the ship. The ship picked up one group, but did not go back for the mate and two seamen. The captain in court said they had deserted. Judge Lowell considered this nonsense. He awarded the mate his full lay and the proceeds of the auction of his belongings which the captain had held on the ship.[33]

There was a constant turnover in the crews of whaling vessels during their long voyages. Frequently only a minority of those on board when a ship returned belonged to the original crew. Sometimes men sought and received an amicable discharge in the middle of a voyage. Some men were left ashore for illness or injury and subsequently presented a grievance in court. For example, a man hospitalized in the Sandwich islands for injuries inflicted by a whale's flukes won his lay for the amount of oil on board at the time of his injury and his passage money home.[34]

Frequently there was controversy over the circumstances in which seaman and ship parted. No man could be discharged without justification or mutual agreement, but what was justification? For a captain to abandon a seaman at some foreign port was a serious offense, but many did and few were convicted. For example, a man applied for his discharge from the ship *Cornelia* of New Bedford. The captain not only refused, but had the man jailed ashore for using "abusive language." The ship sailed while the man was in jail. The captain was found guilty of abandonment.[35] In a similar case a master placed the cook in irons, sent him ashore and to jail, and sailed off. The master said he feared the cook might poison his food and instigate a mutiny. The cook won the case. The captain's fears, said the court, were groundless.[36] Another seaman won his lay with the successful argument that he had been forced ashore in Lahaina by the captain's cruel and humiliating treatment.[37]

Young boys often went whaling, sometimes with their father's permission and sometimes without. Since fathers in the nineteenth century were legally entitled to the earnings of their children, the situation produced many court cases. Commonly a boy would serve for several years of a voyage and then desert, usually in the Pacific. When the vessel returned to the home port, the father would sue. In most cases the owners argued that the boy had forfeited his entire lay by deserting, but fathers were invariably successful in collecting what the boy had actually earned up to the day he reached twenty-one. Neither a deserting adult seaman nor his dependents could have collected a penny in comparable circumstances.[38] Owners were also responsible to a father in the case of a minor who stowed away if the ship had an opportunity to send the boy home but failed to do so.[39]

Sometimes owners found they had to pay what amounted to double wages as a consequence of shipping a minor without the father's permission. One James W. Luce of Edgartown signed on the bark *Platina* in 1850. When the vessel was homeward bound, he accepted his discharge and full lay of $578.80 in Chile in order to go on another voyage. The father told the court he had been counting on the boy's earnings "to pay for some land which he had added to his farm." The court awarded the father twelve dollars a month for the period that his son was at sea and under the age of twenty-one.[40]

A tragic case involved a boy who ran away from his father's employ in Palmer, Mass., in September 1850 and shipped on a whaler in New Bedford. Three years later the ship was lost with all hands in the Arctic. Judge Sprague, while ruling on the father's action against the ship owners, declared that "when a minor is knowingly withdrawn from the service, society and control of his father, the latter may have an action, not only for the value of his services, but damages for the loss of his society, and of the opportunity of directing his education and training."[41] Ironi-

cally, a dead minor was more valuable than a dead adult for whom heirs could collect no damages unless they could prove gross negligence or brutality.

The court records lead to the conclusion that it was common for boys in their teens, signing for a voyage in ignorance and hope of adventure, to discover that they were trapped. Merchant voyages could prove equally distasteful, but they were relatively short. Whaling voyages went on for years. In one case a youth of thirteen signed as a cabin boy on the bark *Belle* of Fairhaven for a voyage not to exceed four years. But at the end of four years the whale oil was shipped home and the *Belle* continued whaling for another four years. The boy signed for the second hitch, but at the end of eight years found that the owners were trying to cheat him of his rightful lay. The court agreed, and also lamented that there was no way to compensate the boy for the loss of education and separation from home for such a long period.[42]

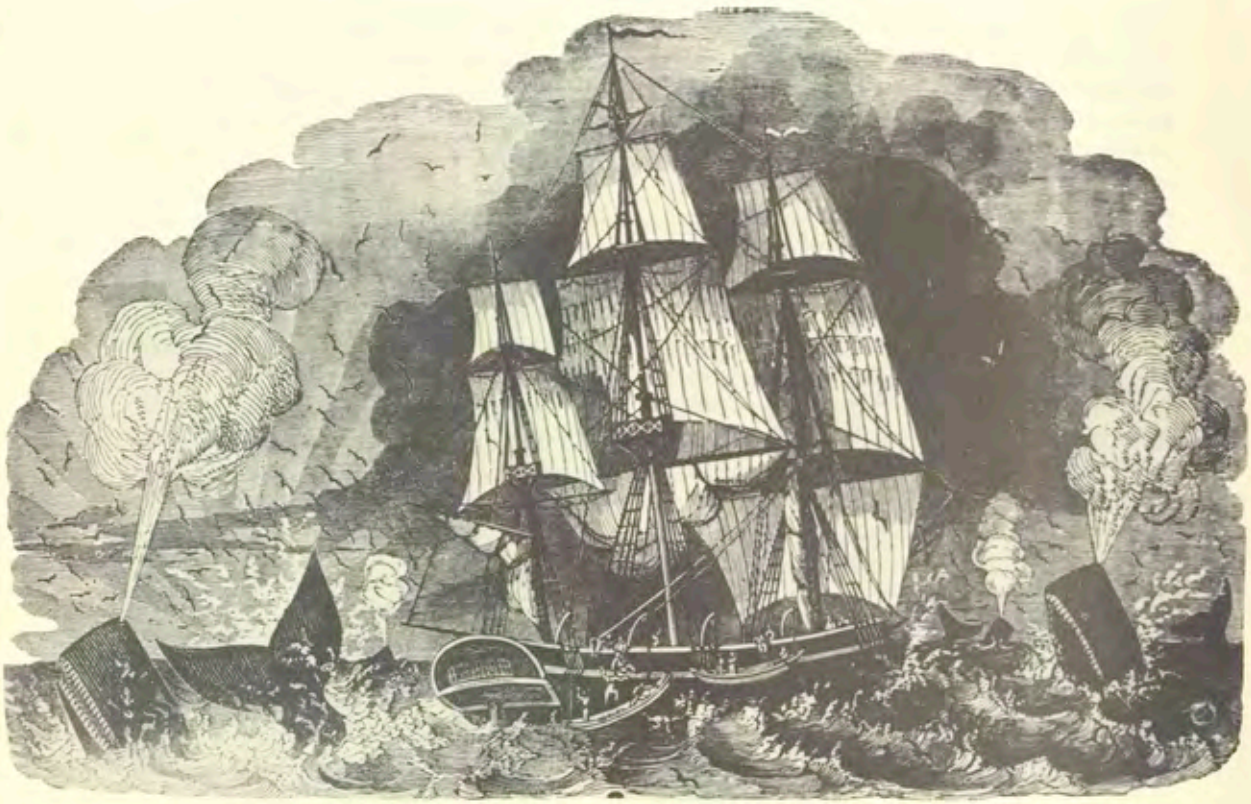
The most numerous category of cases flowed from disputes over the precise amount a seaman had earned. The courts almost always favored the wage earner over the owner. Thus, owners were required to pay off in cash immediately after the end of the voyage. They could not wait for the price of oil to go up[43] or withhold payment because the catch had been sold on credit.[44] When a man was paid off at a foreign port, Honolulu for example, the lay was to be calculated on the basis of New Bedford prices.[45] Lays must be fairly increased to reflect mid-voyage promotions.[46] Seamen could not be victimized by hiding unfair and unusual clauses in the shipping articles,[47] nor cheated by disingenous calculations when they signed for less than a full voyage.[48] Occasionally the courts provided some protection against landsharks, as in the 1852 case when Judge Sprague threw out an agreement by which a seaman signed over his entire lay for a three-year voyage to a merchant in return for some shoddy goods.[49] The amounts whaling seamen earned were pitifully small, even without the greed and dishonesty of some owners. Without the protection of the courts, the seaman's financial plight would have been even worse.

Another very common type of dispute arose between different vessels over the ownership of whales—usually where one vessel picked up or killed an animal struck first by another. The courts held fast to the principle that the "iron holds the whale." i.e. the whale belongs to the vessel which strikes it first, as long as a claim is made before the second vessel begins the "cutting in" process. If a second vessel wrongfully converted a whale, the rightful owner was to receive the value of the oil and bone at New Bedford prices less the cost of cutting in, boiling, insurance, and 6 percent.[50]

The preceding discussion covers the main issues which came up again and again in whaling cases. Scattered cases, however, provide glimpses of a variety of special situations. The hunt for sea elephants on aptly

"Young boys often went whaling . . ." On board the whaling bark California, *ca.* 1900. (47.1596.15)





"The norm on the best of ships was danger, bone weary fatigue, and poor pay." Tripp Collection. (73.899.352)

named Desolation Island is well described in Mayshew v. Terry (1861)[51] while the shore-based hunt for finback whales out of Provincetown is the setting for Ghen v. Rich (1881).[52] One ship, the bark *Augusta*, was forfeit to the United States because her apparent intention to go whaling out of Greenport, N.Y., was a cover for the slave trade. The judge noted that the nature of the vessel, her equipment, the decline of the whaling industry in 1861, and her improbable one-year announced voyage all indicated that whaling was a ruse.[53]

• • •

Court cases confirm and add ample details to the bleak picture presented by Elmo Paul Hohman in his classic *The American Whaleman: A Study of Life and Labor in the Whaling Industry* (New York, 1928). But do court cases, dealing by definition with things that went wrong, exaggerate the hardship, suffering, brutality, and meanness of whaling life? Can one generalize about what was normal on the basis of the abnormal? Yes, if one looks behind the events of each case to the implicit revelation of what contemporaries considered normal. The norm on the best of ships was danger, bone-weary fatigue, and poor pay. There was little comfort or romance whether or not a situation led someone to complain in court.

Testimony from court cases offers the historian hundreds of voices from the forecastle. Nowhere else is there such a large, untapped concentration of material expressing the seaman's point of view. The typical seaman lacked the skill, inclination, and facilities to

write and preserve a detailed account of his life. We do have Melville's incomparable *Moby Dick* and valuable firsthand accounts by Francis Allyn Olmsted and J. Ross Browne.[54] But these were atypical men. The conversion of their experience into words on the written page was a basic purpose. We bless them for that, while realizing that they were uncommonly sensitive, witty, and articulate. They lived briefly in the forecastle, but were far less representative than the hundreds of unfortunates who unfolded their travails in court.

Court records help us understand the quality of whaling life, but they fail us entirely on the quantitative side. How many seamen were cheated of their lays, beaten, abandoned, forced to serve on unseaworthy vessels etc.? We do not know, but we are safe in saying that there were far more injured and aggrieved men than ever appeared in court. The deserters and the dead were not heard of again. Countless others were too ignorant, poor, and discouraged to go to court. In order to bring an action against a captain or ship's owner, a man had to return to an appropriate district (usually the district in which the ship's home port was located) be able to remain there for the course of a trial, and persuade a lawyer to take the case. How many penniless, inarticulate waifs of the sea, or farm boys who never wanted to see salt water again, could meet those conditions? In general, the higher and more stable a man's status, the easier it was for him to get a hearing in court. This explains why so many cases involved officers against each other, skilled ratings (coopers, carpenters, cooks) and fathers seeking their sons' wages. It is possible, therefore, that the real condition of the common seaman in the whaling industry may have been worse than the court sources suggest, because the typical seaman with a grievance may seldom have been able to press his case in court.

The great majority of decisions in whaling, as in all maritime cases in the nineteenth century, favored the underdog: seamen, subordinate officers against captains, captains against owners. Decisions against seamen were likely to involve serious crimes such as murder or mutiny rather than questions of right. Two factors explain this apparent pro-underdog tendency. First, lawyers took

"The great majority of decisions in whaling . . . favored the underdog; seamen . . ." Scrimshawed whale's tooth. (39.1756)



seamen's rights cases on a contingent fee basis. How else could an impoverished seaman pay? Thus, lawyers took those cases which they believed they could win and rejected those in which the seaman's case was weak. Second, the judges who decided whaling cases—Joseph Story, Peleg Sprague above all, and John Lowell—believed that the courts had a responsibility to protect seamen, wards of admiralty, because lack of education, character, situation, and financial and political weakness made them peculiarly vulnerable to exploitation.

The historian of whaling cannot write exclusively from one type of source. He must combine, compare, crosscheck, and criticize every conceivable piece and type of evidence. Court records are an essential ingredient in this process. Without them our knowledge of whaling would be less complete.

NOTES

[1] L. Kinvin Wroth and Hiller B. Zobel, eds., *Legal Papers of John Adams* (Cambridge, 1965), II, 68–97.

[2] Hussey v. Allen, 6 Mass. 163 (1809). This paper employs standard legal citations. Thus, the report on the case of Hussey v. Allen appears in volume 6 of the reports of the Massachusetts Supreme Court beginning at page 163. Decision was rendered in 1809. Most of the citations below are to reports gathered in the thirty huge volumes which collect, in alphabetical order, cases in the federal district and circuit courts before 1880. The style is Reed v. Hussey, 20 Fed. Cas. 440 (1836), i.e. volume 20 of *Federal Cases* beginning at page 440. Cases after 1880 appear in chronological order in *Federal Reports* and are rendered thus: Brown v. Hicks, 24 F. 811 (1885).

[3] Fanning v. Chadwick, 20 Mass. 420 (1826).

[4] Reed v. Hussey, 20 Fed. Cas. 440 (1836).

[5] The *Harvest*, 11 Fed. Cas. 726 (1848).

[6] Two Hundred and Ten Barrels of Oil, 24 Fed. Cas. (1844).

[7] The *Holder Borden*, 12 Fed. Cas. 331 (1847).

[8] Jones et al v. the *Richmond*, 13 Fed. Cas. 1008 (1853).

[9] Case unreported.

[10] 60 U.S. 150 (1856).

[11] The *Antelope*, 1 Fed. Cas. 1044 (1867).

[12] Swift v. Brownell, 23 Fed. Cas. 554 (1875).

[13] The *Mabel*, 22 F. 543 (1884).

[14] Burdett v. Williams, 27 F. 113 (1886).

[15] A Lot of Whalebone, 51 F. 916 (1892).

[16] U.S. v. Coffin, 25 Fed. Cas. 485 (1833).

[17] Pettingill v. Dinsmore, 19 Fed. Cas. 392 (1843).

[18] Cushman v. Ryan, 6 Fed. Cas. 1070 (1840).

[19] U.S. v. Cutler, 25 Fed. Cas. 740 (1853).

[20] Payne v. Allen, 19 Fed. Cas. 11 (1855).

[21] Babcock v. Terry, 97 Mass. 482 (1867).

[22] Roberts v. Eldridge, 20 Fed. Cas. 889 (1843).

[23] U.S. v. Givings, 25 Fed. Cas. 1331 (1844). See also the *Hibernia*, 12 Fed. Cas. 112 (1844), in which the men, having been acquitted on the charge of mutiny, were successful in being awarded their full lays.

[24] U.S. v. Plumer et al., 27 Fed.Cas. 561 (1859).

[25] Macomber et al. v. Thompson, 16 Fed. Cas. 337 (1833).

[26] Hussey v. Fields, 12 Fed. Cas. 1061 (1858) for death of a master and U.S. v. Cassedy, 25 Fed. Cas. 321 (1837) for illness.

[27] Brown v. Smith, 66 Mass. 366 (1853).

[28] Parsons v. Terry, 18 Fed. Cas. 1269 (1866).

[29] U.S. v. Parsons, 27 Fed. Cas. 452 (1866).

[30] Brown v. Hicks, 8 F. 155 (1881) and 24 F. 811 (1885).

[31] Morris v. Cornell, 17 Fed. Cas. 814 (1843).

[32] Coffin v. Jenkins, 5 Fed. Cas. 1188 (1844).

[33] Antone v. Hicks, 1 Fed. Cas. 493 (1874).

[34] Brunet v. Taber, 4 Fed. Cas. 481 (1854).

[35] U.S. v. Netcher, 27 Fed. Cas. 89 (1840).

[36] Jay v. Almy, 13 Fed. Cas. 387 (1846).

[37] Bates v. Seabury, 2 Fed. Cas. 1025 (1858).

[38] Coffin v. Shaw, 5 Fed. Cas. 1201 (1856); Gifford v. Kollock, 10 Fed. Cas. 341 (1856); Lovrein v. Thompson, 15 Fed. Cas. 1005 (1857).

[39] Luscom v. Osgood, 15 Fed. Cas. 1115 (1844).

[40] The *Platina*, 19 Fed. Cas. 813 (1858).

[41] Cutting v. Seabury, 6 Fed. Cas. 1083 (1860).

[42] Allen v. Hitch, 1 Fed. Cas. 474 (1854).

[43] Bourne v. Smith, 3 Fed. Cas. 1011 (1871).

[44] Crowell v. Knight, 6 Fed. Cas. 910 (1874).

[45] Hathaway v. Jones, 11 Fed. Cas. 816 (1863); Jenks v. Cox, 13 Fed. Cas 537 (1872).

[46] The *William Martin*, 29 Fed. Cas. 1315 (1858).

[47] Matern v. Gibbs, 16 Fed. Cas. 1092 (1847).

[48] Tompkins v. Howard, 24 Fed. Cas. 38 (1849).

[49] The Bark *Rajah*, 20 Fed. Cas. 193 (1852).

[50] Taber v. Jenny, 23 Fed. Cas. 605 (1856); Swift et al. v. Gifford, 23 Fed. Cas. 558 (1872); Bourne v. Ashley, 3 Fed. Cas. 1002 (1863).

[51] 16 Fed. Cas. 1270 (1861).

[52] 8 F. 159 (1881).

[53] U.S. v. the *Augusta*, 24 Fed. Cas. 892 (1861).

[54] Olmsted, *Incidents of a Whaling Voyage* (New York, 1841; reprinted Rutland, Vt., 1969); Browne, *Etchings of a Whaling Cruise* (New York, 1846; reprinted Cambridge, Mass., 1968).

# Nautical Antiquities

*By* JOSEPH H. COOPER



Corporate Seal of Dover, England, 1284 A.D.
Ink sketch by W. Spencer Wright. (57.510.51)

Every so often it is suggested that we imagine ourselves shipwrecked on a deserted island. We're then asked to name the books we'd most like to have to keep us company. The *Bible* is almost always the number one choice, followed by various epics and classics (the kind librarians would approve of and which are of little interest to television networks). Such selections may be our way of affecting erudition, but they also bespeak a recognition of the sources for much of our wisdom. As to the oceans and efforts to ply them, ancient authors offer insights and make observations that are telling even today.

A graduate of the University of Pennsylvania's Wharton School and Law School, Joseph Cooper's vocations have included being a Philadelphia lawyer and a Washington speechwriter, among his avocations, sailing on the Schuykill and Delaware Rivers. He is currently on the staff of *The New Yorker*.

For origins, we can turn to the Book of Psalms and read that "The sea is his, for he made it; for his hands formed the dry land." In Ecclesiastes it is noted that "all the rivers run into the sea, yet the sea is not full." In Genesis, however, we learn about an ark and rising waters; in Exodus, there is a parting of the waters ("a strong east wind" is employed) and Matthew tells us of a walk on the water ("in the fourth watch"). Another passage in the Book of Matthew served as the origin for rhyme "Red sky at night, sailor's delight; Red sky in the morning, sailor take warning.": "When it is evening, you say, 'It will be fair weather; for the sky is red.' And in the morning, 'It will be stormy today, for the sky is red and threatening.'"

Jonah boarded a ship in an attempt to flee from the Lord, who then "hurled a great wind upon the sea" causing "a mighty tempest on the sea, so that the ship threatened to break up." The account continues, "Then the mariners were afraid, and each cried to his god; and they threw the wares that were in the ship into the sea, to lighten it for them." The great wind did not abate and "the sea grew more and more tempestuous." Finally, the men "took up Jonah and threw him into the sea; and the sea ceased from its raging."

Jonah-like man-overboard ordeals, it's safe to say, are certainly not common. Yet who among us has not been awed by and marvelled at the sea—and shared these sentiments from Psalms:

> "They that go down to the sea in ships, that do business on great waters;
> These see the works of the Lord, and his wonders in the deep.

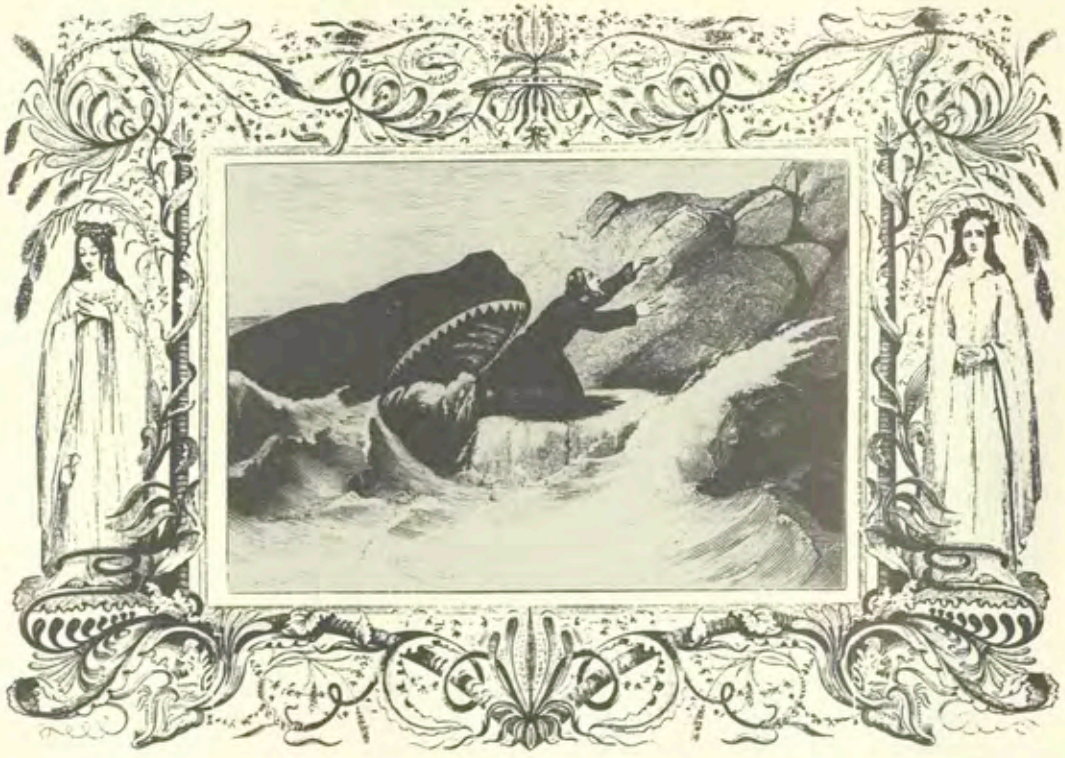
> For he commandeth, and raiseth the stormy wind, which lifteth up the waves of the sea.
> They mount up to the heaven, they go down again to the depths . . .
> They reel to and fro, and stagger like a drunken man, and are at their wit's end . . .
> He maketh the storm a calm, so that the waves thereof are still."

Who among us has not thought or spoken of—as put in Proverbs—"the way of a ship on the high seas." It is listed as one of the four wonders, along with "the way of an eagle in the sky, the way of a serpent on a rock, and the way of a man with a maiden." Good company.

Such wonderment was also recorded in ancient classics. The Greek epic poet Homer wrote of "ploughing the watery deep," "the loud-resounding sea," and a "a brisk west wind that sang along the wine-dark sea." The *Odes* of the Roman poet Horace tell of "embarking upon the boundless sea," warn that "the hungry sea is fatal to sailors," and advise, "Wisely reef thy sails when they are swollen by too fair a breeze."

It is surprising just how many basic sailing principles and good nautical counsel can be found in the writings of antiquity. Plautus, the comic dramatist of ancient Rome, offered these pointers: "The seaman sets his sails to suit the wind" and "From whatever direction the wind is, the sail is shifted accordingly." A lyric poet by the name of Ibycus observed that "every reef may be safely let out so long as the sail clears the top of the wave." However, in *Electra*, the Greek tragic poet Sophocles cautioned, "In troubled waters 'tis best to shorten sail." Another precautionary hint was offered by Publilius Syrus in one of his *Maxims*: "It is well to moor your bark

Jonah and Friend. Illustration from *The Illuminated Bible*. Harper & Brothers, 1846.



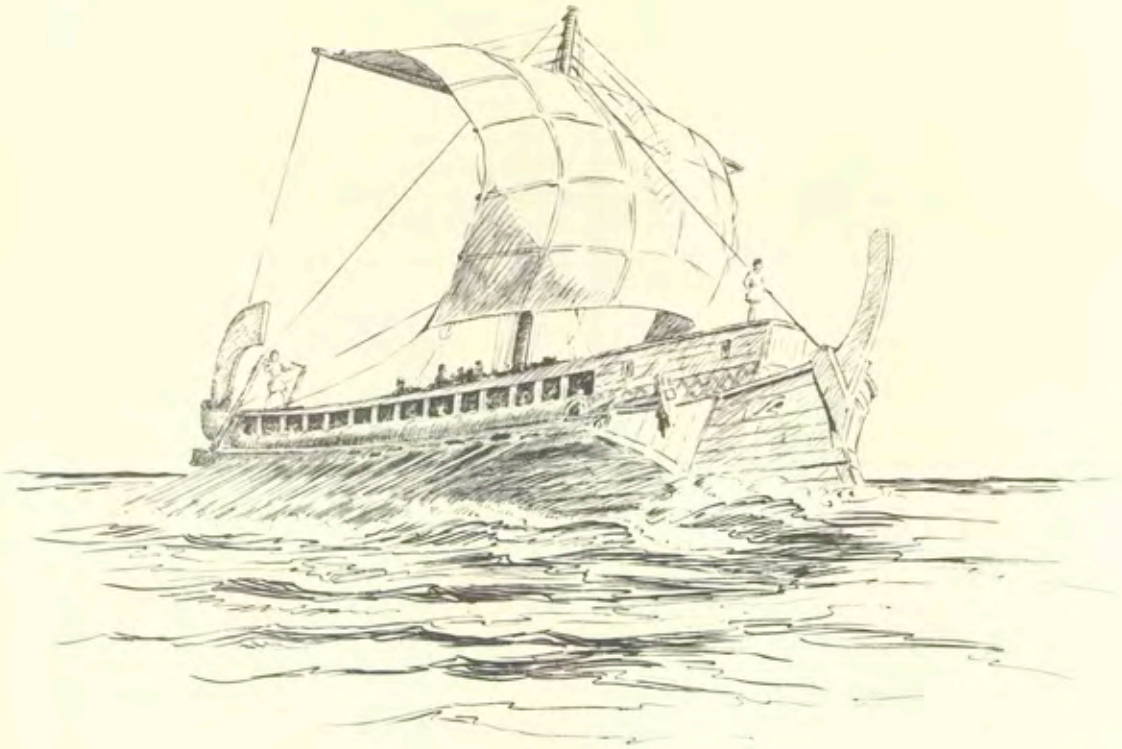
with two anchors." In the same wake was Virgil's advice, given in the *Aeneid*, "Hug the shore, let others keep to the deep." Another Roman poet, Ovid, put it quite simply—"Seek, sailor, the safe harbors."

The theme of the sea's ominousness recurs often. The Latin poet and philosopher Lucretius wrote, "Pleasant it is, when winds disturb the surface of the vast sea, to watch from land another's mighty struggle." Even less encouraging was Phalaecus's view: "On land there is length of days, but on the sea it is difficult to find a man with a gray hair." Yet with the dread came the dream; and from reverence, some relief and rejoicing. In Plautus's words, "There is no pleasure sailors have greater than sighting from the deep the distant land." And caution was occasionally thrown to the wind, and the adventure was celebrated. Ovid heralded, "We have ploughed the vast ocean in a fragile bark." And Juvenal (who, we must remember, was a satirist) really seemed to get into the spirit of things when he urged, "Up with your sails, shake out every stitch of canvas."

"A great pilot can sail even when his canvas is rent" were the words of acclaim from Seneca, the Roman philosopher and tragedian. Yet, lest we court tragedy, we turn to Publilius Syrus, who admonished, "Anyone can hold the helm when the sea is calm." Plutarch, the great biographer, recorded these thoughts about the helmsman's consequence: "The pilot cannot mitigate the billows or calm the winds." And, curiously, it was the Athenian statesman and lawmaker Solon who, to my way of thinking, put it most poetically. He scribed, "By winds the sea is lashed to storm, but if it be unvexed, it is of all things most amenable."

Cicero, the Roman statesman and orator, wrote of "sailing gaily before the breeze."

"Ploughing the watery deep." Greek ship of the classic period. Ink sketch by W. Spencer Wright. (57.510.28)



The Greek poet Pindar turned the metaphor, "Like a steersman, set free thy sail to catch the breeze." The Greek dramatist Euripides may have coined the adage "The sea doth wash away all human ills." The phrase "the old man of the sea" can be found in the *Odyssey* by Homer; Terence is credited with "My ship's in port"; and "To be in the same boat" is attributed to Herodas. And while there have been numerous references to "the ship of state," we can trace the saying's origin back to Sophocles, who wrote in *Antigone*, "Sirs, the vessel of our State, after being tossed on wild waves, hath once more been safely steadied by the gods (who set her on an even keel)."

Yet there seem to have been more accounts of less fortunate vessels. Publilius Syrus (his *Maxims* might well have been used in the first century B.C. by the Roman Coast Guard) noted that "He who makes shipwreck a second time wrongly accuses Neptune." Quintilian (Roman Power Squadron, first century A.D.) wrote of "making shipwreck in port" and concluded, "He who runs his ship ashore while leaving port is certainly the least efficient of pilots."

Then, as now, efficiency is only one aspect of seamanship. In the days before Dramamine (A.D., After Dramamine; B.C., Bonine Crisis), Horace asked, "What of the poor man? He hires a boat and gets just as sick as the rich man who sails in his yacht." And in one of the earliest cases of hard-nosed investigative reporting, Seneca (a Roman statesman commenting upon the works of a Greek poet) came up with this expose: "You may be sure that the reason Ulysses was shipwrecked on every possible occasion was not because of the anger of the sea-god; he was simply subject to sea-sickness."

"Sailing gaily before the breeze." Small Roman merchantman.
Ink sketch by W. Spencer Wright. (57.510.32)



# BOOK REVIEWS

*Boats, Oars, and Rowing* by R. D. Culler (Camden, Maine: International Marine Publishing Co., 1978. ix + 149 pp. Illustrations, plans, index. $10.95)

With this book "Pete" Culler brings the revival of interest in traditional rowing craft a stroke closer to maturity. The seeds of that revival were planted by the research of Howard Chapelle, and were nurtured by L. Francis Herreshoff's encouragement of sensible designs and sound construction methods for small craft. The small craft movement bore fruit through the efforts of John Gardner and others (including Culler himself) who made practical methods of wood boat construction widely accessible. Now Mr. Culler begins the harvest with this concise guide to the selection, care, use, and enjoyment of traditionally designed recreational rowing craft.

The book is written for the person actually interested in getting into a boat and going rowing, not for the boatbuilder, the competitive rower, or the small boat collector. The author does not try to arouse interest in rowing by extolling at length the glories and rewards of the sport, although he effectively suggests to the reader the pleasures to be derived from this basic and timeless form of transportation. The text is well organized and sharply focused; very little of importance to the subject has been neglected despite the book's small format and short length.

The discussion of boats centers on designs having their origins in working craft: dories, sharpies, Jersey skiffs, Whitehalls, and many others; all of them simple boats, the sort of boats people can build for themselves. The rowing qualities and seakeeping abilities of each type are analyzed and compared, with many simple but effective lines plans of the various designs illustrating the text. Comments about construction details and techniques are limited; these subjects not really being within the scope of this volume. An appendix at the end of the book contains complete plans of many of the author's designs for rowing.

Mr. Culler is highly regarded as an oarmaker; and as one might expect, the chapter on the design and construction of oars is excellent, probably the best guide to this subject available in print. Materials, layout, tools, shaping, and finishing are covered, along with information on weight, balance, and length determination. A short aside on oar decorations is included. Good oars require effective methods of pivoting and attachment, and the author devotes considerable space to a discussion of oarlocks, tholes, and sculling gear. After a page or two lamenting the unavailability of good stock oarlocks and several more pages of illustrations showing gear now unobtainable, he settles down to a detailed, although somewhat sparsely illustrated, description of equipment which is available, or which can be made by the rower. His rules for thwart placement, height, and width will be of interest to the designer and the builder as well as to the rower. This section is filled with useful information, spiced with historical notes about rowing equipment, and concludes with a short summary on sailing rigs for rowing craft.

The author next turns his attention to rowing techniques, showing insights gained through years of experience handling small craft. The reader learns about boathandling in currents, surf, and winds, and about oar strokes for different boats and sea conditions.

Mr. Culler's writing is as easy to read as his boats are to row. His style is somewhat folksy, laced with an occasional dose of sarcasm, and is reminiscent of the style of the late L. Francis Herreshoff. The author includes a short chapter on the double paddle canoe, a type of boat championed by Mr. Herreshoff (see *The Log* vol. 26, no. 3, Fall 1974) and he concludes the book with a narrative about a rowing cruise similar to the excursion incorporated into the Seaport's Small Craft Workshop. Mr. Culler's description of the cruise contains many observations on the finer points of rowing, and gives more than a hint of his genuine enthusiasm for the sport. No doubt many an impromptu moonlight rowing jaunt will be inspired by an evening spent reading this book.

It is unfortunate for the reader and for the author that the publisher was not more careful about putting this book together, particularly

with respect to the illustrations. Many of the photographs of boats are fuzzy, improperly exposed, or poorly composed. One is mislabeled, many are just too small to show any detail. Some of the plans in the appendix are poorly reproduced, with lines or construction details washed out. Additional illustrations would have helped in many cases, especially in chapters about boats and equipment. Where the author's simple sketches are used, they are clear and easy to understand, despite being a bit crude; more of these in the right places could have effectively amplified many details. The overall impression is that the composing work was rather careless, and the results do not do justice to the text.

If a single phrase could summarize Mr. Culler's writing, the boats, gear, and techniques about which he writes, and indeed the entire book, it would be one which aptly describes the process of rowing itself, and which has become the author's trademark: "simple and uncomplicated."

*Edward F. McClave*

*The Proper Yacht* by Arthur Beiser. (Camden, Maine: International Marine Publishing Co., 2nd edition, 1978. 364 pp. Illustrations and index. $25.00)

Over my fifty years of sailing, I have come to know many of the great American sailors and yacht designers who have preserved America's supremacy in the twentieth century as a yachting nation. Unfortunately, I have never met Arthur Beiser; but I have come to have a strong affinity for him through his writing, notably the first edition of *The Proper Yacht*, published some twelve years ago, and more recently, *A Sailor's World*, a gorgeous book that brings endless pleasure to me.

Dr. Beiser's latest book, *The Proper Yacht*, second edition, should now, in my opinion bring to him some kind of triple crown award. It is, in essence, two books in one; the first part being devoted to a careful analysis of the latest developments in sailboats, hulls, materials, rigs, sails, engines, and electronics; and the second part a meticulous collection of some fifty-eight examples of the finest modern cruising boat designs which meet the author's stringent criteria of what constitutes the proper yacht of today. It is a book that should bring a wealth of information and provide broad appeal to all dedicated sailors, especially the younger, less experienced sailors who are casting about for a new boat and are confused by the perplexing array of zany designs that contaminate today's market. Part of the book is precautionary, in which the author pinpoints the pitfalls facing anyone buying a boat today, whether it is his first, his third, or his fifth. He holds no brief for faulty design, inferior construction, or witless gadgetry. He throws some well-aimed broadsides at the growing trend to design and build ultimate racing machines that look awful, go like hell, but are uncontrollable, unsafe, uncomfortable and are dismasted or break up at the first big puff or big sea that hits them. He searches for boats that are pleasing to the eye, perform well with minimum crew, can go anywhere with comfort and safety, and can be a joy forever. He admits that the proper yacht is costly; but he then shows how to get more boat for less initial outlay, and how to plan ahead for additional inventory at a propitious time. Since any yacht, even a proper yacht, is a compromise, Dr. Beiser dwells on stability and balance, draft versus waterline length, beam versus waterline, displacement, ballast ratios, sail area-displacement ratios, etc., and provides tables which give acceptable variances for boats of thirty-to-sixty-feet overall. He discusses the pros and cons of hull material (wood, steel, aluminum, fiberglass, ferrocement) and the various construction techniques used here and abroad.

In discussing the broad aspects, the author does not neglect minute detail that he deems important. For example, he recognizes that sail fabric is stronger than the stitching and sails blow out along the seams; he, therefore, advocates three rows of stitching, not the normal two, and the threads should be a different color from that of the cloth so any damage can be quickly detected. If a sailmaker refuses to use a different colored thread, it is probably because he dosen't trust his employees to sew a straight line, and Dr. Beiser wryly suggests going to another sailmaker.

Lest this review lends the impression that *The Proper Yacht* is written for the expert, the designer, and builder, I hasten to add that Dr. Beiser is really speaking to us sailors and the skippers. He writes with clarity and humor, admittedly subjectively, but from a lifetime of experience and the deep seated premise "that no object created by man is as proper and satisfying

to his body and soul as a proper sailing yacht." I venture to say that nothing could please Arthur Beiser more than the knowledge that, through his successful quest for a perfect cruising boat, he has helped us in our search.

*The Proper Yacht* should find its place beside *A Sailor's World* in the well-found library of every sailing buff, whether he actually sails or only dreams.

*Waldo C. M. Johnston*

*Successful Celestial Navigation with H.O. 229.* By G. Dale Dunlap (Camden: International Marine Publishing Company, 1977. 152 pp. Illustrations, glossary, index. Cloth $15.00)

The dust jacket flap inside the front cover states: "for learning navigation, only this book is required. . . . This is a self-contained manual for learning to navigate by celestial bodies. It makes understanding navigation simple and straightforward."

The material covered in this book forms the nucleus of a series of classroom lectures that the author has given as part of a celestial navigation course. Used in conjunction with classroom lectures, this book would be helpful to the neophyte, also the out-of-practice navigator needing a quick review. It would, however, be somewhat frustrating to the beginner who is trying to self-teach and understand celestial navigation.

One of the most annoying aspects of the book is the absence of page numbers on many pages. Sometimes their omission is downright confusing. Of 152 pages, 10 text pages and 27 pages of tables or figures are not numbered.

Excerpts from the *Nautical Almanac* and *Hydrographic Office Publication no. 229* are widely dispersed through the book and identified only by table or figure number. When working the problems in chapter 9, one wastes much time hunting for the appropriate table when page numbers could so easily solve the problem.

The beginner will really be stymied when he attempts to work the plotting problems on pages 93, 121, 123, and 125. The plots are all printed to different scales and no longitude scale is included. The longitude scale printed on page 89 is to another size! If all plots had been printed to the same scale, then a small 641 plotter could have been included with the book, that being the primary plotting device advocated by the author.

On page 16, it is stated: "Figure 1-19 illustrates the relationship between nautical miles and minutes of arc. . . ." In fact Figure 1-19 shows examples of great circles. Nowhere is the important relationship between the nautical mile and minute of arc on a great circle explained. On page 44, the author states: "It is considered good practice to sketch a time diagram for each observation." Yet when chapter 9, "The Complete Celestial Solution," is read, one finds no time diagrams are used for the sample problems. The discussion of dip and related figure 5-9 do not clearly state nor label what dip is, although the cause is mentioned and the means of locating the correction in the dip table is clearly covered. On page 83, it is incorrectly stated that the double second difference is always negative and must be subtracted from the tabulated Hc. Although the double second difference is always negative, the double second difference correction is always added to the tabulated Hc. On page 85, the last sentence which in part reads: ". . . therefore 6 miles toward the Zn . . ." should read: therefore 6 miles away from the Zn.

These and other such stumbling blocks provide sufficient frustration to the novice causing him to abandon the study of celestial navigation as a self-teaching venture or, more constructively, cause him to enroll in a formal course!

The book in its basic concept is good, sticking basically to use of the *Nautical Almanac* and *H. O. 229. A* second edition will perhaps correct some of the difficulties noted and include more practice problems making the book useful for self instruction. The book contains a very good diagrammatic development of the navigational triangle, good sections on latitude and longitude sights, and helpful sections on the care of the sextant. A good glossary and index complete the book.

*Don Trewor gy*

## BOOK ANNOTATIONS

*Service Etiquette* by Oretha D. Swartz. (Annapolis: Naval Institute Press, 1977. Third edition. xiv + 582 pp. Illustrations, tables, index. $14.95)

A military manners manual revised and ex-

panded to include more about women officers, the Reserves, the retired, and the Maritime Services. Primarily written to introduce young officers (and their spouses) to a social way of life that may be theirs to enjoy for a two-decade career or more. The book is divided into twenty sections, and delves deeply into such diversities as dinner parties and death.

*The Only Way to Cross* by John Maxtone-Graham. (New York: Macmillian Publishing Co., Inc., 1978. 434 pp. Illustrations, bibliography, and index. Reprint. Hardback $13.95. Paper $7.95)

From the *Mauretania* to the *QE2* (there is also an overview chapter of several sailing decades of the 1800s) John Maxtone-Graham chronicles the lives and losses of twentieth-century liners with a loving and familiar pen. Throughout the book he vividly presents constructions, christenings, crossings, and, sadly, a few cremations.

*The Only Way to Cross* was written by a man with first class sensibilities, as well as sensitivities to the black gang and immigrant below. Charles Mewes' interior design of German liners is very well treated, and in one instance Cunard is brought to task for paying the government of Austria-Hungary stipends for immigrant quotas which ". . . rooted out thousands of undesirables that they were only too happy to be rid of. . . ."

The book is a compendium of the familiar and unfamiliar. An interesting voyage for the reminiscent armchair traveler.

*Penguins, Whalers, and Sealers: A Voyage of Discovery* by L. Harrison Matthews. (New York: Universe Books, 1978. 170 pp. $8.95)

*Penguins, Whalers, and Sealers* is an uneven book. Was it written as a remembrance of shipboard adventures a half-century passed; as a flashback to the then-fledgling naturalist's random thoughts on penguin and mammal life in the Antarctic; or as a partial bittersweet tribute to a lost love? These hermaphroditic rhythms annoy, but the birds' behavior patterns are interestingly told (unfortunately, no pictures appear, even though the author tells us in one chapter that he "shot away at all the interesting things I saw . . . especially the penguins") and the remembered conversations of old salts give an ice-bound history human warmth.

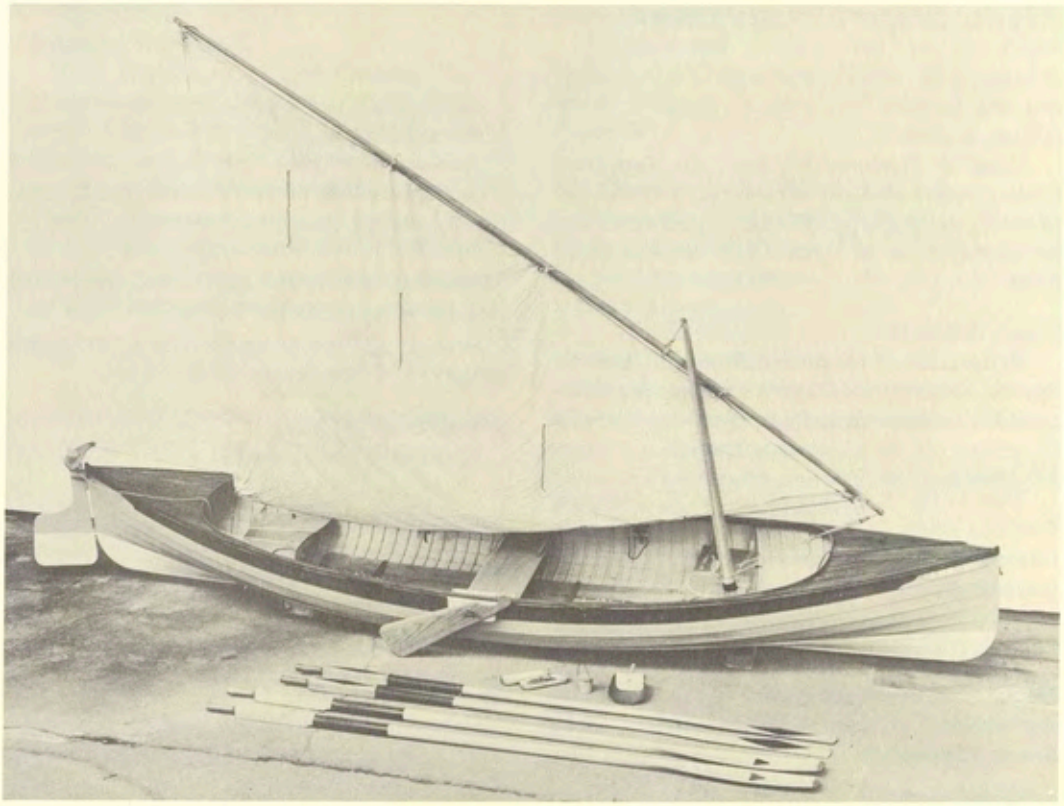
## *In Memoriam:* Robert D. Culler

Robert D. "Pete" Culler died May 1978, at his home in Hyannis, Massachusetts. He is survived by his wife Antoinette "Tony" (Oakert) Culler, and by many devoted admirers.

All too well I know that I have lost an irreplaceable friend. The fact that Mystic Seaport has also lost one of its most enthusiastic and helpful volunteers, may not as yet be so well known. But it will be.

Pete was born 1910 in Oswego, New York, but grew up in Santa Barbara, California. On moving back East—his father was an Army doctor—he spent several years with Chesapeake Bay "Old Timers" building a replica of Joshua Slocum's *Spray*. With this fine little vessel, he and his wife spent seventeen years chartering out of Buzzards Bay and Maine in summer, and the Bahamas in winter. I met them 1940 in Fort Lauderdale; Pete helped me with a boat I was involved with down there. World War II separated us for a few years and during this time Pete built and delivered wooden craft for the Navy. By the time that the 1954 hurricane arrived in New England, Pete had the 50-foot charter schooner "Rigadoon" and I had Concordia boatyard's 40-foot work boat "Fetcher." We were both in Menemsha on Martha's Vineyard when the storm struck. We came out alive, but had to start our working lives anew; he had lost his schooner, and I had lost all but the land of my Padanaram Boatyard. From then on he and I enjoyed working together; sailing, repairing, and building boats. Pete also did a great deal of traditional boat design work, which was in demand throughout the country.

About 1960 Mystic entered our lives. Our interest in the museum fleet was great, but the problems, and the best solutions for same, were often beyond me. Time after time, year after year, with me or on his own, Pete drove to Mystic to share his vast knowledge and understanding, and to help establish the ship-



ACQUISITION: *J. Henry*, pulling boat with sailing rig, built by J. Henry Rushton of Clayton, New York, with new pieces by Robert D. Culler. Length overall, 15'. Beam 38½". Gift of Mrs. Robert D. Culler. (78.101)

yard procedures and ship repair approaches that are now saving our craft, large and small. In his will he left to Mystic those things of his possessions that would be pertinent and useful.

For all traditional boat lovers and builders Pete was an enthusiastic, reliable, and friendly anchor to windward. He will be sorely missed, but fortunately he has left us many fine boats to study, several books of knowledge to refer to, and he also set an example of the old-fashioned straight forward approach to life that will be of everlasting help. For many years now when a boat project comes up in the Howland family, my boys and I subconsciously think first, "how would Pete go at this?" And so Pete will be with us all for generations as yet uncounted.

*Waldo Howland*

# *Mystic Seaport Publications*

Albion, Robert G.

*Naval & Maritime History: An Annotated Bibliography.* (Fourth edition, revised and expanded). 1972. 370 pp. The only comprehensive bibliography in its field. Cloth $13.00. Paper $7.00

Ansel, Willits D.

*Restoration of the Smack Emma C. Berry at Mystic Seaport, 1969–1971.* 1973. 94 pp. Illustrated. 3 foldout plans. Paper $7.00

Dickerman, Marion

*The Three Founders: Charles K. Stillman, Carl C. Cutler, Edward E. Bradley.* 1965. 44 pp. Illustrated. The founders of the Mystic Seaport museum. Paper $3.00

Leavitt, John F.

*The Charles W. Morgan.* 1973. 131 pp. Illustrated. Comprehensive history of the last surviving whaler preserved at Mystic Seaport. Cloth $10.00. Paper $6.00

Meyers, Judith A.

*Waldo the Whale.* 1978. 25 pp. Illustrated. The fictionalized life of a whale in the nineteenth century. Juvenile. Paper $1.35

*Mystic Seaport: A Museum Dedicated to America's Maritime Heritage.*

1974. 35 color and 13 black & white photographs of Mystic Seaport. Paper $2.00

*Mystic Seaport Guide.*

Illustrated. 1976. Paper $1.00

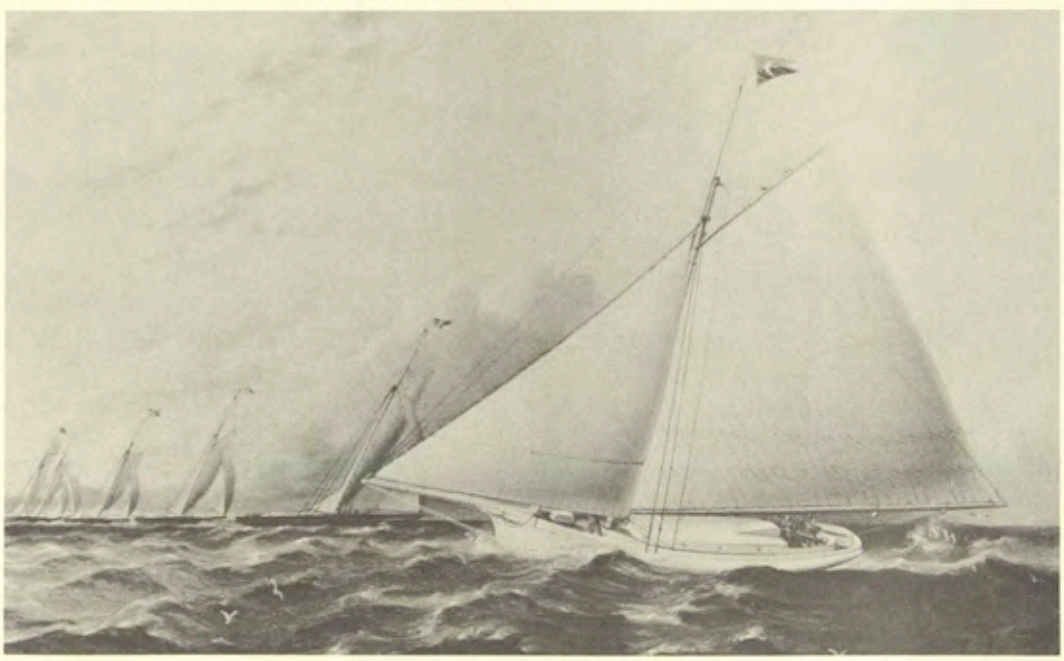
Sargent, Daniel, editor

*The Captain of the Phantom: The Story of Henry Jackson Sargent, Jr., 1834–1862, As Revealed in Family Letters.* 1967. 72 pp. Illustrated. Cloth $5.00

Stackpole, Renny A.

*American Whaling in Hudson Bay, 1861–1919.* 1969. 68 pp. Illustrated. Examination of the

The Yacht *Haswell* under sail, one of the handsome Buttersworth paintings featured in Rudolph J. Schaefer's book *J. E. Buttersworth: 19th-Century Marine Painter.*



Schaefer, Rudolph J.

*J. E. Buttersworth: 19th-Century Marine Painter.* 1975. 274 pp. 221 plates, 24 in color. Life and works of James Edward Buttersworth. Designed and composed by the Anthoensen Press and printed by the Meriden Gravure Company. Cloth $75.00. *Special offer to the members of Mystic Seaport—a 25% discount from this regular price through Christmas*

American whaling industry in Hudson Bay after the American Civil War. Paper $2.50

Thomas, Barry

*Building the Herreshoff Dinghy: The Manufacturer's Method.* 1977. 50 pp. Illustrated. 4 foldout plans. Paper $4.00

*Untapped Sources and Research Opportunities in the Field of American Maritime History: A Symposium.*

1968. 131 pp. Research opportunities from the colonial period to the present. Paper $3.00

## American Maritime Library Series

*Published for Mystic Seaport by the Wesleyan University Press*

(Books in this series are also available in a special limited edition, slipcased, numbered, and signed by the authors. Information regarding these beautiful collector's items are available by writing to the Publications Office at Mystic Seaport)

Albion, Robert G.

*New England and the Sea.* 1972. 303 pp. Frontispiece. 124 illustrations. Index. Story of New Englanders and their involvement with the sea from earliest colonial times to the present. Cloth $15.95. Paper $5.95

Baughman, James P.

*The Mallorys of Mystic.* 1972. 496 pp. Frontispiece. 53 illustrations. Notes. Tables and Figures. Appendix. Bibliography. Index. A story of six generations of Mallorys and their role in America's maritime history. Cloth $22.50

Beck, Horace

*Folklore and the Sea.* 1973. 463 pp. Frontispiece. 20 illustrations. Notes. Bibliography. Index. Legends, stories, and tales of the sea. Paper $6.95

Ely, Ben-Ezra Stiles, Curtis Dahl, editor

*There She Blows.* 1971. 208 pp. 25 illustrations. Appendices. Notes. The author's story of his whaling experiences in the mid-nineteenth century. $10.00

Garitee, Jerome R.

*The Republic's Private Navy.* 1977. 416 pp. Illustrations. Index. Appendices. Notes. Bibliography. A documented study of all aspects of Baltimore's extensive privateering operations on both land and sea. Cloth $17.50

Kochiss, John

*Oystering from New York to Boston.* 1974. 251 pp. 87 illustrations. Charts. Line Plans. Appendix. Bibliography. Records the development of the oyster fisheries from the colonial period to the twentieth century. Cloth $14.95

Leavitt, John F.

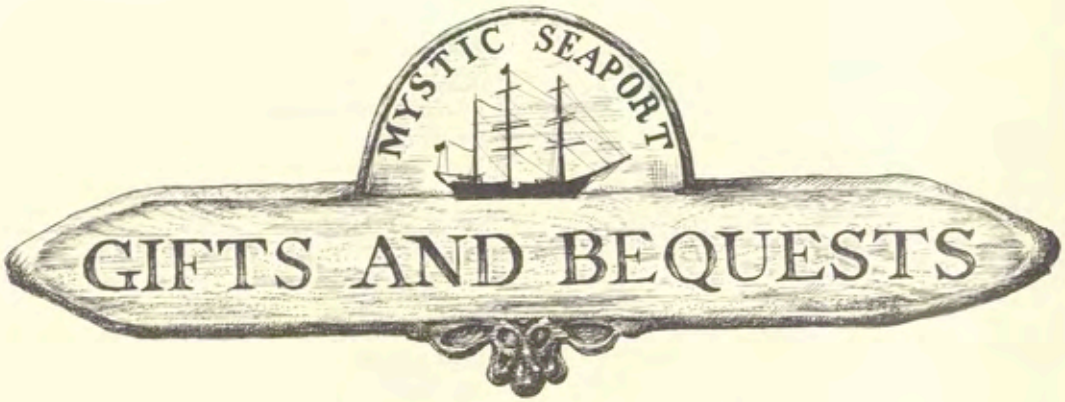
*Wake of the Coasters.* 1970. 201 pp. 104 illustrations. An informal history of New England's coasting vessels. Cloth $14.95

Mjelde, Michael Jay

*Glory of the Seas.* 1970. 303 pp. 54 illustrations. Notes. Bibliography. Index. The story of a great clipper ship and the men who built and sailed her. Cloth $14.95

All Mystic Seaport Publications, the American Maritime Library Series, and books reviewed in the *Log* are available at 10% discount for Members only at the Mystic Seaport Museum Stores. Add $1.00 for shipping and handling. For Connecticut delivery, add 7% sales tax.

CORRECTION: Shrouds were mistakenly called ratlines in the caption on page 44 of the July *Log*. Apologies to Jonathan Harley who wrote the article but not the caption.




## GIFTS AND BEQUESTS

The physical development of the museum—the buildings, ships and wharves, the exhibits, books and manuscripts—give eloquent testimony to the generosity of members and friends of Mystic Seaport. There is a continuing need for gifts and bequests which will help assure its future strength and development through endowment.

Members of the Seaport who have not already done so are urged to perpetuate their interest in the work of the museum through a bequest. Some members will want to make a specific bequest while others may want to designate Mystic Seaport as a residuary or contingent beneficiary of all or a portion of their estate.

Mystic Seaport, Inc. is a publicly supported nonprofit institution and contributions are deductible within legal limits for Federal income tax purposes. Inquiries regarding gifts and bequests are encouraged and may be directed to the Director of Development.

## SUGGESTED FORMS FOR BEQUESTS

*General*

I give and bequeath to Mystic Seaport, Inc., a corporation existing under and by virtue of a charter granted by the State of Connecticut, and located in Mystic (Town of Stonington) in said State, $....., to be used (or the net income to be used) at the discretion of the Trustees of said Corporation.

*Residuary*

All the rest, residue, and remainder of my real and personal estate I devise and bequeath to Mystic Seaport, Inc., a corporation existing under and by virtue of a charter granted by the State of Connecticut, and located in Mystic (Town of Stonington) in said State, said estate to be used (or the net income to be used) at the discretion of the Trustees of said Corporation.

## AN INVITATION TO JOIN MYSTIC SEAPORT

We should like to extend a cordial invitation to like-minded individuals to join with us in programs dedicated to the preservation of our national maritime heritage. Annual dues materially strengthen Mystic Seaport. At the same time, a member receives tangible benefits and privileges:

Unlimited Free Admission to Mystic Seaport during museum hours. (In all classifications above Individual, this applies to the immediate family: husband, wife and their children through the age of eighteen).

*Receipt of* THE LOG *of Mystic Seaport*, a quarterly magazine devoted to articles on maritime subjects.

*Receipt of the* WIND ROSE, the Seaport's newsletter, reporting on current museum activities and personnel.

*A 10 Percent Discount* on purchases at the Mystic Seaport Museum Stores, Inc.

*Purchase of Guest Ticket Books* at substantial savings.

*Eligibility for Subscriptions* to the Adventure Series, illustrated lectures for armchair travelers.

Memberships are available in the following categories:

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|---|---|---|---|
| Individual | $15.00 | Sustaining | $ 100.00 |
| *Resident Family | 20.00 | Associate | 250.00 |
| Family | 25.00 | Life | 1000.00 |
| Participating | 50.00 | Benefactor | 5000.00 |

Contributions to Mystic Seaport are deductible within legal limits for U.S. income tax purposes. Please make your check payable to Mystic Seaport, Inc. and send to: Membership Office, Mystic Seaport, Mystic, Connecticut 06355

*Available to year-round residents of Groton, Ledyard, North Stonington and Stonington.





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