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“What in the World is Equal to It?”:

## An Annotated Bibliography on the Early Days of the Whaling Industry

### **I. Methods**

For this annotated bibliography, I will be assembling and describing a variety of government sources which treat upon the whaling industry in the United States. The history of whaling in the United States encompasses three centuries of our Nation’s history, and is so vast and multifarious an enterprise that a truly comprehensive account is impossible—at any length. My hope for this bibliography, therefore, is merely to draw some attention to the more interesting items pertaining to whaling existing in the public record: letters, reports, maps, and tables in the American State Papers and the Congressional Serial Set; remarks from the bound edition of the Congressional Daily Record and the Public Papers of the President; snippets from the U. S. Code Annotated; etc. I will also be consulting, on occasion, scientific articles and policy briefs produced by the United States government on the topic of whaling. In choosing the relevant documents, I have been guided principally by my own tastes and curiosity, though I hope my choices are not so idiosyncratic as to be useless to a serious researcher. I will try to place the items of this bibliography in such an order so as to trace a rough outline of the history of American whaling, though I shall allow myself the indulgence of plentiful digressions, rabbit-trails, asides, and scenic detours. Each item in the bibliography, I hope, is interesting both for its own sake and as a point of departure for future researches, a single node in a constellation of

interesting items; therefore, for each entry I will reference other sources, both public and private, which will appear in my bibliography and provide the curious reader with additional material for her perusal.

## **II. Introduction.**

Today, it is difficult to imagine the great importance of the role which whaling played in early American industry or imagination, or how wide the compass of its renown. “And pray, sir, what in the world is equal to it?” asked the British statesman Edmund Burke, addressing Parliament in 1775. He continues,

Pass by the other parts and look at the manner in which the people of New England have of late carried on the whale-fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson’s Bay and Davis’s Straits, whilst we are looing for them beneath the arctic circle, we hear that they have pierced into the opposite region of Polar cold, that they are at the Antipodes, and engaged under the frozen serpent of the South. [ . . . ] No sea but what is vexed by their fisheries. [ . . . ] Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people . . . <sup>1</sup>

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<sup>1</sup> Burke, 1775. This speech is notable, both for illustrating the esteem in which the American whale industry was held abroad, and in its being given in 1775, when relations between Great Britain and its American colonies had grown increasingly strained. Indeed, the first battles of the American Revolutionary War at Lexington and Concord would be fired a mere four weeks after Burke’s remarks. Edmund Burke, though a citizen and patriot of the British Empire, was a staunch advocate for the Early American Republic.

Of the commerce of the nation, no part was “more important” than its whale fishery, but it was more than that.<sup>2</sup> American whalers were the glory of the seas, one of the great romantic symbols of the fledgling Nation’s precocity and verve. Early on, American whale ships had pursued their dangerous prey through the remotest parts of the Atlantic and Pacific Oceans, from Tierra del Fuego to the forbidden coast of Imperial Japan. The nation’s best and most ambitious sailors, captained by men “much advanced in mathematics and practical navigation beyond other navigators,” pursued the largest and most mysterious of the world’s creatures through uncharted waters, discovering along the way “many rocks, reefs, and islands,” several hundredss of which are listed by Jeremiah Reynolds of the U. S. Navy.<sup>3</sup> It was in part to mitigate the dangers and uncertainty of whale fishing in unknown climes, while augmenting its profitability, that the United States government undertook the great surveying expedition of the Pacific under Captain Charles Wilkes, a voyage that would discover many “unknown” places that were already old acquaintances and familiars of the American whaleman.<sup>4</sup>

The American whale fisheries were the pride of the entire world, sweeping the “remotest ocean” in their enterprises, the loss of which was considered bode cultural, as well as material, ruin—a sort of softening of the national character.<sup>5</sup> “It is a nursery for seamen for which no substitute can be found,” wrote Secretary of the Navy Samuel Southard in 1836, “eminently fitted to form such men as the nation requires for times of trial and struggle, [ . . . ] unsurpassed by any who have ever made the ocean their dwelling place.” Foreign nations, among them France and Britain, sought to entice American whalers to crew their own fleets, a fact which caused then Secretary of State Thomas Jefferson no little alarm:

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<sup>2</sup> Southard, 1836.

<sup>3</sup> Reynolds, 1835

<sup>4</sup> Southard, 1836

<sup>5</sup> U. S. Congress, 1823

The loss of seamen, unnoticed, would be followed by other losses in a long train. If we have no seamen, our ships will be useless, consequently, our ship timber, iron, and hemp; our ship building will be at an end, ship carpenters go over to other nations, our young men have no call to the sea.<sup>6</sup>

Whalers supplied the young American nation with oil to light its houses and grease the machines of its industry, with whalebone for umbrellas and ladies' corsets. They provided seasoned sailors to crew America's navies, and captains for its warships. Whalers provided new species for American biologists, new lands and peoples for its geographers and navigators, and a theme for its greatest novel, *Moby Dick*. Whaling added immeasurably to the early wealth of the hard-up early Republic, a necessary check and counterbalance to the economies of bondage to the South, and provided a way for many thousands of young American men to leave their shops and small farms to see the wildest and remotest corners of the world. Dominated as it was by New England Quakers and Congregationalists, whaleships provided a refuge and livelihood to runaway slaves, among them Crispus Attucks, the "first martyr to American Liberty," who was slain by British soldiers in the Boston Massacre.<sup>7 8</sup> In 1783, the whaleship *Bedford* from Nantucket was the very first American ship to fly the "new-born" American colors in an English port.<sup>9</sup>

It is, then, remarkable to note the change in America's attitude towards its whale industry over the last two-hundred years. Perhaps no environmental cause has ever galvanized the nation in the way that whale conservation has, or aroused so many strong feelings. The Marine

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<sup>6</sup> Jefferson, 1791

<sup>7</sup> Mackey, 1876.

<sup>8</sup> Rep. Brown, 2014. Crispus Attucks Day is celebrated every year in Boston on the 5<sup>th</sup> of March.

<sup>9</sup> U.S. Congress, 1872. Benjamin Hammet of the British House of Commons rushed into Parliament to report "a very recent and extraordinary occurrence. [. . .] The Bedford, Moores, master, wears the *rebel* colors, and belongs to the island of Nantucket, in Massachusetts." (pg. 256).

Mammal Protection Act of 1972, which ended the practice of commercial whaling in and the importation of whale products to the United States, was enthusiastically promoted and signed by none other than Pres. Richard Nixon (no bleeding-heart, he), who felt that the conservation of whales was one of the great concerns of his administration.<sup>10</sup> In 2000, Rep. Jack Metcalf (WA) could confidently appeal to the will of “an overwhelming majority of the American people” in roundly condemning these “past days of barbarism” when whales (“these majestic creatures) were hunted for profit.<sup>11</sup> Rep. Jack Gaetz (FL) could call the limited taking of whales by the Japanese a “depraved,” and “disgusting” practice, tantamount to “slaughter on the high-seas.”<sup>12</sup> In 2008, a major American television network could air a program called *Whale Wars*, following an environmental group in its quest to sabotage commercial whaleships from Iceland and Japan.<sup>13</sup> Indeed, the fraught question of whale fishing regulation would prove to be one of many items of international contention between the United States and the Soviet Union during the Cold War, with American environmental activists harassing Soviet whaling vessels and radioing their crews with offers to defect to the United States.<sup>14 15</sup>

Both the people and legislators of the United States have come to view commercial whaling as abhorrent, both on moral and environmental grounds. This wholesale rejection of whaling as a practice reflects a profound change, not only in the economy of our Nation, but in

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<sup>10</sup> Pres. Nixon, 1972.

<sup>11</sup> Rep. Metcalf, 2000.

<sup>12</sup> Rep. Gaetz, 2017.

<sup>13</sup> Dehnart, 2013. The non-profit at the heart of whale wars, the Sea Shepherd Conservation Society, would later be sued by the Japanese company “The Institute of Cetacean Research.” This case would reach the U.S. 9<sup>th</sup> Circuit Court of Appeals, where Chief Justice the Hon. Alex Kozinski would accuse the Sea Shepherd Conservation Society of piracy in an unforgettably entertaining decision:

“You don’t need a peg leg or an eyepatch. When you ram ships; hurl glass containers of acid; [. . .] launch smoke bombs and flares with hooks, [. . .] you are, without a doubt, a pirate, no matter how high-minded you believe your purpose to be” (*ICR vs. Sea Shepherd Conservation Society*, 2012).

<sup>14</sup> U.S. House, 1971.

<sup>15</sup> Holmer, 2019.

its character. Today, over 90% of the American public opposes or strongly opposes whaling, and almost half say that they would refuse to visit any nation where commercial whaling was still practiced.<sup>16</sup> With the exception of the Makah Indian Tribe of Washington State, whose 1855 treaty with the U.S. Government secures for them “The right of taking fish and of whaling or sealing at usual and accustomed grounds,”<sup>17</sup> the resumption of widespread whale hunting in the continental United States and its territorial waters is unthinkable on political grounds. So, Thomas Jefferson’s prediction about the deep change wrought on the nation by the death of whaling has come to pass: we are a very different people now, than we were then. The damage we do now to our oceans is at once direr and more diffuse. In the place of a few dozen vessels, powered by wind and sweat, scouring the world for a handful of elusive and perilous creatures, the unrestrained consumption of three-hundred million Americans now chokes the world’s oceans with plastic waste and raises its temperature. Our relationship with the sea has grown with time more distant and more sentimental. Certainly, it has grown no kinder.

### **III. Annotated Bibliography**

- 1. Starbuck, A. (1876, May 31st). *History of the American whale fishery from its earliest inception to the year 1876*. U.S. Senate, 44<sup>th</sup> Congress, 1<sup>st</sup> Session 42<sup>nd</sup> Congress, 3<sup>rd</sup> Session. (S. Misc. Doc. 107; [Cong. Ser. Set vol. 1666](#)). (pp. 1-701). Text in *Readex*. Retrieved November 5, 2020.**

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<sup>16</sup> Naylor, W. (2018).

<sup>17</sup> “Treaty with the Makah.” (1855). The Makah Nation has been contending for decades for the right (granted by the plain text of the treaty) to kill a handful of gray whales every year. They are currently petitioning the United States Congress to honor the original terms of the agreement by allowing them a quota of whales to kill each year. Negotiations are ongoing; however, the Makah tribe has been allowed to draft an Environmental Impact Statement, with the expectation that they may very soon be permitted to resume their culture’s 2000 year-old practice of hunting whales for food (Wieting, 2020). Some American Inuit tribes in Alaska are also permitted to take whales, principally bowhead and belugas. However, with rising levels of ocean heavy-metal pollution, there is serious concern that the consumption of whale meat could lead to an dangerously high exposure to mercury, cadmium, and arsenic (Weihe, 2012).

Nantucket historian Alexander Starbuck's account of American Whaling was originally published in the Congressional Serial Set as one massive appendix to an otherwise humdrum annual report of the commissioner of fish and fisheries. It surely constitutes one of the most remarkable items in the 20,000 odd volumes of the Congressional Serial Set—an uncomfortable amalgam of grandiloquence (“The pioneers of the sea, whalemen were the advance guard, the forlorn hope of civilization”), scrupulous history, and near-maniacal attention to detail, including over 500 pages of charts and tables, containing the dates, cargo, and incidents of almost every voyage of every ship in the New England Whale Fishery from 1789-1876. It is something of a marvel that a work so lively and immense (it is Melvillian in scale) was published in the Congressional Serial Set at all—surely no better introduction to American whaling exists from either public or private presses.

A native of Massachusetts, Starbuck had access to primary sources going back the 17<sup>th</sup> Century, which included this account of Native American whale hunters from 1605:

They go in company of their king with a multitude of their boats and strike him with a bone made in fashion of a harping iron fastened to a rope, which they make great and strong of the bark of trees; [ . . . ] then all their boats come about him as he riseth above water, with their arrows they shoot him to death; when they have killed him and dragged him to shore, they call all their chief lords together, and sing a song of joy.

Among the highlights of this text is a harrowing account of the destruction of the Arctic whale fleet off of Point Belcher, Alaska, during September, 1871, in which 33 ships (most haling from New Bedford) became trapped in ice (p. 103-109). There is also enclosed a lengthy account of “numerous and well authenticated” encounters with “belligerent whales,” including the sinking of three ships—*The Union*, *Ann Alexander*, and *The Essex*—by enraged sperm whales (114-145).

These make for wonderful, if at times, ghoulish, reading; Starbuck lingers lovingly over every grisly detail of hardship, peril, or worse (“the body of the second unfortunate was dismembered, [. . .] and served out like an animal to his starving, raving comrades”, p. 118). Vicious whales, gales, and privateers embellish these pages, written in the waning years of whaling industry in America, when “the sun of its destiny was moving irrevocably toward its western horizon” (109). There are no tiresome displays of false objectivity, no illusion of neutrality, to be found anywhere at all in this history. The first part of Starbuck’s account is one long melancholy reminiscence upon days long-past of romance and adventure, when American whalers pursued their quarry to the ends of the earth.

Conversely, the five-hundred odd pages of tables provided by Starbuck are of vital use to the more serious-minded historian, who will find in Starbuck’s scrupulous accounting, how Captain Alvan Ewer of the *Criterion* was killed while cutting in “the last whale” of a voyage off the coast of Chile in 1824, or that that in its best year, from July, 1860- to July, 1861, American whalers exported 1,518,457 gallons of the finest Spermaceti in the world (251, 701).

**2. Jefferson, T. (1791, Feb. 4). *Fisheries. Communicated to the House of Representatives.***

**U.S. House. 1<sup>st</sup> Congress, 3<sup>rd</sup> Session. (Am. St. Papers no. 5; *Commerce and Navigation*, vol. 1, pp. 8-22). Text in *Readex*. Retrieved November 7, 2020.**

This report, assembled by then Secretary of State Thomas Jefferson, two months before the beginning of George Washington’s first term, is the first official U.S. Government document that deals essentially with the American whale fishery, and of interest to both the professional and amateur historian. Jefferson’s report begins with a short history and appraisal of the American whale and cod fisheries whose commerce still suffered great hardship from the lingering effects of the Revolutionary War. A miscellany of related documents and tables are attached, providing

valuable figures for the American fisheries as a whole—value of exports, total tonnage of shipping, number of barrels of oil and pounds of whalebone taken, etc.<sup>18</sup> Also enclosed are the texts, in both English and French, of various trade agreements between the United States and France regarding preferential duties on whale and spermaceti oil (Jefferson writes that the French “fail to ascribe just value to the latter article”).

The chief concern of Jefferson’s report are the economic hardships facing the American whale industry, and the fear that should conditions fail to improve, many American whalers and fishermen might take their ships and immigrate to England, France, or Newfoundland, decimating the shipbuilding industry and leaving the United States Navy deprived of capable seamen. After Great Britain, France was the largest market for American whale oil, but there is fear now that the initial agreements contracted between the U.S. and the French Monarchy, so amenable to the interests of the American whale fleet, might be at an end, now that the French Monarchy has been overthrown.<sup>19 20</sup> William Short, then American ambassador to France, notes that many in the French National Assembly considers the American whaling business to be a “losing commerce,” and believes the new Revolutionary government (“a large and tumultuous assembly”) too chaotic to trust.<sup>21</sup> Jefferson is anxious that the Revolutionary Government of France view the United States “not as rivals in commerce, but as co-operators against a common rival [Great Britain].”<sup>22</sup> If the American whale industry was to survive, it must find markets for its product in Europe.

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<sup>18</sup> See pgs. 13-22.

<sup>19</sup> See pg. 11.

<sup>20</sup> The Marquis de Lafayette was the author of the first economic agreement between the United States and France, arranging for Paris streetlamps to burn American whale oil in 1785. George Washington would thank the Marquis for establishing “a market for whale oil equally pleasing & advantageous to the States which are more immediately engaged in that commerce.” (Washington, 1785).

<sup>21</sup> See pg. 22.

<sup>22</sup> See pg. 11.

This report highlights the many economic obstacles confronting the United States in general—and the whale industry in particular—in its infancy. U.S. industry simply did not have the clout to negotiate on equal terms with the European empires. Great Britain, especially, after losing its American colonies, seemed determined to make things difficult, supporting their own whalers with bounties and imposing tariffs on American whale oil so ruinous that it amounted to a prohibition on sale, all the while enticing American whalers “to pass over with their families and vessels to the British dominions.”<sup>23</sup> Britain’s hostility towards America while wooing American whalers, worried France, who “saw the danger of permitting five or six thousand of the best seamen existing to be transferred by a single stroke to the marine strength of their enemy.”<sup>24</sup>

France, America’s great friend and ally, had fallen into turmoil, and relations with the Revolutionary Government would only continue to deteriorate with time, with the two nations approaching the brink of war in 1794. The years between 1790 and the conclusion of the War of 1812 in 1815 would prove hard ones for the American whale industry (and for the American economy in general. For the historian, this report of Jefferson’s provides a fascinating and detailed account of the state of the whaling industry at our Nation’s founding, as well as a glimpse of the esteem and importance that our nation’s founders ascribed to a business conducted by a few thousand Quakers and fortune-seekers on the little arid sandbar of Nantucket.

### **3. U. S. House. (1823). *Memorial of the citizens of New Bedford, in the State of***

***Massachusetts; praying an increase of the duty on imported tallow. (H. Doc. 107;***

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<sup>23</sup> See pg. 10

<sup>24</sup> Jefferson, (1788). Jefferson’s earlier essay *Observations on the Whale Fishery* provides much of the basis of his 1791 Fisheries report, albeit in a less-polished form.

[Cong. Ser. Set vol. 98](#)). 18<sup>th</sup> Congress, 1<sup>st</sup> Session. Text in *Readex*. Retrieved November 5, 2020.

4. U. S. House. (1823). *Memorial of the inhabitants of Nantucket, praying an increase of the duty on imported tallow*. (H. Doc. 108; [Cong. Ser. Set vol. 98](#)). 18<sup>th</sup> Congress, 1<sup>st</sup> Session. Text in *Readex*. Retrieved November 5, 2020.

5. U. S. House. (1823). *Memorial of the tallow chandlers of New York*. (H. Doc 106; *Cong. Ser. Set vol. 98*). 18<sup>th</sup> Congress, 1<sup>st</sup> Session. Text in *Readex*. Retrieved November 5, 2020.

In December, 1823, the citizens of New Bedford and Nantucket appealed for relief to the 18<sup>th</sup> Congress of the United States. Between the years of 1820 and 1822, whaleships leaving from New Bedford and Nantucket had returned bearing more than forty-thousand barrels—almost two-million gallons—of whale oil; but only a scant handful had sailed in all the year 1823, and the industry was on the edge of collapse. The American whale fisheries had suffered terribly during the war of 1812, with one half of its vessels “swept from the ocean by the enemy,” and once again, foreign powers threatened its survival, this time adopting the insidious form of foreign beef-tallow importers; 5 million pounds of smoking, “unsavory tallow” had arrived in American markets, imported from Europe.<sup>25</sup> Tallow was a cheaper—if inferior—substitute for whale oil as a light source, and candles made from beef tallow and pork lard constituted the single biggest competitor that the whale industry had. The citizens of Nantucket and New Bedford appealed now to Congress, not for “liberality [ . . . ] in their behalf,” but for a “reasonable” duty imposed on imported beef tallow. The Memorial composed by the Tallow Chandlers of New York and the soap-boilers of Boston, however, argues that this imported foreign tallow was used primarily for making soap, not candles, and that taxing its import at a

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<sup>25</sup> Melville, 2001.

higher rate would hurt the soap-maker without providing any appreciable assistance to the American whaleman.

These handful of documents treat upon a minor incident in the history of American whaling. They are interesting, primarily, for the stridency with which the citizens of Nantucket and New Bedford plead their case: at stake was not the mere economic “distresses of a few individuals,” but the spirit and hardihood of the Nation as a whole. If the American whale industry were to disappear in the “unequalled and paralyzing depression” under which it languished, the United States would lose its best sailors, captains and shipbuilders, as well as “one of the most important and interesting branches of national industry and national wealth” (pp. 3-5). This was not merely self-interest or self-importance speaking; Thomas Jefferson, in his 1791 Fisheries Report, concluded much the same.<sup>26</sup>

**6. U.S. House (1833, February 9). *On the claim of John Percival, Master Commandant of the Navy, for expenses incurred in obtaining the release of American seamen from the natives of the Mulgrave Islands, and in visiting the Sandwich Islands, in 1825 and 1826.* 22<sup>nd</sup> Congress, 2<sup>nd</sup> Session. (Am. St. Papers no. 504; *Naval Affairs* vol 4, pp. 291-294). Retrieved November 17, 2020 from *Readex*.**

This document is a petition to Congress from the Department of Naval Affairs, for funding to defray expenses incurred by Captain John “Mad Jack” Percival of the *USS Dolphin*, during a mission to rescue the “mutineers of the Nantucket whaleship *Globe*” stranded on “Mulgrave [ . . . ] group of islands” (today known as the Mili Atoll, in the U.S. Marshall Islands).<sup>27</sup> The requested sum--\$500—was to reimburse Percival, who paid out of his own purse for “sundry articles of jewelry and ornaments, beads, handkerchiefs, combs and knives, fishhooks,

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<sup>26</sup> Jefferson, (1791).

<sup>27</sup> Pg. 292.

calicoes, and cotton cloth,” as well as wine, in Valparaiso, Chile, with which to bribe tribal chiefs into turning over any surviving castaways from the *Globe*. The petition contains with it a copy of a letter from Commodore Isaac Hull to Percival commissioning the rescue mission, as well as a chilling authorization for Percival to kidnap “some of the chiefs of the natives” as hostages, if the natives seem reluctant to release their American captives.<sup>28</sup> Thankfully, Percival provisioned his ship well with items of the sort that Pacific Islanders found useful and diverting, and this generosity sufficed to ensure the cooperation and friendship of the native islanders. Captain Percival returned to the United States with Cyrus Hussey and William Lay, the only two surviving castaways of the disastrous fourth voyage of the *Globe*.

This report comprises a single, tantalizing thread of one of the grimmest yarns in whaling history: the *Globe* mutiny. How the crew of the ship *Globe* had the misfortune to find themselves in the power of a brutal and unscrupulous harpooner is a tragic story—one that has inspired multiple books, and found a place in every history of whaling ever written (including Alexander Starbuck’s fine history.)<sup>29</sup> Less bloodless accounts of the mutiny will follow, but this report is useful in giving us a look at the clerical side of the aftermath. The questions of money, of debts incurred and reparations owed, are the last items to be resolved, and they deserve a place in the accounting of this macabre affair.

**7. Lay, W. & Hussey, C. (1828). *A narrative of the mutiny on board the ship Globe of Nantucket in the Pacific Ocean, Jan. 1824, and the journal of a residence of two years on the Mulgrave Islands*. New-London, CT: Lay & Hussey. Retrieved 17 November, 2020, from *Project Gutenberg*.**

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<sup>28</sup> See page 292.

<sup>29</sup> See first item of this bibliography, pgs. 134-136

**8. Paulding, H. (1831). *Journal of a cruise of the United States schooner Dolphin among the islands of the Pacific Ocean and a visit to the Mulgrave Islands in pursuit of the mutineers of the whale ship Globe*. Honolulu: U of Hawaii P, 1970. Retrieved 20 November, 2020 from *HathiTrust*.**

These two documents are eyewitness narratives of the mutiny on the Nantucket whaleship *Globe*. The first is a remarkable account written by the castaways William Lay and Cyrus Hussey, who survived the events of the mutiny and subsequent massacres, to live in a state of “benign servitude” for two years as captives of the Mili Islanders.<sup>30</sup> The second document is an account of their rescue, written by Hiram Paulding, Captain Jack Percival’s first mate, who notes that Lay and Hussey, when they were found, appeared almost indistinguishable from the tribesmen (140).<sup>31</sup>

The *Globe* mutiny is by far the most famous mutiny to have occurred within the American whale fleet, and is memorialized in an account given by the two surviving castaways, Life aboard an American whaleship was dangerous and often quite harsh, and long voyages meant that sailors were often subject to their tyrannical captains for months at a time. Desertion and even mutiny was not unheard of, so it is perhaps worth noting that, at least in Lay’s account, the *Globe* mutiny was provoked, not by the lash of a fiendish captain but by the insane pretensions of the boat-steerer, Samuel B. Comstock, who slaughtered the captain along with the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> mates, with a whale-blubber knife, and then, “with threatenings dark and diabolical” (including one that traitors would be boiled alive in whale oil), cowed the rest of the crew into submission.<sup>32</sup> Comstock’s plan seems to have been to pilot the *Globe* to an uninhabited island, where he would kill the rest of the crew, kidnap a score of beautiful native women, and

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<sup>30</sup> Lay, 1828.

<sup>31</sup> Paulding, 1831.

<sup>32</sup> See pg. 18

there rein as chief and warlord of his own private domain. However, after striking land, Comstock was killed by one of his fellow mutineers, who then took the *Globe* and fled for South America with a handful of other sailors, leaving nine castaways stranded on the island. Of those nine, seven were killed by the island's natives within a week of coming ashore. Lay and Hussey survived because, prior to the massacre, they had befriended a native family with gifts of trinkets and tobacco, and moreover seemed too hapless and forlorn to be capable of doing anybody any harm.

Hussey and Lay's narrative includes an account of the customs of the islanders (more than a little tainted by prejudice), as well as a vocabulary of almost two-hundred words and phrases of their language. It is perhaps the most lurid and colorful account of a ship's mutiny anywhere. Hussey and Lay dedicate their account to their rescuer: Captain John Percival, who had come to save them long after they believed they had been forgotten.

Paulding's chronicle, however, is both more useful to the historian and more measured in its tone. The location of a handful of shipwrecked sailors lost on some uncharted island in the middle of the world's largest and least-known ocean, where few ships but the whaler's ever ventured, required a great deal of exploration and cartography. It had been an explicit part of the rescue mission to explore this hitherto unknown stretch of ocean.<sup>33</sup> Paulding chronicles each unknown island and hidden shoal encountered, as well as a daring account of the rescue of Lay and Hussey. His ship, the *Dolphin*, was the first U.S. Navy vessel to visit Hawaii (then the Sandwich Isles), where whalers for some time had stopped for provisions and entertainment before resuming their cruise to the arctic or the South Pacific, or the coast of forbidden Japan.

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<sup>33</sup> See U.S. House, (1833), pg. 238-239: "Should you, during your absence, discover islands or shoals or dangers of any sort, you are to be very particular in ascertaining their precise situation, and of islands, whether inhabited or not, and whether they produce wood or any other articles that would offer commercial or any other advantage to our enterprising citizens, should they think proper to visit them."

The two reports together provide a complementary account of the special causes of discontent to be found aboard a whaleship: the loneliness and monotony of years-long voyages, only broken by brief interludes of drudgery and terror; the madness and grand delusions that throb in the minds of bored and desperate men on a small and stinking ship at the limit of the known world. These accounts are of interest to the historian and layman alike, and as adventure stories go, they are unexcelled in all the history of whaling.

**9. U. S. Senate (1835, February 7). *On the expediency and importance of authorizing a Naval expedition to explore the Pacific Ocean and South Seas*. U. S. House, 23<sup>rd</sup> Congress. (Am. St. Papers no. 578; *Naval Affairs* vol. 4, p. 707-715). Text in *Readex*. Retrieved November 9, 2020.**

**10. U. S. Senate (1836, March 21). *On the expediency of authorizing an exploring expedition, by vessels of the Navy, to the Pacific Ocean and South Seas*. U. S. House, 23<sup>rd</sup> Congress. (Am. St. Papers no. 620; *Naval Affairs* vol. 4, p. 867-873). Text in *Readex*. Retrieved November 9, 2020.**

Well into the 19<sup>th</sup> century, the most gainful fisheries of the American whaleman were located in the remotest oceans of the world, full of islands and reefs for which no map existed, populated by unknown species and uncontacted peoples. These regions were both essential to the Nation's commerce and almost completely unknown to cartographers. The American whaleman could expect no help in these climes, no maps or charts to aid him, except the ones he made for himself in his own logbooks.

These two documents together comprise a number of petitions on behalf of various parties—many of them the citizens of whaling towns—for a U. S. Navy expedition to the South Pacific, to map many of the “islands, reefs, and shoals, unmarked upon any chart, and unknown

to common navigators.”<sup>34</sup> The most forceful and eloquent appeal is that of U. S. Secretary of the Navy Samuel Southard in 1836, who notes that for years an expedition has been “an object of solicitude with a large number of intelligent and enterprising citizens,” but that thus far, nothing had happened. Southard continues:

No part of the commerce of this country is more important than that which is carried on in the Pacific Ocean. [ . . . ] Not less than \$12,000,000 of capital are invested in and actively employed by one branch of the whale fishery alone, and in the whole trade there is directly and indirectly, involved not less than fifty to seventy millions of property. [ . . . ] from 9,000 to 12,000 of our seamen are employed, amounting to about one-tenth of the navigation of the Union. [ . . . ]<sup>35</sup>

Southard notes that the American whale industry has created a race of sailors “adventurous and persevering—hardened by toil and danger—bold, watchful, and skillful,” in part by exposing them to long voyages in unknown and dangerous climes, where “the loss of property and life has been immense.”<sup>36</sup> A mapmaking and discovery voyage of this region would be of great immediate benefit to these men, saving American lives, enriching America’s economy, and expanding the sphere of general knowledge, which is the “homage paid by Christian nations to science, knowledge, and civilization.” Other petitioners showcase their eloquence with perhaps more ingenuity than success--the citizens of Salem, Massachusetts, write: “The vivifying influence of unshackled and unobstructed commerce is, to our highly favored nation, what the healthful pulsation of the heart is to the human frame.”<sup>37</sup> But no matter the heights (or depths) of rhetorical flourish, these petitions are historically valuable because they demonstrate the role that

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<sup>34</sup> Pg. 868.

<sup>35</sup> Pg. 867.

<sup>36</sup> Pg. 868.

<sup>37</sup> Pg. 869.

the American whale industry played in providing an economic motive for the most important American expedition, apart from the Lewis and Clark Expedition and the Moon Landing, of this kind in history.

In any event the expedition, so often delayed and yet so crucial to the success and safety of the American whale fleet, as well as the advance of knowledge, did take place, despite many in Congress objecting to its expense and questioning its utility. In 1838, the rather uncreatively titled American Exploring Expedition set sail from Hampton Roads, VA, in six ships for what would prove to be a voyage of four-years. Bearing a full complement of soldiers, scientists, mapmakers, artists, and linguists, the voyage would return with so many specimens of new creatures that the newly established Smithsonian Institute would be overwhelmed.<sup>38</sup> The expedition would also produce over 240 nautical maps and charts, of unprecedented accuracy and detail, of locations as various as the Hawaiian Islands, the Oregon coast, and over 1,500 miles of the coast of Antarctica.<sup>39</sup>

**11. U. S. House. (1835, January). *Information collected by the Navy Department relating to islands, reefs, shoals, etc., in the Pacific Ocean and South Seas, and showing the expediency of an exploring expedition in that ocean and those seas by the navy.* U. S. House. 23<sup>rd</sup> Congress. (Am. St. Papers no. 573; *Naval Affairs* vol. 4, p. 688-700). Text in *Readex*. Retrieved November 7, 2020.**

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<sup>38</sup> Henry, (1858). The author of the letter, Joseph Henry, then Secretary of the newly established Smithsonian Institute, requested \$5,000--a fortune at the time--in order to properly store, catalog, and exhibit the many specimens brought home by the Exploring Expedition. The new species of plant and animal life discovered by the Exploring Expedition would keep America's scientists busy for many years, as well as greatly increase the reputation of American scientists abroad. For more information, see Nathaniel Philbrick's essay here: <https://www.sil.si.edu/DigitalCollections/usexex/learn/Philbrick.htm>.

<sup>39</sup>Wilkes, (1844). Some of these maps may be located here: <https://www.loc.gov/resource/g9230m.gct00224/?sp=1&st=list>

One of the most prominent early exponents of the American Exploring Expedition was the Pennsylvania writer and barrister Jeremiah Reynolds. Even while a great many in the U. S. Government and public (excluding whalers) believed the proposed expedition to be an extravagant waste of money and time, Reynolds doggedly advanced the cause through newspaper writing, essays, public speeches, and addresses to Congress. In 1835, U. S. Secretary of the Navy Samuel Southard sent Reynolds to the major whaling ports of New England, among them Nantucket, New Bedford, and New London, Connecticut, to see what geographical information he could glean from the logbooks and charts of American whalers. Despite the eager assistance of the whaling captains and ship owners of those cities, reviewing so many disparate and hand-written accounts must have been a daunting task, and Reynolds admits as much:

The information had [ . . . ] been gathered in gross, but without order or much arrangement, and I had to go over the whole ground, and examine at Nantucket every individual navigator of the seas who could be found at home, with their log books, and journals and charts. [ . . . ] It was a work of no trifling magnitude.<sup>40</sup>

Reynolds notes that because of their long voyages, whalers often suffered from scurvy, and so frequently stopped at islands and ports to bargain with the natives for fresh provisions; in addition, whalerships always kept multiple look-outs, day and night, for whales, and their captains were known for being meticulous mapmakers, “much advanced in mathematics and practical navigation beyond other navigators,” who noted every reef, every island, every harbor encountered. Therefore, if someone wished to learn about the Arctic seas, the islands of the South Pacific, or the coast of closed and imperial Japan, it was necessary to consult the whaler. Reynolds then provides the location and description of hundreds of reefs and islands “not laid down on any charts” but located in the whaling logbooks. The entire project took

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<sup>40</sup> Pg. 688.

Reynolds more than six months of checking and cross-checking the relevant charts and materials, and the result is a unique and detailed glimpse of the collective knowledge of the industry at the time. It was to further this knowledge and augment the safety of the whale fleet that the American Exploring Expedition set out, so that the knowledge contained in the minds and logbooks of a few whalers could become general.

**12. U.S. House. (1848, July 12.) *Owners and crew of ship Chandler Price.* (H. Rpt. 751; *Cong. Ser. Set* vol. 527, sess. vol. 4.) 30<sup>th</sup> Congress, 1<sup>st</sup> Session. Text in *Readex*. Retrieved November 5, 2020.**

**13. U.S. House. (1850, March 28). *Ship Chandler Price—owners and crew of, to accompany Bill H.R. No. 190.* (H. Rpt. 177; *Cong. Ser. Set* vol. 583, sess. vol. 1.) 31<sup>st</sup> Congress, 1<sup>st</sup> Session. Text in *Readex*. Retrieved November 5, 2020.**

These two documents, written by the Committee on Commerce, represent reports detailing the bravery of Captain John Pease, of the *Chandler Price*, and requesting additional compensation for the owners of the ship, which abandoned a prosperous whaling voyage to rescue thirty sailors from New London whaleship *Columbia*, shipwrecked in the South Pacific. The report notes that Captain John Pease was cruising “near the equator” when they found “floating wood and other evidences of a wreck.” The *Chandler Price* promptly abandoned its pursuit of whales to search for survivors of the wreck. They found the captain and crew of the *Columbia* ten days later on Sydenham Island, in what is now Kiribati, in the hands of “the savages inhabiting the island and reduced to the most degrading captivity,” starving, naked, and despairing. Captain Pease promptly initiated negotiations with the island chiefs, ransoming the shipwrecked sailors with gifts of tobacco, wine, and cacao nuts. The report requests around \$900 compensation for the

items with which Captain Pease purchased freedom for the hapless castaways, as well as an additional \$1,500 to cover lost profit and wages from the delay.

Along with the Lay and Hussey's captivity narrative, these reports provide a glimpse of the sort of risks faced by whalers in the South Pacific. Whalerships ventured where few other ships ever dared; in times of distress--storms, mutinies, hidden reefs--the nearest help was often hundreds of miles away. Pease, by dint of virtue and more than a little good luck, managed to rescue the crew of the *Columbia*. It clearly within the interests of the United States to reward such efforts on the part of private vessels rescuing U. S. citizens from shipwreck and captivity in the distant and watery parts of the world.

A number of the early government documents dealing on the whaling business are similar requests for compensation for whalerships that have risked their own safety and forfeited potential profits to save lives. As the great whale fisheries were located at the outer limits of the known world, where no one ventured except other whalers, it was necessary to compensate those ships who, from motives of humanity, set aside their profitable business to save the lives of the shipwrecked, the floundered, and the castaway.

**14. Terrill, E. (1871, May 11). Letter to Ulysses S. Grant. In J. Simon (Ed.), *The Papers of Ulysses S. Grant, Volume 21: November 1, 1870-May 31, 1871*. (pp. 491-492).**

**Carbondale: Southern Illinois U P, 1998. Text in *The Papers of Ulysses S. Grant* at Mississippi State University Library. Retrieved November 13, 2020.**

In the lean years after the close of the American Civil War, many veterans from both armies joined the crews of whaling ships to seek their fortune. Some found the business more amenable than others. Life aboard a slave ship could be cruel, and captains could be beasts. One Ebenezer

Terrill, a homesick former Private of the 2<sup>nd</sup> Connecticut Heavy Artillery, E Company,<sup>41</sup> petitioned his former commander and now President, Ulysses S. Grant, from Sidney, Australia, for help on getting home:

I sailed from home in the year 1865 in the Ship James Arnold of New Bedford on a whaling Voyage during the first four months all went on well but after that I was most cruelly illtreated until I ran away in New Zealand in 1867 [ . . . ] I was flogged by the Captain and also by the Mate which I think is not lawfull. [ . . . ] I now apply you as I am in ill health and cannot follow my occupation [sic].

There is no record of any response on the part of President Grant.

#### **15. U.S. Department of the Interior, Bureau of Ocean Energy Management (2011).**

**“Alaskan shipwreck table.” Retrieved 16 November, 2020, from [https://www.boem.gov/sites/default/files/uploadedFiles/BOEM/About\\_BOEM/BOEM\\_Regions/Alaska\\_Region/Ships/2011\\_Shipwreck.pdf](https://www.boem.gov/sites/default/files/uploadedFiles/BOEM/About_BOEM/BOEM_Regions/Alaska_Region/Ships/2011_Shipwreck.pdf)**

That whaling was a dangerous and often desperate enterprise in the best of times is indisputable. This chart produced by the U.S. Bureau of Ocean Energy Manage lists—off the Alaskan coast alone—over two-hundred wrecked American whaleships (as well as a handful of French and Russian vessels), lost between the years of 1825 and 1910. Whaling ships were lost to storms, crushed by ice, driven against reefs, and taken as trophies by pirates—especially Confederate privateers, who captured or destroyed almost eighty ships over the course of the American Civil War).<sup>42</sup> The CSS Shenandoah, captained by James Waddell, was responsible on its own for the burning or capture of thirty ships on this chart, and would be the last commander of the

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<sup>41</sup>Per Civil War Soldiers and Sailors Database (<https://www.nps.gov/civilwar/search-soldiers-detail.htm?soldierId=E2A567D8-DC7A-DF11-BF36-B8AC6F5D926A>).

<sup>42</sup> Dolin, (2007).

Confederate States of America to lay down his arms, on November 6, 1865—an astounding six months after Gen. Robert E. Lee’s surrender at Appomattox.<sup>43</sup>

This chart also records the 33 ships lost off of Point Belcher, Alaska in September, 1871, trapped in the arctic ice pack. The arctic whale fishery was among the most profitable in the world, and late summer was peak whaling season, so when sudden cold weather froze the seas north of the Bering Strait, it caught many captains unaware. 33 ships—valued at over \$1.5 million—had to be abandoned in the ice. 1219 men, women, and children (because of the long voyages, many captains of whaleships traveled with their families) evacuated their ships and rowed ninety miles south, where they were rescued by seven surviving whaleships. It is a testament to the enormous skill and hardihood of the crew that not a single life was lost in the disaster. Of the 33 ships lost, 22 were from New Bedford.<sup>44</sup> This, after the discovery of petroleum wells in the U.S. and Confederate privateering, was the final nail in the coffin of the American whaling industry.

**16. U.S. House. (1880, March 31). *Owners of British Bark Chance, report to accompany bill***

***H.R. 5536. (H. Rpt. 671; Cong. Ser. Set vol. 1936). 46<sup>th</sup> Congress, 2<sup>nd</sup> Session. Text in Readex. Retrieved November 25, 2020.***

**17. U.S. House. (1882, February 2). *British Bark Chance, report to accompany bill H.R. 4659.***

***(H. Rpt. 475; Cong. Ser. Set vol. 2066). 47<sup>th</sup> Congress, 1<sup>st</sup> Session. Text in Readex. Retrieved November 25, 2020.***

These two documents are identical reports filed by the U.S. Committee on Foreign Affairs in consecutive sessions of Congress petitioning the U.S. Government to reward the owners of the British whaler *Chance* for their efforts in rescuing 95 shipwrecked American sailors off of Point

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<sup>43</sup> Plante, (2015).

<sup>44</sup> National Oceanic and Atmospheric Administration, (2010)

Belcher, Alaska, in 1871 after their ships became stranded in ice (see prior entry). The report notes that on normal occasions, foreign vessels are entitled to a bounty of \$35 for the rescue of “destitute seamen.” However, “acts of humanity are not to be paid for in dollars and cents,” and the heroic actions of the *Chance*’s crew had cost the ship a season’s whaling, not to mention put the ship’s crew at considerable risk. Therefore, the report recommended that the U.S. Government pay the owners of the *Chance* additional compensation for revenue and supplies lost during the rescue.

For the whaling historian, the most valuable part of this report consists of the text of a letter from Nantucket captain Henry Pease Jr. to the *Chance*, describing the increasingly desperate situation the American whale fleet found itself in:

We have for the last fifteen days been satisfied that there is not the slightest possibility of saving any of our ships or their property. [ . . . ] An attempt to pass the winter here would be suicidal. Not more than two-hundred out of the twelve would survive to tell the sufferings of the others. [ . . . ] We now call on you, in the voice of humanity, to abandon your whaling, sacrifice your personal interest, and put yourselves in condition to receive on board ourselves and crews for transit to some civilized port, feeling assured that our government, so jealous of its philanthropy, will make ample compensation for all your losses.

The report agrees with Captain Pease, noting that “Protection to our commerce demands that such a signal act of humanity should not be suffered to pass unrecognized or unrewarded, and that the *Chance*’s claims constitute “urgent grounds for Congressional action.” But the wheels of

justice turn slow. The owners of the *Chance* would have to wait until 1890—19 years after their service off Point Belcher—in order to receive a reward of \$16,000.<sup>45</sup>

**18. U.S. House. (1880, April 8). *William T. Smith and others*. (H. Rpt. 908; Cong. Ser. Set vol. 1936). 46<sup>th</sup> Congress, 2<sup>nd</sup> Session. Text in *Readex*. Retrieved November 25, 2020.**

**19. U.S. House. (1882, February 2). *Certain American whaling vessels*. (H. Rpt. 200; Cong. Ser. Set vol. 2065). 47<sup>th</sup> Congress, 1<sup>st</sup> Session. Text in *Readex*. Retrieved November 25, 2020.**

**20. U.S. House. (1890, July 28). *Owners and crews of certain American whaling vessels*. (H. Rpt. 2842; Cong. Ser. Set vol. 2815). 51<sup>st</sup> Congress, 1<sup>st</sup> Session. Text in *Readex*. Retrieved November 25, 2020.**

The first two documents comprise near-identical reports, filed by the U.S. Committee on Claims, requesting compensation relating to the rescue of American sailors off of Point Belcher similar to those of the British ship *Chance* (see previous entry), with the difference being that these are five American ships, who between them rescued 900 American sailors. As in the report on the actions of the *Chance*, the report highlights the bravery and humanity of the ships' captains: "The masters, with the full consent of all the crews, decided at once to abandon their voyages and to rescue these men, entirely regardless of self and without a murmur."<sup>46</sup> These report provides additional details regarding the state of the shipwrecked whalers, and the miracle of their rescue, with not one man out of 1,200 perishing in the entire ordeal.

The final of the three documents for this entry was composed by Rep. Smith (IL), from the Committee on Claims, in 1888, to accompany H.R 10267. Noting that "although the matter has been in Congress all these years, it has been left chiefly to take care of itself," and that in the

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<sup>45</sup> 26 U.S. Statutes at Large, 1123.

<sup>46</sup> Pg. 3.

eighteen intervening years, the five Nantucket captains of the rescuing whaleships have found themselves in financial distress, Smith pressures Congress for compensation, noting that “It is a matter of common knowledge that all Congresses have acted with magnanimity and with great liberality towards parties who have served their country by acts of common humanity [ . . . ].”<sup>47</sup> Smith then provides a list of similar (successful) claims for compensation to rescuing ships, which may prove to be of convenience to any historian or researcher investigating similar claims made by the captains and owners of ships involved in rescues. Smith concludes his report by recommending that the United States Government pay out between \$19,000 and \$33,000 to each ship owner, depending on the number of sailors rescued. The resolution was finally passed and approved 21 February, 1891.<sup>48</sup>

**21. U. S. House. (1890, May 3). *Henry Clay and others*. (H. Rpt. 1878; Cong. Ser. Set vol. 2812, sess. vol. 6). 51<sup>st</sup> Congress, 1<sup>st</sup> Session. Text in *Readex*. Retrieved November 5, 2020.**

In 1889, the New Bedford whaling ship *Franklin* was sailing in the North Atlantic in pursuit of Right whales, when its captain spotted on the horizon a pillar of smoke and “a glare of light a long way off.” The captain guessed at once it was a burning ship, and immediately began a search for survivors in the midst of a howling storm. After a brief and heroic search, the crew of the *Franklin* found the passengers of the burning ship—the *Lorenzo D. Baker* of Boston—clinging to spars and overturned lifeboats, brought them aboard, and returned to New Bedford, its hold filled with survivors instead of whale oil. This document provides a brief account of the rescue, as well as a recommendation from the Committee on Claims to reward the crew and

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<sup>47</sup> Pg. 10.

<sup>48</sup> 26 U.S. Statutes at Large, 1367.

captain for the heroism. In response, Congress passed H.R. 2617, which became law February 21, 1891.<sup>49</sup>

Also of note, the account provides evidence that this sort of rescue--sailing great distances in relief of a burning ship, upon spotting smoke on the horizon--was the general and virtuous practice of whalers. The two Confederate privateers, the C.S.S. Shenandoah and the C.S.S. Alabama, so ruinously successful, were accused of taking advantage of this humane tendency by setting a ship on fire at night to lure other whaleships in the area to their destruction (see next entry).<sup>50</sup>

**22. U. S. House. (1872). *Papers relating to the foreign relations of the United States, transmitted to Congress with the annual message of the President.* (H. Exec. Doc. 1; Cong. Ser. Set vol. 1555, pgs. 111-134). 42<sup>nd</sup> Congress, 3<sup>rd</sup> Session. Text in *Readex*. Retrieved November 5, 2020.**

This entry comprises the argument of an extended complaint lodged in 1872 by the U.S. government against the government of Great Britain before an international tribunal, demanding compensation for losses to U.S. shipping from the depredations of the CSS privateers Shenandoah and Alabama. Of primary interest is a thorough account of the voyages and fates of the two Confederate pirates, located on pages 88-113. The two ships, armed and provisioned in Liverpool and manned by British crews, together captured and burned over forty American whaling vessels between the years of 1861 and 1865 on their “black and bloody cruise”—a loss from which the American whaling industry never recovered.<sup>51</sup> American whale ships had survived comparable losses during the Revolutionary War and the War of 1812, and had

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<sup>49</sup> 26 U.S. Statutes at Large, 1366.

<sup>50</sup> Dolin, 2007.

<sup>51</sup> “The Pirate Shenandoah,” (1865).

recovered on both occasions, “unaided by legislative support.”<sup>52</sup> But the market was different by then, and whales scarcer, and alternative sources of light and lubrication much more abundant (see following entry.)

The United States and the United Kingdom would settle their differences in the 1871 Treaty of Washington, which would award the United States \$15.5 million in gold in compensation from the United Kingdom, as well as specify in detail the duties of neutral nations regarding ships, both military and commercial, belonging to nations at war.<sup>53</sup> The Treaty of Washington would function as a model and legal standard for the peaceful settling of future international disagreements, and is worth a glance, though, like most treaties, it is rather dry.

**23. Hays, S. S. (1866). *Petroleum. Letter from the Secretary of the Treasury.* (H. Exec. Doc. 51; *Cong. Ser. Set* vol. 1256.) 39<sup>th</sup> Cong., 1<sup>st</sup> Sess. Text in *Readex*. Retrieved on 16 November.**

This report, delivered by the chairman of the Special Committee of the United States Revenue Commission, calls for the abolition of special duties paid to the U.S. Government upon crude petroleum. However, the document provides an excellent summary of the heady early days of the petroleum (“rock oil,” as opposed to whale oil) industry in the 1850s and 60s. This report demonstrates how, between 1863 and 1866, revenue from “rock oil” would increase by nearly five-hundred percent, as speculators flocked to the oilfields of French Creek, Pennsylvania and Mecca, Ohio (p. 3). It also provides a lively cultural history of petroleum extraction going back to the American Indians, who dug for oil in Kentucky and Pennsylvania.

At first, the use of petroleum as a source of light and fuel had significant drawbacks, which prevented it from seriously challenging whale oil’s place as a light source:

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<sup>52</sup> U.S. Congress, (1823).

<sup>53</sup> “Treaty of Washington,” (1871).

“Notwithstanding its great illuminating power, petroleum, owing to its peculiar smoky flame, would not have come into general use had not the way been prepared for it by other discoveries and inventions, some of them dating back in the last century or before” (p. 11). However, advances in distilling and purification soon allowed for clean-burning petroleum to become the primary source of light in our nation’s cities. A chart on page 11 shows the relative costs of sperm oil compared with refined petroleum, along with its “illuminating power.” On page 36, we see that the total value of petroleum products in the United States in 1865 was almost \$45 million—far in excess of the revenue of the whale industry the best of years, and these were no longer the best of years.

In the end, it was not the destruction of the whaling fleet at the hands of the CSS Shenandoah, or in the Alaska pack ice that finished off American whaling, but the free market. When Petroleum products replaced beef tallow and pork lard as the primary rival to whale oil in the 1860s, the industry was finished. This was undoubtedly good news for the whales, at least until the untrammled use of petroleum products began to heat the oceans in which they live.<sup>54</sup>

**24. U.S. House, Committee on Merchant Marine and Fisheries, Subcommittee on Fisheries and Wildlife Conservation and the Environment. (1975, May 13-14 and June 9-13). *Whaling, Whale Oil, and Scrimshaw*. Hearing (H. Hrg. 56-388), 94<sup>th</sup> Congress, 1<sup>st</sup> Session. Washington, D.C.: U.S. Gov. Printing Office. Text in [ProQuest Congressional](#).**

Commercial whaling was officially banned in the U.S. and its territorial waters with the passing of the Marine Mammal Protection Act, signed into law by President Richard Nixon in 1972.<sup>55</sup>

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<sup>54</sup> NOAA, (2020).

<sup>55</sup> Marine Mammal Protection of 1972, 16 USC 31.

The law extended not just to the killing of whales, but also prohibited any person “to transport, purchase, sell, export, or offer to purchase, sell, or export any marine mammal or marine mammal product” (§1372 [The purchase and sale of whale parts was also prohibited under the Endangered Species Act of 1973]).<sup>56</sup> This was problematic, because in 1973, the U.S. Navy still had a stockpile of 23 million pounds of sperm whale oil that it could no longer sell, valued at almost \$8 million, not to mention many antique dealers and private individuals who bought, sold, and traded in scrimshaw items (p. 230). Several companies had already contracted to purchase a significant portion of the U.S. Government’s sperm oil stock, and now were concerned that they would no longer be legally permitted to sell it (p. 172-173). Sperm oil still had several niche industrial and cosmetic applications, for which no good replacement had been found. The U.S. Government no longer had any use for the sperm oil in its possession, and it did have willing buyers. It would be a tremendous waste simply to let it sit unused in a warehouse.

To remedy this, in 1975 Sen. Ted Kennedy of Massachusetts sponsored S.229 to amend the text of the 1973 Endangered Species Act to exempt sperm whale oil and scrimshaw antiques possessed before 1973 from the provisions of the Endangered Species Act.<sup>57</sup> The hearing *Whaling, Whale Oil, and Scrimshaw* took place during the spring of 1975 to discuss the contents of the legislation, which proved surprisingly controversial. In particular, environmental groups worried that permitting this exception would substantially weaken the enforcement of the Endangered Species Act by flooding the black market with millions of dollars-worth of carved whale-teeth, whale-bone, and walrus ivory.

Of particular interest to the reader is the testimony provided by Martin Lipman of the New Bedford Area Scrimshanders on pages 234-241. Scrimshaw was one of the great and lasting

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<sup>56</sup> Endangered Species Act of 1973, 16 USC 35.

<sup>57</sup> S. B. 229, 94<sup>th</sup> Congress (1976, July 12).

cultural inheritances of the U.S. whaling industry. Sailors on long voyages cut intricate designs into whatever they had on-hand, often bits of whalebone or teeth, which they then traced with ink, much like the art of engraving. In 1975, scrimshanders in New Bedford still possessed a stock of around fifteen-thousand pounds of whalebone and whale tooth left-over from 1800s—enough to keep a small group of skilled scrimshanders employed for decades (235). The short but fascinating little history provided by Lipman explains the importance of scrimshaw as a vital and continuing piece of American folk art, as well as several amusing anecdotes on the role scrimshaw played in keeping up a crew's moral (one ship's cook, upon being forbidden to practice scrimshaw, set the ship on fire). The handful of New Bedford scrimshanders still practicing in the 1970s were perhaps the last people in the United States whose livelihood still depended directly on the 19<sup>th</sup> century American whale fishery. S.229 passed in Congress that same year and was signed into law, 12 July.

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