

# MAINE STATE LEGISLATURE

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# L A W S

OF THE

## STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....  
VOL. II.  
.....

Published according to a resolve of the State, passed  
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....  
1821.

**ERRATA:**

**The following leaf is  
inserted because one or more pages  
in this chapter have errors  
noticed and corrected here.**

VOLUME THE SECOND.

<i>Page.</i>		<i>Page.</i>
463	Line 7 of page, dele the word <i>whole</i>	663 S. 2 L. 6 of S. dele <i>of</i>
464	Sec. 8 L. 12 of Sec. for <i>towns</i> read <i>town</i>	666 5 2 after the word <i>Governor</i> insert, and <i>Council</i>
484	27 6 at the end of the line insert the word <i>that</i>	666 5 last for <i>his</i> read <i>the</i>
492	43 11 after the word <i>owing</i> insert to	667 L. 3 of the page, dele <i>who</i>
496	47 25 for <i>duty</i> read <i>body</i>	668 S. 10 L. 1 of S. for <i>where</i> read <i>when</i>
500	54 3 at the end of the line dele <i>the</i>	669 L. 3 of p. for <i>effect</i> read <i>affect</i>
506	7 6 after the word or dele to	670 S. 5 L. 7 of S. for <i>the</i> read <i>such</i>
515 L.	28 of p. for <i>highway</i> read <i>highways</i>	671 L. 2 of p. for <i>in</i> read <i>on</i>
517 S. 16 L. 11 of S.	after the word <i>be</i> insert <i>the</i>	672 S. 9 L. 3 of S. for <i>make</i> read <i>mark</i>
518	18 9 for <i>of</i> read <i>or</i>	672 11 2 for <i>and</i> read <i>or</i>
520	23 11 before the word <i>proprietors</i> insert <i>the</i>	672 11 8 before the word <i>each</i> insert <i>for</i>
523 L. 6 of p.	after the word <i>person</i> insert <i>of</i>	674 2 7 before the word <i>drying</i> insert <i>the</i>
523	last for <i>cannot</i> read <i>can</i>	676 L. 5 of p. for <i>not</i> read <i>none</i>
526	9 for <i>laws</i> read <i>law</i>	677 4 for <i>quality</i> read <i>quantity</i>
533	16 for <i>assessments</i> read <i>assessment</i>	681 Sec. 4 last line of Sec. after the word <i>owner</i> insert <i>or owners</i>
534	13 for <i>appears</i> read <i>appear</i>	682 Sec. 5 L. 2 of Sec. dele <i>away</i>
535	4 at the end of the line insert <i>of</i>	684 2 3 for <i>galo</i> read <i>golo</i>
535	3 from bottom of p. for <i>causes</i> read <i>cause</i>	686 4 2 for <i>on</i> read <i>or</i>
537 S. 12 L. 2 of S.	for <i>in</i> read <i>of</i>	687 3 6 before the word <i>stamped</i> insert <i>not</i>
539 L. 11 of p.	between the words <i>the</i> and <i>day</i> should be a '—'	688 L. 24 of p. before the word <i>arms</i> at the beginning of the line insert <i>the</i>
539	15 for <i>where</i> read <i>wherein</i>	694 L. 15 of p. after the word <i>shall</i> insert <i>also</i>
543 S. 18 L. 13 of S.	dele <i>the</i> before the word <i>said</i>	694 16 after the word <i>of</i> insert <i>the</i>
545	21 7 for <i>and</i> read <i>or</i>	695 12 for <i>usage</i> read <i>usages</i>
546	1 6 for <i>this</i> read <i>thus</i>	716 8 for <i>fixed</i> read <i>affixed</i>
547	2 7 for <i>this</i> read <i>thus</i>	723 6 from bottom of p. dele <i>in</i>
547	2 11 for <i>in capacity</i> read <i>incapacity</i>	734 Sec. 51 L. 4 of Sec. before the word <i>auditing</i> insert <i>the</i>
553 L. 2 of p.	at the end of the line insert <i>such</i>	742 L. 4 of p. after the word <i>orders</i> insert <i>to be</i>
556 S. 1 L. 18 of p.	for <i>master</i> read <i>masters</i>	744 L. 3 from bottom of p. before the word <i>refuse</i> insert <i>shall</i>
557 L. 16 of p.	for <i>in</i> read <i>of</i>	745 Sec. 1 L. 6 of Sec. before the word <i>good</i> insert <i>six</i>
560 S. 7 L. 4 of S.	for <i>Court of Sessions</i> read <i>Courts of Sessions</i>	746 2 15 before the word <i>advice</i> dele <i>the</i>
566	1 7 for <i>every</i> read <i>any</i>	751 5 11 for <i>owners</i> read <i>owner</i>
570	9 5 after the word <i>them</i> insert <i>as</i>	751 5 15 for <i>taking</i> read <i>taken</i>
572	12 5 after the word <i>fine</i> insert <i>of</i>	751 5 25 for <i>owners</i> read <i>owner</i>
573	1 3 for <i>and</i> read <i>or</i>	753 8 23 for <i>spurs</i> read <i>spar</i>
576 L. 18 of p.	for <i>pounds</i> read <i>ounces</i>	754 10 3 after the word <i>or</i> insert <i>any</i>
576	last line of the page dele <i>and</i>	758 L. 2 of p. for <i>sales</i> read <i>sale</i>
591 S. 5 L. 2 of S.	before the word <i>action</i> insert <i>an</i>	759 24 for <i>minor</i> read <i>minors</i>
592	3 3 for <i>time</i> read <i>times</i>	761 19 for <i>another</i> read <i>any other</i>
601 L. 11 of p.	at the end of the line insert <i>drawn</i>	761 last dele <i>other</i>
	After p. 604 read p. '605' instead of '506'	762 22 before the word <i>fish</i> insert <i>any</i>
604 S. 12 L. 2 of S.	after the word <i>passing</i> insert <i>on</i>	766 6 after the word <i>notice</i> insert <i>is</i>
606	for Sec. 14 read Sec. 16	766 Sec. 5 L. 6 of Sec. for <i>damages</i> read <i>damage</i>
608 S. 22 L. 5 of S.	for <i>monies</i> read <i>money</i>	769 4 14 dele <i>to the</i>
610	3 18 dele <i>any</i>	772 first word of the p. for <i>damage</i> read <i>damages</i>
614	4 4 for <i>funnel</i> read <i>fund</i>	774 Sec. 2 L. 7 of Sec. for <i>and</i> read <i>or</i>
617 L. 5 of the page	dele <i>a</i>	774 2 14 for <i>any</i> read <i>every</i>
617 S. 1 L. 6 of S.	for <i>purpose</i> read <i>purposes</i>	775 1 3 for <i>paasing</i> read <i>passing</i>
621	1 9 for <i>such</i> read <i>said</i>	777 L. 17 of p. for <i>these</i> read <i>their</i>
622	3 16 for <i>or</i> read <i>on</i>	780 14 for <i>ninth</i> read <i>twenty ninth</i>
624	2 12 after the word <i>returns</i> insert <i>as</i>	780 35 for <i>sixteenth</i> read <i>seventeenth</i>
626	3 6 before the word <i>Cashier</i> insert <i>the</i>	788 25 for <i>eight</i> read <i>eighth</i>
631	4 3 before the end of the S. for <i>course</i> read <i>course</i>	790 28 after the word <i>Act</i> insert <i>providing</i>
634	16 5 of S. for <i>inspected</i> read <i>uninspected</i>	791 13 after the word <i>for</i> dele <i>the</i>
635	17 last for <i>and</i> read <i>or</i>	791 14 after the word <i>idle</i> dele <i>and</i>
638 L. 9 of p.	for <i>and</i> read <i>or</i>	793 5 for <i>galo</i> read <i>golo</i>
642	7 dele <i>who</i>	793 27 after the word <i>Act</i> dele <i>for</i>
643 S. 4 L. 6 of S.	dele <i>are</i> after <i>and</i>	797 4 at the end of the line for <i>eight</i> read <i>eighth</i>
650	4 14 before the word <i>also</i> insert <i>as</i>	808 34 for <i>from</i> read <i>upon</i>
656	12 3 for <i>on</i> read <i>or</i>	
658	in the title, after the word <i>Act</i> insert <i>for</i>	

## CHAPTER CXXXIX.

An Act to define the powers, duties and restrictions of Insurance Companies.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That all insurance companies which shall hereafter be incorporated in this State, shall have power and authority to make insurances on vessels, freight, money, goods, and effects, and against captivity of persons, and on the life of any person and in cases of money lent upon bottomry and respondentia, and to fix the premiums and terms of payment; and all policies of insurance by them made, shall be subscribed by the president, or in case of his death, sickness, inability, or absence, by any two of the directors, and countersigned by the secretary of such corporation, and shall be binding and obligatory upon the said companies, and have the like effect and force, as if under the seal of the said companies; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the president and board of directors, and the same shall be binding on the said companies respectively.

Powers of insurance companies.

Form of policy.

Adjustment of losses by directors, binding on company.

SEC. 2. *Be it further enacted,* That it shall be the duty of the directors of all such companies, at such times as the charter or bye-laws of said companies shall prescribe, to make dividends of so much of the interest arising from the capital stock and the profits of said companies as to them shall appear advisable; but the monies received and notes taken for premiums of risks, which shall be undetermined and out standing at the time of making such dividends, shall not be considered as parts of the profits of said companies; and in case of any loss or losses, whereby the capital stock of the said companies shall be lessened before all the instalments are paid in, each proprietor or stockholder's estate shall be held accountable for the instalments that may remain unpaid on his share or shares, at the time of such loss or losses taking place. And no subsequent dividend shall be made until the sum arising from the profits of the business of the said companies, equal to such diminution, shall have been added to the capital; and that once in every three

Dividends—how and when to be made, and on what principles.

Responsibility of stockholders in case.

Subsequent dividend not to be made, until, &c.

years, and oftener if required, by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Insurance companies not to engage in any merchandize. Capital stock, how to be invested.

SEC. 3. *Be it further enacted*, That the said companies shall not directly nor indirectly deal or trade in buying or selling any goods, wares, or merchandize, or commodities whatever; and the capital stock of said companies, collected at each instalment, shall within six months, be invested, either in the funded debt of the United States, or of this State or in the stock of the United States Bank, or of any incorporated Bank in this State, in either or all of them, and in such proportion as may be most for the interest of said companies, at the discretion of the president and directors of said companies; or of such other person or persons as said companies shall for such purpose at any meeting appoint: *Provided however*, That the president and directors of said companies, and of all other companies of insurance heretofore incorporated, shall have power to loan to any citizen of this State, any portion of their capital stock, not exceeding one half, on respondentia or bottomry: *Provided also*, That the sum loaned, on any one bottom at any one time, including the sum insured in any other way upon the same bottom, shall not exceed ten per centum upon the capital stock of such companies; nor shall the same be loaned, but with the assent of three fourths of the directors of such companies; and such loans, together with the assent aforesaid, shall be entered at large in the records of said companies; and shall be laid before the stockholders at their meeting next following the said loan; and it shall be in the power of the directors of said companies, in case they shall deem it more for the interest of the Stockholders in said companies than any of the investments above described, to loan any portion of their capital stock aforesaid, not exceeding two thirds of the whole amount, to any person or persons within this State either on mortgage of real estate within this State, or on pledges of the public stocks of the United States, or of the Bank of the United States, or of any other Bank incorporated in this State.

May loan one half on respondentia or bottomry.

Sum loaned on one bottom not to exceed ten per cent. of capital, &c.

Such loans to be laid before stockholders.

In certain cases may loan for security on real estate or stocks to extent of 2-3 capital.

SEC. 4. *Be it further enacted,* That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of the said companies, and the president or directors, after knowing of said loss or losses taking place, shall subscribe to any policy of insurance, their estate jointly and severally shall be accountable for the amount of any and every loss which shall take place under policies so subscribed.

In certain cases directors liable jointly and severally for losses.

SEC. 5. *Be it further enacted,* That the president and directors of such companies shall, previous to subscribing to any policy, and once in every year after, publish in two of the newspapers printed within this State, one of which at least shall be in the town of Portland, the amount of their stock, exclusive of premium notes and profits of their business; against what risks they mean to insure, and the largest sum they will take on any one risk: *Provided,* No insurance company shall ever take on any one risk a sum exceeding ten per centum of their capital stock actually paid in.

President and directors to publish yearly in newspapers, amount of their stock, &c.

Not to take on any one risk more than 10 per cent. of capital.

SEC. 6. *Be it further enacted,* That the president and directors of any insurance company within this State, shall when and as often as required by the Legislature thereof, lay before them a statement of the affairs and situation of their respective companies, and submit to an examination of the same under oath.

Shall make statement of their affairs to Legislature when required.

SEC. 7. *Be it further enacted,* That no insurance company, shall hereafter be incorporated in this State, with a capital of less than one hundred thousand dollars, to be paid in at such periods, and in such payments, as in their respective acts of incorporation shall be particularly pointed out. And whenever it shall so happen that by losses on policies or otherwise, their corporate property shall be insufficient to pay all their debts, the individual stockholders shall be liable in their private capacity, in case the whole amount of the capital stock is not paid in, to any creditor of said company, to the amount that may be due from said stockholders on their shares; and shall be liable to be sued therefor severally or jointly in a special action of the case, by any such creditor as aforesaid.

No Insurance company to be incorporated with capital less than 100,000 dollars.

Individual stockholders liable in case, &c.

Companies may insure against fire, &c.

But on no one risk more than 10 per cent. of capital.

Meetings of stockholders how to be called.

SEC. 8. *Be it further enacted,* That all insurance companies, which may hereafter be incorporated, shall be authorized, whether particularly expressed in their acts of incorporation or not, to make insurance against fire, on any dwelling houses or other buildings; and on merchandize or other property within the United States; on such terms and conditions as may be agreed upon by the parties: *Provided,* No sum shall be insured on any one risk against fire, exceeding ten per cent of the capital stock actually paid in.

SEC. 9. *Be it further enacted,* That in addition to the mode, which may be pointed out in the charter of any insurance company, which is or may be incorporated, for calling meetings of the stockholders, it shall be the duty of the secretary at any time, on the application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders to be holden at such time and place, and for the purposes mentioned in such application, by giving notice of the same, as provided in the act incorporating such company for giving notice of meetings.

[Approved February 24, 1821.]

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## CHAPTER CXL.

An Act enabling Proprietors of Aqueducts to manage the same.

Meeting of proprietors, how to be called.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That when any number of persons shall, by writing associate and become proprietors of any aqueduct, or of any funds raised for making and constructing the same, for the purpose of conveying fresh water by subterraneous or other pipes, into any town or place within this State; it shall be lawful for the proprietors of a major part of the shares, to apply, in writing, to some Justice of the Peace for the county in which the said aqueduct may be, or is proposed to be placed; when it shall be or proposed to be placed so as to extend into several counties, application may be made to a Justice of the Peace of either of such counties, stating in such written application the name and style of their association, the objects of their proposed meeting and requesting such Justice to is-