

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1852.

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Published by the Secretary of State, agreeably to resolves of June 28, 1820, February  
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1852.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1852.

CHAP. 540.

Chapter 540.

An act to incorporate the Chandler's River Company.

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

Corporators.	SECT. 1. Horace C. Hall, George W. Taylor, Zacheus M. Hall, John B. Caler, Porter Whitney, Josiah Whitney, and their associates, successors and assigns, be and are hereby constituted
Corporate name.	a body politic and corporate, by the name of the Chandler's River Company, for the purpose of making such improvements
Purposes.	on Chandler's river as will facilitate and render more convenient the drifting or driving of logs, masts, spars and ton or other timber, to the different mills thereon in Jonesborough, by
Powers, privileges and liabilities.	removing obstructions, building dams, wing dams, gates, piers, booms, &c., by which name they may contract ; and may be sued ; defend suits at law ; have and use a common seal, and change the same at pleasure ; make by-laws not repugnant to the laws of this state, for the convenient management of their corporate affairs ; take and hold any estate, real, personal, or mixed, to an amount not exceeding one thousand dollars, and sell and convey, or otherwise dispose of the same ; and have and enjoy all the rights, powers and privileges necessary to carry into effect the objects of the corporation.
May hold property not exceeding \$1,000.	
Rights and liabilities.	
Toll.	SECT. 2. That as a compensation for their expenditures, said corporation shall have power to impose and collect a toll upon all logs, masts, spars, ton or other timber, which may be drifted, floated or driven by or over their improvements, which toll shall be in proportion to the number of feet board measure, which said logs, masts, spars, ton or other timber may contain ;
Proviso.	<i>provided, however,</i> that said toll shall in no case exceed the rate of five cents on each and every thousand feet, board measure, for every one hundred dollars expended on the various improvements, over or by which said logs, masts, spars, ton or other timber may pass ; <i>provided, also,</i> that in no case shall the toll exceed fifty cents per thousand feet, board measure.
Further proviso.	
Lien created for payment of toll.	SECT. 3. That said corporation shall have a lien upon the logs, masts, spars, ton or other timber for the payment of said tolls, which may so become due thereon, and said corporation
May take and sell lumber for payment of toll.	may, by any person whom it may appoint as its agent therefor, take and sell at public auction, any and so much of the same, as may be necessary to raise the sum due for said toll, the expenses of said taking and sale and the keeping thereof ; but no such sale shall be made, until said corporation, by its agent shall have demanded said toll of the person or persons interested
Manner of taking and selling same.	

therein, or of some of them, if known to said agent, and after a refusal or neglect, on their part to pay the same for the space of ten days; nor after said refusal or neglect; nor of said owner or owners interested therein be not so known, until notice shall have been posted by said agent in two public places in said town of Jonesborough, one of which shall be at the post office in said town, stating the marks as near as may be, of the property on which the toll is due, the amount due and the time and place of sale, ten days at least before said sale; or said corporation may sue for and recover said toll of the person or persons interested therein, or any of them, in an action of assumpsit on an account annexed for tolls, before any tribunal of competent jurisdiction.

Toll, how recovered.

SECT. 4. That said corporation shall have the right to pass and repass with teams or otherwise to and from the various places where the improvements contemplated by this act are to be or may have been effected, and to take and use all necessary unconverted materials for effecting said improvements; and whenever any individual or individuals shall suffer loss or damage by reason of the exercise of the powers and privileges granted in this section, said corporation shall be liable to make good the same; and whenever there shall arise any disagreement or dispute between the parties aforesaid as to the amount of said damages, the question shall be referred to three disinterested persons, one of whom shall be chosen by each of the parties aforesaid, and the third by the two first chosen, or the decision of such question or questions may be referred to the court of county commissioners for the county of Washington, and in either case the decision of the referees shall be final.

Shall have the right of passage by paying damages caused thereby.

Damages, how settled.

SECT. 5. That all logs, masts, spars, ton or other timber which are not marked, or which cannot be identified as the property of any particular individual, commonly called "prize logs" shall become the property of said corporation, to be sold at public auction after six days public notice posted in said Jonesborough, and the proceeds of such sale, after deducting expenses, shall be applied to the tolls for the season, so that each owner of logs, masts, spars, ton or other timber, shall have his proportional benefit thereof.

Prize logs disposed of.

SECT. 6. That if any person shall willfully or maliciously injure any such dam, gate, pier, boom or other improvements made by said corporation, so as to render it less fitted for the purposes of its construction, or so as to cause expense to said company, or shall aid in, or procure or advise the same to be

Penalty for injuring or destroying corporate property.

CHAP. 540. done, such person or persons shall forfeit and pay said corporation treble damages, to be sued for and recovered in an action of debt in any court competent to try the same, to the use of said corporation.

First meeting,
how called.

SECT. 7. That the first meeting of this corporation may be called by any one of the persons herein named, giving to each of the others written notice thereof in hand or leaving it at his last and usual place of abode, or addressing the same to him through the post office, ten days at least before the day of said meeting, stating the time and place and objects of said meeting.

Mode of ascer-
taining the
amount of
lumber driven.

SECT. 8. That for the purpose of ascertaining the amount of lumber driven and the amount due for tolls, said corporation shall have the right to exact from each and every scaler of lumber, under oath, the true amount of lumber, board measure, scaled by him or them each season; and where logs are not scaled, an estimate of the quantity may be made by agreement, or a reference to three individuals, as provided in the fourth section.

Private prop-
erty of corpo-
rators liable for
debts of
corporation.

SECT. 9. That in case of deficiency of corporate property or estate, the private property of each individual stockholder, shall be liable for the debts and liabilities of the corporation contracted during the time he held such stock; and the names of all persons who may hold stock, and the number of their shares in said corporation, shall be recorded in the office of the town clerk of the town of Jonesborough, in this state, and no sale or transfer of said stock shall be valid, until such sale or transfer has been recorded as above.

Names of
stockholders
recorded in
Jonesborough.

Accounts of
company, how
audited.

SECT. 10. That for the purpose of ascertaining the cost of improvements contemplated in this act, and ascertaining the amount of tolls chargeable according to the second section hereof, the accounts showing said expenses shall be audited by the county commissioners for the county of Washington, and no accounts shall be allowed for repairs.

Powers reserv-
ed to the Leg-
islature.

SECT. 11. That the powers granted by this act may be altered and amended at all times by the legislature.

This corpora-
tion to cease
when fully re-
munerated for
expenditures,
&c.

SECT. 12. Whenever said company shall have received in tolls granted by this act, a sufficient sum to reimburse itself, the amounts it shall have expended in building and maintaining and repairing said dams, booms and other improvements authorized by this act, and for the care of the same, and for such other expenses as may be necessary for the management of said company, together with twelve per cent. interest thereon, this act shall cease to be in force.

[Approved March 30, 1852.]