

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

Chapter 357.

An Act to incorporate the Kibbie Dam Company.

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

Corporators.

—corporate name.

May erect dams, etc.

—may improve channel.

May take lands.

—may flow contiguous lands.

—damages, how determined.

Tolls.

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

Section 2. Said company is hereby authorized to erect and maintain dams, side dams and piers on Kibbie stream and its tributaries in the townships of Kibbie and township number one, range seven, west of Bingham's Kennebec Purchase in the county of Franklin and township number four, range five and number five, range six in Bingham's Kennebec Purchase in the county of Somerset, to remove rocks and trees and to excavate ledges therefrom, and to widen, deepen and otherwise improve the same for the purpose of raising a head of water and of making said stream and its tributaries floatable, and of facilitating the driving of logs and lumber upon the same.

Section 3. Said company for the above purposes may take all necessary land and materials for building said dams and piers and making improvements, and may flow contiguous lands so far as necessary to raise suitable heads of water; and if the parties cannot agree upon the damages, the corporation shall pay the proprietors for the land and materials so taken; such damages shall be ascertained and determined by the county commissioners of the county where the land and materials so taken lie, in the same manner and under the same conditions and limitations as provided by law in the case of damage by laying out of highways; and for the damage occasioned by flowing said land said company shall not be liable to an action at common law, but the person injured may have a remedy by complaint for flowage, in which case the same proceedings shall be had as when a complaint is made under the statutes of this state for flowing lands occasioned by raising a head of water for the working of mills.

Section 4. Said company may demand and receive tolls for the passage of all logs and lumber over their dams and improvements as follows: for all logs and lumber landed in said Kibbie stream above the upper West Branch dam, a sum not exceeding forty-five cents per thousand feet; for all logs and lumber landed on said stream between said upper West Branch dam and the north line of the Rockwood strip, so called, in Kibbie township, a sum not exceeding thirty-five cents per thousand feet; for all

logs and lumber landed on said stream between said north line of the Rockwood strip and the flowage line of lower Kibbie dam, situated near the west line of township four, range five, a sum not exceeding twenty-five cents per thousand feet; for all logs and lumber landed in said stream between said flowage line and lower Kibbie dam, a sum not exceeding fifteen cents per thousand feet; and for all logs and lumber landed on said stream between said lower Kibbie dam and the mouth of Kibbie stream, a sum not exceeding ten cents per thousand feet. All the above tolls to be reckoned at the survey or scale adopted by the Kennebec Log Driving Company. Said Kibbie Dam Company shall have a lien upon all logs and lumber which may pass over any of its dams and improvements until the full amount of tolls is paid; but the logs of each particular mark shall only be holden to pay the toll on such mark; and if said toll is not paid within thirty days after said logs or lumber, or the major part thereof, shall have arrived within the limits of the Kennebec Log Driving Company, said Kibbie Dam Company may seize, hold and sell at public auction such part of said logs or lumber as shall be necessary to pay such tolls, with all incidental costs and charges thereon, after ten days' notice in writing of the time and place of said sale given to the owner of such logs or lumber.

—shall have
lien on logs.

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

Accounts
shall be open
to inspection.

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

Reduction
of tolls.

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

Owners of
timber lands
may take
interest in
company.

Section 8. The amount invested shall at all meetings be represented by a fixed, convenient number of votes which shall be cast by the owners of the lands from which logs or lumber are cut which pass through or over its dams or improvements; and each owner shall have the right to vote in proportion to his interest in said lands by paying his proportion of the cost of building and maintaining said dams and improvements.

Voting
powers of
members.

CHAP. 358

Referees to
be agreed on
in case of
disagree-
ment.

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

Section 10. This act shall take effect when approved.

Approved March 27, 1903.

Chapter 358.

An Act to amend Sections seventeen and nineteen of Chapter one hundred and five of the Private and Special Laws of eighteen hundred and sixty-one, relating to the Election of Mayor, Aldermen, Common Councilmen, Wardens and Ward Clerks, in the city of Lewiston.

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

Section 17 of
chapter 105,
private and
special laws
of 1861,
amended.

Section 1. Section seventeen of chapter one hundred and five of the private and special laws of eighteen hundred and sixty-one is hereby amended by striking out the word "majority" in the fifth line of said section and inserting in place thereof the word 'plurality,' so that said section, as amended, shall read as follows:

Election of
officers.

'Section 17. The mayor shall be elected from the citizens at large, by the inhabitants of the city voting in their respective wards. One alderman and three common councilmen shall be elected by each ward, being residents in the wards where elected. All said officers shall be elected by ballot, by a plurality of the votes given, and shall hold their offices one year from the third Monday in March, and until others shall be elected in their places; provided, however, that if the city shall be divided into less than seven wards, then one or two, as the case may be, of the aldermen shall be elected at large by the inhabitants of the city, the whole number of aldermen in no case to be more than seven, as provided in section second of this act.'

-tenure.

-proviso.

Section 19 of
chapter 105,
private laws
of 1861,
amended.

Section 2. Section nineteen of said chapter is hereby amended by striking out the words "the choice of" in the eleventh line, all of the twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth lines, together with the word "number" in the nineteenth line, all in said section, and substituting in place thereof the words 'there be no choice of alderman, common councilmen, warden or ward clerk'; also by striking out the word "majority" in the twenty-third line of said section and substituting in place thereof the word 'plurality'; also by striking out the words "and in case the citizens should," in the