

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

HOUSE.

No. 378

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT to incorporate the Ellis River Improvement Company.

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

Section 1. Frank P. Thomas, Richmond L. Melcher, Hollis
2 C. Dunton and Y. A. Thurston, their associates and assigns,
3 are hereby incorporated under the name of the Ellis River
4 Improvement Company, with all the powers and privileges of
5 similar corporations.

Sect. 2. Said corporation is authorized to build dams,
2 booms, side dams, shear booms, remove rocks, dredge, make
3 embankments and other improvements on the Ellis river, and
4 any or all of its tributaries, in the county of Oxford, Maine ;
5 as may be necessary to facilitate the driving of logs and lum-
6 ber down the same, and for the purpose of carrying out the
7 intentions herein provided said corporation may purchase and

8 hold real and personal estate sufficient for carrying on the
9 business of the corporation, and may grant and raise by loan
10 or assessment for the same such sums of money and in such
11 manner as the directors may from time to time vote. Said
12 corporation may also make and adopt all necessary regula-
13 tions and by-laws not repugnant to the constitution and laws
14 of the State and adopt a common seal.

Sect. 3. The officers of said company shall be a clerk, treas-
2 urer, and a board of three or five directors, to be chosen by
3 ballot, and such other officers as may be deemed necessary,
4 who may be appointed by the directors, unless they shall be
5 chosen at the annual meeting, all of whom shall hold their
6 offices until the next annual meeting, or until others are
7 chosen or appointed in their stead. The clerk, treasurer and
8 directors shall be sworn to the faithful performance of their
9 duties. The treasurer shall give a bond to the acceptance of
10 the directors. The directors shall, at their meeting, elect one
11 of their number who shall be the president of the company.
12 And no person shall be eligible to the office of director except
13 he be a member of the corporation.

Sect. 4. Any person, or corporation, or their agents, own-
2 ing logs or other lumber to be driven on said river or its trib-
3 utaries, at the date of the annual meeting in each year, may
4 become members of the Ellis River Improvement Company,
5 and shall so continue for two years at least, from that date,
6 and shall have all the privileges and be subject to all the lia-
7 bilities thereto. Said members shall be entitled to vote at
8 any meeting of the company as follows: One vote each for
9 any member having or representing 50,000 feet of logs or
10 lumber in the river to be driven; with an additional vote for
11 each additional 50,000 feet; the same to be determined by the
12 directors. And it shall be the duty of the directors to keep
13 an itemized account of all expenses incurred for all improve-
14 ments made under this act; and ascertain the number of feet,

15 full scale, and ownership of said logs and other lumber driven
16 annually on said river or any of its tributaries, and assess
17 thereon, to owners if known, or to owners unknown, making
18 such discount for logs or lumber driven less than the whole
19 distance as in their opinion may be right and equitable, a tax
20 sufficient to pay interest on or cost of investment, expense of
21 maintenance, damages and losses for improvements made
22 and such other expenses as may be voted by the company or
23 the directors. And said company shall have a lien on all logs
24 and other lumber that may be driven for the expense of such
25 improvements as is herein contemplated, which shall not be
26 discharged until all assessments shall be finally paid. The
27 directors shall keep a record of the assessments in the office
28 of the clerk, which shall be open to the inspection of all per-
29 sons interested.

Sect. 5. The directors shall give the treasurer a list of all
2 assessments by them made, with a warrant in due form under
3 their hands. And it shall be the duty of the treasurer imme-
4 diately after he shall receive from the directors a list of
5 assessments in due form, to notify in writing all the owners,
6 where known, of the amount assessed upon their several
7 marks, and all owners of logs and other lumber shall be
8 required to pay or satisfactorily secure the amount of their
9 several assessments on demand, and in default of payment of
10 the whole or any part of any member's assessment, the treas-
11 urer shall have power to take possession of a sufficient quan-
12 tity of the logs or other lumber of any mark owned or assessed
13 to said member, and advertise the same for sale at public
14 auction, by posting up in some conspicuous place in Rumford
15 Falls, in the town of Rumford, also by publication in some
16 newspaper published in Rumford Falls a notice of such sale,
17 stating therein the names of the persons taxed, if known, with
18 the mark or marks assessed, with the amount of the assess-
19 ment unpaid, ten days at least before the day of the sale; and

20 unless such assessments, with all expenses incurred, are pre-
21 viously paid, he may then proceed to sell to the highest bidder
22 a sufficient quantity of such logs or other lumber to pay such
23 assessment, with all proper costs, together with ten per cent
24 interest from the date of said assessment; such sale to be at
25 the office of the company, or where the logs are situated.

Sect. 6. Any owner or owners of logs and other lumber on
2 said river, or its tributaries, may take and use on his or their
3 logs or other lumber any mark not in use by any other person
4 on said river, or tributaries, and such mark shall be left with
5 the clerk of said company and shall be by him recorded in a
6 book kept for that purpose, which shall be at all times open
7 to the inspection of all persons interested; and if any other
8 person or corporation shall use such mark on any logs or
9 other lumber on said river, or its tributaries, after such mark
10 shall be recorded, or any mark so closely resembling such
11 other mark already recorded and in use, as to be calculated
12 to mislead or require more than ordinary care to identify and
13 select such logs or other lumber in the usual course of hand-
14 ling the same, such offender or offenders shall forfeit and pay
15 the sum of two dollars for every log so marked, to be recov-
16 ered in action of debt in any court of competent jurisdiction,
17 to the use of the person or corporation injured thereby.

Sect. 7. For the purpose of carrying out the provisions of
2 this act, when there are no highways conveniently near lead-
3 ing to the river, or its tributaries, the company may have the
4 right to cross on foot and with teams the land of private per-
5 sons or corporation in some place reasonably convenient, and
6 in such a location calculated to do the least damage to the
7 owner thereof, and for all damages sustained by any person
8 or corporation under the provisions of this, unless otherwise
9 herein provided, they shall be estimated and determined in
10 the same way as damages for the laying out of highways.

Sect. 8. Any other person or corporation having logs or
2 lumber to be driven on said river, or its tributaries, and not
3 desirous of becoming a member of this corporation, may use
4 said river, or its tributaries, for driving or floating their said
5 logs or lumber, and reasonable compensation for the use of
6 the same for driving or floating the same shall be determined
7 and secured according to the provisions hereinbefore stated.

Sect. 9. In case of any disagreement as to the rights of
2 owners hereunder the same shall forthwith be determined by
3 referees agreed upon by the parties or after notice and hear-
4 ing appointed by any judge of the supreme judicial court,
5 sitting in term time or vacation, in either of the counties of
6 Oxford or Androscoggin.

Sect. 10. The annual meeting of the corporation until
2 otherwise provided, shall be held in the town of Rumford
3 or Andover, in the county of Oxford, and the manner, place
4 and time of calling annual and special meetings of the com-
5 pany and meetings of the directors may be determined by a
6 vote of the company, at any meeting thereof. The first meet-
7 ing of the company for the purpose of the acceptance of this
8 act and for the organization of the same may be called at
9 Rumford Falls by any associate named herein, on giving at
10 least seven days' notice of the time and place of said meeting.

Sect. 11. Any person or corporation sustaining any damage
2 by reason of the carrying out the provisions of this act shall
3 be entitled to recover and receive the same in the manner as
4 is now or may hereafter be provided by law, for recovering
5 damages in the laying out of highways.

Sect. 12. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 13, 1903.

Reported by Mr. ROSS of Bangor, from Committee on Interior Waters,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*