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WILLIAM N. LOCKE

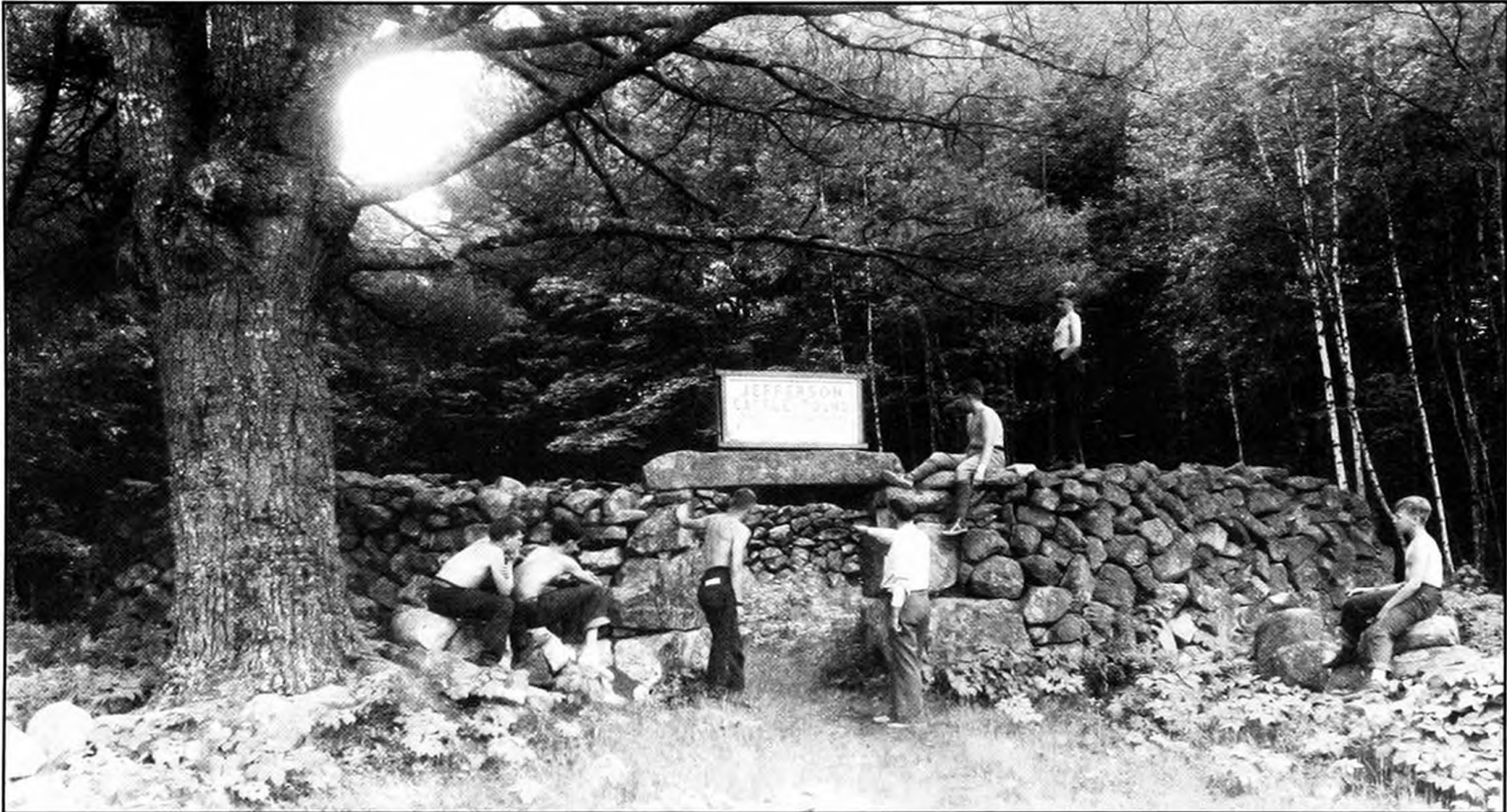
RESEARCH NOTE

THE RISE AND DEMISE OF THE CATTLE POUND
HARPSWELL AND MAINE

This paper will examine why and how cattle pounds, which date from early English and continental European practice, reappeared in Maine at the end of the eighteenth century.¹ “Pound” refers to an enclosure authorized by the voters of a particular town to keep stray animals until they were claimed by the owner. One of the first pounds in Maine was built in 1793 in Harpswell, a fishing and farming community on Casco Bay where stray cattle were causing serious damage in unfenced gardens and pastures. Setting up a pound was so urgent that towns took immediate action as soon as incorporation made it legally possible. Pounds were built throughout Maine and colonial America. Then as towns grew larger, as fencing materials improved, and as the laws governing impounding grew more complicated, pounds fell into disuse.

Richard Wescott of South Harpswell has located one of two stone pounds built in Harpswell. He has been so kind as to give permission for the inclusion here of the three following excerpts from his 1992 unpublished paper, “On Pounds and Burying Grounds,” based on Harpswell town reports:

The meets and bounds outlined in Farr’s 1910 deed to the inhabitants of Harpswell can be seen today in the stone walls at Harpswell Center which enclose the north, west, and south sides of the burying ground on the west side of Route 123, and in the stone wall which runs northeast from the south corner of the old pound on the east side of Route 123.



The Jefferson Cattle Pound, constructed in 1830. Visiting the pound here in about 1940 are youths from Camp Damariscotta, led by the camp's headmaster, Delbert Andrews.

*Information courtesy Mrs. Priscilla Bond, President, Jefferson Historical Society;
Photo by George French, Maine Development Commission, courtesy Maine State Archives.*



The Harpswell Cattle Pound (1793). Stone walls of an unknown date have replaced the original walls.

Photo by the author.

Actually, the location of the walls that formed two sides and the south corner of the pound still can be determined, although the structures are now ordinary stone walls. The change took place some fifty years ago when most of the large stones were taken by the State Highway Department to fill a marshy place in the road. The start of the third side at the east corner of the pound is shown by a few remaining big stones, while two others at the center of the fourth side were probably part of the doorway. Since the Harpswell Historical Society has been authorized by the selectmen to “bring the Town Pound to the attention of the public for its historic and educational value,” volunteers have cleaned up brush and rubbish in the pound. This revealed some of the stones of the other two sides and the north corner.

Wescott’s paper also provides clues to the history of Harpswell’s pounds and pound keepers. The town was incorporated by the Massachusetts General Court on January 25, 1758 as the thirteenth town in Maine. At the town meeting the following year the voters took it upon themselves:

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to build two [log] pounds in which to place stray animals. They ordered one to be built near the meeting house on the Neck [Harpwell Neck], and the other...to be erected on Joseph Thompson's land on Great Island. Thompson and William Tarr on the Neck were elected as pound keepers....

On March 25, 1783, Harpswell...voted once again to build two pounds. One on Great Island. Two months later the town awarded to John Roduck fifty-four pounds for building "the animal pound" on Great Island....

The fifty-four pounds paid to John Roduck indicates two new developments in pound construction: First, the town paid for the work; and second, the structure was to be built of stone, not wood. The stone pound on Harpswell Neck near the Old Meeting House was not built until ten years later, but is still one of the earliest known in the state. The earlier one authorized on Great Island has not been located definitively.

Pound keepers were elected from time to time until 1810, the year of the last reference to a pound in Harpswell town reports:

Soon thereafter William Dunning, Jr., the town clerk, appointed John Curtis and Nehemiah Curtis Jr., as "two disinterested persons" to estimate the damage done to Alcot Stover by the sheep which he had seized and impounded in the pound on the Neck and [determine] how many of those sheep would be sufficient in value to make up for his losses by their encroaching upon his land. The Curtises reported that Stover had suffered a \$3.50 loss. Since the sheep were worth \$1.25 each, he should be awarded four of them for his damages and trouble.

The brief references in the town reports leave us with a number of questions. For example, what caused pounds, which date back to European Medieval times, to be resurrected in the

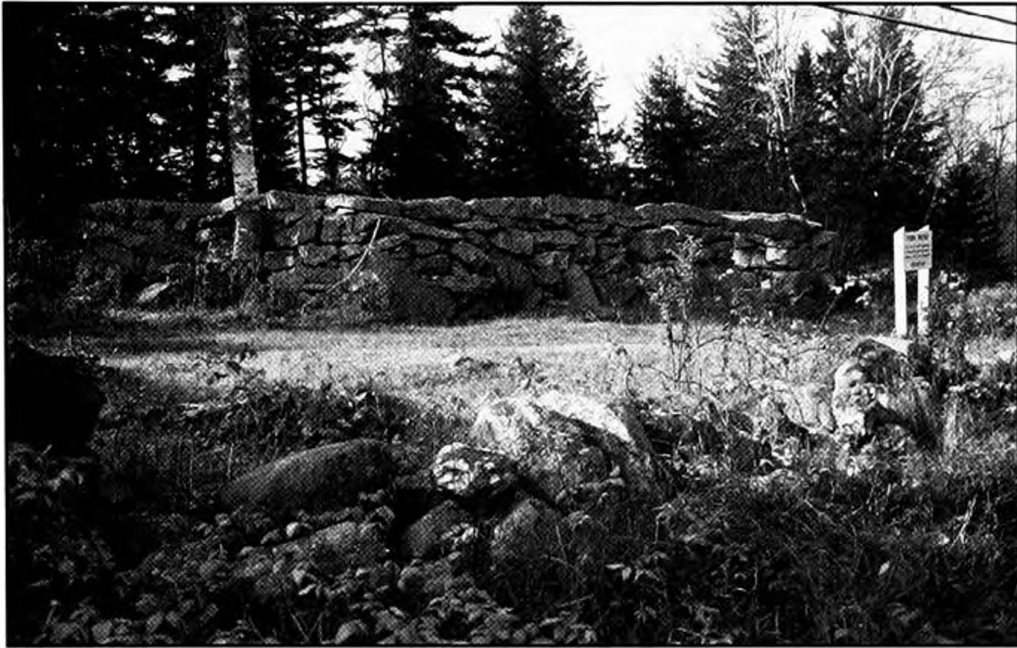
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colonies? How were the early wooden pounds financed? And why were they replaced by stone? For answers, it may be helpful to consider what other Maine towns were doing. All faced similar problems with wandering livestock, and methods of resolving them spread rapidly, thanks to a floating population of teachers, preachers, woodsmen, ship builders, blacksmiths, and peddlers to carry news and ideas from one place to another.

Cattle pounds became a widespread feature of the hundred-year transition from exploring, hunting, and wood cutting to farming. When the isolated farm came to have near neighbors, pounds answered an urgent need for protection against stray animals. It is hard, today, to appreciate the impact of cattle grazing in a garden or in the wrong pasture. For families on subsistence farms, the winter's food for both humans and animals was at stake. Moreover, in certain seasons male animals on the loose created another difficulty: it was important for owners to be able to choose what male bred with what female.

Gardens were small and the return from fencing them was large, so gardens were fenced early, often by poles simply driven into the ground side-by-side. Pastures were larger; fencing them was difficult and expensive, so some were not fenced. Yet with near neighbors, cattle could easily stray from one pasture to another. At the earliest town meetings there were angry demands for an end to damage by marauding cattle.² Towns may have hastened their incorporation partly because the election of pound keepers was apparently accepted as establishing a legal basis for impounding strays.

From the beginning several implicit concepts underlie the pound solution to the stray cattle problem: First, the owner was responsible for damage done by his animals; second, it was in the public interest that the person harmed or others should round up and drive offending animals to the pound – originally the pound keeper's barn or farmyard; third, to get his animals back, the owner should pay for damage done. Later, two more concepts were added: the owner was to pay for the cost of feeding and caring for impounded animals, and fines were to be levied on the owner by the town. Eventually, the state legislature incorporated these and other sanctions.



The Waldoboro Town Pound (top; 1819), and the Brooklin Cattle Pound (1851; restored 1972).

*Waldoboro photo by Frank Beard, courtesy Maine Historic Preservation Commission;
Brooklin photo courtesy of the author.*

When pound keeping in barns and in farmyards became too onerous, towns throughout the District or later the State of Maine authorized construction of one or more log pounds in strategic locations on land loaned for the purpose. No money

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was appropriated. Trees were there for the felling, and neighbors, no doubt, joined in the common effort, as they did for roads and barns. Later on, more prosperous voters would appropriate money to pay for the work. Then log pounds were replaced by more secure and permanent stone structures.

Specifications in an 1840 Edgecomb town warrant required walls up to seven feet high, four feet thick at the bottom and eighteen inches at the top, with double-thick plank doors and iron hinges and locks. The area enclosed was to be 1,200 to 1,600 square feet. (See Table 1 for other examples.) These massive structures, built without mortar, were designed not only to keep the animals in but also to keep their owners from spiriting them away some dark night without paying for feed and damages.

Pounds had a finite life, related to the development of the community. By 1810 the increased density of coastal towns like Harpswell, the enclosure of pastures, and the rise of civic responsibility put an end to strays, hence to the need for pounds. Vienna, incorporated in 1802, built a stone pound in 1835 when its stray cattle phase was almost over; it was "not used after 1840." Another factor in the decline of the cattle pound was a steady drop in the rate of incorporation of new towns after the 1830s. (See Table 2.) By then, the colonizing fervor had begun to sour before the reality of remote, unproductive lands. By the 1880s the farming population was in full retreat except in Aroostook County. Farms in marginal areas were being abandoned. Forest, always lying in wait, returned to swallow up fields, stone walls, cellar holes – and an occasional pound. Families and even whole towns went west or to the city, drawn by the promise of better living.³ The final blow to pounds came in the 1870s with the introduction of cheap, effective barbed wire.

Further evidence of the development and the decline of pounds in Maine comes from legislation passed at the state level. Starting in 1820 when Maine became a state, the legislature was confronted with urgent demands for "curbing stray beasts" in towns that were not taking action on the matter. The legislature responded with seven acts between 1820 and 1846, all approved by the governor. Selections from three of these follow.

EXTANT CATTLE POUNDS IN MAINE
for which substantial information is available

Name	Town Inc.	County	Pound Date	Wall Height (ft.)	Wall Thick (in.)	Shape	Size
Harpwell	1758	Cumb.	1793-94	-	-	Rec.	32X40'
Waldoboro	1773	Lincoln	1819	6.00	-	Rec.	45X55'
Edgecomb	1774	Lincoln	1840	7.00	18.33	Circ.	3 rods
Vienna	1802	Kennebec	1836	6.50	18.25	Octo.	***
Jefferson	1807	Lincoln	1829	7.00	****	Circ.	40' dia.
Pownal	1808	Oxford	1817	6.75	18.33	Rec.	36X36'
Greenwood	1816	Oxford	1836	6.00	2.5/5		
Charlotte	1825	Wash.	1866*	**		Rec.	30X30'
Brooklin	1841	Hancock	1851			Rec.	40X40'

Wall shapes and sizes denote original specifications. In comparing date of incorporation of a town with date of construction of its present pound(s) it should be kept in mind that wooden pounds were almost certainly built first.

* approximate date

** cedar structure

*** inside faces are 14 feet long

**** estimated at 1.5 feet

First there was enabling legislation, such as an 1820 statute: "An Act Extending the Powers of Towns to Restrain Cattle Running at Large," reading in part:

Be it enacted...that the inhabitants of any town in this State, may at any legal town meeting, order and direct that any particular description of neat cattle [bovines] or other comonable [that is, authorized to graze on the town common land] beasts, shall not go at large within certain particular parts of such town, without a keeper, under the penalties now provided by law in similar cases, and to be recovered in the same manner.⁴

Apparently the towns did not act fast enough, perhaps due to resistance from cattle owners whose rights to common pasturage were at stake. Another law in 1821 adopted a mandatory, rather than enabling tone:

Each town shall keep and maintain a sufficient pound or pounds, in such place or places therein as the town shall direct; wherein horses, asses,

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mules, swine, goats, sheep and neat cattle may be impounded and kept, for the causes hereinafter mentioned; and any town that shall neglect, for the space of six months, to provide and maintain such a pound shall forfeit and pay the sum of fifty dollars, for the use of the county....⁵

Still, in this and other acts stone was not specified for the pounds, offering towns an easy way out.

The state laws quickly became complicated with demands for paperwork and schedules for punishments, as shown by this 1834 act:

There shall be annually chosen in every town a suitable person to keep each pound therein, who shall be sworn to the faithful discharge of his trust. And he shall have and keep a book, wherein he shall enter at length, the certificates he shall receive from the persons, committing beasts to the pound, or finding the stray beasts; shall record a single copy of all advertisements by him posted or published, and shall note therein the time when a beast was impounded, and the time when and the person by whom taken away;....⁶

Having entangled the injured farmer in red tape, the legislature threw him a sop:

That whoever shall rescue or release any beast after being taken into custody or being in the possession of any person, for the causes in this act mentioned, or prevent in any way the impounding of any beast, or occasion the escape thereof, so that the law be evaded; the wrong doer shall forfeit a sum not exceeding twenty dollars nor less than five dollars, according to the circumstances and aggravation of the case; and shall be further liable to pay to the party injured in an action of the case, the full damages with charges and costs, which he might have received by impounding the beast....⁷

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Later, in 1871, A.G. Lembroke, speaking before a State Board of Agriculture meeting, showed in caustic commentary how these well-intentioned legislative efforts to protect the interests of everyone – owners, offended parties, and stray animals – had been carried to such extremes that they protected no one:

If you wish to impound a beast which you have found on your premises, you should first ascertain that there is a pound in the town; secondly that a pound-keeper was chosen; thirdly, that he was sworn; fourthly, that he gave bonds; fifthly, that those bonds were approved by the municipal officers of the town; sixthly, that the municipal officers have fixed and caused to be recorded the pound-keeper's compensation for keeping and feeding beasts committed to his custody. Then you must proceed strictly according to law. You must take up that beast, and within ten days you must drive that beast to the town pound, and make a certificate, stating your name, your residence, a description of the animal, the close [enclosure] in which the damage was done, the name of the town in which the close or farm is, and make a claim for your damages and unpaid charges....Now how are you going to take care of your neighbor's cattle if this impounding is as difficult as I have described it? And it certainly is....⁸

Finally, Samuel Wasson, also before the Board of Agriculture, poured scorn on the daunting muddle of requirements facing those who would impound a stray animal damaging crops:

But suppose stray cattle, unlawfully in a public way [road], pass therefrom into your garden or corn-field. What protection is by law afforded? Why, as a law-abiding citizen, you must house, water, feed, and otherwise care for the comfort of such invading beasts for the space of ten days,



Mt. Vernon Pound (c.1836). "Off an abandoned road to abandoned farms, all gone back to forest," the author writes.

Photo courtesy Henry Silz.

waiting for an owner to "turn up";....If no owner calls before or at the expiration of the martyrdom-days, the beasts must be committed to the pound, or you forfeit one percent on their value for each week. Joy go with him who attempts to impound an estray, for with such an attempt comes a swarm of vexations, petty yet powerful as the wasps and hornets of Canaan.⁹

The damage done by stray cattle in early farming communities brought forth an age-old response: the cattle pound. Pound keepers were elected at town meetings soon after incorporation, reflecting the urgency of keeping roaming animals out of gardens and pastures. At first, pound keepers' barns, barnyards, or specially built log enclosures served as pounds. Later, towns contracted for massive stone structures with heavy, locked gates, not only to keep animals in but also to prevent owners from "liberating" them without paying costs and damages.

Roughly from 1760 to 1860, spreading across the state inland and from south to north, town dwellers quickly experienced the need for pounds. This vanished with better fencing

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and a denser and more prosperous population, accompanied after 1880 by a steady decline in the number of farms. It is ironic that often, soon after voters could afford to build a fine stone pound, it was no longer needed, for stray cattle had all but disappeared.

The legislature, too, failed to understand the transitory nature of the stray cattle problem. To benefit cattle raisers, themselves quitting the state for better pastures in the West, laws were passed imposing such burdensome requirements that impounding became impractical. Fortunately, by then pounds had run their course.

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NOTES

¹The author wishes to express his appreciation to Kirk F. Mohny, architectural historian at the Maine Historic Preservation Commission, and to Richard Wescott for bringing pertinent information and statutes to his attention, to the librarians of Bowdoin College and of the Curtis Memorial Library in Brunswick, and to a number of others for suggestions, information, and illustrations. A list of some thirty known pounds in the state is available from the Maine Historic Preservation Commission, 55 Capital Street, State House Station 65, Augusta ME 04333. The Commission would appreciate further information and pictures of pounds in the state.

²The term, cattle, was then used broadly for all livestock, a usage followed in this paper.

³Clarence Albert Day, *Farming in Maine, 1860-1940*, University of Maine Studies, Second Series, no. 78 (Orono: University of Maine Press, 1963).

⁴*Laws of the State of Maine* (Brunswick: J. Griffin, 1821), vol. 2, chap. 129 (1820), p. 573.

⁵*Ibid.*, Chap. 28 (1821), p. 566.

⁶*Public Acts of the State of Maine Passed by the Fourteenth Legislature, ... January 1834* (Augusta: L. Berry & Co, 1834), Chap. 4 (1834), p. 219.

⁷*Ibid.*, Chap. 137 (1834), p. 228.

⁸A.G. Lebroke, "Law for the Farmer," *Annual Report of the Maine Board of Agriculture* (Augusta, 1871), pp. 311, 314.

⁹Samuel Wasson, "Anomalies of Fence Law," *Annual Report of the Maine Board of Agriculture* (Augusta, 1877), p. 22.