

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SIXTYEIGHTH LEGISLATURE,

At its Session, held in January, 1836.

Published agreeably to the Resolbe of June 28, 1820.

AUGUSTA:

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1836.

water of Sandy Stream Pond which is nearest to said road at the highest flowing of said pond, thence along the Easterly shore of the said Sandy Stream Pond by the highest flowing of said pond to the lot line between Luther Gregory and Oliver Bowin, thence Easterly by said line between Luther Gregory and Benjamin Carr on the South side, and Oliver Bowin and Edward Davis on the North side of said line to the old town line between Montville and Freedom, thence by the old town line as formerly established between Montville and Freedom, to the Southeast corner of Freedom.

Chapter 19.

AN ACT to set off Peter Gilman from East Pond Plantation and annex him to the town of Norridgewock.

Approved February 11, 1836.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That Peter Gilman together with that part of his farm on which he now lives in East Pond Plantation be and the same are hereby set off from East Pond Plantation and annexed to the town of Norridgewock.

Description of property set off.

Chapter 20.

AN ACT to incorporate the Wells Mutual Fire Insurance Company.

Approved February 16, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That, Theodore Wells, Samuel Hatch Jr., Elisha Hatch, Joseph Eaton, Samuel Chadburn, Henry Littlefield, John Staples Jr., Theodore Wells Junr., their associates, successors and assigns, be, and they, hereby, are created a body corporate by the name of, the Wells Mutual Fire Insurance Company, with power by that name to prosecute and defend suits at law,

Names of Corporators.

Powers, &c.

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 this State; may purchase and hold such personal, and real estate, as may be necessary to effect the objects of their association, and to enjoy all rights and powers; incident to such corporations.

Persons may become interested, &c.

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.

Time of meeting.

Directors, how chosen and term of office.

—vacancies how filled.

Special meeting, how called.

Directors to superintend, and manage funds.

Powers and duties of Directors.

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 April, annually, or on such other day, as 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 nine 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.

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 building, 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.

President, how chosen.

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 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 a part thereof, as shall, remain unpaid, after deducting all losses and expenses occurring during said term, shall be relinquished, and given up to the signer thereof.

Requirements of persons becoming members.

SECT. 6. *Be it further enacted,* That every member of said Company shall be, and hereby is bound and obliged to pay his 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

Members bound to pay their proportion of losses and expenses.

shall have a lien against the assured, on all buildings insured by them, during the continuance of his or her policy to the amount of his or her deposit note and no more.

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 the county where the loss happens.

No costs 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. 7. *Be it further enacted,* That when any member shall sustain any loss, by fire, of the property so insured, the said member shall within sixty days next after 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.

SECT. 8. *Be it further enacted,* That the Directors shall, after receiving notice of any loss or damage, by fire sustained by any member, and ascertaining the same, settle and determine the sums to be paid, by the several members thereof, as their respective proportions 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 deposite 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 deposite

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 seven years, on dwelling houses, stores, shops, and other buildings, household furniture and merchandize in this State, against loss or damage by fire, 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 time 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 place in Wells ten days prior to said meeting. And no policy shall be issued by said Company, until application shall be made for insurance on thirty thousand dollars, at least.

Manner of calling first meeting.

Chapter 21.

AN Act to establish the Piscataqua Ferry Company.

Approved February 16, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That, Charles Stimpson, Joseph Dame, Samuel Badger, Moses Remick, Lyman Parker, John Cloutman, John P. Simes, Oliver Philbrick,

Names of Corporators.