

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

# STATE OF MAINE,

DURING ITS SESSION

**A. D. 1843.**

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*AUGUSTA:*

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



1843.

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TWENTY-THIRD LEGISLATURE.

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No. 35.]

[SENATE.

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REPORT

OF THE

COMMITTEE ON STATE LANDS.

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[Wm. R. SMITH & Co....Printers to the State.]



## STATE OF MAINE.

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IN SENATE, Feb. 23, 1843.

The committee on State Lands, to which was referred the petition of John H. Pillsbury and Ebenezer Webster, have had the same under consideration, and ask leave to

### REPORT

the facts presented to them, and the conclusions at which they arrived.

The Land Agent of Massachusetts granted to the petitioners, on the 5th of September, A. D. 1838, a permit to cut timber upon township No. 9, range 7, on the Aroostook river; and on the 22d of November in the same year, the Land Agents of Maine and Massachusetts granted them a permit to cut timber on township No. 8, range 8. Under said permits the petitioners made and drew to the river during the ensuing winter, 5,400 tons of timber. The authorities of the State caused a boom to be erected across said river below the landings of the petitioners' timber, during the same winter, for the purpose of catching and securing trespass timber. About three miles below said boom, are falls in the river, over which timber cannot pass except at high water; at low water it stops and jams on the falls. Below the falls and near the mouth of the river, within the Province of New Brunswick, is an eddy, at the foot of which there was at that time a boom, erected to aid in stopping and rafting timber; and that eddy is the only place where timber

can be caught and rafted without great expense and loss ; timber having passed there without being rafted, becomes scattered the whole length of the river St. John, and much of it leaves the channel and floats out upon the lowlands bordering upon the river, and when the water subsides, is left upon the ground, often at a distance of one or two miles from the river. Before the erection of the American boom, timber could be driven, when the water was at the right height, at a small expense, to the falls ; would pass over them without injury into the eddy, and there be caught and rafted as fast as it was driven ; and it had been the practice of lumbermen to employ a portion of their men in driving, and at the same time a portion of them in catching and rafting their timber in the eddy as it came down. The American boom prevented the timber of the petitioners from floating down to the eddy and being caught and rafted. Nearly all the petitioners had, run into the American boom as early as the 4th of May, and their men were then obliged to cease driving until their timber could be turned out of the boom, although the water was then at the right height to carry it with comparatively little injury over the falls. If there had been no boom to obstruct the passage of their timber, their men could have arrived at the eddy within three days from that time, and found their timber nearly rafted and ready to run to market. The persons in charge of the boom commenced turning out the timber on the 6th of May, and did not finish until the 25th, refusing all assistance from the petitioner's men. While the posse were passing the timber through the boom, the water fell, so that it could not pass over the falls, but jamed upon them and remained until the first of June, when the water rose unusually high and swept the timber from the falls in a

body against the British boom, broke the boom and scattered the timber the whole length of the river St. John.

From these facts your committee necessarily conclude, that if the American boom had not obstructed the passage of the petitioner's timber they could have driven it all over the falls without material injury and had it rafted by the 12th of May. That owing to the obstruction of the boom their men were left unemployed from the 4th of May to the 1st of June, 45 men, 27 days, at an expense of, at least, \$2,00 per day. That at that time, they commenced picking up, rafting and running the timber, which was then so situated, that it must have cost, to deliver it at St. John, double the amount that it would, had it been allowed to float down the river to the eddy without obstruction and been rafted as usual; the ordinary expense of driving, rafting and running to St. John, being about 50 cents per ton. That the timber was much bruised while jamed on the piers in the boom and on the falls; and also, in breaking the jams on the piers; and in consequence of this injury it was necessary to re-hew a large portion of it, at an expense of about 30 cents per ton, which caused an important diminution in the quantity, as well as the price of the timber re-hewn; whereas it is necessary to re-hew but a small portion of timber which is run when the water is at a proper height. That the loss of timber cut up in breaking the jams on the piers, broken and bruised on the falls and stolen, while scattered a distance of two hundred miles along the shores and low lands of the St. John, must have caused a large deficit in the quantity of their timber. That nearly one hundred tons of timber was left in the boom in such a position that it could not be removed, the petitioners being com-

pelled to draw it out, the ensuing winter, at an expense nearly equal to its value.

The claim of the petitioners, is of such a nature that it is impossible for your committee to determine with any degree of accuracy the precise amount of damage they have sustained; but they were unanimously of the opinion they have suffered a serious injury and loss, for which justice required remuneration. They could not even determine that any item of the account annexed was improper; but still felt bound to allow them no larger amount than the damage most obviously sustained.

Your committee have collected the facts presented in this report entirely from the testimony of persons who were in the employ of the State, and from the journal kept by Capt. Parrott, while having charge of the boom. It also appears from the journal that the number of marks upon the petitioners' timber induced the suspicion, that a portion of the timber claimed by them was trespass timber, and that the petitioners were endeavoring to pass it through the boom as their own; but that on close examination he allowed the timber to pass, after having been re-surveyed by direction of the Land Agent. And your committee are well satisfied that all the timber claimed by them, was cut under their permits.

In view of the facts above stated, your committee report accompanying resolves.

JOHN W. DANA, *Chairman.*



## STATE OF MAINE

1839.

*To WEBSTER & PILLSBURY, Dr.*

To detention of our timber in State's boom on the river Aroostook, which obliged us to pay our men for 30 extra days labor (45 men) at two dollars and a quarter per day,	3,037 50
To loss on our timber in consequence of not getting it down to market, the same being 5,100 tons at 60 cents per ton loss,	3,060 00
To 100 tons of timber, which we were unable to get out of said boom, and has been wholly lost to us, at \$6,00 per ton,	600 00
To damage for seizing and detaining our boat load of goods,	100 00
To injury done said timber by being bruised on the Aroostook, in consequence of the fall of water during the time of detention, and the expense of re-hewing same,	2,187 50
To extra expense of picking up the lumber, as scattered all along the St. John river, which was occasioned by the detention aforesaid,	2,000 00
	\$10,985 00



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## STATE OF MAINE.

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**RESOLVE** in favor of John H. Pillsbury and Ebenezer Webster.

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**RESOLVED**, That there be paid to John H. Pillsbury  
2 and Ebenezer Webster out of the treasury the sum of  
3 four thousand five hundred and thirty-five dollars and  
4 eighty-seven cents on account of damage suffered by  
5 them from detention of their timber, in the Aroostook  
6 Boom in the spring of 1839.

**RESOLVED**, That the Governor be requested to cause  
2 the amount paid Messrs. Pillsbury and Webster, under  
3 the foregoing resolve, to be added to the claim of  
4 Maine upon the United States government, under the  
5 provisions of the late treaty of Washington.

**STATE OF MAINE.**

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IN SENATE, February 23, 1843.

**ORDERED,** That 500 copies of the foregoing Report and Resolve, be printed for the use of the Legislature.

**ATTEST:**

**JERE HASKELL,** *Secretary.*