


1861

Journal of Fishing Voyage, Schooner Speedwell, 1861

William E. Rand

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Journal of a Voyage.

In Fishing *Lehr Speedwell*

Of *Southport*

Commanded by *William G. Kennedy*

1861

Boothbay
Region
Historical Society

JOURNAL OF A VOYAGE

FROM Southport TO The Banks IN

THE FISHING Sho Speedwell

OF Southport

COMMANDED BY William E. Hand

BEGUN Apr the 19th 1861, AND TERMINATED 18

KEPT BY

William E. Hand

Southport

BOSTON:

S. G. SIMPKINS,

Stationer,

132 STATE STREET.

1860.

CIRCULAR INSTRUCTIONS OF THE TREASURY DEPARTMENT, TO CERTAIN COLLECTORS OF THE CUSTOMS, RELATIVE TO FISHING BOUNTY ALLOWANCES, DATED JUNE 1, 1856.

1. To entitle fishing vessels to the allowance of bounty, the laws require that they shall have been exclusively employed in the Cod fishery at sea a specified period between the last day of February and the last day of November, under certain restrictions and conditions. No allowance can be made unless the proofs herein pointed out are duly made in good faith, and presented to the Collector at the Custom House, where the Cod fishing license was issued, for his decision. These indispensable proofs are set forth with the necessary explanation, as follows:—

2. In the case of a vessel of twenty tons burden or upwards, the original agreement made previous to the fishing voyage or voyages of the vessel between the master, or skipper thereof, and every fisherman employed therein, not being an apprentice or servant of the master, skipper or owner, which original agreement must be endorsed or countersigned by the owner of the vessel or his agent, and must express whether the same is to continue for one voyage or for the season; and also stipulate that the fish, or the proceeds of such fishing voyage or voyages, which may appertain to the fishermen, shall be divided among them in proportion to the quantities or number of said fish which each fisherman shall have respectively caught, together with an affidavit or affirmation of the owner, his agent or legal representative, showing expressly that such agreement or agreements contain the true and actual contracts under which the Cod fishery was pursued on board such vessel during the period required for the allowance of bounty.

The oath to the truth of the certificate and verity of the agreement made by the owner must in all cases be endorsed on or permanently attached to the original agreement, in the following terms:—

"I solemnly swear or [affirm, as the case may be,] that the within is the true and actual agreement made with the several fishermen employed on board the [naming the vessel,] before proceeding on her fishing voyage or voyages the past season, and under which said voyage or voyages was or were performed, and it is now produced by me to the Collector as such original agreement."

3. In the case of a boat or vessel of more than five and less than twenty tons burden, an account from the owner of such boat or vessel, showing that there have been landed therefrom, during the preceding season, at least twelve quintals of fish, when dried and cured fit for exportation, according to the weight thereof at the time of delivery when actually sold, for each ton of the admeasurement of such boat or vessel; the original adjustment and settlement of the fare or fares, embracing the period required for the allowance of bounty, among the owners and the fishermen of such boat or vessel; a written account of the length, breadth, and depth of such boat or vessel, and the time she has actually been employed at sea in the Cod fishery exclusively in the preceding season; and the affidavit or affirmation of the owner or his agent, showing that each of these three documents are true.

In all these cases of vessels above as well as under twenty tons burden, the affidavits or affirmations required must be made before the Collector of the District in which the Cod fishing license was issued.

No fishing vessel of which the fishermen, or any one of them, are compensated for their services on board by wages, or in any other manner than by the division of the fish, or the proceeds of the same, as required by law, is entitled to bounty; but the cook, where one is employed, being regarded as the servant of the skipper and crew, may be compensated by wages without impairing the claim of the vessel to bounty.

4. No fishing vessel is entitled to the allowance of bounty unless it is shown by sufficient proof that the master and three-fourths of her crew are citizens of the United States.

5. Every fishing vessel, for which bounty is intended to be claimed, must be examined, previous to her departure on a fishing voyage, by the proper officer of the customs, designated for that duty by the Collector of the district where her license was issued, or some other district, on account of his competent knowledge of the requisites of a proper outfit for the Cod fishery. Such officer will certify in writing whether she is sea-worthy, and duly fitted with proper ground tackle, and other necessary equipment; describing her fishing gear, and stating whether she has a sufficient crew for her tonnage; and whether the master and three-fourths of the crew are citizens of the United States. Such certificate must be obtained in all cases. And in vessels of twenty tons and upwards it should appear by this certificate whether the fishing agreement has been duly executed by the parties required by law. The following is an approved form of a Certificate when the inspecting officer is satisfied that the vessel is sea-worthy, well fitted, and all other requisites duly complied with:

DISTRICT OF

Port of

of

18

This certifies, that I have examined the _____
whereof _____ is master; and she is sea-worthy, well found in sails, rigging,
cables, anchors, and fishing gear suitable for the Cod fisheries; that the crew is sufficient for her tonnage,
being composed of _____ persons; that her master and three-fourths of her crew are citizens of the United
States; and that in all respects said vessel is fitted for the Cod fisheries agreeably to the provisions of law,
[adding in the case of a vessel of 20 tons and upwards,] and that the agreement between the master and
fishermen is duly executed by them and the owner, or his agent.

The proofs of inspection may remain, with the other papers of the vessel, to be presented to the Collector with the other proofs. But the Inspector should, in all cases, attest or otherwise verify the signature of the owner, on the fishing agreement, so as to be able thereafter to identify the same.

No Inspector is authorized to issue a certificate to a fishing vessel not belonging to the collection district in which he acts, unless he shall have reported the case to the Collector and received from him authority to do so; which fact must be set forth on said certificate.

5. The legal necessity of keeping journals or log-books on board fishing vessels at sea, was several years since expressly laid down by the Circuit Court of the United States for the Eastern Circuit, in decreeing forfeiture of a fishing vessel for false statement of the time employed in the Cod fishery for the purpose of fraudulently obtaining bounty. Such journals or log-books were required by the regulations of 22d December, 1848, to be produced to Collectors in support of all claims to bounty. A regular journal or log-book, therefore, must be kept, day by day, on board a fishing vessel while at sea. It must contain the dates of her departure from and arrival at every port or place she may touch at during her voyages or fares, and the employment of the vessel while at sea; and also daily or weekly entries of the catch of fish by each person on board. Unless the original journal or log is produced to the Collector, duly verified by the oath of affirmation of the master or skipper of said vessel, it will not be considered that the necessary evidence of the employment of a fishing vessel at sea in the Cod fishery is presented. The Collector will in all cases satisfy himself that the original journal or log-book, actually kept at sea, is produced, and not a substitute prepared after the voyage or voyages. If the original journal or log-book is not produced, the Collector should suspend the allowance and report to the Secretary of the Treasury the reasons, if any, for admitting a verified copy of such original.

The oath or affirmation of the master or skipper of the fishing vessel for which bounty is claimed should be required by the Collector to the original journal or log-book actually kept at sea; such oath or affirmation to be made before the Collector, except, that at his discretion, where the port to which the vessel belongs is remote from the Collector's office, the same may be taken before a Justice of the Peace, or a Deputy Collector, being a Justice of the Peace, and administering the oath as such.

7. It is also required that the owner or agent of every fishing vessel of the burden of twenty tons or upwards, for which bounty is claimed, shall make a certificate stating therein the particular days on which such vessels sailed and returned on the several voyages or fares during the season which comprise the period for which bounty is claimed. It must expressly appear in this certificate that such vessel was exclusively employed in taking Cod fish for the purpose of being dried or dry cured, for such period. This certificate must be subscribed by the claimant, and sworn or affirmed to before the Collector.

When this certificate shall be endorsed upon the agreement, the verification both of the agreement and certificate may be made by one affidavit in the following terms:

"I solemnly swear [or affirm, as the case may be,] that the within is the true and actual agreement made with the several fishermen employed on board the [naming the vessel,] before proceeding on her fishing voyage or voyages during the past season, and under which said voyage or voyages were performed on board said vessel, and it is now produced by me to the Collector as such original agreement; and I further swear, [or affirm,] that said vessel was exclusively employed at sea in taking Cod fish, for the purpose of being dried or dry cured, during the whole period of time included between the several days of her departure and arrival, as above stated."

The oaths required to verify claims to fishing bounties must be administered and certified by the Collector. No Deputy is authorized to administer them, except in the cases pointed out by the 22d section of the Act of 2d March, 1799, and no oath or affirmation should be received from a person not an owner or agent of the vessel, acting under a power of attorney, to verify any of the proofs required for the payment of fishing bounties.

8. The master or skipper of every fishing vessel, for which bounty is intended to be claimed, immediately on her arrival from any voyage or fare of such fishery, at any port or place at which any officer of the customs is stationed, must report such arrival to said officer, who is required to examine such vessel, her papers, equipment, and the quantity of fish on board, and to enter the result of such examination in these respects upon a record kept by him for that purpose, which is to be returned to the Collector of his district whenever required. In case the master or skipper of such vessel neglects or refuses to make report of his arrival, the officer will state that fact upon his record, with such other particulars respecting said vessel as may come to his knowledge. Such neglect or refusal to report by the master or skipper, of any vessel claiming bounty, will operate against the allowance of the claim, unless a full and satisfactory explanation of such neglect or refusal is made under oath.

The Collectors of the respective Districts will direct the Inspectors at the several ports therein, or where the District contains but a single port the Collector will detail an Inspector, to examine all fishing vessels arriving at such ports, requiring them to take down their names, and names of their masters, their employment, whether they had fish on board, and of what kind, and whether fresh, pickled, or otherwise, and report the same to the Collector of the District at such times as may be required. On receipt of such reports of the Inspectors he will advise the Collectors of the Districts where such vessels were licensed, of the facts concerning each; those licensed for the Cod fishery in one statement, and other fishing vessels in another. It is important, for the prevention and detection of fraudulent practices, that this duty be performed with fidelity and circumspection by the officers of the customs charged with making these records and reports.

9. From the original Act of 16th February, 1792, substituting for the drawback on dried fish exported, a bounty on the tonnage of vessels employed in the bank or other Cod fisheries, it has always been held that, to entitle any fishing vessel to bounty, she must be shown to have been employed at sea exclusively in catching Cod fish for the purpose of being dried or dried cured, during the period prescribed by law. It is not required that the entire period be embraced in one voyage or fare, or in voyages or fares immediately succeeding each other; but it is indispensable to the allowance of bounty that the period required shall be comprehended in distinct voyages or fares in which no other kind of fishery is pursued. No part of a fare or voyage in which

halibut, mackerel, or any other fish, are taken as an object of pursuit, as well as Cod, can be reckoned as a portion of the time required by law; where other fish are taken merely as bait for Cod, or as food for the crew, no objection will be made, as such taking is regarded as strictly subsidiary to the Cod fishery; but if such other fish remain on board until the close of the fare or voyage, and are carried into port, the fare or voyage must be regarded as one of mixed fishery, which cannot be taken into the computation of the time required by law for the allowance of bounty. A vessel may be exclusively employed in the Cod fishery at sea for one, two, or three months in a distinct fare or fares in the first part of the fishing season; then pursue the mackerel fishery under the license required by law; afterwards may surrender her mackerel license, and then complete the period required by law by another distinct fare or fares, of exclusive employment in the Cod fishery, previous to the last day of November. But the taking of mackerel by any vessel under Cod fishing license, except as bait or food for her crew, is regarded as a violation of the license laws. Such illegal fishery during any season, will forfeit all claim to bounty for that season; and when the fact is known to any Collector, he is instructed to refuse the allowance thereafter accordingly.

Vessels employed in taking any kind of fish for sale and consumption in a fresh or green condition, as well as fish to be preserved by pickling, are not within the bounty laws; and no voyage or fares, in which such fisheries are pursued, can be lawfully computed as any part of the period required for the allowance of bounty.

10. When the proofs presented fully satisfy the Collector that all the requirements and conditions herein contained have been complied with in good faith, he is authorized to pay the owner or owners, or his or their agent or representative, of fishing vessels where exclusive employment at sea in the Cod fishery for four calendar months at least, is shown by the evidence herein required. —

If measuring more than five tons, and not exceeding thirty tons, \$3 50 per ton;

If measuring more than thirty tons, \$4 per ton;

If above thirty tons, with crews not less than ten persons, and having been exclusively employed at sea in the Cod fishery, three and one half calendar months, \$3 50 per month.

The allowance for one vessel during the season, whatever may have been her tonnage, cannot exceed \$360.

11. Vessels exclusively employed at sea in the Cod fishery, the full time required to entitle them to bounty, and afterwards wrecked, may be allowed bounty under the provisions of the Act of 26th May, 1824, which requires the evidence of the loss of the vessel to be transmitted to the comptroller for his decision thereon. Under the Act of 3d March, 1849, this duty has been transferred to the Commissioner of the Customs, to whom the proof, certified by the Collector of the District to which the vessel belonged, should be sent for his official direction thereon.

12. Instructions will be given in due season in regard to the mode of payment of bounty allowances, at and after the close of the year. To obviate any responsibility which might otherwise devolve on Collectors, should such payments be made upon proof regarded as insufficient under the present instructions, it will be advisable that probable claimants to fishing bounty allowances be apprized before the sailing of vessels on their first Cod fishing voyage, of the requirements of these instructions, which are intended to supercede and supply the place of all former instructions on this subject.

JAMES GUTHRIE, Secretary of the Treasury.

It is desirable that all these proofs and papers be sent to the office of the Collector, early in December, by those claiming bounty.

OATH OF MASTER.

I, _____, master of the within-named Fishing
of _____
do hereby solemnly, sincerely, and truly swear, that the Journal herewith produced to the Collector of the Customs for the District of _____ is the Journal actually kept on board said _____ during the fishing season of 18 _____; that the entries therein were made, as they purport to be, from day to day, while at sea, actually employed in the Cod fishery during said season; that said _____ was employed each day as therein stated, and at the place therein named; that the number of fish daily caught by each person on board is accurately given, and that each entry therein was made in good faith, and is true and correct in every particular, SO HELP ME GOD.

COLLECTOR'S OFFICE, DISTRICT OF _____

Sworn and subscribed this

day of

, 18

Before me,

Collector

Journal of a Fishing Voyage to

The Banks

11.	K.	F.	Courses.	Winds.	Remarks for	the 22 day of	1861
1					These 24 hours commence Light Breeze Lay at anchor caught 11111	Apr	
6				ESE			
12							
1							
6							
12							

Number of Fish taken during the day by each person on board, viz.: by

WR	MR	MB	SC	JP	Fish	Hours				
25	25	25	25	11	2	111				

11.	K.	F.	Courses.	Winds.	Remarks for	the 23 day of	1861
1					These 24 hours commence strong Breeze Lay at Anchor so Ends these 24 hours	Apr	
6				ESE			
12							
1							
6							
12							

Number of Fish taken during the day by each person on board, viz.: by

WR	MR	MB	SC	JP	Fish	Hours				

11.	K.	F.	Courses.	Winds.	Remarks for	the 24 day of	1861
1					These 24 hours commence strong Breeze got under way and steered came to anchor caught 20 fish so Ends these 24	Apr	
6				W			
12				SE			
1							
6							
12							

Number of Fish taken during the day by each person on board, viz.: by

WR	MR	MB	SC	JP	Fish	Hours				
15	15	15	15	10	1	20				

