

A Documentary History of the Alewife (*Alosa pseudoharengus*) in its Native Habitat in Maine and New England.

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Introduction

The alewife (*Alosa pseudoharengus*) is a member of the herring family (*Clupea*) and is native to coastal watersheds of New England and the Atlantic seaboard of the United States and southern Canada. Like the Atlantic salmon, American shad, Atlantic sturgeon and striped bass, the alewife is a migratory fish species that is born in freshwater and reaches adulthood in saltwater. Adult alewives reach a length of 14 inches and may live up to age 10. Alewives reach sexual maturity at age 3 or 4. Like Atlantic salmon, alewives display a homing instinct to the specific river system, tributary system and lake or pond where they were born.

In Maine, alewives swim up rivers to spawn in April and May. They spawn in freshwater ponds during June. Females broadcast their eggs into the water while males surround them and broadcast their sperm. After spawning, the adults swim back to the ocean. The eggs hatch in several days. Newly born alewives are transparent and one quarter inch long. They begin their life eating zooplankton, becoming two inches long in six weeks. Some juvenile alewives swim to the ocean from late July to October. Alewives spend three to four years in the ocean, feeding on plankton until they swim back to freshwater to

spawn. Alewives spawn up to four times.

Alewives were found in every coastal river in New England. They were easy to catch in large numbers and could be smoked or pickled for year-round consumption and export. Alewives were particularly desired as fertilizer for corn cultivation and as bait for the coastal Atlantic cod fishery. Laws limiting the harvest of alewives were passed by many towns as early as 1700. In 1735, the Massachusetts Bay Colony passed the first of many laws requiring mill dam owners to provide passage for migrating alewives at their dams. Hundreds of laws were passed by the New England states to protect the alewife. Most of these laws proved ineffectual due to lack of enforcement.

By the early 20th century, the construction of mill dams destroyed virtually all of New England's alewives.

Efforts by the State of Maine to restore its native alewife populations began in earnest on January 28, 1867 when the Maine Legislature passed a "Resolve Relative to the Restoration of Sea Fish to the Rivers and Inland Waters of Maine." The Governor of Maine appointed two Fisheries Commissioners and charged them with developing a statewide restoration plan for all of Maine's native sea-run fish and ordering the construction of fishways at dams. Due to the opposition of many mill dam owners to building fishways, restoration progress was sporadic. Increasingly severe water pollution in Maine rivers during the 20th century caused the State of Maine's alewife restoration efforts to collapse. Passage of the federal Clean Water Act in 1970 allowed for the revival of efforts by the State of Maine to restore its native alewife and migratory fish populations.

In many watersheds in New England, alewives have been completely absent for one or more centuries and the cultural memory of local alewife runs has been lost. Many people are unfamiliar with the alewife and its role as a native inhabitant of their local lakes, ponds, rivers and streams. The historic documents herein provide a chronological record of the observations made by New England people of the alewife runs in their local rivers and streams and the efforts they made to protect them.

• **1622 ACCOUNT OF ALEWIVES IN PLYMOUTH, MASS.**

John Pory, describing alewives going up Town Brook to the Billington Sea (a

freshwater pond) in Plymouth, Mass. in 1622.

"In April and May come up another kind of fish which they call herring or old wives in infinite schools, into a small river running under town, and so into a great pond or lake of a mile broad, where they cast their spawn, the water of the said river being in many places not above half a foot deep. Yea, when a heap of stones is reared up against them a foot high above the water, they leap and tumble over and will not be beaten back with crudgels."

From: Pory, John. 1622. Letter of John Pory to the Earl of Southhampton. In: Three Visitors to Early Plymouth. Reprinted by Plimoth Plantation. Plymouth, Mass.

• **1674 ACCOUNT OF ALEWIVES IN MAINE.**

"The Alewife is like a herrin, but has a bigger bellie therefore called an Alewife, they come in the end of April into fresh Rivers and Ponds; there hath been taken in two hours by two men without any Weyre at all, saving a few stones to stop the passage of the River, above ten thousand."

From: John Josellyn, Colonial Traveler. A Critical Edition of Two Travels to New England (publ. 1674). Paul J. Lindholt, editor. University Press of New England. 1988.

• **IMPORTANCE OF ALEWIVES IN 17th CENTURY NEW ENGLAND.**

From the History of Taunton, Massachusetts.

"This is the document which has come into our hands, through the kindness of Mr. James M. Cushman, a direct descendant of Elder Cushman, of Plymouth, and for some years clerk of the City of Taunton -- a document signed by William Briggs Jr. of Taunton, considerably less than a century after the settlement, and who must, therefore have known and conversed with some of the settlers and got his information from them. His father, William Briggs, grand senior (as he designated himself), was a man of substance and good standing in town, as was also the son. The document, in part, is as follows:

"The Indian name for Taunton is Cohannit, at first given to the falls in ye Mill River

where the old Mill (so called) now stands, being the most convenient place for catching alewives of any in those parts. The ancient standers remember that hundreds of Indians would come from Mount Hope and other places every year in April, with great dancings and shoutings to catch fish at Cohannit and set up theyr tents about that place until the season for catching alewives was past and would load their backs with burdens of fish & load ye canoes to carry home for their supply for the rest of the year and a great part of the support of ye natives was from the alewives.

"The first English planters in Taunton found great relief from this sort of fish, both for food & raying of corne and prized them so highly that they took care that when Goodman Linkon first craved leave to set up a grist mill at that place, a town vote should be passed that the fish should not be stopped. It is well known how much other Towns are advantaged by this sort of fish. Middleboro will not permit any dam for any sort of mills to be made across their river to stop the course of fish nor would they part with the privilege of the fish if any would give them a thousand pounds and wonder at ye neighboring town of Taunton, that suffer themselves to be deprived of so great a privilege.

"It seems to be a sort of fish appropriated by Divine Providence to Americans and most plentifully afforded to them so that remote towns as far as Dunstable (as we hear) have barreld y'm up and preserved them all winter for their reliefe. No wonder then that the poor people of Taunton were so much concerned when such sort of a dam was made at Cohannit that should quite stop the fish from going up the river and therefore prosecuted the man that did it in ye law (which process in law how it came to a full stop as it did is mysterious and unaccountable) and it was difficult to persuade the aggrieved people to forbear using violence to open a passage for ye fish and to keep in the path of law for y'r reliefe.

"It is very strange and matter for lamentation that those who complain'd for want of fish were so much derided and scoff'd at as contemptible persons. Strange that any of mankind should slight & despise such a noble and bountiful gift of Heaven as the plenty of this sort of fish afforded to Americans for their support; nay, 'tis very sinful that instead of rendering thanks to our Maker and Preserver for the good gift of his Providence for our support, that wee should despise them. Be sure, many, who formerly saw not that stopping the fish would be so great a damage to the Publick are now fully satisfied that it is an hundred pound damage in one year to Taunton to be deprived of these fish & as the town increases in number of people, the want of them will be found & perceived more and more

every year.

"These fish may be catcht by the hands of children in theyr nets while the parents have y'r hands full of work in the busy time of Spring to prepare for planting. Some of Taunton have been forced to buy Indian corn every year since the fish were stopped, who while they fisht, they'r ground used to have plenty of corne for y'r family & some to spare to others. The cry of the poor every year for want of the fish in Taunton is enough to move the bowels of compassion in any man, that hath not an heart of stone."

Source: Taunton (Mass.) Historical Society

• IMPORTANCE OF ALEWIVES TO CORN CULTIVATION -- 1706.

From minutes of Town Meeting, Middleborough, Massachusetts, March 29th, 1706, regarding the town's alewife fishery at Chesemuttock, Nemasket River:

"It is voted that if there be any man in the town that doth not plant any Indian corn, he shall have no turn of fish, and he that plants so little that he needeth not a whole load of fish for it, he shall have no more than for what he doth plant; in which proportion it is to be understood that he shall use but one fish to a hill."

Source: Weston, Thomas. 1906. History of the Town of Middleborough, Massachusetts. Houghton and Mifflin. Boston, Massachusetts.

• FIRST LAW IN NEW ENGLAND TO PROTECT ALEWIVES -- 1735.

Laws of Massachusetts Bay Colony
Session of the Great and General Court
for 1735-1736

"Chapter 21

"An Act to Prevent the Destruction of the Fish called Alewives.

"Notwithstanding the provision of law already made for removing incumbrances

obstructing the natural or usual course of fish, in their season, in brooks and rivers, yet no sufficient remedy is provided where such obstruction is occasioned by dams erected for mills, &c. which is to the grievous damage of his Majesty's good subjects in diverse parts of this province, more especially where such dams have been made across rivers through which alewives or other fish have been wont to pass, in great plenty, into ponds, there to cast their spawns; wherefore, to prevent the like inconvenience and damage for the future --

"Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

"Sect. 1. That no dam shall, hereafter, be erected across any river or stream, thro' which alewives or other fish have been accustomed to pass into ponds, in which there is not made and left a convenient sluice or passage for such fish, on penalty that the owner or owners of such dam shall, upon conviction of failure or neglect therein, before any court proper to try the same, forfeit and pay the sum of fifty pounds; and if the owner of such dam shall not keep such sluice open during the space of thirty days in a year, at least, at such time or times as the alewives usually pass such stream, that then he or they shall forfeit and pay the sum of twenty shillings per day for every day of the aforementioned and limited time it shall not be kept open"

Source: Massachusetts Laws, Acts and Resolves. Available at Maine Legislative Law Library. Maine Capitol Building. Augusta, Maine.

• **KENNEBEC RIVER BLACK BEARS EAT ALEWIVES -- 1760s.**

"The Worromontogus has one branch -- Meadow Brook, -- which rises in Chelsea Meadow, and has a very considerable fall and mill privilege at the outlet, and after running about a half mile, empties into the main river. The main branch rises in Togus Pond, in Augusta, and runs entirely through Chelsea, and about two miles in Pittston and empties into the Kennebec, being about seven miles long. The water power here is excellent.

"It is related that alewives were so plentiful there at the time the country was settled, that bears, and later swine, fed on them in the water. They were crowded ashore by the thousands. Mrs. David Philbrook, who was a McCausland, was very much in want of a spinning wheel. One day she took a dip net, and caught seven barrels of alewives in the Togus, and took two barrels in a canoe, and paddled them down to Mr. Winslow's, and

exchanged them for a wheel."

Source: Hanson, J.W. 1852. History of Gardiner and Pittston. William Palmer, Publisher. Gardiner, Maine.

• **FIRST WHITE SETTLER OF PITTSFIELD, MAINE EATS ALEWIVES.**

Source: Cook, Sanger Mills. 1966. Pittsfield on the Sebasticook. Furbush Roberts Printing Company. Bangor, Maine.

"Lovel Fairbrother came to the Kennebec at an early day and explored this river and the Sebasticook; found choice intervales at or near the fork of the river, and abundance of fish in the river and game in the forest. He therefore pitched his tent a big camp near the forks of the river in 1775 and moved his family there being joined by two others and this commenced the settlement in what is now the prosperous town of Pittsfield, then called Sebasticook.

"Soon after he got his family there, he was visited by the Plymouth Patent surveyor, who was surprised to find a man of his intelligence in that secluded place to which there was no road; separated from all other settlements by ponds and swamps and impenetrable forests and he took from his haversack a bottle of rum and instated him as Governor of Sebasticook and treated him and he was then called Governor as long as he lived.

"The Governor was disappointed in his expectations. He did not enjoy living upon herring and coarse bread made of pounded corn. There being no mills within 20 miles and no road or communication with other places but by water in the summer and ice in the winter. The land being on Plymouth Patent he could get no title to it; and could have a deed of a lot given to him if would settle in Norridgewock. He in 1777 transferred his possession at that place to Moses Martin who moved there from Norridgewock with his family and spent his days there to old age."

• **HISTORY OF ALEWIVES IN THE SEBASTICOOK RIVER, MAINE.**

Source: Fisher, Carleton Edward. 1970. History of Clinton, Maine. Kennebec Journal Press. Augusta, Maine.

"For the early pioneers food in the form of fish could be easily had, as there were plenty in the clear, cold waters of the Kennebec and Sebasticook Rivers. During the early period fish were chiefly of value as a food to sustain them, but it was not long before the fishing industry became an important source of income.

"When Rev. Paul Coffin toured the area in July 1796 he reported in his journal:

'July 30th, Clinton. Rode two miles to Capt. Jonathan Philbrick's on Sebasticook, just above the falls, where they catch herring and shad. Thousands of barrels of herring have been taken this spring. They put four quarts of salt to a barrel of them, and when salted enough, they smoke them. They are then handy and quite palatable. Mr. Hudson had three thousand of them hanging over one's head in his shop or smoke house. A pretty sight.'

"George Sullivan Heald described the fishing activities of his father, Capt. Timothy Heald. Captain Heald was living on the Sebasticook in Winslow, but his activities will give some indication of the fishing industry in the area. During 1797 he had a fish seine catching shad and alewives, for which he received one thousand dollars besides some material for building a house. The fish were transported to market in a large box made by laying a double floor of boards twenty feet square, placing boards around the outside until it would hold forty barrels, then the top was covered with two thicknesses and the corners bound. These fish were sold for one dollar per barrel and sent to the West Indies for the Negroes.

"Alewives, also called herring, and shad were the predominant fish to be caught, but some salmon were to be had. The Sebasticook River had fewer salmon in comparison to the Kennebec River. This situation may have been caused by the lack of adequate spawning grounds. In any case, they were not in sufficient quantity to be important commercially, but some of them must have been of good size. Isaiah Brown, who had a store at what is now Benton Station, credited Joseph Proctor for a salmon caught in 1807. Brown wrote in his ledge, "one small salmon, Wt. 7 1/2 lb. at 5 cents per lb., 38 cents." The fishermen in town today would certainly like to catch some of those 'small' salmon out of the Sebasticook.

"Dams, which were so necessary if the mills were to use the water power, did not help the fishing. The first dam, erected at the upper falls in what is now Benton Falls, was

built before the Revolutionary War and had a gap for fish. In 1809 another dam, twelve feet high, was built at the lower falls, with no fishway. It stood for five or six years, and in that time had so impoverished the fisheries that the selectmen cut it away. The town in 1814 obtained an act authorizing them to control the fisheries. At the annual town meeting in March 1815, the fish committee was authorized to deliver gratis to each of the town's inhabitants a quantity of fish not exceeding two hundred to each individual. Furthermore, should anyone omit to apply in the season of taking the fish, he was to be entitled to as many from the treasury of the fishery as would be equal in value to the quantity he was to have received from the committee.

"In 1817 it was voted to auction off the fish privilege. The first division, from the Winslow line to Seabasticook Bridge, went to William Richardson, Jr. for \$70. The next division, from Seabasticook Bridge to Isaac Spencer's south line, also to Richardson for \$117. The third division, from Spencer's line to Capt. Andrew Richardson's south line, went to Joseph P. Piper for \$55.50. From Richardson's line to the upper limits of the town, David Gray paid \$16.50.

"While the inhabitants seem to have found it better fishing in the Seabasticook rather than the Kennebec River, this may have been due to two factors: first, the river could be spanned easily by weirs and, second, the town was astride the river. Thus, the voters could control the fishing industry. This was not possible on the Kennebec, for Fairfield had possession of the west bank.

"The fishing soon started to decline. In April 1817 the town voted to petition the legislature to pass laws for the removal of numerous large weirs and other obstructions in the Kennebec River, which were ruining the fishing up the river and on streams emptying into it. Nothing came of this effort. In 1818 the town entered the price-fixing stage in the fishing trade, voting the price of alewives to be two shillings per hundred and shad at six cents each. In 1819 the price of shad was fixed at eight cents.

"In 1838 the last fish treasurer was elected and, although the town voted the following year to auction off the fishing interest, the end to great fishing had come. Its doom had been sealed by the construction of a dam at Augusta; no provision was made for the passage of fish over the dam."

• ALEWIVES AND THE AMERICAN REVOLUTION -- 1776

[Note: The British naval blockade of the New England coast during the Revolutionary War shut off the supply of cod and other ocean fish to Maine's coastal towns. Many towns responded by demanding legal action against mill dam owners who violated colonial law by blocking the runs of salmon, shad and alewife runs in their local rivers.]

Petition of Citizens of Winthrop, Maine -- June 29, 1776

"To the Honorable the Council for the Colony of Massachusetts Bay and the Honorable House of Representatives of the Same in General Court Assembled, The Petition of Joseph Baker, Ransford Smith and Daniel Dudley a Committee of the town of Winthrop in the County of Lincoln in Said Colony in behalf of the Town Humbly Sheweth:

"That Said Town is Situated in the River Called Cobiseconte formerly noted for one of the best streams in these parts for Fishing but some years ago Doct. Silvester Gardiner late of Boston Erected a mill dam at the mouth of Said River where it empties into the River Kennebeck which entirely stopped the Course of the fish up Said River called Cobiseconte. The Inhabitants of Said Town Sensible of the Great advantage of the fish taken so near as they might if they were not stopped by Said mill dam applied to Said Doct. Silvester Gardiner to make a fish way through or round his mill dam which he seemed willing at first to do but after delaying from one time to another refused to do anything about it and the Town having no other way to obtain a course for the fish up Said river but pursuing the measures printed out by the Law of the land which they have been prevented from taking advantage of by the breaking out of the present Troubles and Considering the advantage the fish would be in case they could have a Course up not only to the Inhabitants of Winthrop but to others in the Neighborhood Your Petitioners pray your Honours to take their Case under Your Consideration and Grant Relief by ordering the occupiers of the saw mill dam to make a course for the fish by said dam or otherwise as your Honours in your Wisdom shall See fit and your Petitioners shall ever pray.

June 29 A.D. 1776

Joseph Baker
Ransford Smith
Daniel Dudley
Committee of Winthrop"

Source: Massachusetts Archives on microfilm at the Maine State Library, Augusta, Maine.

**Petition of Citizens of Cape Elizabeth, Windham, Gorham and Pearsonstown, Maine
-- August 22, 1776.**

"To the Honourable Council and House of Representatives of the Colony of the
Massachusetts Bay in New England in General Court Assembled:

The Petition of the Towns of Cape Elizabeth, Windham, Gorham and Pearsonstown
in the County of Cumberland.

Humbly Shew:

That the said Towns lay bordering on Presumscutt River, so called, and for many years after the Settlement of this Eastern Country were plentifully supply'd with Salmon, Alewives, Shad & other Sorts of Fish that frequented the said River in great abundance it being peculiarly commodious for the Spawn & Increase of Fish by reason of a large pond called Sebago or Sebacook which extends upwards of thirty miles from the mouth of said River as far as Pondicherry as also the many branches of said River that used to bring a plenty of the aforesaid Fish near to many of our doors, your Petitioners further shew that by reason of several Mill Dams being built quite across the said River, without leaving a sluice way for Fish to pass up, as by Law is directed, and since the said Mill Dams have been erected on the said River the passage of all kinds of Fish as aforesaid has been totally obstructed & stopt in their course up said River to the great prejudice of many back Towns which depended (in their Inland state) on the said River for a part of their support, as Also to the prejudice of all the Inhabitants for the Sea Coast near the mouth of said River by causing a scarcity of Codfish, Haddock, and many kinds of Fish that frequent the mouths of such extensive Rivers after a Quantity of small Bait that abound in such places. And our fishing on the Banks as well as on our Coast off Shore being in a great measure impracticable by reason of the Enemy's cruisers that infest our Coast, reduces us to the necessity of Adopting some method whereby the Fish may come to us. And the Laws of this Colony have been found ineffectual hitherto for the removal of your Petitioners cause

of Complaint, Wherefore your Petitioners pray Your Honours to take the matter of our Complaint into your consideration and Grant to your petitioners such relief as in Your great Wisdom & Clemency You may Judge meet & Your Petitioners as in Duty bound shall every pray.

Gorham. August 22nd 1776

George Strout, Harry Dyer
Committee of Cape Elizabeth

William Elder, Zerubebell Hunewell, Thomas Trott
Windham Committee

William Gorham, Prince Davis, Caleb Chase
Committee of Gorham

Daniel Cram, John Deane, Ephraim Rowe
Committee of Pearsontown"

Source: Massachusetts Archives.

• **SAMUEL ADAMS SUPPORTS ALEWIVES -- 1785**

"Commonwealth of Massachusetts.

In the Year of our Lord, 1785.

"An Act for opening Sluice-ways in the mill-dam or dams which have or may be erected on Presumpscot River, in the County of Cumberland, and upon any Stream or Streams which fall into same river.

"WHEREAS it appears to this Court that the people who live in the neighborhood of Presumpscot River in the County of Cumberland have heretofore, and still may, derive extensive benefits from the fishery on the said river and streams which fall into the same, unless prevented by the mill-dams which have or may be erected across the said river and streams, the increase or even continuance of which unregulated, for any considerable length

of time, must inevitably destroy the annual course of the fish up said river.

"Therefore be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the Court of General Sessions of the peace for the said county of Cumberland, be, and they are hereby authorized and directed, annually to appoint a committee, consisting of three indifferent and discreet persons within the same county, whose duty it shall be to take effectual care that sufficient sluice-ways be annually opened in all mill dams erected, or that may be erected across the said River or Streams, in order that the fish may not be obstructed in their passage up the same, and that the said sluice-ways be annually kept open during the season in which Salmon, Shad, and Alewives usually pass up the said River; which committee so appointed shall be sworn to the faithful discharge of the duties assigned them by this act, before they proceed to the execution of the same duties.

"And it be further Enacted by the authority foresaid, That where the owner or owners of any such mill or mills shall neglect or refuse to open or continue open any such sluice-way or ways in their mill dams respectively, in every such case the said committee, or any two of them, are hereby authorized and empowered to cause the same to be done as speedily as may be; and the owner or owners so neglecting or refusing, upon notice given to them or any of them by the said committee or any two of them for that purpose, shall forfeit and pay a sum equal to the reasonable expence of opening and continuing open any such sluice-way or ways, with the addition of fifty percent. Thereto, which forfeiture shall be recovered by the said committee by action of the case to be by them instituted and pursued to final judgment and execution in their capacity foresaid.

"And it is further Enacted by the authority aforesaid, That so much of the monies recovered from time to time as will be sufficient to defray the necessary expences of opening and continuing open as aforesaid the same sluice-ways, shall by said committee be applied to the purpose, and the overplus accruing by such forfeitures, the said committee shall be accountable for to the several incorporated towns herein mentioned.

"And it is further Enacted by the authority aforesaid, That the said committee shall have such reasonable compensation made them from time to time, for their expences and services arising and performed pursuant to this act, by the several towns now incorporated or may be incorporated, in equal proportion, as do or shall stand in the last preceeding state tax-act, and which towns adjoin the same River, as the said Court may think it proper to

allow; and that if any of the said incorporated towns shall neglect or refuse to pay their proportion of the sums that may be due to the said committee from time to time, for their expences and services aforesaid, in every such case, the same committee be, if they see fit, to recover by legal process the whole sum that may be due to them from any one of the said towns which shall so neglect or refuse.

"In the House of Representatives, March 14, 1785.

This bill having had three several readings, passed to be Enacted.

Samuel A. Otis Speaker.

In Senate, March 14, 1785.

This bill having had two several readings, passed to be Enacted.

Samuel Adams, President."

Source: Massachusetts Laws, Acts and Resolves

• DESCRIPTION OF PENOBSCOT RIVER FISHERIES -- 1790.

Statement of Capt. Jacob Holyoke of Brewer, Maine. Born March 27, 1785 in Brewer. Died in Brewer, May 2, 1865.

"I was born March 27, 1785, in the town of Brewer, my parents were living at that time in a log house near the small school house, just above John Holyoke's brick house, where the old cellar hole may now be seen

"Mr. John Emory lived at Robinson's cove, about one mile down river; Henry Kenney and John Tibbetts the only other settlers between our house and Col. Brewer's. There were no settlers back and no roads leading back from the river

"For many years the Indians were in the habit of making a camping ground of the

flat between our house and the meeting house, near the present ship yard, every summer, in going to and returning from the seaboard, where they principally went after porpoises and seals. I have seen often thirty or forty wig-wams, built principally of birch bark, inhabited by two or three hundred Indians.

"There was a beautiful spring of water on the bank of the river, now covered up by John Holyoke's wharf, which the Indians used, and was also used by us.

"This flat of one or two acres was cleared, when my father first came to Brewer, and from the number of Indian stone implements found there in improving the land, was doubtless a very ancient Indian camping ground. When my father built his framed house he cleared up about six acres around it, and upon every side except the river it was a thick, heavy forest.

"Salmon, shad and alewives were very plenty, and in their season many people came here to catch them -- bass were also plenty, and in the fishing season, we could fill a batteau with fish at Treat's falls in a short time; we would sometimes take forty salmon in a day, and I think as many as five hundred were taken some days, in all. My father had a large seine in the eddy, just above the Bangor bridge, and we had much trouble with the sturgeon. When a large sturgeon was captured, the boys used to tie the painter of the boat to his tail and giving him eight or ten feet length of rope, let him go, and when he grew tired or lazy would poke him up with long sticks and so be carried all around the harbor.

"(Signed) Jacob Holyoke. Brewer, Dec. 1860."

Source: The Centennial Celebration of the Settlement of Bangor, September 30, 1869.
Published by Direction of the Committee of Arrangements. Benjamin A. Burr, Printer.
Bangor, Maine.

**• DAM OWNERS PROTEST ALEWIFE PROTECTION LAWS,
GARDINER, MAINE -- 1791**

[Note: Eighteenth century laws requiring fish passage at mill dams were not popular with most mill dam owners and compliance with these laws was rare. In 1791, Robert Hallowell, Jr., the son-in-law of the founder of Gardiner, Maine, devised a novel argument to avoid complying with newly enacted and much stricter fish passage laws for Maine and

Massachusetts -- he denied that alewives, shad and salmon ever went up Cobbosseecontee Stream before dams were built to block them. Hallowell's assertion was quickly rebutted by the citizens of the upriver town of Winthrop, who produced sworn depositions asserting alewives and shad did ascend Cobbosseecontee Stream prior to dam construction.]

"To the Honorable Senate, and the Hon. House of Representatives.

The Petition of Robt. Hallowell, Guardian to Robt. Hallowell Jr.

Humbly Shews

"That upon the River Cobbiseconte in Pittson in the County of Lincoln, two Mills are erected the property of the said Robert Jr. one of which has stood nearly thirty years, and the other about eighteen or twenty years, to the Great Convenience and advantage of the inhabitants of said Pittston, and the Circumjacent Country -- That in order to supply the aforesaid Mills with a Sufficiency of Water, two dams were made and have been continued on said Cobbiseconte river ever since the said Mills were respectively erected, without which the water would be entirely diverted from said Mills and the same would become useless, as to the great damage of the Public, as well as to the said Robert --

"That by an Act made the 29th day of February in the year of our Lord 1789, intituled an Act to prevent the destruction and to regulate the Catching of the fish called Salmon, Shad and Alewives in the rivers and streams in the Counties of Cumberland, and Lincoln, and to repeal all laws heretofore made for that purpose. An authority is given to certain Committees described in said Act, to open and destroy said Dams for the purpose of making a fish way, whereby said Dams are continually exposed to be thrown open & rendered useless. That in the Event no advantage would result to the Community, as the expence of making a fish way would be very considerable, and the same would be in a great measure ineffectual when built, as the oldest inhabitants in that Country cannot recollect any instance of the Alewives proceeding above the aforesaid Dams, and as a variety of natural obstructions render it highly improbable, that the larger fish would ever proceed above said dams in any considerable number --

"Your petitioner therefore prays this Honorable Court to take these facts into consideration, and to appoint a Committee to inspect the premises, so that if it should appear that the damage arising to the community from the destruction of said Mills would

exceed the benefit, accruing from the opening a fish way, such measures may be adopted, as will prevent the operation of the Act upon the Dams erected over the aforesaid stream -- Or if in the opinion of the said Committee a fish way should be found expedient, they may in that case be instructed to report, the dimensions, and restrictions under which it shall be made --

Robt. Hallowell."

Deposition of John Stain -- 1790

"I John Stain of Lawful age testify and Say that about thirty years ago before there was any mill Dam built across Cobesecontee Stream I caught Shad fish in said Stream up at the falls about a mile from the mouth of said Stream where a saw mill now Stands and have for years together when I was there to Catch fish Seen Shad and Elwives to go over the falls going up said Stream. -- John Stain. Lincoln, December ye 31st 1790

The above named John Stain made oath that the above Declaration by him Subscribed was true before -- Robert Page, Justice of the Peace."

Deposition of Abraham Wyman -- 1791

"Abraham Wyman of Wyman's Plantation in the County of Lincoln, Gentleman of Lawful age, testifieth and saith that some years before there was any mills built on Cobesecontee stream so called which Emptyes in to Kennebeck River at Pittstown, I was hunting on said Stream and I saw a plenty of alewives Runing up said Stream they were then a mile above what was called the upper falls and further the Deponent saith not. -- Abram Wyman"

Deposition of Joseph Greeley -- 1791

"The Deposition of Joseph Greeley of Sandey river in the County of Lincoln yeoman of Lawfull age testifieth and saith that about four or five and twenty years ago and to the best of my Remembrance it was the year that Cobboseecontee mill Dam was Caried away I was a hunting on Cobbosseecontee Stream so called that Emptied into Kennebec River at Pittstown and up said Stream at the falls in Winthrop where John Chandler Mills now Stand I Saw a Plenty of Alewives Runing up Said falls. I also Saw Major Heald the

same day he informed me that he had also Seen them as well as myself and further the deponant Saith not.

Joseph Grele. Lincoln, January 21st 1791

Personally appeared the above named Abraham Wyman and Joseph Grele and after being Duly Cautioned and Examined made Solom Oath to the truth of the Above depositions by them Subscribed before me. Obadiah Williams, Justice of the Peace."

Source: Baxter, James P., editor. 1910. Documentary History of the State of Maine Containing the Baxter Manuscripts. Vol. 22. Maine Historical Society. Lefavor-Tower Company. Portland, Maine.

• **COMMERCIAL RIVER FISHERIES, BANGOR, MAINE -- 1806**

Statement of Joseph Carr, Esq. of Bangor:

"In the year 1806 my father built a wooden store now standing on Washington Street at the City Point, between the brick stores built by Zadoc French and Joseph Leavitt, and the wharf known as 'Carr's wharf,' which was the first wharf built on the Penobscot River. In this store my father traded until about the year 1842. All sorts of goods were kept for sale, and Saturday was the great day of trade, and Saturday afternoon (my just holiday) was usually spent by me on compulsion in waiting on my father's customers. On this day there came to the store men from celebrated families of Harthorns, McPhetres, Spencers and Inmans, bringing with them shingles, salmon, shad, smoked alewives and credit, for which they wanted tea, tobacco, calico and rum. It was one if not my chief duty to quench the thirst of these most thirsty customers. Innumerable gills, pints and quarts of good old 'Santa Cruz' have I drawn and delivered to these genial souls, of whom I can truly say none were drunk, but 'all had a drappie in their' ee.' I have now in my possession the original copper gill cup, which furnished those hardy pioneers what they considered to be almost their 'meat and clothing' and their drink it certainly was.

"Santa Cruz rum was one dollar a gallon; New England rum two shillings and sixpence; tea was four shillings and sixpence per pound; tobacco one shilling and sixpence; seven yards of calico made a dress for any ordinary sized woman; salmon sold for four pence halfpenny each; shad and alewives a cent apiece in small lots, or fifty cents a hundred

by the quantity; but these last had no pecuniary value so far as a dozen went for any one's individual consumption. I have often seen nets drawn full of shad and alewives in Kenduskeag Stream, both above and below the bridge, and before any wharves were built in the stream."

Source: The Centennial Celebration of the Settlement of Bangor, September 30, 1869.
Published by Direction of the Committee of Arrangements. Benjamin A. Burr, Printer.
Bangor, Maine.

• **PROTECTING ALEWIVES IN VASSALBORO, MAINE -- 1807.**

"An act to regulate the taking of fish called Alewives, in a part of Kennebeck River."

"Whereas, the fish called Alewives, are greatly impeded in their passage up Seven Mile Brook, in the town of Vassalborough, by means of seines drawn at the mouth of said brook, in Kennebeck River:

"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, if any person shall by means of seines, or in any other manner take any of the said fish called Alewives, in the river Kennebeck, at the mouth of Seven Mile Brook, in the town of Vassalborough, or within ten rods above, or sixty rods below the mouth of said Seven Mile Brook, at any time in any week, except between the sunrise on Monday, and sunrise on Wednesday in each week; the person so offending, shall forfeit and pay the sum of ten dollars, for each and every time they shall draw a sein within the limits aforesaid, on the days hereby prohibited; and one cent for each of said fish taken in any other manner, to be recovered by the treasurer of said town, and to the use of the inhabitants of said town of Vassalborough, in an action of debt in any court proper to try the same. [This act passed February 25, 1807]."

Source: Maine Laws, Acts and Resolves.

• **PENOBSCOT RIVER COMMERCIAL FISHERIES -- EARLY 1800s.**

Source: Atkins, C.G. and N.W. Foster. 1869. Commissioners of Fisheries, Second Report.
Augusta, Maine.

"The time that we were able to give to the Penobscot this year was mostly occupied in a tour through the fishing district, during the month of May. The weirs were then in full operation and much valuable information was elicited.

"In old times the most abundant fish (in bulk) in this river was the shad; this was probably the most valuable. Next came the salmon. Alewives were exceedingly abundant but little esteemed. Bass (*Roccus lineatus*, Gill.) were not rare. At Oldtown falls as many shad and alewives were taken as would supply the demand, and many fold more might have been taken; the price, one dollar per hundred for shad, was not sufficient inducement to provide beforehand the necessary barrels and salt to take care of them.

"On the lower part of the river the market was more convenient, many vessels, mostly from Connecticut, coming every season to load with shad and salmon. Immense quantities of them were shipped in this way. Before the river was closed with the dams the price of salmon had risen to six cents a pound, that of shad to six cents apiece. Alewives, smoked hard for the West India market, brought in early times thirty-three cents a hundred in Boston, and the price afterwards rose to one dollar and one dollar and quarter, when they were very profitable. The fishing, previous to 1785, was all done with nets, but they have been gradually superceded by weirs and at the present time very few nets are used. Their use, however, was continued as long as it was profitable. At one time there were, it is estimated, two hundred men employed in drifting between Mill Creek and Odom's Ledge."

• PETITION OF THE PENOBSCOT INDIANS, 1821

"Petition of the Chiefs of the Penobscot Tribe of Indians praying a law may be passed to prevent the destruction of fish in the Penobscot River.

"To the Whole Legislature of the State of Maine

"We the undersigned Chiefs & others of the Penobscot Tribe of Indians ask you to hear us in our petition in which we mean to speak nothing but truth and first we would say that in the days of our forefathers the great plenty of fish which yearly came into the waters of our Penobscot River was one of the greatest sources by which they obtained their living and has so continued within the remembrance of many of us who are now living which plenty we always considered as sent us by the Great God who provides means for all his

Children --

"But when our white brethren came amongst us they settled on our lands at and near the tide waters of our River and there was plenty of fish for us all -- but within a few years our brethren the white men who live near the tide waters of our River have every year built so many weares that they have caught and killed so many of the fish that there is hardly any comes up the River where we live so that we cannot catch enough for the use of our families even in the season of the year when Fish used to be most plenty.

"We have asked the general Court at Boston to make laws to stop the white people from building weares and they have made Laws but they have done us no good for the Fish grow more scarce every year. Besides the weares they use a great many long nets. We can only use very small nets and spears -- now we ask you to make a Law to stop the white folks from building any more weares forever so that Fish may again become plenty and also stop the white people from using any seines above Kenduskeag on the main river.

"And we ask you to make the Law so as to stop the white people and Indians from catching fish more than two days in the week in the season of Salmon, Shad and Alewives at least for five years. We think that Fish will then be plenty again.

We are your Brothers.

John Neptune, Chief

Source: Maine State Archives. Augusta, Maine.

• PETITION OF PENOBSCOT BAY WEIR FISHERMEN -- 1821

[This mass-produced petition is one of the earliest fishing industry lobbying efforts in Maine and illustrates the size of the Penobscot River commercial fishery during the early 1800s. The use of "half tide" weirs on the Penobscot River and Bay began in 1813 for salmon, shad, alewives and striped bass. This new technology resulted in an 'arms race' between Penobscot River drift netters and weir fishermen. Each group deployed bigger gear each year and blamed the other for the continuing decline of the fish.]

"To the Senators and Representatives of the State of Maine, in General Court convened.

GENTLEMEN -- The undersigned, residing near the waters of Penobscot bay and river, respectfully represent,

"That the fisheries of said bay and river have, for several years, been shackled with so much restriction and regulation, that our rights to fish at all are nearly annihilated. The liberty to fish, commences under many grievous conditions on the 20th of May and continues to the 4th of July. That memorable day, on which our liberties begun, ends the rights of the fishermen. No matter whether owing to a late or forward season, the fish take it into their heads to run a month later or earlier as frequently proves to be the case, the poor fisherman cannot, upon penalty of a great fine, take a scale after the said 4th of July; and even during this scanty period, we are by law, allowed to fish with wears but four days in seven. There would be more reasonableness in this law, if an act of parliament or General Court, could as well restrain and limit the running of the fish, as it does the fishermen; but these lawless depredators upon your flats and shores, laugh at all your fish laws and will not heed your commands as in any limitation of time; your statute books are unknown to them. The right of government to regulate the fisheries (not to destroy them) in the channels and deep waters, is an inherent one; but whether the government has at any time a constitutional right to prevent us your petitioners from building or erecting wharves, booms, or other machinery on our own ground, or on our own flats, admits of a question, which we are confident merits and will receive your most cautious and deliberate investigation. We purchased the soil, "with all the privileges thereunto belonging," and in many instances, gave an exorbitant price for the very privileges we now contend for. If the government once presumes to dictate to the subject, whether he shall not make improvements on his own estate, although we might apprehend no danger from present members of the Legislature, yet, to what tyranny and despotism might not such a stretch of power lead in the hands of the ambitious and unprincipled? Freemen ought to resist usurpation in its incipient stages. We have never delegated to you the power to enter upon our estates, to build up this fence, or pull down another. We have not yielded to you the right to decide whether we may, or may not, build wharves and wears on our own flats. We have, indeed, by a sort of common and implied consent, given to our Legislature the right to regulate the fisheries, the right to keep open the channels for navigable purposes -- and the general right to do any thing which is for the manifest advantage and benefit of the whole community, not however to the sacrifice and destruction of private property without ample recompence.

"We have looked forward to the organization of our new government with the most

pleasing promise of a redress of wrongs. We advocated our independence under the expectation, that the government of Maine would better understand the rights and necessities of its own citizens, than a government whose sun shone upon us at a great distance, whose invigorating influence hardly ever penetrated the coverts of our wilderness country. We approach you with respect, but without humiliation, and resolutely remonstrate against the laws now in force, "regulating the salmon, shad and alewife fisheries of the Penobscot bay and river."

"First Reason: Because we are restricted to about 24 days fishing, after deducting what is called "unlawful days" during the "permitted time" the fish may not happen to run.

"Second Reason: The selectmen of towns are invested with royalty powers, of granting or refusing license to build wears. They are also empowered to exact a bond, with ample sureties, for each fisherman's "good behavior" before any offence has been committed.

"Third Reason: Certain officers and executors of the law are appointed at the discretion of the Selectmen called "fish wardens" who have proved arbitrary in the exercise of their "little brief authority," insolent, vexatious, and unprincipled, with a few exceptions only, so that the very term has become a cant word of reproach and no honest man will, from choice, accept the appointment.

"Fourth Reason: The restrictions on wear-fishing prevent the taking of small fish, on which numberless of the poor depend for subsistence, and on most of the privileges where wears are built, nets cannot be set, on account of the strength of the tide or current.

"Fifth Reason: Contained in the affidavits herewith transmitted.

"On these restrictions and limitations we offer this single comment, that all laws for the government of the people, in order to insure them respect and willing obedience, must be just and reasonable.

"Our "red brethren" have been instigated by some of their white brethren, far up the river, to make a talk about the destruction of salmon, by our expert fishermen on the big waters -- It will be found on investigation, that they have contributed their full share, to the destruction of the fish, not for their own use or consumption, but for fish merchants. When

a salmon has run the gauntlet and arrived unharmed at the still waters, where the spawn is deposited, it becomes an object of solicitude; for by spearing them in these retired places, as has been the constant practice of the Indians, the destruction of a single fish is that of thousands. Here it is then, if any where, that arbitrary and insolent fishwards should be appointed to execute the vengeance of the laws. The Indians are now reduced to mere handful of strollers, having no regular residence and have really little or no interest in the result. All of which is submitted for your consideration, with that deference, which is always due from the people, to the impartial and upright Legislature of their choice."

William Wardwell and 175 others.

Source: Maine State Archives. Augusta, Maine.

Note 1: This petition was written after and in response to the Jan. 1821 petition of the Chiefs of the Penobscot Indians asking the Legislature to restrict the weir and driftnet fisheries in the lower Penobscot River and Penobscot Bay. The use of the phrase "our red brethren" in the final paragraph is a sarcastic reference to the Penobscot Chiefs' use of the phrase "our white brethren" in their 1821 petition. Given the sentiments toward the Indians expressed in this petition, it seems doubtful the authors considered the Penobscot Indians to be their brethren.

Note 2: Several of the regulations criticized in the above petition are found in the 1816 Massachusetts Law, Chapter CXLIV, titled "An Act for the preservation of Fish in Penobscot River and Bay, and the streams entering into the same." This Act required all weirs to be removed from the river by July 5th of each year with a fine of \$50 for violations. The law authorized fish wardens to remove or demolish any weir left in the river after July 5th and required all weirs to be licensed by the Selectmen of the town adjoining the site of the weir and assessed a fine of \$100 for unlicensed weirs.

• **PETITION OF INHABITANTS OF PHIPPSBURG, MAINE -- 1821.**

[Note: Another petition from weir fishermen, this time on the lower Kennebec River.]

"To the Honorable Senate and House of Representatives of the State of Maine in
Legislature assembled

"The subscribers inhabitants of the Town of Phippsburg respectfully ask leave to represent that the Inhabitants of said Town are deeply interested in the Fisheries. First, that a large number depend almost entirely upon the River Fishery. Second, that a still larger proportion of our Inhabitants as well as those of the neighboring towns, and even Fishermen from various other parts of the State are wholly dependent at certain seasons of the year, on the wears erected at and near the Mouth of the Kennebec, for bait fish, in order to pursue the Codfishery; that the owners of these wears are at great expence in erecting these, whereby a large number of poor persons are employed, which is a great means of support in the Spring of the year.

"Your Petitioners further represent that to be deprived of the privilege and means of taking fish called Salmon, Shads and Alewives, a privilege which we and our forefathers have enjoyed of a time immemorial, would not only be depriving your Petitioners of the principal means of support, but would subject many others of our Inhabitants to great distress, and thereby become chargeable to the Public. That to be deprived of the means of obtaining Baitfish, for carrying on the Codfishery would be subjecting a large number of the Inhabitants of our State on the Seaboard to the greatest inconvenience.

"Your Petitioners further represent that in their humble opinion the wears and other obstructions at the Mouth of the Kennebec are not the cause of the Diminution of fish on said River, the said wears do not in any degree obstruct the fish passing up and down the Channels of the River; that from the outer part of the wears to the shore on the opposite side of the River, the space is no part less than half a mile distance, that the wears are without exception erected on the Flats which we hold by the same right as the lands adjoining, that with two exceptions only, the wears are up the Bays and Coves and quite aside from the main passage of the fish in the River.

"Your Petitioners are of the opinion that the Diminution of Fish on the Kennebec is caused by the erection of Mill Dams and by other Obstructions on and across the Streams and Brooks, when the fish usually go up to cast the spawn, that many schools of fish, particularly of the Salmon and Alewives which formerly frequented those Streams and Brooks are known to have been entirely cut off by the erection of the Mill Dams and other obstructions which prevented them from going up to cast their spawn. That the Salmon in great numbers formerly passed up the Androscoggin, but since the erection of Mill Dams across said River, a School of Salmon called "The Brunswick School" have been entirely

destroyed or left the River, and to prove this and many other important circumstances, the testimony of many aged and respectable Citizens can be produced.

"Your Petitioners further represent that the Lumber towards the mouth of the Kennebec is almost entirely exhausted, that the state of the Soil principally by the Sea Coast is such as to render it impossible to obtain support by Agriculture. Thus your Honours will be convinced that the privilege and means of taking fish at and near the mouth of the Kennebec is of the first and greatest importance to the subsistence of a great number of Citizens. Your Petitioners therefore pray your Honors that they may be continued unmolested in the enjoyment of their rights and privileges they now possess and in duty bound every pray. Phippsburg, Jany. 24, 1821"

Andrew Reed, John Parker, Francis Wyman, Joseph Morse and 38 others.
Source: Maine State Archives. Augusta, Maine.

• **PROTECTING ALEWIVES IN THE ST. CROIX RIVER -- 1822.**

"To the Honourable Senate & House of Representatives of the State of Maine:

"We the undersigned, citizens of said State, respectfully represent that previous to existing obstructions, by mills and mill dams, on the St. Croix or Schoodic River, great quantities of Salmon, Shad & Alewives annually passed up and returned down said River, to the great benefit and advantage of the community generally; and in an especial manner of the new settlements in the eastern part of the State --

"That said obstructions have rendered it almost impossible for the Shad & Alewives to pass above the Town of Calais; whereas they used to pass from eighty to a hundred miles above; and they are now almost totally excluded from said River --

"That it is confidently believed that if suitable fish ways should be provided & also suitable regulations for the taking of fish on said River, it would, as formerly, be abundantly supplied with fish, and all the privileges and advantages of the proprietors of the mills & mill dams on said River remain unimpaired --

"Wherefore, we pray, that such fish ways and such regulations concerning the taking of fish on so much of said River and its branches as be within this State as may be

deemed necessary to restore to its citizens their ancient privileges in this respect, may be provided by the Honourable House of Representatives and as in duty bound we will ever pray.

Joseph Whitney and many others. December, 1822.

Source: Maine State Archives

• **PROTECTING ALEWIVES IN GOULDSBOROUGH, MAINE -- 1824.**

"To the Honorable Senate and the Honorable House of Representatives of the State of Maine in Legislature assembled.

"The Petition of the subscribers, inhabitants of Gouldsbrough in the County of Hancock, humbly represents.

"That the Stream emptying into Prospect Harbour in said town, called Prospect Stream, was formerly visited, in the proper season, by great quantities of Alewives, which used to go up said stream to a pond at the head thereof, and there cast their spawn -- that for a number of years past their passage up said stream has been obstructed by a mill-dam erected near the mouth thereof, so that few if any Alewives now pass up said stream -- that in consequence of the obstruction aforesaid they have now mostly forsaken said Harbour and Stream; greatly to the injury of the Cod-fishery on the neighboring coasts; as it is well known that the Cod follow the alewives, in great numbers, even into the Bays and Harbours where they frequent -- that a convenient and sufficient passage for said fish may be made through or around said dam at a small expence, and without material injury to the Mills situated thereon.

They therefore humbly pray your Honours to pass an Act for opening said Stream, and establish such regulations on the subject as wisdoms shall judge proper and expedient. As in duty bound will every pray.

Gouldsbrough, Dec. 20th, 1824."

Robert G. Shaw and 35 others

Source: Maine State Archives. Augusta, Maine.

• **PETITION OF INHABITANTS OF BURNHAM, MAINE -- 1827.**

"To the Honourable Legislature of the State of Maine, January Term, A.D. 1827

"The Inhabitants of the Town of Burnham in the County of Kennebec respectfully represents that formerly the Alewives used to pass up the Stream of the 25 Mile Pond in great abundance and that for several years past there has been a Mill Dam erected across the 25 Mile Stream in the Town of Unity and there has not been a Sufficient Sluiceway through said Dam to permit the alewives to pass up said stream into said pond to cast their natural spawn nor for the fry to pass down said Stream and we would further represent there has been several wares made across said Stream above and below said dam for the purpose of taking said fish at the season of the year when said fish pass up said stream into said pond and they have taken said fish in said wares every day in the week, Sunday not excepted, and it is much doubtful whether any of said fish were permitted to pass into the said pond during last year as there was none seen or known to be in said pond during last season and there was a considerable quantity taken at said wares and we therefore request your Honourable Body to take the subject into consideration and if in your Wisdom you shall think it proper you will pass a Law they there shall be such laws and regulations on said 25 Mile Pond and stream as there is on the Sebasticook River for the preservation of said fish as duty bound will every pray."

Hezekiah Reynolds and numerous others.

Source: Maine State Archives. Augusta, Maine.

• **PETITION TO PROTECT ALEWIVES, KENNEBEC RIVER -- 1827.**

Petition of Charles Hayden and 52 others -- 1827

"To the Honorable the Legislature of the State of Maine

"We the undersigned inhabitants of several towns in the vicinity of the Kennebec River respectfully represent that the fish called Salmon, Shad and Alewives which pass up

the river every spring of the year are considered of great importance not only as a convenience but comfort and help to support many of said inhabitants, and that said fish are greatly obstructed and destroyed in their usual passage up and down said river by reason of numerous machines and obstructions placed in said river to take, kill and distroy said fish.

"At the mouth of said river or near thereunto are placed a multitude of wears for the purpose of taking said fish which prove very destructive by killing and breaking the schools of fish and driving them back into the ocean so that it is believed that comparative few in number make their way up the river. Next they are met in almost every eddy and mouth of small streams by nets of enormous lengths until they arrive at Ticonic falls between Winslow and Waterville, where the fish are met by new extraordinary and sure instruments of death called traps which placed in almost every avenue where it would be possible for the fish to run. These machines, implements or contrivances to take and kill said fish are kept almost constantly in the river have nearly destroyed the whole run of said fish. And at present fish laws for said river, if any there be, is found altogether inadequate for the purpose of protecting the passage of said fish up and down said river.

"We therefore earnestly request that the Legislature at its present session would enact such a law for the whole river Kennebec and Sebasticook as will give said fish a complete protection in their passage up and down the same and that the fish may have at least three days in each week to pass free of any obstruction. That all nets or seines used for the purpose of taking fish should be of limited and proper length and all improper obstructions removed and forbidden for the future and such a fine or penalty imposed as will deter any person from violating the law -- which should be so plain that he who reads may understand, and will give us a complete relief as it respects the above premises and in duty bound will every pray.

January 9, 1827"

Charles Hayden and 52 others.

Source: Maine State Archives. Augusta, Maine.

• **NEWS ITEM FROM THE PENOBSCOT RIVER -- 1829.**

"A true fish story -- Seven thousand shad and nearly a hundred barrels of alewives

were taken in Eddington last week by Luther Eaton, Esq. at one haul -- Bangor Register."

Source: Kennebec Journal, edition of May 26, 1829. Available on microfilm at Maine State Library. Augusta, Maine.

• **PROTECTING ALEWIVES IN PERRY, MAINE -- 1829.**

An Act to prevent the destruction of Alewives in Little River, in the town of Perry. Laws of the State of Maine. Maine Laws, 1829, Chapter 20.

"Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the owners or occupants of such dam or dams as now are, or hereafter may be erected across Little River, so called, in the town of Perry, in the county of Washington, shall make and maintain a sufficient sluice or fish-way, round, through or over such dam, or dams, for the passage of Alewives, and shall keep the same open and free from all obstructions, from the twentieth day of May to the first day of July each year; and any owner or occupant of such dam, or dams, who shall neglect to make, maintain and keep open such fishway as herein directed, shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt in any Court of competent jurisdiction, one moiety thereof to the use of said town of Perry, and the other moiety thereof to the use of any person who may sue therefor.

Approved February 13, 1829."

Source: Maine State Archives. Augusta, Maine.

• **PROTECTING ALEWIVES IN NEWPORT, MAINE -- 1835.**

"To the Members of the Legislature for the State of Maine now in session at Augusta:

"Represents the undersigned individuals residing in the Town of Newport in the County of Penobscot that they have been for a number of years past much obstructed and deprived of the benefits of the alewife fishery in the waters of the stream running through said town called the Eastern branch of the Sebacook, which said stream has heretofore furnished valuable quantities of fish to the inhabitants of said town.

"That they have been deprived of the benefits of said fishery in consequence of obstructions being placed in said stream and in the main branch of the River Sebasticook by the owners of mill dams and wears without leaving sufficient fish ways through the same. Your Petitioners further represent that a Special Act was passed by the Legislature of A.D. 1826 entitled, "And Act to Prevent the Destruction of Fish in the Sebasticook River" with a view of remedying the evil complained of by your petitioners. But on account of the limited language of said act your petitioners derived no benefit therefrom, the said act extending its remedies only to the main river and not to its branches, upon one of which your petitioners do reside.

"Your petitioners do therefore request that an addition may be made to said act so as to extend the requirements and penalties of said act to all streams and branches of said river (as well as the main river itself) in which the fish called Salmon, Shad and Alewife or either of them have been in the habit of passing up to leave their spawn. And further that an action of debt may be commenced to recover the penalties provided by said act, by an persons of any town through which the said Sebasticook river or any of the aforesaid streams and branches may pass to be appropriated as provided in said act, and before any court of competent jurisdiction and in any county wherein either of the parties in said suit shall reside.

Newport, Jany. 19th, 1835."

Source: Maine State Archives. Augusta, Maine.

• PROTECTING ALEWIVES IN THE ST. CROIX RIVER -- 1836.

"Baring, November 15th, 1836

"To the Honourable Senate and House of Representatives in Legislature
Assembled:

"The undersigned inhabitants of the Town of Baring in the County of Washington, respectfully represents that formerly the fish called Salmon, Shad and Alewives were very plenty in the River St. Croix and its Branches --

"That said fish were of great utility to this portion of the community and tended much to promote its settlement --

"That the number of said fish has been rapidly diminishing of late years, owing, principally, to the dams and obstructions that have been built across said River --

"Your petitioners believe that if a law were passed compelling the owners of mills on said river to build suitable fishways round, through or over the mill dams on said river and also regulating the times and days of taking said fish, and requiring the fishways to be kept always open and the weirs to be kept shut two days in each week, from the first day in April, to the first day in September, in each year, and prohibiting all persons from taking said fish on said days, either in weirs, seines, drift nets, set nets, scoop nets, or with spears, that said fish would soon become plenty in said river and its branches, and greatly tend to promote the interests of this community, and the settlement of the wild lands in this vicinity --

"Your petitioners therefore pray, that your honorable bodies will pass such a law relating to fishways and the taking of said fish in said river, as you, in your wisdom may think best calculated to promote the public good."

Matthew Fowler and others.

Source: Maine State Archives

• PROTECTING ALEWIVES IN THE SANDY RIVER -- 1836.

"To the Legislature of Maine

"We the undersigned citizens of the State respectfully represent that great injury is experienced by the good people of this State and particularly by that portion of them which reside on, and in the vicinity of the waters of the Kennebec River and its branches by the dams which have been erected across the Kennebec and its branches especially that branch called Sandy River and thereby preventing the free egress and regress of those Fish called Alewives, Shad, Salmon and Trout, and indeed for every kind of Fish which formerly passed up the waters of those Streams before the erection of said dams.

"And we further represent that the privilege of these kinds of Fisheries is of great and essential benefit to the public and to be deprived of them is a public injury which in our humble opinion requires redress. And for that purpose we earnestly solicit the attention of the Legislature to the subject and pray that passage ways through the several dams across the Kennebec River and its branches may be kept open at those seasons of the year when, or during which these several kinds of Fish usually pass up these streams."

(Signed) O.L. Currier and numerous others.

Source: Maine State Archives. Augusta, Maine.

**• MILL DAM OWNERS PROTEST FISH PASSAGE LAWS, WARREN, MAINE
-- 1837**

[Note: The decline and extirpation of alewife runs across Maine in the 19th century resulted in a bewildering number of laws to force dam owners to comply with fish passage requirements. In many instances, dam owners protested just as vigorously, devising an argument known today as 'payroll vs. pickerel.' The following exchange of petitions by mill dam owners and citizens on the St. George River in Warren, Maine is typical of the time. The St. George alewife run is one of very few in Maine that was not extirpated by dams and today supports a town alewife harvest in Warren which provides several thousands a year to the town coffers.]

"To the Honorable Senate and House of Representatives in Legislature assembled:

"Your petitioners, inhabitants of the town of Warren, respectfully represent that the law regulating the taking of fish in the St. Georges River in said town requires that the dams across said River shall be opened during the season when the fish pass up & down said River. This is a great injury to the owners of the mills situated on said river and others having business at said mills.

"That the law requiring the dams to be opened aforesaid prevents the vacant water privileges on said stream, which are among the first in the state, being occupied for Factories and various other machinery, depriving the inhabitants of those advantages which

Nature has provided them, and thus retarding the growth and prosperity of said Town and the good citizens of the surrounding country.

"That the right of taking fish in said Town or the law regulating the same has become a bone of contention among the people and a prolific source of Litigation some contending that they have a right to take fish in the navigable waters in said Town, and taking them accordingly notwithstanding the law, others owning farms bordering on the river, contending they have a right to fish in the waters upon their own land, and fishing accordingly, the law to the contrary notwithstanding. Thus are generated heart burnings, strife and lawsuits.

"The fish for years back have been much diminished, and they do not when obtained half pay for the trouble and expense of taking and curing them to say nothing of the great waste of time by our citizens in congregating and waiting about the fishways.

"On the whole your petitioners are satisfied that it would be for the benefit of the citizens of this and the neighboring towns to have the law aforesaid repealed, and they do hereby respectfully request the Legislature to repeal the same."

Letter of Town of Warren, Maine in response to the above petition.

"Warren, February 6, 1837

"At a legal meeting of the inhabitants of the town of Warren qualified to vote in town affairs. Voted that our Representative in the Legislature be instructed to oppose any petitions that may be presented to repeal the law regulating the Shad & Alewife fishery in the town of Warren. Voted that our Representative be furnished with a copy of the above vote by the Clerk.

Attest: Stephen Burgess, Town Clerk"

Source: Maine State Archives. Augusta, Maine.

• **PENOBSCOT RIVER DAM WARS -- 1838**

[Note: During the mid 1830s, two large timber crib dams were constructed across the lower Penobscot River. These were called the "Corporation Dam" at the river's head of tide in Veazie and Eddington, Maine; and the "Great Works Dam" approx. 10 miles upriver in Old Town, Maine. The owners of both dams sought and received corporate charters from the Maine Legislature to build the dams. These Legislative Charters required the corporations to build sufficient fishways at both dams. Fishways were not built. Soon after the dams were completed the Penobscot River's runs of native sturgeon, striped bass, Atlantic salmon, American shad and alewives veered toward extinction; and the lucrative commercial fishery in the river and Penobscot Bay collapsed. According to contemporary accounts, fish wardens attempting to enforce the State's fish passage laws at the dams were threatened with lawsuits by dam owners and in some cases, physically threatened by mill employees. For the next decade the Maine Legislature was showered with citizen petitions arguing for and against the extinction of the Penobscot River's native fish and its commercial fishing industry. Although crude fishways were built at the some of the Penobscot River dams after the Civil War, the Penobscot's commercial fisheries for all species except Atlantic salmon was destroyed by the Civil War and has never recovered. The Penobscot's commercial Atlantic salmon fishery was closed by the Maine Legislature in 1948 and its recreational salmon fishery was closed in 1999.]

Petition of Inhabitants of Orono and Milford, Maine -- 1838

"Petition of inhabitants of Orono and Milford for repeal of all fish preservation laws on the Penobscot River.

"We the undersigned inhabitants of Orono, Milford and elsewhere on the Penobscot River beg leave to remonstrate against the passage of a bill for an Act entitled, "An act additional to an act for the preservation of Fish on the Penobscot River and Streams tributary thereto" -- copies of which were ordered to be printed and are now before the Legislature. For the following among the many reasons that may be offered why said bill should not be passed.

"First, because it is provided therein that the fish wares constructed in the tide waters and which have ever been the means of obstructing the passage of Fish in said River, are allowed to be maintained without any material curtailment of privilege and which are constructed at short distances from each other and starting from opposite shores so interlock as to render it almost impossible for fish to escape. We do know from experience

and observation that whenever these wares are erected and maintained for two or three years in succession (which is even the case when fish are plenty) it has diminished and nearly destroyed the run of fish so as to render the maintenance of wares unproductive and they have consequently with few exceptions been abandoned until by such abandonment (facilitating the passage) the run has become restored.

"Secondly, we object to the passage of the bill because it confers extraordinary powers which are to be vested thereby in men to take away and remove what they may deem obstructing to the passage of fish regardless of the establishment so to be removed and its bearing on the vital interests of the Community and on which supposed obstructions such interests may altogether depend, thereby prostrating enterprise by demolishing establishments on which is founded not only individual interest of great magnitude but the best hopes of the Country and on the very basis of its advancement and prosperity, and which should not we deem be subject to the caprice of any man or number of men having minor and conflicting interests to promote and thus be clothed with impunity.

"We would cheerfully secure if practicable and consistent with interests of far greater moment the unmolested passage of fish in said River. But we cannot but hope the inquiry will be made and duly reflected upon whether the enterprise and resources of the valley of the Penobscot shall be forgone for the sole purpose of securing the privilege of taking for a few days or weeks in the season a small supply of paltry fish which we may venture to say for the fifteen or twenty years past has occupied the Husbandmen about all of that season, which should have been devoted to Agriculture in order to secure a Harvest and have thereby been rather a curse than a blessing to our Country.

"With these suggestions we have the subject to the wisdom of the Legislature to be properly investigated and hope and pray that this contemplated Act be found so apparently obnoxious to the course of improvement on the Penobscot may be refused a passage and that all Laws respecting fish on said River, above Frankfort, may be repealed."

Jesse Wadleigh and numerous others.

Source: Maine State Archives. Augusta, Maine.

Petition of Inhabitants of Orono, Milford and Bangor, Maine -- 1838

"Petition of inhabitants of Orono, Milford and Bangor for repeal of all fish preservation

laws on the Penobscot River.

"To the honourable Senate and House of Representatives of the Legislature of Maine,

"The undersigned inhabitants of Orono, Milford and Bangor would respectfully represent that they have seen published an act entitled an act for the preservation of Fish in Penobscot River, now before your honourable bodies and believe that many provisions in said act is predicated upon the principle that the fishing interest is paramount to all others.

"The undersigned believe it would be injurious to the public interest and subversive of private rights to compel mill owners to remove their dams for the preservation of Shad, which are of little importance compared with their interests and the taking of which is now very limited.

"Your memorialists would inquire of your honourable body whether it would be right to subject the mill owners to the sacrifice of their main interest that supports this section of the State in order preserve one that supports none. The undersigned would therefore pray your honourable bodies to repeal all laws respecting Fish on said River above Frankfort believing the public interest requires it."

Salmon Hackett, Jr. and numerous others.

Source: Maine State Archives. Augusta, Maine.

Petition of Inhabitants of Bucksport, Maine -- 1838

"To the Legislature of Maine in session at Augusta, Jan. 1838

"The undersigned citizens of the town of Bucksport in the County of Hancock respectfully represent, that the Act passed in the year 1835 for the preservation of Salmon, Shad and Alewives in Penobscot Bay and River, and their tributary waters, does not accomplish the object for which it was intended. Many Mill Owners on the said waters refuse or neglect to open fish ways through their dams and other obstructions, and threaten the County Fish Wardens with a suit at law if they proceed to open them.

"The said Act requires the ward or wardens to open fish ways through dams and other obstructions (where the owners or occupants refuse or neglect to do it,) but does not

sufficiently guarantee them against the strong combination of interest, which would in many instances be brought to bear upon them. Being doubtful how a suit against them might terminate, and not being prepared to encounter Lynch Law, they have neglected to do (as well they might) what one clause of said act makes their imperative duty. Hence the fish in many places are obstructed in their passage up the aforesaid waters, and must soon become extinct unless a radical remedy is provided.

"Believing as we do, that this section of the State could not have been settled and brought forward as it has, had it not been for the primitive blessing of taking fish in Penobscot Bay, river and tributary waters -- and knowing as we do, that there is an ample sufficiency of water in Penobscot river and its tributary streams; for moving all necessary machinery, and for the preservation of fish; we earnestly pray your honorable body, to give the subject your candid and unprejudiced consideration, and pass an Act which shall ensure the preservation of Salmon, Shad and Alewives in the aforesaid waters, as long as 'Old Penobscot rolls his current on.'"

Daniel Buck and numerous others.

Source: Maine State Archives. Augusta, Maine.

Petition of Inhabitants of Orland, Maine -- 1838.

"To the Honorable Legislature of Maine assembled at Augusta, A.D. 1838.

"The undersigned citizens of Orland, County of Hancock, respectfully represent that the fisheries of the Penobscot River and its tributary waters have formerly been a great benefit to all the Inhabitants in this section of the State.

"But for some years past the Salmon, Shad and Alewives, which were formerly abundant, have greatly diminished already, and unless a remedy is provided by law the benefit derived from the said fisheries must be entirely lost -- and many poor people in consequence be deprived of a great part of the means for their support.

"We therefore pray your Honorable Bodies to give this subject (which to the people in this vicinity is of vast importance) your impartial consideration and pass a law which will preserve Salmon, Shad and Alewives in the said River and tributary waters.

Orland Jany. 15, A.D. 1838"

Asa Torrey and numerous others.

Source: Maine State Archives. Augusta, Maine.

Petition of James Austin and others for fishways on the Penobscot River -- 1839

"Petition by James Austin and 107 others requesting that sluice ways be opened for fish on the dams on the Penobscot River.

"To the Honorable Senate and House of Representatives in Legislature Assembled for 1839:

"We the undersigned respectfully represent to your Honorable bodies that it is necessary and desirable for the preservation of fish in the Penobscot River and its tributary streams that some immediate action should be had upon said waters for the purpose of making suitable and convenient passage ways over and through the mill dams now erected on said waters, as many of said Dams are so erected as to almost entirely preclude the passage of fish up the said Penobscot River, and in fact on many of its important Streams the fish are now entirely shut out, and should the said waters remain in their present situation without further interference by your Honorable bodies in a few years the fish in the Penobscot River would become extinct to the great detriment of the many and for the advantage of a few --

"As your Honorable bodies may be well aware some corporations have been granted which have already proved disastrous and detrimental to the community at large, in obstructing the navigation of said River as well as preventing the passage of fish, the fish taken from the waters of said River have to our knowledge for many years proved an advantage to a very great portion of the community by means of which the poor have been supplied and the hungry fed, a blessing provided by nature and which we wish to have remain -- but under present circumstances about to be wrested from the many and that too as we believe without their consent for benefit of the few --

"Gentlemen, we wish to call your attention to corporations and associated wealth with their onward march, their derogation from justice, and their encroachments upon the rights of others, and that too almost without remedy, we can rely upon your Honors alone

for protection, and to you Gentlemen we do most pathetically appeal and we do trust we shall not appeal in vain --

"It may be brought against this petition that provision has already been made to open Dams for the passage of fish, we can say with the utmost confidence that so far as provisions have been made they have been almost totally disregarded and to this particular we wish to call to your attention, and as it regards the last Act passed for the preservation of fish in aforesaid waters, a number of the most important Streams were exempted by law and we believe, Gentlemen, unnecessarily exempted too -- we do believe that Cold Stream with some others ought not to be exempted and that measures should be adopted such as you may deem necessary for carrying provisions into effect after provisions are made -- (we now understand that a Dam across the Penobscot River at Old Town is in contemplation and that too is contemplated by a charter from the Legislature) should an exemption be made to carry this measure into effect it is one we most sincerely deplore as it would add another obstruction to those already in existence, believing that you now have the fullest sense of the community on irresponsible corporations and that at least in this State they will henceforward be watched and guarded with a jealous eye, and that you will with the same watchfulness guard the rights of individuals from the onward march of associated wealth and corporations which are already heavy upon us -- and as in duty bound would ever pray."

James Austin and 107 others.

Source: Maine State Archives. Augusta, Maine.

Petition of Ware Eddy and Others for Repeal of all Penobscot Fish Laws -- 1843

"To the Honorable Legislature of the State of Maine

"Respectfully represent, We the undersigned, citizens of Towns bordering on the Penobscot River, that owing to the obstructions in said river Fish that have been wont to pass up and breed in said river have greatly diminished. A few Salmon and Shad only pass up during the spring freshets and Alewives are hardly seen at all. The many Mills that have been erected and the dams necessary to keep the Mills in operation together with the vast amount of logs and other timber driven down the river in the season most propitious for the passage of fish up have tended to destroy many of the fish or drive them into other waters.

"And as it is not to be presumed that the lumber operations on said river will be suspended, or even restricted, on account of the lesser interest (fishing), the expediency of continuing the present fish law is rendered more than doubtful, or indeed of making any law for the preservation of fish upon said River or the waters thereof. The Law is onerous, expensive and altogether inefficient. It creates officers whose salaries are paid by towns where no adequate service is rendered more to the towns than the public at large. It increases our taxes without an equivalent and it does not effect any good purpose. Where lumbering is carried on to the extent that it is on this River fish are driven off and all the Laws in the world will not bring them back unless the greater interest is subservient to the less. We therefore pray you to take this subject into consideration and inquire into the expediency of repealing all fish laws operating or designed for the Penobscot River or its tributary waters, which will relieve them from the expense we are now subjected to and from officers we have no voice in making. And as in duty bound pray."

Ware Eddy and numerous others. Nov. 30, 1843.
Source: Maine State Archives. Augusta, Maine.

Petition of Citizens of Orrington, Maine - 1843

"To the Honourable Senate and House of Representatives of the
State of Maine in Legislature assembled

Orrington, January 1843

"We respectfully represent that in former years before the Corporation and Great Works Dams were erected across the Penobscot River there were large quantities of Shad and Alewives taken in and above the tidewaters of the said Penobscot; that the quantity taken in the tidewaters alone (by a careful investigation) is found to have been in a single year when marketed to amount to more than one hundred fifty thousand dollars and more than four fifths of said sum was the product of labour and that immediately after the erection of said dams the quantity of fish taken rapidly diminished and for the last few years have become almost extinct -- the quantity taken for market for the last year or two has been less than ten thousand dollars and not one fourth part used for home consumption that was formerly used, thus we are very materially injured by said obstructions and are deprived of the just rewards of our labours.

"We further represent that the present laws for the preservation of Fish are wholly inoperative and inefficient. We believe some persons that are acquainted with the fishing business should be delegated and authorized to see that there is good and sufficient fish ways and that the owners or occupants of said dams should be requested to make and keep open the same subject to proper and suitable penalties neglecting to do so. We therefore pray your Honourable body will make such provisions by law as may be necessary to give said Fish (shad and alewives) a passage up the Penobscot River and its tributaries to cast their spawn that we may again enjoy our rights."

Source: Maine State Archives. Augusta, Maine.

Petition of Bucksport and Orland, Maine -- 1844

"To the Senate and House of Representatives of the State of Maine, at Augusta assembled:

"The subscribers, inhabitants of the towns of Bucksport and Orland, beg leave respectfully to remonstrate against the petitions of 'Ware Eddy & others, praying for the repeal of the fish law passed at last year's session.'

"There are two dams only that obstruct the free passage of salmon, shad and alewives up the Penobscot river, 'The Corporation,' owned by John Otis and others, and the 'Great Works,' owned by Josiah S. Little and others.

"These gentlemen lawyers have had the cunning to evade for years that portion of the law as it stands in the Revised Statutes which requires them to open a fish-way by their dams, and it is found insufficient to effect that purpose.

"The law of the last year will compel these soulless Corporations to open a passage way for said fish, which can be done without danger to those structures, and comparatively speaking, at a small expense.

"Your remonstrants also request that the operation of said law be extended to Eastern river, and its tributary streams. February, 1844"

Source: Maine State Archives. Augusta, Maine.

Petition of the Inhabitants of Frankfort, Maine -- 1844.

"Petition against repeal of the fisheries preservation laws on the Penobscot River

To the Hon. the Senate and House of Representatives in Legislative assembled:

"The undersigned, inhabitants of the Town of Frankfort, respectfully represent, that in consequence of the Mill-dams & other obstructions upon the Penobscot River and its branches, the Salmon, Shad & Alewives, which once abounded in said River & Streams, and which serves for food for the inhabitants, have now nearly left us; and learning that some of our most wealthy men (who have made themselves rich by taking said fish and then erected Mill-dams on the River & Streams, and thereby robbed the poorer inhabitants of their natural rights) have petitioned you to repeal the Fish Law passed last year. We therefore remonstrate against the repeal of the Law, believing that the fish will return to us should that Law be suffered to exist and as in duty bound will ever pray."

Elish Chick, Jr. and 22 others.

Source: Maine State Archives. Augusta, Maine.

• ALEWIVES IN THE CONCORD RIVER, MASSACHUSETTS -- 1840

Source: Thoreau, Henry. *A Week on the Concord and Merrimack Rivers*, in *The Writings of Henry David Thoreau*. Houghton Mifflin. Boston, Mass.

"Salmon, shad, and alewives were formerly abundant here, and taken in weirs by the Indians, who taught this method to the whites, by whom they were used as food and as manure, until the dam, and afterward the canal at Billerica, and the factories at Lowell, put an end to their migrations hitherward; though it is thought that a few more enterprising shad may still occasionally be seen in this part of the river. It is said, to account for the destruction of the fishery, that those who at that time represented the interests of the fishermen and the fishes, remembering between what dates they were accustomed to take the grown shad, stipulated, that the dams should be left open for that season only, and the fry, which go down a month later, were consequently stopped and destroyed by myriads. Others say that the fish-ways were not properly constructed. Perchance, after a few thousands of years, if the fishes will be patient, and pass their summers elsewhere, meanwhile, nature will have levelled the Billerica dam, and the Lowell factories, and the

Grass-ground River run clear again, to be explored by new migratory shoals, even as far as the Hopkinton pond and Westborough swamp.

"One would like to know more of that race, now extinct, whose seines lie rotting in the garrets of their children, who openly professed the trade of fishermen, and even fed their townsmen creditably, not skulking through the meadows to a rainy afternoon sport. Dim visions we still get of miraculous draughts of fishes, and heaps uncountable by the river-side, from the tales of our seniors sent on horseback in their childhood from the neighboring towns, perched on saddle-bags, with instructions to get the one bag filled with shad, the other with alewives.

"Shad are still taken in the basin of Concord River at Lowell, where they are said to be a month earlier than the Merrimack shad, on account of the warmth of the water. Still patiently, almost pathetically, with instinct not to be discouraged, not to be reasoned with, revisiting their old haunts, as if their stern fates would relent, and still met by the Corporation with its dam. Poor shad! where is thy redress? When Nature gave thee instinct, gave she thee the heart to bear thy fate? Still wandering the sea in thy scaly armor to inquire humbly at the mouths of rivers if man has perchance left them free for thee to enter. By countless shoals loitering uncertain meanwhile, merely stemming the tide there, in danger from sea foes in spite of thy bright armor, awaiting new instructions, until the sands, until the water itself, tell thee if it be so or not. Thus by whole migrating nations, full of instinct, which is thy faith, in this backward spring, turned adrift, and perchance knowest not where men do not dwell, where there are not factories, in these days. Armed with no sword, no electric shock, but mere Shad, armed only with innocence and a just cause, with tender dumb mouth only forward, and scales easy to be detached. I for one am with thee, and who knows what may avail a crow-bar against that Billerica dam?—Not despairing when whole myriads have gone to feed those sea monsters during thy suspense, but still brave, indifferent, on easy fin there, like shad reserved for higher destinies. Willing to be decimated for man's behoof after the spawning season. Away with the superficial and selfish phil-anthropy of men,—who knows what admirable virtue of fishes may be below low-water-mark, bearing up against a hard destiny, not admired by that fellow-creature who alone can appreciate it! Who hears the fishes when they cry? It will not be forgotten by some memory that we were contemporaries. Thou shalt ere long have thy way up the rivers, up all the rivers of the globe, if I am not mistaken. "

• **REPORT OF THE PENOBSCOT RIVER FISH WARDEN -- 1848.**

[Note: This document is interesting because of the heartfelt and optimistic outlook of its author toward the recovery of the Penobscot River's fish runs after crude fishways were built on some of the river's dams in the mid-1840s. Subsequent records indicate that while Atlantic salmon regained their foothold in the Penobscot River during the latter half of the 19th century, the river's runs of American shad, alewives, sturgeon and striped bass never recovered.]

"Communication of Benjamin Shaw, Fish Warden, related to fishing on the Penobscot:

G.P. Sewal, Esquire
Old Town, 7th of July, 1848

Dear Sir,

The fish wardens of the Penobscot waters have ascertained that in order to preserve and perpetuate the Salmon, Shad and Elwives in the River that section of the Fish Law that provides for the exemption of Penobscot Bay and several of its tributary streams from the operation of the Law thereby giving exclusive privileges to some which are denied to others. Its unequal operation renders the Law unpopular and the Fishermen are not much disposed to observe the Law from respect to it. Permit me hear to say that Laws suitable to command the respect of New England Live Yankies or Penobscot Fishermen must be tintured a little with Justice and Equalities to command quiet and ready submission.

I now say repeal that section of the Fish Laws that provides for exemptions of certain places from its operation. This will remove causes of complaint and the River will again Swarm with fish as of Old. I say do this and you give the Fish Law that principle of justice and equality that every American admires. This done, not only the fishermen but the more opulent dealers that furnish and supply them will cheerfully combine in supporting the Law for their preservation and all concerned will be more likely to treat the authority of the Fish Wardens with more Respect. I have stated my views on the importance of repealing this section of the Law, which is so unequal in its operation thereby removing all cause of discontent. Their seems to be a necessity of doing what I have proposed or abandon protection of Fish.

The run of Fish this present season is so great that the people acquainted with their

condition are anxious to give all possible protection. And many now think with proper Management they may be increased nearly to their original condition. This is decidedly my own opinion judging by the abundance now known to be in the River. And already on their spawning ground there has been more Fish taken at the foot of Grand falls this year than at any one place on the River, and what were taken were small compared with the quantities known to be there. It is supposed by those most experienced in Fishing that there is Salmon and Shad sufficient at their journeys end to bring in next year an old fashioned Run provided the Laws are good and Equal and well enforced.

The quantities of Elwives is much less in proportion as they are not as strong and less able to perform the long journey. They frequented the lower branches of the River where their favourite places of resort are now wholly closed and they are shut out. This is the reason of their falling off. I am impatient to have liberty to open Mr. Blackman's Stream in Bradley which should never have been closed; and bid welcome the finney Millions to return as of old to the great joy of themselves and the Inhabitants of the Region roundabout. I am informed that Elwives have been seen lingering round below that dam every year since the Law gave leave to close it against them. A good Fishway may be made cheap and be profitable to the owner and all the Country roundabout.

Two important points more I desire to bring to your notice. On the subject of the Penobscot Fisheries to which I ask your patience and consideration; the three years labour as Fishwarden have convinced me beyond a doubt that good laws suitably enforced may bring back the Fish in all their Original Glory and Grandeur without any Detriment to any other of the great interests of the River, but rather a benefit to all others. One other important point is the very great bodies of water held back for the purpose of driving logs and the addition of the Allagash have now a tendency greatly to improve the river during the journey of the fish, of which nearly or quite balances the obstructions caused by the Mills and lumbering.

Again the Fish and actual Settlers have always gone together. The presence of the Fish always has induced Agriculturists to settle in their neighborhood. If they continue to go as they have this year we may expect many Farmers to turn their attention that way. If the Fish fall off the Farmers clear out South.

I have given you this sketch of my views designed equally for your consideration and Friend Richardson together our Friend Stubs intends being at Augusta toward the close

of the Session for the purpose of recommending one section of the Fish Law repealed and I respectfully request you to assist him it being very important. All well good growing weather but little news here.

I remain Gentlemen very respectfully yours,

Benjamin Shaw"

Source: Maine State Archives. August, Maine.

• **FIRST LIFE HISTORY SUMMARY OF THE ALEWIFE -- 1867**

[Note: In their first report to the Maine Legislature, Maine Fisheries Commissioners Charles Atkins and Nathan Foster provided one of the first scientific summaries of the life history and habits of the alewife in Maine.]

"Alewife

"Though inferior to its elder brother, the shad, both in size and quality, the alewife excels in numbers and hardiness. Vast numbers once swam in all suitable waters through the State; and it is found from the Bay of Miramichi to the Chesapeake. To the north of us it is called "gaspereau." In the Middle States, and in many localities in Maine, it is called "herring." In our own State, it has endured against the disadvantages that man has put in its way much better than the shad or salmon. There is less wildness and timidity about its character than is the case with those fish. It is a domestic sort of fish, taking so kindly to civilization, that it has been the subject of numerous experiments in cultivation, so successful that they will deserve some notice by and by.

"The alewife, in migrations, generally precedes the shad into the rivers; but in Eastern River, Dresden, the shad come earliest. They are taken together by seines and weirs. Yet the alewife often chooses for its spawning grounds quiet lakes and ponds, and to reach them pushes up out of the rivers into the smallest brooks, which the shad never does. It seems particularly to delight in shallow, boggy waters, yet it is capable of breeding in tidal waters, as it does in the Kennebec. Clear, cold streams it always avoids.

"Alewives begin to appear in our rivers in April, sometimes in March. By the first

of May a few of them are taken in Dresden, and in Augusta. Yet the main body does not appear until late in May, or, in some rivers, until June. The fishermen distinguish three separate "schools," or "runs," of different sizes, and appearing in succession, the first run being the largest and most valued. Of the first run in East Machias, 370 fill a barrel; of the second run, 400; of the third run, 600. Those of the third run, although small, are yet fat and good.

"Unlike the salmon, alewives are deterred from entering a stream by an unusual flow of water, and always wait until it partially subsides. Their movements are consequently irregular in point of time. They advance by day in all difficult or exposed places, as in the passage of rapids and fishways, falling back or remaining stationary during the night. Warm, sunny days are particularly acceptable to them, and they may then be seen in great multitudes. Although of small size, they will stem very considerable rapids, and reach great altitudes, if at the end of their journey there is a suitable breeding place. Their limit on the Sandy river was 120 miles from the sea; on the east branch of the Penobscot, not much less than 200 miles.

"From Mr. John Brown of Bowdoinham, we have learned the following facts in relation to the spawning of alewives. In the month of June, in shallow water, over weedy flats, and along the edge of the channel, they may be seen and heard rising repeatedly to the surface, making a great swirl in the water and disappearing. On observing closely, it was found that several alewives, sometimes as many as six or eight of both sexes, rose together, and the eggs and milt could be distinctly seen falling to the bottom. To make certain, some of them were caught in the act, and search at low water revealed at a little depth multitudes of eggs among the weeds on the bottom in the same spot where the fish had been observed. The operation is performed oftener at night. It has been accurately observed in a weir, where the eggs dropped upon a board floor. About the middle of June begin to be seen in the water of the bay around Abagadasset point, myriads of pairs of eyes, each pair with a tail. Whether these were shad or alewives the observers were unable to determine, but since the experiments at Holyoke indicated that the young shad seek the centre of the river, it is probable that these were alewives. In the fall they can be distinguished, and many alewives linger there in November.

"After spawning the alewives commence their return to the sea. The time when they reach it varies with the distance they have to travel. In some cases they have pushed up into small ponds or pools, whose overflow is so slight that a few days of dry weather

completely dries it up, and cuts off their retreat; in this situation they sometimes have to wait until the fall rains release them. Mr. Treat, in his experiments at Red Beach, found that the old alewives came down early in July, having a very short distance to travel. They were followed by the young late in July and early in August.

"The descent of the young alewives generally occurs later than this -- extending into September. It is a most interesting sight to witness their march. They proceed in dense column, frequently miles in length, following all the sinuosities of the shore. Over falls they let themselves down tail first, as indeed all fish do. If obliged to pass a precipitous fall they are not much injured by it, unless violently thrown against rocks or the apron of a dam. When no other way presents, they will pass through an ordinary mill wheel, apparently with little harm. When so small and light they are much less liable to injury than the full grown fish.

"When the young alewives first go to the sea, they are two to four inches long. How fast they grow from that time is not certainly ascertained, but we have reason to believe that they do not mature in less than three years. It has been generally found that when a piece of water has been newly stocked with alewives they do not reappear until the third year. At Red Beach, Mr. Treat saw nothing of his until the fourth year, when they came to the mouth of the stream in great numbers. That they do not die immediately after spawning, as has by many supposed to be the case with shad, has been abundantly proved. Mr. Treat shut them into one of his ponds and kept them five months; at the end of that time they seemed to be much improved. To ascertain the cause he opened several of them found their stomachs fill with their own young. This sort of cannibalism is, without doubt, exceptional. In their natural condition it is not probable that they feed upon other fish.

"Alewives are neither so timid nor so tender as shad. They can be dipped out of the water and put into tubs without injury, and can by an occasional change of water be carried many miles overland. Advantage has been taken of this, to restock some waters that had been exhausted."

Source: Maine Fisheries Commissioners First Report, 1867. Maine State Archives.

• **ALEWIFE RESTORATION SUCCESS IN MAINE -- 1867**

From Maine Fisheries Commissioners First Report, 1867.

"Instances of Success

"Now, supposing these conditions all fulfilled, what reason have we to expect success? All the materials for an answer to this question that lie before us are too voluminous to be presented. We can only select. And first let us quote some instances of success at home.

"The East Machias River was originally an excellent alewife river, but by the erection of impassable dams and reckless fishing, they were eighteen years ago reduced to a yield of two barrels yearly. By the construction of fishways and careful attention the yield has now been raised to \$1,000 or \$1,500 yearly; the price being from one to two dollars a barrel. The cost of the fishways was less than \$1,000.

"The Cobscook or Orange River, in Whiting, was practically depopulated by dams, not more than a dozen alewives being taken yearly, and those at the head of tide. In 1861 alewives were carried into the lakes, and fishways built; in 1867 an abundance of fish crowding the fishways.

"Dennys River. Alewives and salmon formerly plenty: but greatly diminished; the alewives being practically exhausted by impassable dams. Obstructions being removed in 1858, the alewives have increased, as witness the number caught as follows: in 1865, 2 bbls.; in 1866, 15 bbls.; in 1867, 240 bbls."

• ALEWIFE RESTORATION PLAN FOR THE SEBASTICOOK RIVER -- 1867.

From Maine Fisheries Commissioners First Report, 1867.

"The Sebasticook is a tributary of the first rank. It is the outlet of many lakes and ponds of which the principal are China lake, Unity lake and Newport lake, having an area of 4,000 acres each. This characteristic rendered it principally an alewife river, and of those fish it produced immense numbers. It also yielded a great many shad, and some salmon. The most fish were taken in the town of Clinton, now Benton, and the town was vested with the right to take the fish by their agents, a fish committee, subject to certain conditions. They were to distribute a certain number gratis to the poor, and then sell to the inhabitants at a set price, and finally could dispose of the residue as they saw fit. Great quantities were

sold to strangers, the ordinary price being twenty five cents a hundred. Newport also had full control over the fisheries in that town. There were free fisheries on all other parts of the river and its tributaries. Indeed the fisheries were all free until a falling off in supply warned the people that there must be some regulations. On this point we have the testimony of Mr. Beriah Brown of Benton, now 78 years old. Seventy years ago he followed the man who took the fish. Also of Maj. Japeth Winn, who has lived in Benton fifty-five years. The tributaries of the Sebasticook were very early obstructed by dams through which, in most cases, inefficient fishways were left -- generally a mere gap, or a pile of stones; and the number of the fish had been falling off for many years before the town of Clinton assumed control of its fisheries. The dam at the upper falls in Clinton was built before the war of 1775, but a gap for fish was left in it. About 1809 a dam was built at the lower falls twelve feet high, with no fishway. It stood five or six years, and in that time had so impoverished the fisheries that the selectmen cut it away, and allowed the fish to ascend to their breeding grounds. The town in 1814 obtained the act authorizing them to control the fisheries, and the first year after cutting away this dam the fishery was leased for two or three years to one James Ford, he agreeing to pay yearly 200 fish to each man, woman and child in Clinton, and to sell as many more as should be wanted at a set price. From this time the fish increased again rapidly and the town began to sell the fishery yearly at auction. The price obtained varied from \$500 to \$1,200 or \$1,500; the purchaser being bound to distribute gratis to the poor and sell to all townsmen at a fixed price. The year of the closing of the Augusta dam the fishing sold for \$225. One or two years before for \$500.

"Mr. John Holbrook, 65 years of age, has lived in Newport all his days. Within memory alewives came here in great numbers, with a few shad and now and then a salmon. Forty-five years ago they were not so plenty as formerly. Thirty years ago they began to diminish rapidly, and in a few years were entirely gone. The obstructions on the Sebasticook now existing are six dams. The dam at Benton lower falls has a sluiceway twenty feet wide and three feet deep, near its west end, which was not closed during the last season until the 20th of June. With a suitable arrangement of the plank this might answer for the passage of fish. Over the upper dam a way might be easily constructed at the east end by bolting down some timbers and blasting a short passage out of the ledge. At Clinton and Detroit the task would be easy, but they must be guarded against ice. At Newport the milldam would require a fishway, but presents no difficulty. The dam at the outlet hardly hinders the passage of fish. The river was not examined above this point, although the alewives used to run as far as Stetson Pond.

"Of the branches we examined the Pittsfield branch as far as Moose lake or pond, the Twenty-five Mile stream, -- and have gathered some information about others. The west branch from Moose lake has three dams, one at Pittsfield and two at Hartland, neither of which presents any difficulty in constructing fishways; all three would require them. At Hartland there has been a dam 67 years, but as long as the alewives came there was a hole left for them to pass into Moose lake. Into the latter runs Main stream, crossed by several dams which were not examined.

"The Twenty-five Mile stream is the outlet of Unity lake. Near its mouth, in the town of Burnham, is a dam built 35 years ago, 12 feet high. Seven miles up the stream is another dam, and beyond that Unity lake. Tributary to Twenty-five Mile stream is Sandy stream of rapid flow, obstructed by two dams. The streams draining Lovejoy's and Pettie's ponds are obstructed each by one dam. The latter has a dam which has stood without a fishway for 60 years. The stream draining Plymouth pond has four dams. The Vassalborough stream is much obstructed, but was not examined.

"All the lakes and ponds of Sebasticook river are admirably adapted to the breeding of alewives. The restoration of these fish would be a comparatively easy matter. Plenty of the live fish or their spawn can be obtained at Augusta or below. The construction of ten fishways would give them access to the three largest lakes with a surface of 10,000 or 12,000 acres. If undertaken on the right scale and perseveringly carried forward great return might be expected in a few years. Abijah Crosby of Benton, was an enthusiast on this subject; who might have accomplished much had he been supported by public opinion. He went so far as to introduce live alewives to Pettie's pond, Unity and Newport lakes; they bred there, the young fish were seen going down the stream, and some of them caught; fishways were built over several of the dams on the Sebasticook, and thad that built at Augusta proved a success, the alewives would now have been again established in the Sebasticook river."

Source: Maine Fisheries Commissioners First Report, 1867. Maine State Archives.

• FISHWAYS BUILT FOR ALEWIVES ON ST. CROIX RIVER -- 1871.

"I was able, in my last report, to announce the construction of the fishways over the dams at Calais and Baring. I am now able to report the success of the experiment. The

fishway in the dam at "Middle Landing" or Union Mills, the first obstruction met by fish in ascending the river, was completed in 1869, and has thus been tested during one season, and through several freshets of unusual violence. When, in the month of June, the alewives came, they readily found the entrance to the fishway, and passed up through it in great numbers. Crowds of people gathered to witness the ascent. "

Source: Maine Fisheries Commissioners Report for 1871. Maine State Archives.

• **IMPORTANCE OF ALEWIVES TO THE COD FISHERY -- 1872.**

Letter by Spencer F. Baird,
U.S. Commissioner of Fish and Fisheries

Washington, D.C.
November 16, 1872

To E.M. Stillwell, Esq., Bangor, Maine

My Dear Sir,

I am in receipt of your letter, asking my opinion as to the probable cause of the rapid diminution of the supply of food-fishes on the coast of New England and especially of Maine. The fact, as stated, needs no question; it is too patent to the experience of every man who has been interested in the fisheries, whether as a matter of business or as an amateur. An examination of the early records of the country in which the subject is referred to cannot fail to convince the most skeptical.

We are all very well aware that fifty or more years ago, the streams and rivers of New England emptying into the ocean were crowded, and almost blockaded at certain seasons, by the numbers of shad, salmon and alewives seeking to ascend, for the purpose of depositing their spawn, and that, even after these parent fish had returned to the ocean, their progeny swarmed to an almost inconceivable extent in the same localities, and later in the year descended to the sea in immense schools. It was during this period that the deep sea fisheries of the coast were also of great extent and value. Cod, haddock, halibut and the line fish generally, occupied the fishing grounds close to shore, and could be caught from

small open boats, ample fares being readily taken within a short distance of the fishermen's abodes, without the necessity of resorting to distant seas. Now, however, the state of things is entirely different. The erection of impassable dams upon the waters of the New England States, and especially of the State of Maine, has prevented the upward course of the anadromous fishes referred to, and their numbers have dwindled away, until at present they are almost unknown in many otherwise most favorable localities.

The fact has been observed, too, that with the decrease of these fish there has been a corresponding diminution in the numbers of cod and other deep sea species near our coast; but it was not until quite recently that the relationships between these two series of phenomena were appreciated as those of cause and effect. Halibut, it is believed, can be reduced in abundance by over-fishing with the hook and line, but experiences in Europe and American coincide in the confirmation of the opinion that none of the methods now in vogue for the capture of fish of the cod family (including the cod, haddock, pollock, hake, ling, etc.) can seriously affect their numbers. Fish, the females of which deposit from one to two million of eggs each year, are not easily exterminated unless they are interfered with during the spawning season, and as this takes place in the winter and in the open sea (the spawn floating near the surface of the water) there is no possibility of any human interference with the process. Still, however, these fish have become comparatively scarce on our coast, so that our people are forced to resort to far distant regions to obtain the supply which formerly could be secured almost within sight of their homes.

It is now a well established fact that the movements of the fishes of the cod family are determined: first, by the search after suitable places for the deposit of their eggs; second, by their quest for food. Thus, the cod, as a summer fish, is comparatively little known on the coasts of northern Europe; but as winter approaches, the schools begin to make their appearances on the northwestern coast of Norway, especially around the Loffoden Island, arriving there finally in so great numbers that the fishermen are said to determine their presence by feeling the sounding lead strike the backs of fish.

Here they spend several months in the process of reproduction, the eggs being deposited in January, and the fishery being prosecuted at the same time. Twenty-five to thirty thousand men are employed in this business for several months; at the end of which the fish disappear, and the fishermen return to their alternate occupations as farmers and mechanics. The fish are supposed to move off in a body to the Grand Banks, which they

reach in early summer, and where they fatten up and feed until it is time to return again to the northeast. It is believed that the great attraction to the cod on the Banks, consists in great part of the immense schools of herring and other wandering fish, that come from the region of Labrador and Newfoundland seas, and which they follow frequently close to the shore, so that they are easily captured.

It is well known that the presence or absence of herring determines the abundance of hake and cod on the Grand Manan Fishing Banks, the fishes of the first mentioned family having a peculiar attraction to carnivorous fish of all kinds. It is, however, the anadromous fishes of the coast which bring the cod and other fishes of that family close in upon our shores. The sea herring is but little known, outside the region of the Bay of Fundy, excepting in September and October, when they visit the entire coast from Grand Manan to Scituate, for the purpose of depositing their spawn; this act depending upon their finding water sufficiently cold for their purposes, a condition which of course occurs later and later in the season, in going south.

In the early spring, the alewives formerly made their appearance on the coast, crowding along our shores and ascending the rivers in order to deposit their spawn, being followed later in the season by the shad and salmon. Returning when their eggs were laid, these fish spend the summer along the coast; and in the course of a few months were joined by their young, which formed immense schools in every direction, extending outward, in some instances, for many miles. It was in pursuit of these and other summer fish that the cod and other species referred to came in to the shores; but with the decrease of the former in number the attraction became less and less, and the deep sea fishes have now, we may say, almost disappeared along the coast.

It is therefore perfectly safe to assume that the improvement of the line fishing along the coast of Maine is closely connected with the increase in number of alewives, shad and salmon; and that whatever measures are taken to facilitate the restoration of these last mentioned fish, to their pristine abundance, will act, in an equal ratio, upon the first mentioned interest. The most important of the steps in question are the proper protection of these spring fish, and the giving to them every facility need for passing up the streams to their original spawning grounds; this to be done of course by the construction of suitable fishways and ladders. The real question at issue in regard to the construction of these fishways is, therefore, after all, not whether salmon shall come more plentiful, so that the sportsmen can capture them with the fly, or the man of means to be able to procure a

covered delicacy in large quantities and at moderate expense. This is simply an incident; the more important consideration is, really, whether the alewife and shad shall be made as abundant as before, and whether the cod or other equally desirable sea fish shall be brought back to our coast, so that one who may be so inclined, can readily capture several hundred weight in a day.

The value of the alewife is not fully appreciated in our country. It is in many respects superior to the sea herring as an article of food; is, if anything, more valuable for export: and can be captured with vastly less trouble, and under circumstances and at a season much more convenient for most persons engaged in the fisheries.

I have already extended this letter to an unreasonable length, and must therefore bring it to a close, with the assurances, however, that all the propositions I have thrown out can be amply substantiated.

Very truly yours,

Spencer F. Baird
U.S. Commissioner of Fish and Fisheries"

Source: Maine Fisheries Commissioners Report, 1872.

• LONG FIGHT FOR FISHWAYS, PRESUMPCOT RIVER -- 1875.

[Note: This excerpt from the 1875 Report of the Maine Fisheries Commissioners provides one reason for the failure of the State of Maine's efforts to restore alewives, shad and salmon in the 19th century. Today, none of the Presumpscot River dams mentioned have fishways. The dams' current owner, the SAPPI paper corporation, is still fighting in court any requirement to construct fishways.]

"Five years ago, the Commissioners of Fisheries for Maine made the attempt to have fish-ways constructed over the dams on the Presumpscot river. Their efforts and the wishes of the people were defeated by the determined opposition of the mill owners. Since then, the amendment of the laws led the people to hope that their long-entertained desire, to have fish restored to their river, might be gratified; and in response to their importunities your Commissioners visited the Presumpscot river, viewed the dams and obstructions, and

held meetings with and consulted the owners in relation to the proposed fish-ways. As a general rule, there was but little opposition expressed; all seemed willing to comply with the requirements of the law. At a further hearing, which was requested and held at the Falmouth hotel, the parties there present argued for more time, and desired that a year more should be granted them. Your Commissioners willingly assented to the request, if the parties seeking the continuance would bind themselves in good faith to build at the expiration of that time. Their reply was a prompt and energetic refusal. In due course we made surveys, furnished plans, and defined a time within which the structures should be built, all of which were duly served upon the respective parties. In the mean time, an organized opposition was determined upon, to oppose execution of the law. In order to gain time, and in conformity to their expressed determination, "to do nothing this autumn, but to go into the Legislature this winter," an appeal according to the provisions of Sect. 26, Chap. 40, was taken in ten cases, before the County Commissioners. Your Commissioners were duly summoned to appear at Portland, and after a long, vexatious, and fatiguing trial, occupying with its unavoidable adjournments a number of days, a decision was rendered on the third day of November, in their favor, of every point at issue, in every one of the cases, by a unanimous vote of the Board of County Commissioners. If the Legislature sees fit in its wisdom to grant to the appellants in these cases, the same lenient extension of time as was granted to the owners of the Augusta dam, on the Kennebec, we think at the expiration of the coveted time they will be met by a similar exhibition of gratitude in a demand for an indefinite postponement."

• RESTORING ALEWIVES TO MAINE -- 1932.

Excerpt of Report of the Maine Commissioner of Sea and Shore Fisheries for the Biennium of 1932-1934.

"The alewives which migrate to the rivers to deposit their spawn are not protected as they should be and consequently bring only a small revenue into the state, whereas if properly protected and adequate fishways maintained these fish would increase in abundance by leaps and bounds. This fact has been demonstrated at Duck Trap Stream, a small stream which enters the ocean at Lincolnville. For a great many years two mills were maintained on this stream and tight dams prevented the alewives from ascending the river further than dams prevented the alewives from ascending the river further than the first dam, consequently their spawning ground could not be reached and the spawn cast was immediately destroyed and for many years alewives were not known in or near

Lincolntonville. A few years ago the mills were closed, the dams went out and now every spring finds a larger number of alewives ascending the stream to spawn. Protection is all that is necessary to increase and bring back to normal an almost depleted industry which once was a valuable asset to the state and provided hundreds of families with the comforts of life and was available as an abundant, natural food supply for the people of not only Maine and New England but of the United States. Why should not a sufficient amount be appropriated to protect this branch of the industry?"

• **FISHWAYS FOR ALEWIVES -- 1967.**

"At one time, over 3,000,000 pounds of shad were taken from Maine rivers, along with tons of alewives and salmon. In 1825, the St. Croix River was dammed near Calais; in 1830, the Penobscot River was dammed at Old Town; and in 1837, the Kennebec River was dammed at Augusta. Notwithstanding the provisions of the legislative charter authorizing the Augusta dam and calling for an adequate fishway, none was built; and this river and its tributaries, like the St. Croix and Penobscot, were closed to Atlantic salmon, shad and alewives. Other Maine rivers suffered a similar fate, and sea-run fish all but disappeared from the principal rivers. Only with the recent construction of fishways have Atlantic salmon and alewives begun making a comeback. Shad are seldom seen

"The fishway has been most successful in restoring a run of desirable fish when installed in a dam at the outlet of a lake or in the smaller, pollution-free coastal streams containing few dams. A fishway is desirable in a dam at a lake outlet when the lake provides good habitat for landlocked salmon and trout and when spawning and nursery areas are below the dam. Without a fishway, neither the adult fish nor their young could return to the lake. Where lakes are used by spawning alewives, these fish, of course, must have access to them. Sea-run fish have made an excellent comeback in coastal streams that have been opened to their migration, since it has been relatively easy to install fishways in the few low-head dams. The fish, fresh from the sea, are still strong, and there is little or no pollution to deter them."

Source: Decker, Laurence. 1967. Fishways in Maine. Maine Department of Inland Fisheries & Wildlife. Augusta, Maine.

• **ATLANTIC COD EAT ALEWIVES -- 1972.**

"Cod particularly go after the schooling fishes -- herring, menhaden, alewives -- and in the northern part of their range, around Newfoundland, for example, cod voraciously chase capelin (*Mallotus*) ... Each spring, hundreds of cod weighing up to 35 pounds are caught from the banks of the Cape Cod Canal in Massachusetts. The cod pursue the springtime schools of spawning alewives, a small herringlike fish, and are caught by anglers using alewives for bait."

Source: Jensen, Albert. 1972. The Cod. Thomas Y. Crowell. New York.

Conclusion I

By Douglas Watts

Laws enacted over the past 300 years to protect the native alewives and migratory fish of New England have failed. Laws requiring passage at dams for alewives, shad and salmon date back to 1700 -- yet today, most of the native alewife, salmon and shad habitat in New England is still blocked by impassable dams.

In the spring of 1840, after watching alewives and shad denied passage to their home in his beloved Concord River, a young man named Henry Thoreau asked:

"Who hears the fishes when they cry?"

People have heard, have spoken and have tried to save the native fish of New England's rivers. For 300 years they have tried and they have failed. But like the alewives, shad and salmon, they have never stopped trying.

In 1947, citizens appointed by the Governor of Maine to the "Maine Commission to Study the Atlantic Salmon" wrote:

"We of Maine are the sole arbiters of the Atlantic salmon in this country. We will restore our salmon runs to something of their former glory or we will allow the last salmon

to die and thus bring to an end ignominiously the history of this magnificent fish in our nation. If we decide upon the latter course we will be holding ourselves up to the contempt of all men from this time forward. We will be looked upon as being stupid, ignorant and totally irresponsible; as persons God has trusted unwisely. Our duty is self-evident. We cannot evade it, we cannot temporize it, we cannot pass it off as something that is insignificant. We will be known as barbarians who were unmindful of their blessings or too ignorant to preserve them for their children. There is no middle course in the matter."

In 1987, prominent citizens of Maine, including natural resource scientists at the University of Maine, urged construction of the Basin Mills dam on the Penobscot River. The dam's builder, Bangor Hydro-Electric, admitted the Basin Mills dam would end any hope of restoring the native Atlantic salmon, American shad and alewives of the Penobscot River. The State of Maine supported the dam's construction.

It has been said Americans are not accustomed to failure. More accurately, Americans are accustomed to sweeping failure under the rug. This habit has given us the lifeless rivers, coves and bays of New England and children deprived of even a memory of what these waters resembled when they were healthy.

In a few places in New England, people are seeing what a healthy river resembles. Native migratory fish are coming back to the Kennebec, the Connecticut, the Merrimack and the Nemasket. For the first time in two centuries, alewives have now begun to reclaim their ancient home in Henry Thoreau's Concord River.

In 1867, Charles G. Atkins and Nathan W. Foster informed the Maine Legislature:

"The causes that have led to the present state of things are --

First -- *Impassable dams.*

Second -- *Overfishing.*

Third -- *Pollution of the water.*"

Conclusion II

by Timothy Watts

In the Wampanoag language Nemasket means place of fish. Today as in days of old this name suits the Nemasket River well. Each spring as early as February they begin arriving, at first alone as scouts and then in small groups. As the spring sun rises higher and the water warms they swarm up Nemasket by the tens of thousands. By late April and early May the fish flowing up stream seem to overwhelm the water flowing down. At the end of the run in early June more than one million of these fish will have made their annual journey up the Nemasket.

It is here at Nemasket, perhaps more so than anywhere else in New England, that ancient cultures of the past join hands with our modern one. Like an unbroken common thread, Nemasket flows through us to connect the Ancient Archaic to the later Woodlands Period and on to our modern culture. For near ten thousand years people have continuously come to the riffles at Nemasket each spring to greet the return of these fish called Alewives.

In times past the reasons for coming here were clear: food, irreplaceable sustenance for both people and their crops. Today the reasons are not so clear. Although some folks still use the fish for a fertilizer and others still fry their roe to eat and still others catch them to bait larger fish, there is something else that brings us to this place.

What is it about Nemasket and these fish that draw us here each spring? One common theme is, "we simply like them." Naturally, the follow up question would be why do you like them? More often than not people respond to this question with a simple shrug of the shoulders and a smile. For many people including myself, it is the fond childhood memories of warm spring afternoons spent scooping alewives from the water with bare hands. It is also the spectacle of seeing so much life rippling through such a narrow space. There is also the "underdog" factor, where we instinctively feel for a creature who against long odds struggles to reach its birthplace to spawn a new generation.

The Nemasket River maintains the largest run of alewives in New England. This is in large part due to the wide pristine waters of the Assawompsett Pond complex in Middleboro, Lakeville and Rochester. The outlet of Assawompsett is the beginning of the Nemasket River. Dr. Maurice Robbins in his book Wapanucket states that "In pre-colonial times the Nemasket River flowed out of the lake at a point some distance east of its present

location. An earthen dam now crosses the ancient bed and parallels the shore of the lake."

Apparently at some point in colonial times they moved the outlet of Nemasket to its present location. This is visible when approaching Assawompsett by canoe. About a hundred yards from the outlet the river widens and its course runs almost perfectly straight toward the pond. Apparently some enterprising souls attempted to channel the Nemasket for a shipping canal. They either ran low on shovels or strong backs; fortunately for us and the Nemasket the scheme was a failure.

From its outlet the Nemasket meanders lazily through marsh and swamp lands until it goes under Route 495 and then Route 28. Passing beneath Route 28 heading downstream, the new Middleboro Little League field would be on your left. During construction of the field they unearthed an Ancient Wampanoag village. Unfortunately they dug up and hauled most of the site away before it could be well documented. The remaining artifacts suggested that the site was several thousand years old, and was probably a heavily used area in ancient times.

Below this point the river continues down to the dam, and the alewife fishing site below it at Wareham St. The Nemasket scrambles down one of its few riffle reaches here, leading to a short stretch that brings you to the Ancient Wading Place at the Route 105 bridge below the center of town. Traveling further down through more meadow and swamp lands, you come to the place called Muttock, otherwise known as Oliver's Mills, at Route 44. This was the site of another extensive Wampanoag village and fishing site which was used from ancient times to the colonial period. Where the bones of the old mill complex now litter the river there was once a stone fish weir used to catch alewives and shad. The Wampanoag village and ancient burial place sat above on the hills over looking the stream to the south and east.

Once past here the Nemasket continues its meandering course down under Rt. 44 past the Middleboro Sewer Plant and on into the peaceful undeveloped marshes of North Middleboro. It is about half a day paddle from here to the Nemasket's confluence with the Taunton (a.k.a. the "Great River") below Titicut St. in Bridgewater.

One other suitable name for the Nemasket might be the river of smiles. As a resident of Middleboro I have the privilege of being a voluntary observer for the Middleboro Lakeville Herring Fishery Commission. Each Sunday morning during the fish

season I go down to the run to check permits and keep an eye on the goings on.

People come from all over to see the spectacle of the Nemasket Run. Adults and children scoop the fish up, dumping them into buckets to take home. Children scamper around, trying to pick up the fish that flop out of the buckets. Across the stream a mother mink darts down to the water to snare an alewife from the shallows; people pause their fishing for a moment to watch her haul it back to her den. Down below the fishway, soaking wet kids thrash about in the shallows like a gaggle of bear cubs on a salmon stream. Oblivious to the cold they scoop the fish onto the muddy bank with their hands and wrestle with each other for the silver trophies fresh from the sea.

One particular afternoon I happened to stop by the run in the early afternoon. Teachers from the local school were just arriving with a group of “special needs” kids. It was a perfect afternoon for catching, warm and sunny, the river loaded with fish. Teachers and chaperones wheeled the kids in their wheelchairs down to the river bank with nets in hand. It was a sight that could bring tears to the eyes of anyone with even half a heart.

I never saw a group of kids have so much fun. The teachers and chaperones had all they could do to keep them from plunging into the water. One would brace the chair, while another would hold the kids by the shoulders as they lunged out with their nets. Then another would have to help them haul up their heavy loads of fish and release them, only to repeat the seen all over again. When it was time to leave, all were tired, thoroughly soaked, covered with fish scales, smelly and grinning from ear to ear.

On another morning I was doing my watch at the run when a very old woman arrived with what appeared to be her granddaughter. It was a cold raw spring morning, dark, drizzly and gray. Surprisingly the stream was quite full of fish despite the foul weather conditions. Standing by the run I watched as the old woman shuffled down the steep incline toward me. In one hand she clutched a cane, her other arm was intertwined with her granddaughter. The old woman leaned heavily against the younger for support. She was wrapped in a heavy black over coat that seemed to swallow up her hunched over frail figure. Her light blue eyes sat deep in her furrowed face, her complexion was as pale and gray as the dismal morning. As they approached they paused at the bench that sat several feet back from the run. The young woman motioned to the bench, the older woman said nothing. Nodding “no”, the old woman now took the lead, shuffling to the river bank. I smiled and said hello as they passed me, the young woman returned the greeting along

with a smile. The older woman nodded as if to acknowledge my greeting but said nothing, her face showing no emotion.

Arriving at the river bank, the old woman looked down into the water at the swarms of alewives milling about at the entrance of the run. She then glanced down stream at my children, who were scrambling along the rocks laughing and grabbing at the passing fish. A bit of color came to her face as she looked out on the scene with a far away look in her eyes. I wondered to myself what she was seeing? Perhaps it was herself as a young girl, doing the same as my children were. Or perhaps she was seeing her own children playing on Nemasket's stage. Whatever it was that she saw it seemed to thaw the chill of the morning and lift the burden of old age from her shoulders. When she turned to leave, she looked up at me with a sparkle in her eyes. Then with a hint of a smile she said "yes, it is a good morning young man, a very good morning."

While watching her shuffle back up the incline I couldn't help but wonder how many times similar scenes had been played out here. It's an interesting thought to contemplate, considering Nemasket's long history: 8,000 years ago when the first clay pots were fired and the first bit of cloth was woven in Europe and the Middle East, people came here to Nemasket; 4,500 years ago when the first written language was established in Sumeria, people came here to Nemasket; 2,000 years ago during Biblical times, people came here to Nemasket. How many old Wampanoag women have shuffled down to this very spot to relive scenes of their youth? How many fathers, mothers and children have come to this very spot over the past ten thousand years to celebrate the return of the Alewives? How many, I do not know. However I do know that I along with many others find a strange comfort here in the riffles of Nemasket, the place of fish, the river of smiles.

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All of the historic documents contained in this report, as well as numerous others, can be viewed at the Atlantic Salmon History Project, located on-line at www.kennebecriverartisans.com/kennebec.org/fks/historicrecords.html. The Atlantic Salmon History Project is an archive of primary source historic documents which describe the character, abundance and decline of the native migratory fish species of New England.

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