

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE

EXTRA SESSION OF 1853, AND SESSION OF 1854.



Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1854.

THIRTY-THIRD LEGISLATURE.

SENATE.

No. 10.

STATE OF MAINE.

*Report of the Committee on Interior Waters, on the petition of
the Penobscot Boom Corporation.*

IN 1832, an act was passed authorizing Rufus Dwinel to erect within certain defined limits in the present towns of Oldtown and Argyle, a boom, and to stop and raft all the logs and lumber floating down the Penobscot river, for which he was permitted to take a toll of thirty-eight cents per thousand feet, board measure, for a period of ten years.

The corporator expended about ten thousand dollars in improving the river, for the purpose of rafting logs, and in erections, and sold one half the franchise to Samuel Veazie for ten thousand dollars; and within a year from the grant, sold him the remainder of all his rights and property under it, for the further sum of twenty thousand dollars.

Veazie, having become the sole corporator, proceeded to erect the necessary structures, demanded at that time, to stop and protect the lumber floating into the boom.

The log owners, becoming dissatisfied with his management, in 1838 procured the passage of an act authorizing the governor and council to appoint a committee to control the proceedings of the corporation. It seems to have been the intention of the legislature, through this committee, to put the direction of the boom, to a very great extent, into the hands of the log

owners; and the appointment was conferred upon Ira Wadleigh, Amos M. Roberts, and Daniel White, gentlemen whose interest was in common with the log owners, and who were themselves largely interested in lumber passing said boom. This committee were authorized to direct the rafting of logs at any points along the extensive line of the boom, as they deemed expedient, and had power to increase the number of men in the employment of the corporation, as the proper progress of rafting might demand, and to cause such erections made as they deemed necessary for the safe keeping of the lumber. In the discharge of their official powers and duties, they exercised a commendable vigilance up to the present time. Their orders and directions were frequently given, and it was in evidence by the testimony of one of them, that the corporation had, in all cases, promptly and faithfully complied with the same.

The period fixed by the act of 1832, during which a toll of thirty-eight cents was established, closed in 1842, and an effort was made by the log owners to reduce it. During the latter year, a bill was passed, directing the appointment of a clerk, who should be sworn, and who was required to make return of the fiscal operations of the corporation for that year, and a commission to examine and report the value of its property and erections. At the close of that year, the clerk thus appointed, (David Norton, Esq.,) made return as required by said act, of all receipts and expenditures of the boom during that season, from which it appears the net amount of receipts, in 1842, was \$6,509.85. The account thus returned, was printed, and is to be found in the documents of 1843—"House No. 23."

In compliance with the act, the governor and council appointed commissioners to examine and report the value of all the erections, works and property, of the corporation, who proceeded for that purpose, with two able engineers, during the summer of that year, carefully examined and measured all the corporate property and structures used in carrying on the boom. Said commissioners notified all parties interested and gave

them a public hearing at Bangor. Testimony was introduced as to the value of the property; and, probably, their conclusions, under such circumstances, are the most satisfactory evidence now to be obtained, as to the value of those works at that time. This commission, after a long and careful examination of the boom, and the evidence submitted to them, appraised its works at \$48,000, which sum was exclusive of the amount of \$8,000 the *appraised* cost of the works of Dwinel. The legislature, to whom this report was made, (see House documents No. 11, of 1843,) established the toll of this corporation at thirty-six and a half cents per thousand for ten years, which time expired the past year.

The increasing business of the Penobscot river required new and more extensive erections; and Mr. Veazie, under the direction of the boom committee, from 1842 to 1847, expended in building piers and other works, the further sum of \$11,011.10. This outlay did not prove satisfactory to the log owners, and Dwinel and others in June, 1847, applied to the legislature for a charter for a boom above this now under consideration. The prayer of the petitioners was denied, and late in the same season David Pingree, Esq., the present principal proprietor, being then largely interested in lumbering operations on that river, was induced to purchase the Penobscot boom, and paid therefor the sum of \$55,000. The next year a charter was granted to Dwinel and others, for the "Birch Island Boom," which was immediately transferred to the Penobscot boom for the sum of \$4,500. No works were ever erected under it, and it was not in evidence, during the examination your committee have made, that any complaint had been preferred against the present owner for not building it. From 1847 to 1853, the present proprietors have expended in new erections, from time to time, the further sum of \$28,620.

Your committee, therefore, find that the present proprietors of the Penobscot boom have paid out for said boom and necessary erections, and for the charter of the "Birch Island Boom," which they were compelled to purchase, the following sums :

For the Penobscot boom in 1847,	\$55,000
To Dwinel, Strickland and others, for Birch Island Boom franchise,	4,500
For erections completed since 1847,	28,620

There are now in process of erection, works at Argyle, and constituting one of the divisions of this boom, the cost of which was estimated at \$6,000. The works will be completed and paid for during the present month, which added to former expenditures, makes \$94,120; which sum appears to have been expended by the present proprietors, exclusive of any interest upon the investment.

It was in evidence before your committee, from various witnesses called by Mr. Dwinel and others, that a fair interest upon the capital invested in these works would be at least twenty per cent. Your committee submit the following calculations, cast upon an interest of twelve per cent. upon the amount of capital invested, and expenditures for rafting, and deducting each year the receipts of such year, and the sum of the calculation is:

Oct. 1, 1847,	To amount of original purchase, - - - - -	-	\$55,000 00
July 1, 1848,	Paid for Campbell boom, - - - - -	4,500 00	
Oct. 1, 1848,	Three months interest on \$4,500 at 12 per cent, - - - - -	135 00	
	Expenditures for the year, - - - - -	67,797 64	
	Twelve months interest on \$55,000 at 12 per cent, - - - - -	6,600 00	
		79,032 64	
	Deduct receipts for 1848, - - - - -	60,588 21	=18,444 43
			73,444 43
Oct. 1, 1849,	Expenditures for the year, - - - - -	25,013 42	
	Twelve months interest on \$73,444 43 at 12 per cent., - - - - -	8,813 33	
		33,826 75	
	Deduct receipts for 1849, - - - - -	27,881 88	=5,944 87
			79,389 30
Oct. 1, 1850,	Expenditures for the year, - - - - -	45,078 90	
	Twelve months interest on \$79,389 30 at 12 per cent., - - - - -	9,526 72	
		54,605 62	
	Deduct receipts for 1850, - - - - -	61,017 67	=6,412 05
			72,977 25

Oct. 1, 1851,	Expenditures for the year,	-	-	44,087	44	
	Twelve months interest on \$72,977 25 at 12 per cent.,	-	-	8,757	27	
				52,844	71	=3,417 11
	Deduct receipts for 1851,	-	-	56,261	82	
Oct. 1, 1852,	Expenditures for the year,	-	-	40,897	23	69,560 14
	Twelve months interest on \$69,560 14 at 12 per cent.,	-	-	8,347	22	
				49,244	45	
	Deduct receipts for 1852,	-	-	46,474	89	=2,769 56
						72,329 70
Oct. 1, 1853,	Expenditures for the year,	-	-	69,153	15	
	Twelve months interest on \$72,329 70 at 12 per cent.,	-	-	8,679	56	
				77,832	71	
	Deduct receipts for 1853,	-	-	59,121	49	18,711 22
	Estimated expenditures this winter,	-	-	-	-	6,000 00
						97,040 92
Apr. 1, 1854,	Six months interest on \$97,040 92 at 12 per cent.,	-	-	-	-	5,822 46
						\$102,863 38

In submitting this calculation, your committee do not assume that they have determined the value of the boom at the present time so high as this calculation gives. The books of the corporation show the above sums expended and received, and the result is the deduction of a calculation upon that basis. Your committee were nearly unanimous as to the question of the present value of these works. The aggregate of that opinion fixed the value at seventy-four thousand dollars.

Such, briefly, is the history and standing of this corporation. Your committee do not deem it necessary to report, in detail, the testimony submitted to their consideration, during the very lengthy examination they have made; but there are certain positions established by the evidence adduced, in addition to the proof of the cost of the works adverted to, it may be proper to report, as having to a certain extent conducted them to the conclusion they have arrived at. When the toll of thirty-six and a half cents was established in 1842, the value of the capital invested was \$48,000. The size of logs equal to 348 feet

each, or about three to the thousand feet. Warp and wages of men could be obtained at rates far below the price now demanded. Since 1842 the investment has nearly doubled—the size of logs has gradually lowered to 162 feet each, or about one half the size at that period. Warp has risen to sixteen cents per pound, at least one third higher than in 1842, and the price of labor and provisions has materially advanced. And it was also in evidence, that as the number of logs increased in the boom, new places were required to be opened to raft them, increasing the expense per thousand feet.

In 1842, there were rafted from the boom 213,074 logs in number; in 1853, 966,284. The marks increased in the same ratio, and to a certain extent, the expense of dividing them for the proper owners. The following is the scale of logs rafted from 1842 to 1853:

PENOBSCOT BOOM COMPANY.

Account of Lumber Rafted from the Penobscot Boom from 1842 to 1853, inclusive.

		Amount rafted each year.		No. of days rafting.	Average amount rafted daily.		Average size of logs in feet.
		Logs.	Feet.		Logs.	Feet.	
1842,	Main Boom,	213,074	74,215,475	68	3,133	1,091,404	348
1843,	"	226,745	69,300,197	68	3,430	1,042,596	304
	Side Boom,	6,468	1,596,321				
		233,213	70,896,518				
1844,	Main Boom,	202,144	57,417,900	53	3,814	1,083,356	284
1845,	"	303,327	82,259,760	84	3,639	995,475	281
	Side Boom,	47,577	16,297,430				
		350,904	98,557,190				
1846,	Main Boom,	346,370	80,322,040	92	3,816	879,780	236
	Side Boom,	26,921	7,806,400				
		373,291	88,128,440				
1847,	Main Boom,	417,034	99,199,200	107	3,897	927,095	261
	Side Boom,	144,530	47,680,040				
		561,564	146,880,240				

Boom managed by Levi Young up to this date.

Present Proprietors commenced Rafting, Season of 1848.

1848,	Main Boom,	521,785	142,753,010	109	4,787	1,309,660	277
	Side Boom,	117,291	34,215,340				
		639,076	176,968,350				
1849,	Main Boom,	266,377	68,101,970	Boody, manager.			
	Side Boom,	16,675	5,591,980	71	3,752	959,182	260
		283,052	73,693,950				
1850,	Main Boom,	697,661	146,871,210	Bearce, manager.			
	Side Boom,	84,039	22,288,500	120	5,814	1,223,927	216
		781,700	169,159,710				
1851,	Main Boom,	591,371	127,311,150	Bearce, manager.			
	Side Boom,	117,384	30,810,560	113	5,233	1,126,647	223
		708,755	158,121,710				
1852,	Main Boom,	612,513	110,126,860	Bearce, manager.			
	Side Boom,	88,110	19,065,260	122	5,021	902,670	184
		700,623	129,192,120				
1853,	Main Boom,	595,500	92,400,840	Bearce, manager.			
	Side Boom,	370,784	63,784,000	115	5,178	803,484	162
		966,284	156,184,840				
				Bearce, manager.			

All the books and vouchers of the corporation were submitted for the inspection of your committee. It appears from them, that the expense of rafting was not uniform, the boom receiving a profit in certain years, and losing to a considerable extent in certain other years.

A careful detailed account was kept of all moneys received and paid out by the corporation during the year 1853, and satisfactory vouchers of the items were produced. It appeared from this account that the whole amount expended was \$69,155.15; and the amount received was \$59,121.49; showing a loss to the corporation of about \$10,000. Of the sum thus paid out, about \$2,000 was expended for permanent erections, and some smaller sums for other purposes connected with the boom. Deducting from the whole amount expended the sum of \$6,000 for purposes not directly affecting the cost of rafting, it follows that in 1853 it cost the boom about forty cents per thousand feet to raft.

So far as the price of labor and warp is to be regarded as a criterion in establishing a future toll, perhaps the season of 1853 is a safer guide than any preceding one. But the expense of rafting is so sensibly affected by the rise and fall of the river, and the manner and periods in which logs arrive at the boom, that the result of no one year's operation can afford a certain basis by which a proper rate may be determined.

Therefore, in arriving at the conclusion your committee finally adopted, they examined carefully those causes likely to increase or lessen the expenses that have been experienced in the operations of the boom for the past ten years. They can not anticipate how far the causes now acting upon the value of labor and provisions may affect them. It is well known, that each has advanced during the past year, and a decline is not early expected. If the price of labor continues to advance, the toll reported by your committee would be inadequate to remunerate the corporation for their capital invested, and defray their necessary expenses.

It appears from the foregoing data, found by your committee, that the sum invested in those works is not far from \$94,120, exclusive of interest. Its erections, standing in a river that is constantly changing its surface level, must necessarily be subject to rapid decay, and liable to extensive injuries from the pressure of the vast accumulations of ice and timber they annually gather. The annual repairs are therefore expensive, and from the age of the structures, are increasing. By the terms of the original charter, the corporation is liable for the loss of any timber that floats into its booms, thus insuring the safety of property afloat upon a great river to the annual value of some two or three millions of dollars. Such a risk your committee believe is entitled to a fair remuneration. During an examination continued through some twenty sessions, your committee heard all parties, appearing by themselves and their counsel, and the subject matter submitted for their consideration has been fully and faithfully investigated; and as the result of that investigation, they ask leave to report the bill, which is herewith submitted.

GEORGE W. DRISKO, *Chairman*.
MINOT CREHORE,
JOHN WEST,
JOHN BERRY, Jr.,
THOMAS NELSON,
SAMUEL BLISS,
FRS. G. BUTLER.

March 29, 1854.

The undersigned agrees to the foregoing report and the bill, but in his opinion the toll should be fixed at 50 cents instead of the 53 prescribed in the first section of said bill.

GEORGE LIBBY.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FIFTY-FOUR.

AN ACT additional to acts establishing and regulating
the Penobscot Boom Corporation.

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

SECTION 1. The Penobscot Boom Corporation shall
2 have the right to demand and receive fifty-three
3 cents per thousand feet board measure, for booming
4 and rafting board logs, and finding warp and wedges,
5 upon all such logs rafted at their booms, instead of
6 the rate of boomage heretofore prescribed ; and for
7 the rafting and boomage of all other lumber, the tolls
8 shall remain as authorized in the act establishing said
9 corporation ; and the rate of boomage herein pro-
10 vided is established for the period of eight years or
11 during the pleasure of the legislature ; said corpora-
12 tion shall have the same lien on all logs and other

13 lumber, boomed and rafted at their booms, for the
14 security of the tolls and expenses authorized by this
15 act, as is provided in the acts to which this is
16 additional.

SECT. 2. The limits of said boom shall be the same
2 as are prescribed in the act of incorporation thereof,
3 extending up the river however to the head of Olam-
4 on island; and said corporation shall have the ex-
5 clusive right within said limits to boom, pick up and
6 raft logs, and are authorized to raft the same at such
7 places from their booms, as they shall deem necessary.

SECT. 3. It shall be the duty of log owners to re-
2 ceive and take away their logs as the same shall be
3 rafted out and fastened to the buoys; and if they
4 shall neglect so to do, and suffer them to accumulate
5 so as to retard the rafting, then the corporation
6 may run them away, and hitch them at the shores
7 below, and for doing the same shall be entitled to
8 receive the sum of four cents each for the logs thus
9 run away.

SECT. 4. All logs intended to be manufactured on
2 the Stillwater branch, which may be rafted at the
3 upper booms during the time that the trip for the
4 passage of logs and rafts at the lower boom shall be

5 closed by the accumulation of logs, shall be run by
6 said corporation below said trip without charge for
7 running the same.

SECT. 5. It shall be the duty of log owners to
2 transmit to the treasurer of said boom on or before
3 the twentieth day of April annually, or before the
4 corporation shall raft them out, a schedule of the
5 mark or marks of all logs claimed by such owner ;
6 and said corporation may raft as strays those logs the
7 marks of which are not thus furnished.

SECT. 6. It shall be the duty of the boom commit-
2 tee to appoint annually in the month of April an
3 agent, who shall receive from the log agent, and give
4 his receipt for the same, the unmarked logs called
5 *Prizes*, and pay to the treasurer of the corporation
6 the boomage and expenses thereon ; and such agent
7 shall manufacture said logs and sell the lumber, and
8 apportion the net proceeds at the close of the rafting
9 season, amongst the owners who pay the boomage of
10 logs rafted at such season, pro rata, and pay over to
11 them their respective shares of such net proceeds.
12 And said agent shall in like manner receive and
13 receipt for the logs rafted at said booms having marks
14 thereon not entered with the corporation as afore-

15 said, denominated *Strays*, and pay to the corporation
16 the boorage and expenses thereon, and it shall be
17 the duty of said agent to run said logs to some suitable
18 and convenient place of deposit, and file with the
19 clerk of the corporation a record of the marks thereof
20 for the inspection of the log owners, and shall deliver
21 to each log owner the logs belonging to the same
22 upon his paying the tolls and expenses thereon, and
23 giving his receipt therefor to be filed with the clerk
24 of the corporation, and he shall annually at the close
25 of the rafting season, and before the month of January,
26 advertise in some paper printed in Bangor the
27 number of such logs as shall remain unclaimed by
28 their owners, designating the place where they are ;
29 and he shall manufacture in the spring following such
30 as shall remain in his possession, and sell the lumber,
31 keeping an accurate account of the quality and
32 quantity of each mark, and deposit the net proceeds
33 with the treasurer of the corporation, specifying the
34 net proceeds of each mark in a book to be by him
35 deposited with the said treasurer for the inspection of
36 log owners. And when he shall make said deposit
37 he shall give public notice thereof in some newspaper
38 printed in Bangor, said treasurer shall pay to the

39 claimants of said logs, proving their ownership, the
40 net amount of the proceeds thereof as deposited with
41 him, at any time within one year from the time of
42 said deposit, and any balance remaining after the
43 expiration of such period shall be distributed amongst
44 the log owners of the year when they were rafted, in
45 the same manner as is provided for the distribution
46 of the proceeds of prize logs.

47 And said agent shall have the right to take and
48 use shores necessary for the accommodation of said
49 stray logs in the same manner and upon the same
50 conditions as said corporation would be authorized
51 to take the same. In case no agent shall be
52 appointed by the boom committee, or the agent so
53 appointed shall neglect to perform the duties pre-
54 cribed in this section, said corporation shall have the
55 right to appoint an agent to perform the same. It
56 shall be the duty of the log agent to deposit with the
57 clerk of the corporation the receipts taken by him
58 for the prize and stray logs as aforesaid daily as he
59 shall receive the same, to be preserved by the cor-
60 poration.

SECT. 7. All prize and stray logs now in Pea cove
2 shall be taken by the agent authorized to be ap-

3 pointed in the preceding section, by paying the toll
4 and expenses thereon, and he shall advertise the
5 strays by posting up a transcript of the several marks
6 at the post office in Bangor, Orono, and Oldtown,
7 thirty days before the fifteenth day of June next, and
8 at the expiration of said time he shall proceed to manu-
9 facture those which shall not have been claimed and
10 the expenses thereon paid by the owners. And he
11 shall also manufacture the prize logs, and dispose of
12 the lumber, and distribute the net proceeds of said
13 logs amongst the log owners, paying boomage for
14 the last three years in the manner prescribed in the
15 preceding section.

SECT. 3. Annually on the first day of January in
2 each year, the treasurer of said corporation shall
3 make a return under oath of all sums actually paid
4 and expended in rafting and securing logs with inci-
5 dental expenses designating in said return the amount
6 paid at each rafting gap, together with the quantity
7 of logs in number and feet, board measure, boom
8 scale, rafted at each of said rafting gaps, as aforesaid,
9 and all logs picked up and rafted by said corporation.
10 And said treasurer shall designate in a separate
11 account the amount paid for labor, and in a separate

12 account the amount paid for warp and wedges, and
13 in a separate account the amount paid for provisions,
14 and in a separate account the amount paid the offi-
15 cers and clerks of said corporation, and the incident-
16 al expenses, also in a separate account the value of
17 the provisions, warp, wedges, and all property used
18 by said corporation in operating said boom, on hand
19 at the time the rafting ceases in each year, which
20 said return shall be filed in the land office, and
21 audited by the land agent, and said account shall
22 state particularly for what each particular sum was
23 paid.

SECT. 9. A separate account shall be kept by the
2 treasurer of said corporation, to be called the con-
3 struction account, which shall include all repairs in
4 each year on said boom, and permanent structures
5 and improvements, which account shall designate
6 the sum paid for each particular, and shall be re-
7 turned under oath by the treasurer to the land agent,
8 to be audited by him as aforesaid.

SECT. 10. This act shall take effect from and after
2 its approval by the governor, and all acts and parts
3 of acts inconsistent with the provisions of this act are
4 hereby repealed.

STATE OF MAINE.

IN SENATE, March 29, 1854.

ORDERED, That the Committee on Interior Waters be authorized to cause the usual numbers of their Report and Bill on the petition of the Penobscot Boom Corporation, to be printed for the use of the Legislature, as soon as a majority of said committee have agreed thereto.

Read and passed.

WILLIAM TRAFTON, *Secretary.*