

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FIFTEENTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1835.

Published agreeably to the Resolve of June 28, 1820.

AUGUSTA:

WILLIAM J. CONDON.....PRINTER TO THE STATE.

1835.

SECT. 5. *Be it further enacted*, That Pearson Cogswell be and he hereby is authorized to call the first meeting of this Corporation, at such time and place as he may appoint by publishing the time and place thereof in some public newspaper in this State ten days prior to the time of said meeting; at which meeting assessments may be made, and by-laws, rules, and regulations established for the government of said Corporation.

Manner of calling first meeting.

CHAPTER 565.

AN ACT to repeal an Act to annex to the town of New Portland, sundry lots of Land lying in New Vineyard.

Approved March 12, 1835.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That an Act passed March fourth one thousand eight hundred and thirty-four, entitled "An Act to annex to the Town of New Portland sundry lots of land lying in New Vineyard," be and the same is hereby repealed.

Former Act repealed.

CHAPTER 566.

AN ACT to incorporate the Wells Mutual Marine Insurance Company.

Approved March 12, 1835.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That Seth Hatch, Warwick Hobbs, Samuel Curtis, Jr., John Wheelwright, Daniel Wheelwright, Jr., and their associates and successors shall be, and they are hereby created a body corporate by the name of the Wells Mutual Marine Insurance Company, with power, by that name to prosecute and defend suits at law—to have and use a common seal—to make by-laws, and regulations, for the management of their affairs, not repugnant to the laws of the State; to purchase and hold

Names of persons incorporated.

Corporate name. Powers, &c.

such real and personal estate as may be necessary to effect the objects of their association, and to enjoy all rights and powers incident to such Corporations.

SECT. 2. *Be it further enacted,* That all and every person and persons, who shall at any time become interested in said company by insuring therein, and also their respective heirs, executors, administrators, and assigns continuing to be insured therein, as hereinafter provided shall be deemed and taken, to be members thereof for and during the terms specified in their respective policies and no longer, and shall at all times be concluded and bound by the provisions of this Act.

Persons insuring in said Company to be taken as members during the terms specified in their respective policies, and no longer.

Times of meeting.

Directors—when to be chosen.

Vacancies—how filled.

Special meetings—how called.

SECT. 3. *Be it further enacted,* That there shall be a meeting of said Company at Wells in the County of York on the first Monday of March annually and on such other day as the said Company may hereafter determine; at which meeting shall be chosen by a major vote of the members present, a Board of Directors consisting of not more than seven nor less than five members who shall continue in office until others shall have been chosen, and accepted the trust in their stead.—All vacancies happening in said Board may be filled by the remaining members until the next annual meeting; and a majority of the whole number shall constitute a quorum for the transaction of business.—Special meetings of the Company may be called, by order of the Directors or in such manner as the By-laws thereof may have prescribed.

Board of Directors to superintend and manage funds, &c.

Directors to appoint Secretary and other officers.

SECT. 4. *Be it further enacted,* That the Board of Directors shall superintend the concerns of said Company and shall have the management of the funds and property thereof and of all matters and things thereunto relating not otherwise provided for by said Company—They shall have power from time to time to appoint a Secretary, Treasurer and such other officers, agents and assistants as to them may seem necessary; and prescribe their duties, fix their compensation, take such security from them as they may deem necessary for the faithful performance of their respective duties, and may remove them at pleasure.

They shall determine the rates of insurance, the sum to be insured on any vessel, not exceeding three fourths of its value, and the amount of the note to be deposited for the insurance thereof. They shall order and direct the making and issuing of all policies of insurance; the providing of books, stationery and other things, needful for the office of said Company and for carrying on the affairs thereof; and may draw upon the Treasurer for the payment of all losses which may have happened, and for expenses incurred in transacting the concerns of said Company—They shall elect one of their own number to act as President, and may hold their meetings monthly and oftener if necessary; and shall keep a record of their proceedings.

—to determine rates of insurance &c.

—to elect one of their number to act as President.

SECT. 5. *Be it further enacted*, That every person who shall become a member of said Company by effecting insurance therein, shall before he receives his policy deposit his promissory note for such sum of money as shall be determined by the Directors, a part not exceeding eight per cent. of which said note shall be immediately paid for the purpose of discharging the incidental expenses of the Institution and endorsed thereon; and the remainder of said deposit note shall be payable in part or the whole at any time when the Directors shall deem the same requisite for the payment of losses or other expenses; and at the expiration of the term of insurance, the said note or such part of the same, as shall remain unpaid after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof.

Conditions of membership, &c.

SECT. 6. *Be it further enacted*, That every member of said Company shall be and hereby is bound and obliged to pay his or her proportion of all losses and expenses happening or accruing in and to said Company to the amount of his or her deposit note and no more. And the Company shall have a lien against the assured, on all vessels insured by them during the continuance of his or her policy to the amount of his or her deposit note, and no more.

Members bound to pay their proportion of losses and expenses.

SECT. 7. *Be it further enacted,* That when any member shall sustain any loss, by storm, tempest or other accident of the property so insured, the said member shall within ninety days next after such loss, or within twenty days after his being informed of such loss, give notice thereof in writing to the Directors or some one of them, or to the Secretary of said Company; and the Directors upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss; and if the party suffering is not satisfied with the determination of the Directors, the said party within three months next after such determination is made known, may bring an action at law against said Corporation, in the County where the loss or damage happened; and in case the plaintiff in such action shall not on trial recover as damages more than the amount determined as aforesaid, no costs shall be allowed the plaintiff, but the Corporation shall recover its costs, and execution shall issue for the balance, in favor of the party entitled to recover it.

Members sustaining losses to give notice in writing to Directors or Secretary.

Amount of losses, how determined.

Party suffering not satisfied, may bring an action in county where the loss happened.

Costs not to be allowed in certain cases.

Directors, how to proceed after receiving notice of loss.

—how to proceed in case members refuse to pay the sum assessed for his or her proportion of loss, &c.

SECT. 8. *Be it further enacted,* That the Directors shall after receiving notice of any loss or damage by sea sustained by any member, and ascertaining the same, settle and determine the sums to be paid, by the several members thereof, as their respective proportion of such loss; and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed. And the sum to be paid by each member, shall always be in proportion to the original amount of his deposit, note or notes, and shall be paid to the Treasurer within thirty days next after the publication of said notice. And if any member shall for the space of thirty days, after such notice, neglect or refuse, to pay the sum assessed upon him, her, or them, as his, her or their proportion of any loss or damage, as aforesaid; in such case, the Directors may sue for, and recover, the whole amount of his, her or their deposit note or notes, with costs of suit; and the money thus collected shall remain in the Treasury of said Company, subject to the payment of such losses and expenses as have or may

thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand after thirty days from the expiration of the term for which insurance was made.

SECT. 9. *Be it further enacted*, That the said Company may make insurance for any term, not exceeding four years, on any vessels or boats of any and every description; also on any merchandize, goods and lumber together with all other articles carried on the water, against loss or damage by winds, waves or storm originating in any cause other than by design in the assured, and that when the property insured shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the Directors of said Company, to be cancelled; and upon such surrender, the assured shall be entitled to receive his, her or their deposit note or notes, upon the payment of his, her or their proportion of all losses and expenses that have accrued prior to such surrender.

Company may insure certain property for a term not exceeding three years.

Policy void in certain cases and to be surrendered, &c.

SECT. 10. *Be it further enacted*, That any two of the persons herein named, are authorized to call the first meeting by posting up advertisements in two or more public places in Wells, ten days prior to said meeting. And no policy shall be issued by said Company until application shall be made for insurance and risks actually agreed on for ten thousand dollars at least.

Manner of calling first meeting.

CHAPTER 567.

AN ACT authorizing the Selectmen, Clerk, and Treasurer of the town of Lovell, to transfer certain funds in their trust, to the Trustees of the School Fund in said town.

Approved March 13, 1835.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the Selectmen, Clerk, and Treasurer of the town of Lovell, are hereby authorized to transfer the fund committed to their trust, by a vote of said town, passed the ninth day of September in the year of our Lord

Selectmen, Clerk and Treasurer authorized to transfer certain funds.