

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

*Charles F. Rice*  
DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1840.

---

AUGUSTA:

WM. R. SMITH & CO., PRINTERS TO THE STATE.

---

1840.

---

---

**TWENTIETH LEGISLATURE.**

---

**NO. 14.**

**SENATE.**

---

---

**REPORT AND BILL**

RELATING TO THE

**SEBOOMOOK SLUICeway.**

---

---

WM. R. SMITH & Co.,.....Printers to the State.



# R E P O R T .

---

*To the Honorable Board of Internal Improvements, Senate and House of Representatives of the State of Maine, in Legislature assembled :*

GENTLEMEN:—The undersigned, appointed by the Board of Internal Improvements under an order of the Legislature of March 21st, 1839, to make an exploration and survey of the route for Seboomook Sluiceway, has performed the duty assigned him, and respectfully submits the following

## R E P O R T .

In the month of July last, he proceeded with his assistants to the vicinity of the section of the country to be surveyed, and making suitable preparations, commenced the proposed reconnoissance and survey.

The field of operations, from the nature of the duty, was not extensive; being confined to the section lying between the head of Moose Head lake and the northwest inlet stream, on the south, and the west branch of the Penobscot river, on the north.

Our first duty was to make careful examination

of the country lying within the sphere of action, in order to ascertain the most judicious and best location for the Sluiceway; and in eleven days, the surveys, &c., were completed. The different localities, features, and character of this section, are highly favorable to the object in view, presenting great facilities for opening the desired communication between those two waters.

The accompanying Plan, is the key or index to this Report, and the routes and profiles of the Sluiceway delineated in detail, together with the general features of the country.

The distance between the lake and Penobscot, *directly* north, is about two and a half miles, but a little further westward, and up the northwest inlet stream, the distance is much less, being within half a mile of the Meadow pond, which lies south of the Penobscot river, and is connected with it by a small stream, about 80 or 90 rods in length, chiefly formed by the *back-water* flowing into it from the river, during high water or freshets; consequently, is on a level with the Penobscot.

The drift marks on the trees, at the edge of the meadow, shewed the freshet of last spring to be about seven feet high at station A.

The stream just mentioned is deep and sluggish, and with the pond, forms a natural communication nearly half the distance between the two waters, in the direction of the route for the Sluiceway.

The land on the east side of the meadow rises abruptly from the margin, in bold and broken ledges, and on the opposite side, it rises in perspective by a more uniform elevation; and on the southwesterly side, the rise is gradual for some distance from the valley.

On the southwest edge of the meadow, was found the most favorable spot at station **A**, for the head location of the Sluiceway, from which we commenced the survey of the two routes delineated on the plan. It being desirable to ascertain the shortest distance between the two waters; also their relative levels, &c., we surveyed the line marked on the plan, in the route **A, B, M, S** and **G**, from the meadow southwesterly to the nearest point on the northwest inlet. Distance 143 rods 9 links. After passing Quebec road to the west, the land preserves its relative level to nearly the margin of the stream at **G**, which station is 37 feet above the meadow level at **A**.

We now proceeded to survey and level the route **A, B, M, C, D, E** and **F**, for the Sluiceway, terminating on a suitable level at the inlet.

From station **A**, on the meadow, we pursued a southwesterly course, through a very uniform valley, and at station **B**, 35 rods, found the elevation 19 feet 11 1-2 inches. See profile No. 2. Thence 28 rods, is station **M**, elevation 37 feet 1 1-4 inch—

thence, southeasterly 43 rods to the summit level of this route, 53 feet 6  $\frac{1}{4}$  inches—and 17 rods more to C, on the Quebec road—thence 26 rods 20 links, to D, elevation 31 feet 11 inches—and 41 rods 5 links further, is station E, elevation 16 feet 5  $\frac{1}{4}$  inches—32 rods 20 links more, to a *level* with station A, on the meadow—thence 31 rods 10 links, to the inlet at F, commanding a depression of 9 feet below the meadow level at A. Whole distance, 256 rods 16 links.

An alteration of this route, beginning at station M, and running the line c, d, to E, where it meets the former route, would very much reduce the summit level, but whether the increased distance of 16 rods 16 links, would prove a sufficient reason to change the line of direction, must hereafter be determined by local circumstances, and what the *action* of the logs would be on the radius of the curve.

The termination of the Sluiceway at the inlet F, is very favorable, as the stream for some distance below, runs the same course with a large section of the Sluiceway, whereby the passage of the logs will be much facilitated.

The surface over which the two foregoing almost coincident routes pass, lies in a valley between the highlands, quite uniform and regular, with gradual elevation, as the profiles on the plan exhibit. The soil is a vegetable deposit, composed of black and



yellow loam, with a substratum of clay, calciferous slate, limestone, &c.

Opposite to the meadow stream, in Penobscot river, lies Hawk Island, about a mile in length, separating the river into two equal divisions, affording an excellent opportunity for booms, &c.

The river is about 4 rods wide on each side of the island, is nearly still water, till it arrives at the Great Falls, (so called) about three fourths of a mile below. Here the river is contracted to a width of four rods or so, with high precipitous banks, and rushes over a rocky ledge, making a fall of 16 or 18 feet—thence down a rough channel about 20 rods, where it again arrives at nearly level water. From these falls the ridge of ledge is bare of soil, and also precipitous, which traverses the country in a southwesterly and northeasterly direction, passing the easterly margin of the meadow before noticed, and intersecting the summit level of the Sluiceway at nearly right angles, and passing on to the northwest inlet. One section of the ridge crossing it above station G, and the other at the *falls* below, which are about 20 feet.

From station F, at the outlet of the Sluiceway, there appears to be but little fall to the lake.

The face of the country in the vicinity of the route is generally broken and uneven, as already noticed, and directly by the route, not far from sta-

tion B, at the base of the ridge, are the outcroppings of the slate ledge, standing nearly perpendicular. The frequent appearance of ledge in various parts of the ridge, establish conclusively, according to the laws of Geology, that the ledge extends throughout the whole ridge.

It is proposed to make the excavation sufficient to construct a Sluice properly timbered, not to exceed eight feet in the clear, and to construct a strong "*bulk head and gate*" at the mouth of the meadow brook, and also where the Sluiceway receives the water from the pond; by which means a double power to command the water will be secured, viz: controlling, with mathematical precision, the flow into the pond, and also from the pond into the Sluiceway, so as to make it most available for the purposes intended.

The expense of the proposed work may be about \$20,000, and is enhanced in consequence of the rock formation which intersects the line of the route; but it is worthy of remark, that from the same cause, the expense of future repairs will be proportionally diminished.

The timber and stone suitable for the work are abundant on the ground.

From a full and careful examination of the route and the adjacent country, the undersigned cannot forbear stating his entire satisfaction of the complete

practicability and safety of the work proposed, as well as its great importance to the State at large.

I have the honor to be,

Gentlemen,

Very respectfully,

Your most obed't serv't,

**WILLAM ANSON,**

*Surveyor and Civil Engineer.*

Portland, Jan. 22, 1840.



# STATE OF MAINE.

---

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND FORTY.

---

---

**AN ACT** to incorporate the Seboomook Sluiceway Company.

---

**SECT. 1.** *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That William Boyd and William Moulton with their associates, successors and assigns be and they hereby are incorporated and created a body politic, by the name of the Seboomook Sluiceway Company with all the powers, rights, privileges, immunities and liabilities incident by law to similar corporations.

**SECT. 2.** *Be it further enacted,* That said corporation shall have power to open and construct, in the township called Seboomook, a Sluiceway for the passage of logs and other timber from the waters of the west branch of

6 Penobscot river into the northwest bay of Moose  
7 Head lake, to pass through meadow pond and  
8 stream, in a southerly direction agreeable to a  
9 plan and survey made by William Anson to  
10 northwest inlet stream, thence down said stream  
11 to said Moose Head lake. The bed of said  
12 Sluiceway to be laid with timber where neces-  
13 sary, not exceeding six feet in general width at  
14 its usual water level, and not lower at the place  
15 where it commences, than the low water level  
16 of said meadow pond—and to be constructed  
17 with a suitable bulk head and gate at such part  
18 thereof as passes through ledge—which gate  
19 shall not be opened except when necessary for  
20 the passage of logs and timber. *Provided* said  
21 Sluiceway shall not obstruct or prevent the run-  
22 ning of timber down said west branch of Penob-  
23 scot river. And said corporation may take and  
24 use any lands along the course of said Sluice-  
25 way, not exceeding the width of two rods,  
26 except where a greater width be necessary for  
27 excavation or embankment, paying the owners  
28 thereof a just compensation for all damages aris-  
29 ing therefrom.

SECT. 3. *Be it further enacted,* That said  
2 corporation shall have power to construct and  
3 maintain a boom or booms in said Penobscot  
4 river and Moose Head lake, for the purpose of  
5 stopping and securing logs and timber passing  
6 to and through said Sluiceway. *Provided,* That  
7 in case any logs or timber intended to pass down  
8 Penobscot river, floats into said booms, it shall  
9 be the duty of said corporation without delay to  
10 turn the same out of said booms, and if they  
11 unreasonably neglect so to do, they shall pay to  
12 the owners thereof all the damages arising  
13 therefrom.

SECT. 4. *Be it further enacted,* That if any  
2 person shall suffer damage by the exercise of the  
3 powers herein granted, and the parties are un-  
4 able to agree upon the same, he or they may,  
5 by petition, setting forth the manner he or they  
6 are injured and the damages claimed, apply for  
7 remedy to the District Court in the County of  
8 Somerset—which Court shall cause said dam-  
9 ages to be ascertained by three discreet, disin-  
10 terested freeholders of said County, and either

11 party aggrieved by the judgment of said Court,  
12 may appeal to the Supreme Judicial Court.

SECT. 5. *Be it further enacted,* That if  
2 any person or persons shall willfully or mis-  
3 chievously take up, remove, injure or destroy any  
4 part of said Sluiceway, booms or other works  
5 appertaining thereto, or obstruct the waters  
6 thereof, he or they or any person or persons  
7 aiding or abetting therein shall forfeit and pay  
8 to said corporation treble the amount of dam-  
9 ages, to be recovered in any court of competent  
10 jurisdiction, and shall also be liable to indictment  
11 for such offence.

SECT. 6. *Be it further enacted,* That a toll  
2 be and hereby is granted for the use and benefit  
3 of said corporation according to the following  
4 rates, viz: fifty cents for each thousand feet,  
5 board measure, for all logs and other lumber  
6 which may pass through said Sluiceway—and  
7 said corporation shall have a lien upon all logs  
8 and other lumber which may pass through said  
9 Sluiceway, for the payment of the tolls due and  
10 payable thereon according to the rates aforesaid.



SECT. 7. *Be it further enacted,* That in  
2 case of deficiency of corporate property or estate,  
3 the private property of the stockholders shall be  
4 liable for the debts and liabilities contracted  
5 during the time he or they held such stock,  
6 which liability shall continue for one year after  
7 the transfer of such stock.

SEC. 8. *Be it further enacted,* That said  
2 corporation may take, hold and convey any  
3 estate, real and personal, necessary to carry into  
4 effect the purposes of this act, not to exceed in  
5 value the sum of twenty-five thousand dollars.  
6 And this act shall continue in force for the term  
7 of twenty years from the time said Sluiceway  
8 may be completed, which shall be within five  
9 years. And this act shall be liable at any time  
10 to be amended or altered at the pleasure of the  
11 Legislature.

# STATE OF MAINE.

---

IN SENATE, February 12, 1840.

This Bill was read once, and

ORDERED, That three hundred copies of the same, together with the Report of William Anson, Surveyor and Civil Engineer, appointed by the Board of Internal Improvements, to make an exploration and survey of the route for the Seboomook Sluiceway, be printed for the use of the Legislature.

[Extract from the Journal.]

Attest :                      WILLIAM TRAFTON, *Secretary.*