

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES,

PASSED BY THE

TWENTIETH LEGISLATURE

OF THE

STATE OF MAINE,

JANUARY SESSION, 1840.

Published by the Secretary of State, agreeably to Resolves of June
28, 1820, and February 26, 1840.

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1840.

RESOLVES
PASSED BY THE
LEGISLATURE OF MAINE.
1840.

[supplied from page 113 of volume]

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

ERRATA.

- Page 2, eleventh line from the bottom, for "Nathan" read *Nahum*.
3, third line from the bottom, after the word "matters" insert *and things*.
6, at the end of chap. 6, for "January 27," read *January 29*.
15, at the end of chap. 17, for "February 18," read *February 19*.
22, chap. 23, sec. 3, sixth line, for "vehicle" read *vehicle*.
29, third line from the top, for "votes" read *voters*.
29, seventh line from the top, omit the word "by" before "law."
29, sec. 8, tenth line, for "estate" read *estates*.
31, chap. 50, sec. 1, fifth line, omit the word "other" before "refuse."
33, chap. 33, sec. 1, eleventh line, for "mast" read *masts*.
33, second line from the bottom, for "chair-" read *chain*.
47, fourth line from the bottom, for "Northam" read *Northane*.
48, third line from the top, for "Videto" read *Viddeto*.
51, twelfth line from the bottom, between "that" and "all" insert the word *in*.
52, in the enacting clause of chap. 53, for "entaced" read *enacted*.
67, fifteenth line from the bottom, for "thousand" read *thousands*.
68, twenty-third line from the top, for "annully" read *annually*.
111, ninth line from the top, for "such" read *said*.
113, chap. 1, fifth line, omit the word "the" before "advice."
115, fifth line from the bottom, for "certificate" read *certificates*.
122, in the title of chap. 21, for "Jordon," read *Jordan*.
188, eighth line from the bottom, before the word "person" insert *other*.
206, in the title of chap. 77, for "relating" read *relative*.
207, chap. 79, second and third lines, between the words "of" and "State" insert the word *the*.
224, chap. 93, twelfth line, for "relation" read *reference*.

STATE OF MAINE.

IN SENATE, MARCH, 1840.

THE Joint Select Committee, appointed to take into consideration an order relating to the action of Congress upon an Act giving a bounty to "vessels engaged in the fisheries," have had the same under consideration, and ask leave to Report,

That the movement recently made in the United States Senate, to repeal the Act giving a bounty to "vessels engaged in the fisheries," is decidedly against the interest and well being of our State. Such a movement having been made at the last session of Congress, and having again been brought forward at this session, we must avow that it has not failed to alarm our fears; and as Representatives of the people of this State, we are bound to interpose our remonstrance to the same, and to call upon our Senators and Representatives in Congress to use their exertions to prevent the repeal of said Act, that the interests of our State and the country may still remain protected by its wholesome provisions.

The Committee do not consider the repealing of this Act a mere question of dollars and cents; but as a measure immediately affecting our State policy. It connects itself directly or indirectly with most of the great interests of the State. Its repeal would inevitably retard the general prosperity of the State, and materially injure our ship building, commerce, navigation and fisheries.

When a country is favorably situated in climate and soil, and every part of it is equally favored, it requires less skill to render the people happy and prosperous. Some portions of this Union are thus favored; and though we are not equally blessed with some other States, we possess advantages, which properly watched and cherished, will conduce more to the lasting interests of our common country than portions so favored by nature. If the coast of Maine, is in some parts sterile, it stretches along nearly three hundred miles, equal to one quarter of the whole Atlantic coast, and possesses as many harbors and inlets for vessels as all the rest of the coast of the United States. Nature herself seems to have pointed out the course of policy to be pursued. Luxuriant plains produce trees fit only for shelter; but in the bleak wilderness of the north, rise the pine, the oak and the cedar; and on the rocky

coast and inhospitable shores of the north, are found the inexhaustible riches of the ocean. The very circumstances of the soil not yielding of the fruits of the earth so abundantly, has been favorable to our engaging largely in navigation, in ship building, and in the fisheries. No State in the Union is so favorably situated for these branches of business as Maine. So far as our means and capital would allow, no State is so largely engaged in these branches. The fishing bounty, giving encouragement to our young men to engage in the fishing business, and to pursue it as a calling, has contributed to the prosperity of our ship building, by employing vessels of a small burthen. The habits of life, formed by those engaged in the fisheries, have made sailors out of fishermen, and trained up a race of seamen as fearless, as skilful and prudent as any others in the world. These have contributed to the advancement of our navigation by their engaging in the merchant service and in coasting. These have also contributed alike to the prosperity of those engaged in ship building. Although in some other States the fishing business has greatly diminished, it is believed that it has not in this State. Many places have embarked largely in it within a few years, which formerly scarcely sent out a single vessel. While it is said that the amount of tonnage engaged in the cod fishery has diminished from 107,000 to less than 60,000 tons, it is believed that it has actually been on the increase in this State, by being transferred from Massachusetts, where it formerly chiefly centered, to places nearer the great fishing grounds.

But it is not alone a matter of State policy—it is a matter of great national policy. It is to the encouragement offered by this fishing bounty that we are indebted for our superiority in navigation. The fisheries have been a nursery for seamen, which has furnished your vessels of war and merchant service. In times of war and peril, this source of national defence will be indispensable. A sailor cannot, like a soldier be made in a single year; he must have a long course of training from his youth upwards. This training is no where so successfully had, as in our coasting trade and fisheries. It is here that the early habits are formed—that calm fearlessness in danger so essential to safety—that endurance of watching, exposed to the severe storms of our northern ocean—that quiet patience under disappointments in weather or in the successful pursuit of their object—that skill in managing their craft, in which for months they remain on the fishing banks,

without landing, in the midst of the storms and fogs from the gulf. It is to this source of supply, of men thus trained in the fisheries, that we are to depend for manning our vessels in the merchant service, in peace, to carry on our foreign commerce successfully; and when that commerce is obstructed by war, they are ready to engage in our naval service. When an emergency arises, and his business is destroyed, the gallant sailor will require no unconstitutional impressment to lead him to obey the calls of patriotism. Behind his wooden walls, floating upon the ocean, he will interpose a shield for our defence. In the hour of peril, along the whole Atlantic coast, we must depend upon the bravery of the hardy mariner for protection. A rival nation, boasting herself to be the mistress of the ocean, now lays claim to a large portion of our State territory; and however we may deprecate the miseries of war, the fact cannot be disguised, that causes of strife exist, which if not settled peaceably soon, must inevitably lead to that result. Whenever that event comes, it must be a war principally upon the ocean; for freemen can defend their father-land from desecration, when they have time to prepare for the contest. The danger is from a sudden attack upon some part of the coast left unprotected. Security from such an attack, must be sought for from a competent naval force. And should Congress at such a crisis in our national affairs change its present course of policy to this hardy, energetic and industrious class of our fellow citizens, it could not fail to materially weaken this right arm of our national defence.

The successful attempts made of late to ameliorate, instruct, and improve the condition of our seamen, though a most meritorious and praiseworthy service, leads many to forsake their calling as soon as they have saved sufficient to enable them to do so. This tendency is inevitable. It is only by offering higher rewards than have heretofore been given, that the merchant service can be properly supplied by native seamen. The wages of this class have nearly doubled within a few years, and resort is had to foreigners, who are inferior to Americans, and subjects the vessel to a discriminating duty, if more than one third of the crew are foreigners. The object of this discrimination is to increase American seamen, and is intended as an indirect bounty for that purpose. This is part of the same policy with that which encourages the increase of seamen by the fishing bounty. Instead of taking away this bounty, or in any way diminishing what they now indirectly receive,

the time will soon come when a more direct bounty must be given to our seamen, or the supply will be so reduced as to impair our commerce and weaken the national defence.

Viewing the increase of seamen to be a matter of paramount importance, little need be added in relation to the amount paid every year to persons engaged in the fisheries in this State. It would not probably fall short of one third part of the two hundred and fifty thousand dollars annually paid out of the National Treasury. Whatever that sum may be, it is sufficient to enable those engaged in it to prosecute their business with tolerable success, though at great hazard and uncertainty. Take away this bounty, which is distributed three fifths to the crew, in proportion to the quantity taken, and two fifths to the owners of the vessel, and the business would inevitably languish and be destroyed. Even the agitating the subject is said to have retarded the usual preparations for the business.

Only two objections have been urged against this measure. One is, that it is a drain upon the National Treasury of one quarter of a million of dollars annually. If there was no corresponding advantage to the nation to compensate for this, believing as we do, that retrenchment should be practiced wherever it can be prudently done, it would go far to reconcile us to offering up our dearest State interests as a sacrifice to the love of our common country. But we are satisfied that such a sacrifice is not required. That it would be a sacrifice, not of State interests, but of the National interests, and weaken our national security. And should the nation pay grudgingly this small pittance of one quarter of a million of dollars to sustain this right arm of our national defence? It is the last remaining privilege of this meritorious class of our fellow citizens. It might with great propriety be asked, to what object of greater importance would you apply this sum so small in comparison with the increasing millions of national expenditure? What class of men on whom the millions of the national bounty is annually bestowed is more meritorious than the seamen?

The only other objection is, that it has a tendency to continue the duty of six cents a bushel on salt. It is believed that this duty is not an onerous burthen upon any portion of the country; and considering the importance of giving some encouragement to the domestic manufactures, may have little or no effect upon the price

to the consumer. At any rate, it is not believed that this duty ought to have any effect upon the bounty, which rests upon an entirely different basis from a mere drawback of the duty upon salt. Those engaged in the fisheries are obliged to pay duties to government on the cordage, sail-cloth and iron used in building their vessels, as well as upon the salt with which they cure their fish. The mode of distribution shows that it was intended as a direct reward to industry and independent action amongst the fishermen. The great object of the law is to encourage the increase of able American seamen. This object it has accomplished. The great interests of the nation in peace and its safety in war, demand the continuance of the same policy.

The Committee ask leave to submit the following Resolves, to be adopted by the Legislature.

WM. M. REED, *Chairman.*

Chapter 77.

Resolves relating to the repeal of the Act, giving a bounty to vessels engaged in the fisheries.

Fisheries.

Resolved, That the repeal of the Act, giving a bounty to vessels engaged in the fisheries, would affect the general prosperity of this State, by injuring the interest engaged in navigation, in ship building and in the fisheries.

Resolved, That national policy requires a continuance of the fishing bounty to foster and sustain the commerce of the country in peace, and to afford a competent supply of able seamen for the naval service in war.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested to use their exertions to prevent a repeal or modification of the law entitled an Act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries, or of any Acts or parts of Acts relating to the bounty to vessels or individuals engaged in the fisheries.

Resolved, That the Governor be requested to forward a certified copy of these Resolutions to each of our Senators and Representatives in Congress.

Gov. to transmit copy, &c.

[Approved March 18, 1840.]

Chapter 78.

Resolve authorizing the payment of interest on the temporary loan, approved February 15, 1839.

Resolved, That the Treasurer of State be and he hereby is authorized and directed to pay the interest of the temporary loan, authorized to be made by Resolve, approved February fifteenth, 1839, annually, until the repayment of the principal.

Treasurer directed to pay interest on the temporary loan.

[Approved March 18, 1840.]

Chapter 79.

Resolve making appropriations of land for officers and soldiers of the Revolution, and their widows.

Resolved, That township numbered eight in the third range of townships west from the east line of State, in the County of Aroostook, is hereby appropriated in lieu of township letter D. in the first range, to satisfy the holders of certificates for land, issued by the Land Agent, under Resolves approved March 17, 1835, March 20, 1838.—And Resolve additional, approved March 23, 1838, and under special Resolves referring thereto where the holders of certificates have not selected lots and received deeds, nor have had lots assigned for that purpose, and for satisfying claimants whose claims may hereafter be allowed by virtue of said Resolves, or for any subsequent special or general Resolve that may

Exchange of townships appropriated for Revolutionary soldiers.