

HOUSE....No. 225.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 1, 1852.

The Joint Special Committee appointed to inquire into the means of preserving Cape Cod harbor from being injured by the drifting of sand or otherwise, and what measures have heretofore been taken by the legislature on this subject; and whether those measures have accomplished the object that was intended; and to ascertain what further legislation is necessary, ask leave to submit the subjoined

REPORT AND RESOLVE:

For a better understanding of the subject referred to them they beg leave to give a brief history of what was formerly called Cape Cod, but now Provincetown. It appears that the land of that part of Provincetown that belongs to the Commonwealth, and is known by the name of Province Land, was once part of Truro, but in the year 1714 it was made a district; in 1727 it was incorporated into a town. About the year 1737 it was a flourishing place, containing a number of dwelling-houses and stores. Soon after this the inhabitants began to leave the town. In 1748 it was reduced to two or three families; in 1775 it contained about ten dwelling-houses; in 1776 there

were thirty-six families and about twenty dwelling-houses. It remained in a state of depression during the revolutionary war. After this it gradually rose to its present state of prosperity.

Cape Cod harbor is of sufficient depth for ships of the largest size, is sufficient to contain three thousand vessels at once, and is a harbor of the greatest importance to the interests of navigation and commerce.

This was the first harbor the *Mayflower* found on her passage to Plymouth in 1620.

The first act of the General Court that your committee find for the protection of said harbor passed in 1714. The intention of this act was to prevent the trees from being destroyed on the province land, as the safety of said harbor depended very much on the preservation of said trees to prevent the sand from being blown into and destroying said harbor. How far this act was observed your committee do not know. The next act for the preservation of said harbor was passed in 1786. The intention of this act, like the other, was to prevent the destruction of trees, bushes, beach grass, &c., by people or cattle.

It appeared very evident to your committee that but little or no notice was taken of this act, for in 1824 the trees and beach grass having been destroyed on the Commonwealth land, therefore there being nothing to check the drifting of the sand from said land to that part of Truro that lay next adjoining, a petition, signed by the selectmen of Truro, praying the legislature to take some measures to prevent the sand drifting from said land to the meadows, destroying them and also a passage-way for a road between North Truro and Provincetown, and filling up East harbor with sand; and said petitioner stating also that the sand was drifting into the northeast part of Cape Cod harbor, and thereby damaging said harbor, the legislature authorized the appointment of two commissioners to attend to the prayer of said selectmen. They attended to their duty and reported as they were directed. Said report by an order of the legislature has been printed in Senate Document No. 43, which gives a very clear and full statement of the case. You will see by that report that they recommend suitable provisions by law prohibiting at all times by severe penalties, cattle going at large on the beach and

province land, and preventing the destruction of wood, beach grass, &c., on said land by any person.

The said commissioners further reported that it would be necessary to spend thirty-six hundred dollars to plant beach grass, make fence, &c. In 1826 the legislature made application to the general government for that sum. Congress that year appropriated thirty-five hundred dollars, and the legislature the same year passed an act for the purpose of accomplishing the above mentioned object ; and in 1833 and 1835 the legislature enacted laws in aid of the law of 1826. How far said acts, and the money so appropriated by Congress have accomplished the object intended, is impossible for your committee to know without going on the premises ; but by such evidence as they were able to obtain, it appeared that said harbor never was more exposed to danger, as it never was so fast filling up with sand as at the present time. Your committee are unanimous in opinion, that a harbor of such immense value and importance to the interests of navigation and commerce of the Commonwealth ought not to be suffered to be destroyed for want of proper care taken for its preservation.

In reference to the order of April the 16th, to inquire how much money has been appropriated by Congress for the preservation of Cape Cod Harbor, and by whom, or by what authority said money was called for, your committee find by a resolve of the legislature, January 28, 1826, calling for \$3,600, Congress appropriated in

May 20, 1826,	-	-	-	-	-	-	\$3,500
March 2, 1831,	-	-	-	-	-	-	2,050
July 3, 1832,	-	-	-	-	-	-	4,600
June 28, 1834,	-	-	-	-	-	-	4,400
March 3, 1835,	-	-	-	-	-	-	4,400
July 2, 1836,	-	-	-	-	-	-	4,400
July 7, 1838,	-	-	-	-	-	-	4,500
Whole sum appropriated,							\$27,850

By whom, or by what authority this sum was called for, your committee do not know.

Your committee respectfully beg leave to express an opinion, that when a State receives money from the general government for public improvement, said State ought to see to it that the money so received is spent economically and judiciously, so that it may accomplish the object for which it was so appropriated.

Therefore your committee report a resolve.

JAMES SMALL, *for the Committee.*

182,500	-	-	-	-	-	July 20, 1820
2,000	-	-	-	-	-	March 2, 1841
4,000	-	-	-	-	-	July 8, 1822
4,000	-	-	-	-	-	June 17, 1844
4,500	-	-	-	-	-	March 8, 1844
4,100	-	-	-	-	-	July 2, 1826
4,800	-	-	-	-	-	July 7, 1828
<hr/>						
177,800	-	-	-	-	-	July 20, 1820

By whom, or by what authority the sum was raised for your committee do not know.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-Two.

RESOLVE

For the appointment of Commissioners to examine Cape Cod Harbor.

Resolved, That his excellency the governor, with the advice and consent of the council, be requested and empowered to appoint a commission of three persons to visit Cape Cod harbor, during the recess of the legislature, for the purpose of examining into the causes that do now, or are likely hereafter to endanger or injure said harbor; and should there be an appropriation by the general government for this purpose, to confer with its engineer or agent, as to the best mode of expenditure so as to secure its preservation; and report to the next General Court.

