

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.

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1836.

Chapter 125.

AN ACT to incorporate the Monmouth Mutual Fire Insurance Company.

Approved March 18, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That David White, Charles S. Norris, Josiah Tilton, Edward G. Tilton, Jacob Hahn, Zelotes A. Marrow, Washington Wilcox, Daniel Folsom, Thomas Williams, Jirah Swift, Reuben Brainerd, their associates successors, and assigns be and they are hereby created a body corporate, by the name of the Monmouth Mutual Fire 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 this State, may purchase and hold 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.

Name of Corporators.

Corporate name.

Powers and privileges.

SECT. 2. *Be it further enacted,* That all and every person, 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 hereafter provided, shall be deemed and taken to be members thereof for and during the terms specified in their policies and no longer and shall at all times be concluded and bound by the provisions of this Act.

SECT. 3. *Be it further enacted,* That there shall be a meeting of said Company at Monmouth in the County of Kennebec, on the third Wednesday of December annually, or 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 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

Annual meeting.

Directors to be chosen.

Vacancies—how filled.

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.

Powers and duties of Directors.

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, 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 number to act as President, and may hold their meetings monthly and oftener if necessary, and shall keep a record of their proceedings.

Persons becoming members of the company to deposit their note.

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 promisory 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 insuring, 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.

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 deposite note, and no more. And the Company 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 deposite note and no more.

Members bound to pay their proportion of losses to the amount of deposite note.

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 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 said 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 cost 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.

Persons sustaining loss to give notice within 60 days.

Party suffering may bring an action in certain cases.

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 deposit note or notes, and shall

Sum to be paid by each member to be in proportion to original amount of deposite note.

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 or expenses, as have or may thereafter occur and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after the expiration of thirty days from the end of the term for which insurance was made.

Directors may recover whole am't of deposit note, in certain cases.

Term of insurance.

Policy to be void in certain cases.

Proviso.

Policies assigned, may be ratified by Directors.

SECT. 9. *Be it further enacted*, That 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 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, *Provided however* that the grantee or alienee having the policy assigned may have the same ratified and confirmed to him her or them, for his, her or their own proper use or benefit, upon the application to the Directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said Directors, for such portion of the deposit or premium note, as shall remain unpaid, and by such ratification and confirmation, the party causing the same, shall be entitled to all the privileges and subject to all the liabilities to which the original party insured was entitled and subjected under this Act.

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 said Town of Monmouth ten days prior to said meeting. And no policy shall be issued by said Company until application shall be made for insurance on twenty five thousand dollars at least.

Manner of calling first meeting.

Chapter 126.

AN ACT to incorporate the Readfield, Winthrop, and Cobbossee Contee Canal and Rail Road Company.

Approved March 18, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Stephen Sewall, Thomas Newman, Gustavus A. Benson, Elijah Wood, Oaks Howard, Joseph Additon, Peleg Benson Jr., Daniel Carr, Samuel Benjamin, Samuel P. Benson, David Stanley, Cyrus Knapp, Samuel Chandler, John Fairbanks, Nathan Foster, Jonathan Whiting, Moses White, Francis Fuller 2d, Horace Parlin, James B. Fillebrown, Wadsworth Foster, Oliver Foster, Lloyd Thomas, Columbus Fairbanks, Joseph A. Metcalf, John Lovering, Truxton Wood, Francis Perley, Robert H. Gardiner, Parker Sheldon, Richard Clay, Henry B. Hoskins, John S. Mitchell, Ansel Clark, Ebenezer F. Deane, Edward Swan, Enoch Marshall, Ivory Nudd, Michael Woodward, Henry Bowman, William Bradstreet, John Hazeltine, Jonathan G. Huntoon, Edward Fuller, Oliver Bean, William Vance, David F. Sampson, Jere. Page, James R. Bachelder, David H. Foster, Dudley Moody, John Smith, James Fillebrown Jr., Moses Whittier, Thomas Pierce, their associates, successors and assigns be, and hereby are constituted a body politic and corporate, by the name of the Readfield, Winthrop, and Cobbossee Contee Canal and Rail Road Company, with power to make such by laws for the regulation of their affairs, not repugnant to the laws of this State, as

Names of Corporators.

Corporate name.