

# MAINE STATE LEGISLATURE

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# Sixty-Second Legislature.

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HOUSE.

No. 177.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND; EIGHT HUNDRED AND  
EIGHTY-FIVE.

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### AN ACT to incorporate the Tim Brook Log Driving Company in Franklin County.

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

SECTION 1. That Gilbert Longfellow of Machias and his  
2 successors and assigns be and hereby are constituted a  
3 body politic and corporate by the name of the Tim Brook  
4 Log Driving Company for the purpose of making such  
5 improvements on Tim Brook Stream and its tributaries  
6 as will facilitate and render more convenient the driving  
7 of logs, masts, spars, or lumber of any kind whatsoever  
8 to the Dead River; by removing obstructions, building  
9 dams, wing dams, and rolling dams, gates, piers, booms,  
10 sluices, &c., by which name they may contract, sue and  
11 be sued, defend suits at law, have and use a common seal  
12 and change the same at pleasure, make by-laws not repug-

13 nant to the laws of the State, for the convenient manage-  
14 ment of their corporate affairs, take and hold any estate,  
15 real, personal or mixed, to an amount not exceeding ten  
16 thousand dollars, and sell and convey or otherwise dis-  
17 pose of the same, and have and enjoy all the rights and  
18 privileges and powers necessary to carry into effect the  
19 objects of this corporation.

SECT. 2. Be it further enacted, as a compensation for  
2 the expenditures already made and to be made, said cor-  
3 poration shall have the power to impose and collect a toll  
4 of seven cents per M feet on all logs hauled into Tim  
5 Brook below the lower dam, and a toll of fourteen cents  
6 per M feet on all logs hauled into the same above said  
7 dam, and below Caribou turn, and a toll not exceeding  
8 twenty (20) cents per M feet on all logs hauled into said  
9 brook above said Caribou turn.

SECT. 3. The tolls provided in section two shall become  
2 due when said logs or lumber shall be driven into the  
3 limits of the "Dead River Log Driving Company," and  
4 demand may be then made therefor by said corporation,  
5 and said corporation shall have lien upon all logs and  
6 lumber of any kind, for the payment of said tolls which  
7 may so become due thereon, and said corporation may by  
8 any person whom it may appoint as its agent therefor, take  
9 and sell at public auction any and so much of the same as  
10 may be necessary to raise the sum due for said toll, the  
11 expenses of said taking and sale and keeping thereof.  
12 But no such sale shall be made until said corporation by  
13 its said agent shall have demanded said toll of the person  
14 or persons interested therein, or of some of them if known  
15 to said agent, nor till a refusal or neglect on their part  
16 to pay the same for the term of thirty days thereafter,

17 (nor if said owner or owners therein be not known) until  
18 notice shall have been posted by said agent in two public  
19 places in the town of Eustis and advertised in the Farm-  
20 ington Chronicle, stating the marks, as near as may be, of  
21 the property on which the toll is due, the amount due,  
22 and the time and place of sale, thirty days at least before  
23 said sale ; or said corporation may sue for and recover said  
24 toll of the owner or owners therein or any of them in an  
25 action of assumpsit on an account annexed for tolls  
26 before any tribunal of competent jurisdiction.

SECT. 4. Be it further enacted that said corporation shall  
2 have the right to pass and re-pass with teams or otherwise  
3 to and from the various places where the improvements  
4 contemplated by this act are to be or may have been made,  
5 and to take and to use all necessary unconverted materials  
6 for effecting said improvements, and land adjacent to said  
7 dams sufficient and necessary to erect and maintain the same ;  
8 and whenever any individual or individuals shall suffer  
9 loss or damage by reason of the exercise of the powers  
10 and privileges granted in this section, said corporation  
11 shall be liable to make good the same, and whenever  
12 there shall arise any disagreement or dispute between the  
13 parties aforesaid as to the amount of said damages, the  
14 question shall be referred to three disinterested persons,  
15 one of whom shall be chosen by each of the parties afore-  
16 said and the third by the two first chosen, or the decision  
17 of such question or questions may be referred to the court  
18 of county commissioners for the county of Franklin, and  
19 in either case the decision of the referees shall be final.

SECT. 5. The owners of the south half of said township  
2 Number 2, (two) Range 4 (four), shall have at all times

3 equal rights with the owners of the north half thereof to  
4 put logs and timber into said Tim Brook Stream, and to  
5 enforce these rights, may make such use of land as is  
6 necessary to pass and re-pass, and to haul and land  
7 logs and timber, and may hoist and shut down  
8 gates, and use all dams and improvements of this  
9 corporation in a reasonable and prudent manner. And  
10 said corporation shall not have the right to keep and hold  
11 the water on Tim Pond after the tenth day of May each  
12 year.

SECT. 6. Be it further enacted that if any person or  
2 persons shall wilfully or maliciously injure any such dam,  
3 gates, piers or booms or other improvements made by  
4 said corporation, so as to render it less fitted for the  
5 purpose of its construction, or so as to cause an expense  
6 to said company, or shall aid in, or procure, or advise the  
7 same to be done, such person or persons shall forfeit or  
8 pay said corporation treble damages, to be sued for and  
9 recovered in action of debt in any court competent to try  
10 the same, to the use of said corporation.

SECT. 7. Be it further enacted that the meetings of the  
2 corporation may be called by any one of its members, by  
3 giving to each of the others written notice thereof in  
4 hand or by leaving at his last and usual place of abode,  
5 or by addressing the same to him through the post office,  
6 ten days at least before the meeting, stating the time and  
7 place and objects of said meeting.

SECT. 8. Be it further enacted that for the purpose of  
2 ascertaining the amounts of lumber driven and the amounts  
3 due for tolls, said corporation shall have the right to exact  
4 from each and every scaler of lumber, under oath, the  
5 true amount of lumber scaled straight and sound by him

6 or them each season, and when logs are not scaled, an  
7 estimate of the quantity may be made by agreement or re-  
8 ference to three individuals as provided in section four (4).

SECT. 9. Be it further enacted that in case of deficiency  
2 of corporate property or estate, the private property of  
3 each individual stockholder shall be liable for the debts  
4 and liabilities of the corporation, contracted during the  
5 time he held such stock, and the names of all persons who  
6 may hold stock, and the number of their shares in said  
7 corporation, shall be recorded in the office of registry of  
8 deeds in the county of Franklin, and no sale or transfer  
9 of said stock shall be valid until such sale or transfer has  
10 been registered as above.

SECT. 10. Be it further enacted, that when the toll on  
2 all logs driven out of Tim Brook, the amount of toll  
3 thereon, as provided in section two (2), shall pay the  
4 full amount of the expenditures for clearing and improv-  
5 ing by dams and otherwise, and keeping the same in a  
6 drivable condition, and interest at the rate of six per cent,  
7 then the toll on all logs and timber shall be reduced to an  
8 amount of toll that will pay for keeping the same in good  
9 repair, and the account of the expenditures and repairs  
10 shall be, if required, audited by the parties who own the  
11 logs and timber driven out of Tim Brook, and if any dis-  
12 greement arise between the parties and corporation it shall  
13 be referred to the court of county commissioners for the  
14 county of Franklin, and their decision shall be binding  
15 and final, and the cost of such hearing shall be paid by  
16 the corporation and the parties who pay the toll, equally.

SECT. 11. Be it further enacted that this charter is  
2 granted on the express condition that said Gilbert Long-

3 fellow shall, by the first day of December, A. D. 1886,  
4 clear out the rocks, ledges and trees, or any other obstruc-  
5 tion in said Tim Brook, up to the foot of the falls, about  
6 one-half mile below Tim Pond, and put and thereafter  
7 keep the same in good drivable condition. And if said  
8 Longfellow or said corporation fails in any respect to  
9 comply with these conditions, he, and all claiming under  
10 him, shall forfeit all claim for tolls or for any improve-  
11 ment made or to be made on said brook.

SECT. 12. Be it further enacted that the powers granted  
2 by this act may be altered and amended at all times by  
3 the Legislature.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }  
February 25, 1885. }

Presented by Mr. CHALONER, and ordered printed on motion of Mr.  
SPRAGUE of Monson.

NICHOLAS FESSENDEN, *Clerk.*