

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 Resolve of June 28, 1820.

AUGUSTA:

SMITH AND ROBINSON,.....PRINTERS TO THE STATE.

1836.

duties as such by-laws shall provide. And at all meetings of said Company each stockholder shall be entitled to as many votes as he holds shares, and may by writing under his hand, depute any other person to vote and act for him, as his proxy. And all special meetings of said Company shall be called and notified in such manner, and by such officer as shall be provided for in the by-laws of said Company.

Number of votes
for each member.

SECT. 9. *Be it further enacted*, That the rates of toll, the rules and regulations to be observed by those who shall pass over and upon, or use the said Canal or Rail Road, or other works, and the fines and forfeitures for the breach of such rules and regulations as shall be established by said Company shall be printed in a plain, intelligible and durable manner, and kept constantly posted in the most public and conspicuous place in each of their toll houses, ware houses, and at the most public and conspicuous places on the route of said Canal or Rail Road, so far as may be practicable; and no toll, fine, or forfeiture shall be demanded, nor action thereon, or therefor be sustained, until the provisions of this section shall have been complied with.

Rates of toll, rules
and regulations,
&c. to be printed
and exposed to
view.

Chapter 127.

AN ACT to incorporate the Penobscot Mutual Fire Insurance Company.

Approved March 18, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That John R. Greenough, Benjamin Weed, Samuel Lunt, Benj. Wade, Orin Wardwell, Charles K. Miller, Messenger Fisher, Ford Whitman, John A. French, Asa Sawyer, Jona. Burr, Isaac S. Whitman, Joseph Snow, James Smith, Amos Jones, Samuel True, Stephen Gilman, Warren West, Moses Haskell, George Webb, Otis Small, Jabez True, Noah Fogg, Charles G. Bryant, G. L. Boynton, John Sargent, John Brown, James

Names of Corpo-
rators.

PENOBSCOT MUTUAL FIRE INSURANCE COMPANY.

Corporate name.

Allen, and all other persons who may hereafter become members of said Company in the manner herein prescribed, be, and they hereby are, incorporated and made a body politic, by the name of the Penobscot Mutual Fire Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, and merchandize against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means, excepting that of design in the assured, or by the invasion of an enemy, or insurrection of the citizens of this or any other of the United States; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any Court of record, or in any other place whatever; may have and use a common seal; may purchase and hold such real estate and personal property as may be necessary to effect the object of their association, and the same may sell and convey at pleasure, may make, establish and put in execution, such by-laws, ordinances and resolutions not being contrary to the laws of the State, as may seem necessary or convenient for their regulation and government, and for the management of their affairs; and do and execute all such acts and things as may be necessary to carry into effect the purposes of this grant.

Powers, &c.

All persons interested by insuring therein, to be members.

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, 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.

Annual meeting

SECT. 3. *And be it further enacted*, That there shall be a meeting of said Company at Bangor in the County of Penobscot on the first Monday of May 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 such a number as the said Company may there determine; 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 said Company may at such annual meeting determine the number of Directors who shall constitute a Quorum for the transaction of business, and may authorize the Board of Directors to appoint Committees with such powers as they may judge expedient not inconsistent with the laws of this State. Special meetings of the Company may be called by order of the Directors, or in such other manner as said Company may decide.

Board of Directors to be chosen.

Vacancies happening—how filled.

Directors may call special meetings.

SECT. 4. *And 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 the power from time to time to appoint a Secretary, Treasurer, and such other officers, agents and assistants, as to them may seem necessary,—prescribe their duties, fix their compensation—take such security from them as they may deem necessary for the faithful discharge 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 sum to be deposited for the insurance thereof. They shall order and direct the making and issuing of all policies of insurance—providing of books, stationery and other things needful for the office of said Company, and for carrying on the affairs thereof; and may draw on 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;—may hold their meetings as often as is necessary, for the transacting the business of the Company; and shall keep a record of their

Directors to superintend the concerns of the Company.

Powers and duties of Directors.

proceedings, and any Director disagreeing with a majority of the Board at any meeting, may enter his dissent, with the reasons therefor, on record.

Members to de-
posit note, part
of which to be
immediately paid.

SECT. 5. *And 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 six per cent. of which note shall be immediately paid, for the purpose of discharging incidental expenses of the institution, and the remainder of said deposite 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 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.

Members bound
to pay proportion
of all losses, &c.

SECT. 6. *And 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; and all buildings insured by and with said Company together with the right title and interest of the assured, to the lands on which they stand, shall be pledged to said Company; and the said Company shall have a lien thereon against the assured, during the continuance of his, her, or their policies.

Property insured
pledged to compa-
ny.

Persons sustain-
ing injury to give
notice within 30
days.

SECT. 7. *And be it further enacted,* That in case of any loss or damage by fire happening to any member upon property insured in and with said Company, the said member shall give notice, thereof in writing to the Directors or some one of them, or to the Secretary of said Company, within thirty days from the time such loss or damage may have happened; 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 such loss or damage; and if the party suffering is not satisfied with the determination of the Directors, the question may be sub-

mitted to referees, or the said party may bring an action against said Company for said loss or damage, at the next Court to be holden in and for the County of Penobscot and not afterwards, unless such Court shall be holden within sixty days after said determination; but if holden within that time, then at the next Court holden in said County thereafter; and if upon trial of said action a greater sum shall be recovered than the amount determined by the Directors, the party suffering shall have judgment therefor against said Company, with interest thereon from the time said loss or damage happened, and costs of suit, but if no more shall be recovered than the amount aforesaid, the said party shall become nonsuit, and the said Company shall recover their costs. *Provided, however,* that the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss or damage as determined by the Directors aforesaid. *And provided also* that execution shall not issue on any judgment against said Company until after the expiration of three months from the rendition thereof.

Persons dissatisfied with determination of Directors may submit to referees, &c. or may bring an action against said company.

Proviso.

SECT. 8. *And 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 or after the rendition of any judgment as aforesaid against said Company for such loss or damage, settle and determine the sums to be paid by the several members thereof, as their 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 into the Treasury 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 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

Directors to settle and determine sums to be paid by each member, on all losses.

Sums to be paid to be in proportion to original amount of deposit note.

Directors may recover the whole amount of deposit note in certain cases.

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.

When the whole amount of deposit note is insufficient to pay the loss, the person suffering to receive a proportionate dividend.

SECT. 9. *And be it further enacted,* That if it ever so happen that the whole amount of deposit notes shall be insufficient to pay the loss occasioned by any one fire, in such case the sufferers insured by said Company shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes according to the sums by them respectively insured and in addition thereto a sum to be assessed on all the members of said company, not exceeding fifty cents on every hundred dollars by them respectively insured; and the said member shall never be required to pay for any loss occasioned by fire, at any one time, more than fifty cents on each hundred dollars insured in said Company, in addition to his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member, upon payment of the whole of his deposit note and surrendering his policy, before any subsequent loss or expense has occurred may be discharged from said Company.

Members surrendering policy may be discharged.

Term of insurance.

SECT. 10. *And be it further enacted,* That the said Company may make insurance for any term not exceeding ten years, and any policy of insurance issued by said Company signed by the President and countersigned by the Secretary, shall be deemed valid and binding on said Company, in all cases where the assured has a title in fee simple, unincumbered, to the buildings insured, and to the land covered by the same; but if the assured have less estate therein, or if the premises be incumbered, the policy shall be void, unless the true title of the assured, and the incumbrance on the premises be expressed therein.

SECT. 11. *And be it further enacted,* That the Directors shall settle and pay all losses within three months after

they shall have been notified as aforesaid, unless they shall judge it proper, within that time to rebuild the house or houses destroyed, or repair the damage sustained, which they are hereby empowered to do in a convenient time, provided they do not lay out and expend in such building or repairs more than the sum insured on the premises, but no allowance, is to be made, in estimating damages, in any case, for gilding, historical painting, landscape painting, stucco or carved work, nor are the same to be replaced if destroyed by fire.

Losses to be paid within 3 months or damages to be repaired.

SECT. 12. *And be it further enacted,* That when any house or other building 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 deposite note, 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 to him, may have the same ratified and confirmed to him, her or them, for his, her or their own proper use or benefit upon 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 deposite 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.

Property alienated by sale, policy to be void.

Persons having policies assigned, may have same ratified in certain cases.

SECT. 13. *And be it further enacted,* That if any alteration should be made in any house or buildings, by the proprietor thereof, after insurance has been made thereon with said Company whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then and in every such case, the insurance made on such house or buildings shall be void, unless an additional premium and deposite, after such alteration, be settled

Insurance void when alterations have been made so as render the risk greater.

with and paid to the Directors; but no alterations and repairs in buildings, not increasing such risk or hazard, shall in any wise affect the insurance previously made thereon.

Property insured on leased land.

SECT. 14. *And be it further enacted,* That in case any building or buildings, situated upon leased land, and insured by said Company, be destroyed by fire and the owner or owners thereof shall prefer to receive the amount of such loss in money, in such case the Directors may retain the amount of the premium note given for insurance thereof, until the time for which insurance was made shall have expired, and at the expiration thereof, the assured shall have the right to demand and receive such part of said retained sum or sums as has not been expended in losses or assessments.

Insurances to be void when insured by any other company at the same time.

SECT. 15. *And be it further enacted,* That if insurance on any house or building shall be and subsist in said Company, and in any other office, or from and by any other person or persons, at the same time, the insurance made in and by this Company shall be deemed and become void, unless such double insurance subsists with the consent of the Directors, signified on the back of the policy, signed by the President and Secretary.

Manner of calling first meeting.

SECT. 16. *And be it further enacted,* That John R. Greenough, Benjamin Weed Samuel Lunt Benj. Wade or either two of them may call the first meeting of said Company at any suitable place in Bangor aforesaid, by advertisements in either two of the newspapers printed in said city, one of which shall be the Mec. and Farmer giving at least ten days notice of the time and place and design of said meeting, for the purpose of choosing the first Board of Directors, of making and establishing such by laws, and transacting any business necessary and proper to carry into effect the provisions and intentions of this Act, *Provided, however,* that no policy shall be issued by said Company until application shall be made for insurance on fifty thousand dollars at least.

Proviso.