

# MAINE STATE LEGISLATURE

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# Seventy-first Legislature.

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HOUSE.

No. 438

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## STATE OF MAINE.

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

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AN ACT to incorporate the Kibbie Dam Company.

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

Section 1. Charles A. Dean, Frank E. Boston, William  
2 W. Thomas and William J. Lanigan, their associates and  
3 assigns are hereby incorporated under the name of the Kibbie  
4 Dam Company, with the powers and privileges of similar  
5 corporations.

Sect. 2. Said company is hereby authorized to erect and  
2 maintain dams, side dams and piers on Kibbie Stream and  
3 its tributaries in the townships of Kibbie and township No.  
4 One, Range Seven, west of Bingham's Kennebec Purchase  
5 in the county of Franklin and township No. four, range  
6 five and No. five, range six in Bingham's Kennebec Purchase  
7 in the county of Somerset, to remove rocks and trees and to

8 excavate ledges therefrom, and to widen, deepen and other-  
9 wise improve the same for the purpose of raising a head of  
10 water and of making said stream and its tributaries floatable,  
11 and of facilitating the driving of logs and lumber upon the  
12 same.

Sect. 3. Said company for the above purposes may take all  
2 necessary land and materials for building said dams and  
3 piers and making improvements, and may flow contiguous  
4 lands so far as necessary to raise suitable heads of water;  
5 and if the parties cannot agree upon the damages, the corpo-  
6 ration shall pay the proprietors for the land and materials so  
7 taken; such damages shall be ascertained and determined by  
8 the county commissioners of the county where the land and  
9 materials so taken lie, in the same manner and under the  
10 same conditions and limitations as provided by law in the  
11 case of damage by laying out of highways; and for the dam-  
12 age occasioned by flowing said land said company shall not  
13 be liable to an action at common law, but the person injured  
14 may have a remedy by complaint for flowage, in which case  
15 the same proceedings shall be had as when a complaint is  
16 made under the status of this State for flowing lands occa-  
17 sioned by raising a head of water for the working of mills.

Sect. 4. Said company may demand and receive tolls for  
2 the passage of all logs and lumber over their dams and  
3 improvements as follows: For all logs and lumber landed  
4 in said Kibbie stream above the upper West Branch dam, a  
5 sum not exceeding forty-five cents per thousand feet; for all  
6 logs and lumber landed on said stream between said upper  
7 West Branch dam and the north line of the Rockwood strip,  
8 so called, in Kibbie Township, a sum not exceeding thirty-  
9 five cents per thousand feet; for all logs and lumber landed  
10 on said stream between said north line of the Rockwood  
11 strip and the flowage line of lower Kibbie dam, situated near  
12 the west line of township four, range five, a sum not exceed-

13 ing twenty-five cents per thousand feet; for all logs and lum-  
14 ber landed in said stream between said flowage line and  
15 lower Kibbie dam, a sum not exceeding fifteen cents per  
16 thousand feet; and for all logs and lumber landed on said  
17 stream between said lower Kibbie dam and the mouth of  
18 Kibbie stream, a sum not exceeding ten cents per thousand  
19 feet. All the above tolls to be reckoned at the survey or  
20 scale adopted by the Kennebec Log Driving Company. Said  
21 Kibbie Dam Company shall have a lien upon all logs and  
22 lumber which may pass over any of its dams and improve-  
23 ments until the full amount of tolls is paid; but the logs of  
24 each particular mark shall only be holden to pay the toll on  
25 such mark; and if said toll is not paid within thirty days  
26 after said logs or lumber, or the major part thereof, shall have  
27 arrived within the limits of the Kennebec Log Driving Com-  
28 pany, said Kibbie Dam Company may seize, hold and sell at  
29 public auction such part of said logs or lumber as shall be  
30 necessary to pay such tolls, with all incidental costs and  
31 charges thereon, after ten days' notice in writing of the time  
32 and place of said sale given to the owner of such logs or  
33 lumber.

Sect. 5. An account of the cost of said improvements shall  
2 be kept by the treasurer of said Kibbie Dam Company, and  
3 also of its receipts for tolls, which shall be open to inspec-  
4 tion at all reasonable times to any person interested in the  
5 same.

Sect. 6. When said corporation shall have received from  
2 tolls its outlay on dams, improvements and repairs made up  
3 to that time, with six per cent interest thereon, then the tolls  
4 shall be reduced to a sum sufficient to keep the works in  
5 repair; the treasurer of the Kennebec Log Driving Company,  
6 for the time being, is appointed to audit the accounts and  
7 determine the cost of said dams, improvements and repairs.

Sect. 7. Any or all owners of lands from which logs or  
2 lumber are cut which pass through or over said dams or  
3 improvements shall have a right to take an interest in said  
4 company.

Sect. 8. The amount invested shall at all meetings be rep-  
2 resented by a fixed, convenient number of votes which shall  
3 be cast by the owners of the lands from which logs or lum-  
4 ber are cut which pass through or over its dams or improve-  
5 ments, and each owner shall have the right to vote in pro-  
6 portion to his interest in said lands by paying his proportion  
7 of the cost of building and maintaining said dams and  
8 improvements.

Sect. 9. In case of any disagreement as to the rights of  
2 owners hereunder, the same shall be forthwith determined  
3 by referees agreed upon by the parties, or by the county  
4 commissioners of the county where the land lies, if the  
5 parties cannot agree.

Sect. 10. This act shall take effect when approved.

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STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 18, 1903.

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

W. S. COTTON, *Clerk.*