

The OPERATIONS OF THE NATIONAL TRAP.

The equipment of the National Trap consists of four fish traps, a trap boat Charlotte and a scow and several dories and other fishing gear.

The trap boat Charlotte is an open boat 36 feet long by 10'-5" beam and 4 Ft. draft weighing less than 5 Tons Net. It therefore is classified as an undocumented vessel and a number is awarded it by the U. S. Coast Guard. The number is 4 B 656 As it is undocumented it does not have to be registered in the Customs Office of the U.S.

The four fish traps are nets strung on poles that are driven into the ground. These poles are set in waters of about 42 feet at the outermost trap and run inshore at right angles to the beach. The innermost trap is nearly on the beach. The outermost trap is possibly 3/4 of a mile from shore.

The Captain is selected by the National Trap and he chooses his own crew of four men. Fishing these traps usually starts in April and ends in November or early December.

The men go out early in the morning in the Boat Charlotte on every week day that the weather is good and draw these traps. They do not work on Sunday. If there is any fish in the trap they take it in the boat to the local pier where it is either shipped to market or sold locally. The average distance along the shore from the traps to the pier is about four miles.

The men fish on a 50/50 lay except the Captain who is paid a 2% commission out of the Companies share. No Social Security is paid to the U.S government by the Capt or crew or National Trap because they do not come within the scope of the Federal Insurance Compensation Act being a boat of less than 10 tons rRegister. No Mass. Unemployment Compensation is paid on them either by the National Trap. Withholding Taxes are collected and paid on amounts shared. When the traps are hauled up for the winter, the men mend and repair them. This work is usually done from Mid January to April. The men are paid an hourly wage then. Social Security is collected from the men and paid by the men and National Trap. Mass. State Compensation is paid by the National Trap and withholding taxes are taken out of wage.

The Trap Fisherman of Provincetown and North Truro and all of the companies doing this type of fishing operate under a Trap Fisherman Agreement made with Chauffeurs, Warehousemen and Helpers, Local Union #59 New Bedford, Mass. affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, A. F. L. and The Atlantic Coast Fisheries, Traps; Sea Food Packers Inc.; National Trap; Silva Traps; and Pond Village Cold Storage Co. This agreement was signed by S. P. Jason Sec. Treas & Bus. Rep for the Union and the above mentioned trap Companies. All trap fisherman have to be members of this Union and abide by this agreement. A copy is attached. ARTICLE VIII of this agreement states that "THERE SHALL BE NO HAULING OF TRAPS OR WORK OF ANY NATURE PERFORMED ON SUNDAY.

On Sunday November 26, 1950 at approximately 4.30 P.M in the afternoon John Raymond was injured when he helped put down the cradle belonging to the National Trap. The Boat Charlotte weighs less than 5 Ton Net and the cradle weighs about or a little under a ton. John Raymond was a member of the Union mentioned above. He could not under the Union agreement do any work for the National Trap on a Sunday. John Raymond had been Trap Fishing with the National Trap since 1937 or before. He had helped put down this cradle at least twice a year in the same manner without injury to himself or any one. There was no Rush to pit down the cradle because of stress and excitement in trying to save the Charlotte. The Boat Charlotte was then safely tied to the pier. The statement of Capt. Fields and two crew members proves this.

THE OPERATIONS OF THE NATIONAL TRAP
AND ACCIDENT TO JOHN RAYMOND

Capt John Fields, John Raymond, Joseph R. Perry, Antone Dutra and Arthur J. Roderick were working on putting down the cradle this Sunday afternoon at their own risk. The other three men Philip Days, Carl Sawyer and Frank Rosa Jr. were doing so too. No written or oral agreement was made by the National Trap, George F. Miller Jr Pres. or by George F. Miller Jr personally hiring them to do this work with pay or with out pay. The Captain could not direct his men to do this work as the Union Agreement states "No work of any nature shall be done on a Sunday!"

Any work done to save the Charlotte on Sunday ~~whether~~ was done voluntarily. Any work done because of an emergency ceased when the boat was pulled off of the beach and towed to the Provincetown Cold Storage Co pier and tied up to the pier. The boat was then safe and as the Captain stated in his signed account he intended to come to work on Monday morning and he and the crew would then perform duties that came within their scope. On that particular Monday morning it meant putting down a cradle and hauling the Charlotte on to our railway. John Raymond and the other men mentioned above voluntarily and at their own risk decided amongst themselves to put down the cradle on this Sunday afternoon Nov. 26, 1950. John Raymond was injured. He had done this work many times before. He must have injured himself because of carelessness on his part. After he was injured he did not see fit for over two months to take the proper care of himself. He aggravated his injury by driving his car many times before he finally went ~~to~~ to the Hyannis Hospital and even after that he did not do what I would think a man with his injury would do.

Signed

November 29, 1952

George F. Miller Jr.
President, National Trap



The EMPLOYERS' GROUP Insurance Companies

The EMPLOYERS' Liability Assurance Corporation, Ltd.

The EMPLOYERS' Fire Insurance Company

AMERICAN EMPLOYERS' Insurance Company

CAPE COD CLAIM DEPARTMENT
208 SPRING STREET, HYANNIS, MASSACHUSETTS

Mr George F Miller, Jr.
173 Commercial St
Provincetown, Mass

November 26, 1962

RE: E 50112A John Raymond vs National Trap

Dear Mr Miller:

In accordance with the conversation we had yesterday afternoon, enclosed you will find a typewritten copy of the papers I took from you named the Writ of Attachment, Summons, and the Complaint.

The originals of the papers together with the complete file has this date been transferred to our Boston office for assignment to counsel.

Very truly yours,

L. S. Hathaway

L. S. HATHAWAY
Superintendent

Encls.

Provincetown, Mass. Nov. 29, 1952

To the National Trap
George F. Miller Jr.

The Boat Charlotte went ashore in a storm Sat. Night at about 9.00 P.M. Nov. 25, 1950. It went ashore in back of Jolly Jacks and to the eastern side of the Town Pier.

I and the members of my crew went down to the Boat Charlotte on the beach and baled out the water and covered over with canvas the damage to it. We then went home. About 12 or 1 oclock there was a fire in Provincetown and after the fire one of the crew came and told me that a big dragger the Mary Madeline had come ashore and bumped into the Charlotte. I went back down to the Boat but there wasn't anything that could be done.

In the morning the storm was all over. The sun was out and the sea was smooth. The members of the crew came down to the Trap shed and we went over to the Boat Charlotte again. We bailed it out and patched it up with canvas and when the tide came in it floated and we towed it over to the Provincetown Cold Storage Co wharf. We towed it by rowing a dory and we tied it up there. We took out the batteries to dry them and did a few other things to help out.

It was getting late in the afternoon. There were other men on the shore around our trap shed. I told the crew that in the morning we would come down and put down the cradle and haul the Boat out on our railway and inspect and repair the damage. But since there were these other men around to give us a hand the crew agreed it would be a good idea to put the cradle down then instead of early Monday morning when it would be dark.

So we put the cradle down.. Carl Sawyer, Philip Days and Frank Rosa Jr. were the men that gave us a hand . We put the cradle down the same way we had done it many times before. I started to go back to the trap shed after the cradle was down when someone said that John Raymond had been hurt. I took him in my car to the Doctors. Members of the crew went with me. We want to Dr. Riley's office first but he was not there so we then went to Dr. D. H. Hieberts office.

Witness

Mrs. Fannie Fields

Signed

Capt. John Fields

I have read the story given by Capt. Fields and agree that it is the true story of the accident.

Signed

Joseph R. Perry
Arthur J. Roderick

WRIT OF ATTACHMENT

The President of the United States of America

To The Marshall of our District of Massachusetts or his Deputy.

In an action filed in the District Court of the United States
for the District of Mass. on which

John R Raymond

of Provincetown

is plaintiff and

George F Miller, Jr. of said Provincetown at 173
Commercial Street

is defendant

We command you to attach the goods and estate of said George F
Miller Jr. defendant to the value of Seventy-five thousand
dollars, as prayed for by the said plaintiff, and make due
return of this writ with yourdoings thereon.

Dated at Boston the 20th day of November 1952

John A Canavan, Clerk
BY: Frances R Foley, Deputy Clerk

Summons in a Civil Action

FORD, J
No. 52-1298 CA

United States District Court
For the
District of Massachusetts

Civil Action File No. 52-
1298

JOHN R RAYMOND

Plaintiff

SUMMONS

V.

GEORGE F MILLER, JR.

Defendant

To the above named Defendant:

You are hereby summoned and required to serve upon James M Langan

Plaintiff's attorney, whose address is 41 Tremont St, Boston, Mass.

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

John A Canavan
Clerk of Court

Frances R Foley
Deputy Clerk

Date: November 20, 1952

John R Raymond, Plaintiff
v
George F Miller, Jr. Defendant

COMPLAINT

To the Honorable Judges of the United States Court, District of Massachusetts:

RESPECTFULLY REPRESENT your plaintiff, John R Raymond, that he is a resident of Provincetown, Massachusetts, and that he brings this action against George F Miller, Jr., a resident of said Provincetown.

1. The action arises under the Jones Act of the United States, more particularly known as Section 33 of the Act of June 5, 1920, Chapter 250, 41 Statutes 1007.

2. That on November 26, 1950 your plaintiff was a member of the crew of the motor ship CHARLETTE and had been a member of the crew and a fisherman for some months prior to Nov 26, 1950, and had been in the employ of the defendant in the above capacities, and that on said date and for some months prior, the defendant was the owner of the said ship CHARLOTTE and used it in fishing in interstate waters and on the high seas.

3. That on November 26, 1950 your plaintiff, while in the employ of the defendant and following instructions of the Captain of the CHARLOTTE, in endeavoring to save the CHARLOTTE which had broken loose from its moorings during a storm in the Provincetown Harbor, and in the course of his duties and within the scope of his employment, at or about 5:15 in the afternoon of said Nov. 26, 1950, due to the defendants failure to provide a reasonably safe place for plaintiff to perform said duties, and due to the defendant's failure to inspect all appliances and ways to determine the existance of any unsafe and dangerous conditions, was injured.

4. That prior to the injuries which the plaintiff received at the time of this accident, he was a strong, able-bodied man, capable of earning and earning approximately three thousand (\$3000) dollars per year, and because of these injuries he has been made incapable of any gainful activity and has suffered great physical and mental pain and has incurred great expense for medicine, medical attention and hospitalization.

5. That the plaintiff brings this action pursuant to Section 33 of the Merchant Marine Act of 1920, and elects to maintain this action for damages at law with the right of a trial by jury and to take the benefit of all Statutes of the United States modifying or extending the common law right or remedy in case of personal injury, and demands judgment against the defendant in the sum of seventy-five thousand (\$75,000) dollars.

John R Raymond, Plaintiff
BY: James M Langan, Attorney for Plaintiff