

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.

AUGUSTA:

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



1843.

TWENTY-THIRD LEGISLATURE.

No. 40.]

[SENATE.

REPORTS AND BILLS

IN RELATION TO THE

PENOBSCOT BOOM.

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

REPORT.

IN SENATE, March 2, 1843.

The joint select committee to which were referred the applications respecting the Penobscot Boom Corporation, have attended to their duty, and submit the following

REPORT:

It was shown to the committee that a boom of the general character of the works constructed by the corporation, is necessary for the preservation and protection of the great lumber interests on the Penobscot river, from immense hazard and loss. The booms of this company are upon an extensive scale, requiring a large expenditure of money, as will appear by the report of the commissioners appointed by the Governor pursuant to an act passed at the last session of the Legislature. The booms were undertaken in 1832, and a boom in another place costing several thousand dollars, abandoned, in compliance with the request of the log owners, from the conviction that the security of their property demanded these erections; and, as an inducement to procure them, they proposed a more liberal rate of boomage than that which is now received, and for a period which might extend several years beyond the present time. It was not questioned but that the booms of the corporation are so constructed as to afford full protection to the lumber upon the river, securing all logs which the owner does not see fit himself to pick up; and in times of freshet and danger, preserving the whole lumbering interest from that exposure and loss, to which it otherwise would be subjected. The more effectually to ensure this security, the whole corporation is placed, to an extent, under the control of a committee appointed by the Executive of the State, and is bound to make any expenditure determined by the committee to be necessary; and not only the

property of the corporation, but the private property of the stockholders is holden for any damage or loss that may arise in the event of any delinquency.

It was conceded that the boom is in responsible and energetic hands, and that it is ably and well conducted, affording the requisite protection to the lumber upon the river. It is believed to be of great importance to the lumbering interest, (much more than a trifling alteration in the rate of toll,) that the whole lumber should be safe, and the boom be kept in competent and responsible hands.

An investment of the character of that made by this corporation, of such magnitude; placed out of the control of the owner and under the direction of others, subject to such responsibilities; the work needing constant repairs; liable to depreciation; and in time destined to be valueless, should yield a liberal return to induce any prudent man to hazard the undertaking.

It is believed that the income that has accrued, has not been unreasonable, when we consider the character of the investment, the risk, responsibilities, repairs, depreciation and the loss from the works abandoned at the request of the log owners, as appears by their petition on file in the office of the Secretary of State.

While one party contended that the established rate of boomage should be reduced, the other contended that it should be increased. In the determination of this matter, it is proper to consider, among other things, the cost of the works, the character of the investment, the probable amount and size of the logs that will be received into the boom, and the expenses of rafting out, warp and repairs.

The report of the commissioners appointed pursuant to the act of 1842, is made conclusive as to the cost and present value of the works of the corporation; and we cannot but believe that the careful survey, examination and estimate of these judicious and disinterested men, with the advantage of personal inspection upon the spot, affords a safer and more probably correct result, than would be likely to be arrived at from the mere descriptions and calculations of persons exposed to the biases of excitement and direct personal interest, however desirous they might be to avoid every shade of error or exaggeration.

It was satisfactorily proved by the testimony of the log owners, that a material change was taking place in the character of the operations, and in the size of the timber brought to market; that a large proportion of the lumber to be cut is of a second quality, and that while the first quality was formerly the principal kind cut, a much larger proportion of the second quality and of smaller size, is now being brought to the market, than formerly.

As the boomage is regulated by the quantity and not by the number of logs, and as more logs will hereafter be required to make the thousand feet than formerly, to be rafted at the same compensation, it will necessarily add to the expense and trouble of the corporation, it costing as much to raft a small log as a large one; and this circumstance is proper to be considered in fixing the boomage, and will probably be more than an offset against the increase of quantity.

As to the expense of rafting and warp, there was but little difference of opinion between the parties; the log owners estimating the expense at from 20 to 21 cents per M., and the corporation at from 22 to 23 cents.

In the account of the clerk of the corporation, of the rafting expenses, deductions should evidently be made from some of the items, but not to an extent to materially effect the result to which the committee have arrived.

This account has a bearing upon the subject, only so far as it may tend to show the usual expense of rafting and rigging. The last season was one unusually favorable, and the amount of timber so large, and the state of the water such, that the expense was less than it will usually average.

It was stated by some of the owners of logs that they had a part of their logs picked up and delivered at their mills for 38 cents per M., and by one that he paid the last season 25 cents per M., for logs averaging about two to a thousand feet, while the general average is about three.

For the purpose of procuring logs for sawing in the early part of the season, great numbers are taken up before arriving at the company's booms, by the owners, and by a boom located above the

corporation, and these are usually found to be of the larger size, leaving for the booms of the corporation the residue and the smaller logs.

It is believed that, on the whole, independent of the protection and security afforded by the booms of the corporation, the log owners have their logs taken up quite as cheap by the corporation, as they could have them in any other way.

After a patient and careful examination of the matters submitted to us, continued for about a week, and an attentive consideration of the facts, and the arguments of the parties interested, we have come to the conclusion that justice to all parties requires that the rate of boomage of 38 cents per M., including warp, as established in the act of 1832, should remain unchanged for the period of five years, and herewith submit a bill to that effect.

W. R. FRYE,
R. H. BRIDGHAM,
JAMES STROUT,
LEO'D PIERCE,
ISAAC REED,
A. S. HOLDEN,
AMOS. H. HODGMAN.

STATE OF MAINE.

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

AN ACT in addition to an act incorporating the Penob-
scot Boom Company.

*Be it enacted by the Senate and House of Representa-
tives in Legislature assembled*—as follows :

SECTION 1. That said corporation be entitled to
receive the same rate of toll or boomage for all lum-
ber boomed, rafted or secured in the booms of said
corporation, that is prescribed in the act of incorpo-
ration of said company, passed February 13, 1832,
which rate shall not be changed for the period of
five years from the passage of this act ; and the cor-
poration shall have a like lien for securing the said
toll as heretofore provided.

SEC. 2. Logs which have no marks upon them,
called prize logs, shall be secured and kept together
until all the logs are rafted out of the boom, and shall
then be taken by the boom agent and sold at auction,
after notice of the time and place of sale and the
quantity of logs, shall have been published in two
newspapers printed in Bangor, fifteen days before the

8 sale ; and after deducting the boomage, and the ne-
9 cessary expenses of keeping, advertising and sale, the
10 proceeds of the sale shall be paid over to the owners
11 of the logs of that year, in the booms, in proportion
12 to the quantity of logs owned by each.

STATE OF MAINE.

MARCH 1, 1843.

The undersigned, a minority of the committee on the Penobscot Boom Corporation, being unable to agree with the majority in the conclusions arrived at by them, ask leave to

REPORT

the following bill.

THOS. CHADWICK,
JOHN J. PERRY,
GEO. W. PERKINS, Jr.

STATE OF MAINE.

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

AN ACT in addition to an act incorporating the Penobscot Boom Corporation.

*Be it enacted by the Senate and House of Representatives in Legislature assembled—*as follows :

SECTION 1. There shall be allowed and paid to the Penobscot Boom Corporation a toll or boomage upon all lumber secured and rafted in manner provided in the act to which this is additional, including the warp and wedges, by which they are rafted, thirty three cents per thousand feet board measure, the scale or survey being the same as that by which logs are usually purchased and sold on Penobscot river ; and this shall be in full for the toll or boomage secured by the sixth section of the act of incorporation, to which this act is additional.

SEC. 2. There shall be allowed and paid to said corporation for each and every raft of logs containing not less than one hundred of the same mark, not taken away, as is provided for in the fifth section of the act of incorporation aforesaid, the sum of four cents per

6 thousand board measure. And said four cents shall
7 be in full for running, securing and keeping the logs,
8 not taken away by the owners thereof. And the
9 quantity of feet contained in said logs so run away
10 and secured, shall be deemed and taken to be equal
11 to the average of logs passing through said boom of
12 the same mark for that year.

SEC. 3. The log agent shall take charge of all logs
2 which have no marks, called prize logs, and marked
3 logs not claimed by any one, called scattering logs,
4 which he shall secure and safely keep until all the logs
5 for that year, are rafted out of the boom.

SEC. 4. The log agent shall sell all the aforesaid
2 logs at public auction, after having published a notice
3 of the time and place of sale, with a description of
4 the several marks, and the number of logs with each
5 mark, and the number of logs without mark, in two
6 newspapers published in the city of Bangor, at least
7 fifteen days before said sale.

SEC. 5. After said sale, said log agent shall forth-
2 with pay over to the treasurer of the Penobscot Boom
3 corporation the proceeds of the sale of the prize logs,
4 after deducting the expense of advertising and sale,
5 and after paying the boomage due said corporation on
6 said logs. And the said treasurer shall pay out, on
7 demand, the same to the owners of the logs which
8 have passed the boom that year, and whose marks
9 have been recorded in the boom master's book, in
10 proportion to the quantity of logs which each owner

11 or owners has or have that year had pass through said
12 boom.

SEC. 6. Said log agent shall, after the sale aforesaid
2 forthwith pay over to the treasurer of the county of
3 Penobscot, the proceeds of the sale of logs with scat-
4 tering marks, and shall leave with said treasurer a list
5 of said marks and a statement of the quantity of each
6 mark, and the amount for which each separate mark
7 sold for : and if within one year from that time, any
8 person or persons shall appear and prove his or their
9 ownership to any of the logs so marked, then the
10 treasurer aforesaid shall pay over to such person or
11 persons, the amount for which his or their logs so
12 proved, were sold, and the remainder shall remain in
13 said treasury for said county.

SEC. 7. The Penobscot Boom corporation shall
2 have a clerk, who shall keep an exact account of all
3 the expenditures and of the income of said corpora-
4 tion, and return the same in detail, under oath, on or
5 before the tenth day of January, annually, to the Sec-
6 retary of State.

STATE OF MAINE.

IN SENATE, March 2, 1843.

ORDERED, That 300 copies of the foregoing Reports and Bills
be printed for the use of the Legislature.

ATTEST:

JERE HASKELL, *Secretary.*