

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

PRIVATE
AND
SPECIAL ACTS
OF THE
STATE OF MAINE,
PASSED BY THE
NINETEENTH LEGISLATURE,

JANUARY SESSION, 1839.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1839.

INSURANCE COMPANY.

hundred fifty-six dollars and twenty-one cents,	156 21
Bounty on Wheat, Roll No. 1, Fifteen dollars and twelve cents,	15 12
Postage, Eight hundred dollars,	800 00
Internal Improvements, Two thousand dollars,	2,000 00
Bank Commissioners, Eight hundred dollars,	800 00
Contingent Fund of Treasurer, One thousand dollars,	1,000 00
Payment of Public Debt, One hundred fifteen thousand two hundred thirty-two dollars and eighty-two cents,	115,232 82
Interest on Public Debt, Thirty-one thousand dollars,	31,000 00
Library, One thousand dollars,	1,000 00
St. Albans' Academy, per Resolve of March 14, 1837, Two hundred dollars,	200 00
Freedom Academy, per Resolve of February 22, 1838, Two hundred dollars,	200 00
Exeter High School, per Resolve of March 20, 1838, Two hundred dollars,	200 00
Cherryfield Academy, per Resolve of March 22, 1838, Two hundred dollars,	200 00
Surveyor General's Department, Three thousand dollars,	3,000 00

Chapter 518.

AN ACT to incorporate the Farmers' and Mechanics' Mutual Fire Insurance Company.

Approved February 25, 1839.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That Stephen Webb, Jr., Josiah Pierce, Charles Hunt, Seward Merrill, Rufus Morrill, Jonathan Hanson, William Silla, Daniel C. Emery, Saul C. Higgins, Daniel Clarke, Robert Johnson Jr.,

Joseph Hamblen and Joshua Moulton and their associates and successors, being owners of dwelling-houses, shall be a corporation under the name of the Farmers' and Mechanics' Mutual Fire Insurance Company who shall keep their office at Gorham, in the County of Cumberland and enjoy all the privileges and powers incident to such Corporations. Corporate name.

SEC. 2. *Be it further enacted,* That every person, who shall at any time become insured therein, and also their heirs, executors and administrators, continuing to be insured therein as hereinafter provided shall be members thereof and bound by the provisions of this Act, and the By-Laws of said Company, during the terms specified in their respective Policies and no longer, and that at all meetings of said Corporation every matter shall be decided by a majority of votes, each member having as many votes as he has Policies with the right of voting by proxy. Number of votes. May vote by proxy. But no Policy shall be made until the sum subscribed to be insured shall amount to seventy-five thousand dollars.

SEC. 3. *Be it further enacted,* That said Corporation may insure for any term of time from one to eight years, any house or other buildings within this State, household furniture and goods against damages arising to the same by fire originating in any cause other than by design in the insured, and to any amount not exceeding two thirds of the value of the property insured, and in case any member shall sustain damage by fire, the Corporation or such of its officers as shall by vote be designated for that purpose, shall assess such sum or sums on each member as may be in proportion to the sum by such members insured at the rate of hazard originally agreed on. Term of insurance—and amount.

SEC. 4. *Be it further enacted,* That there shall be a meeting of said Corporation on the last Tuesday of April to organize and choose the first Board of Directors and other officers, but the annual meeting of said Corporation shall be on the third Tuesday of September annually at which meeting there shall be a Board of Directors chosen by ballot consisting of not less than seven nor more than Annual meeting on 3d Tuesday of September.

fifteen, five of whom shall constitute a quorum to do business, all vacancies happening in said Board may be filled by the remainder of said Board of Directors until the next annual meeting, special meetings of the Company may be called by order of the Directors or in such manner as the by-laws may prescribe.

Special meetings may be called.

SEC. 5. *Be it further enacted,* That the Board of Directors shall superintend the concerns of said Corporation, and shall have the management of the funds and property thereof, they shall have power annually to appoint a Secretary and Treasurer and to fill any vacancy which may happen in either of those offices, and to appoint from time to time such other officers and agents as they may consider necessary, prescribe the duties, fix the compensation of all the officers of said Company, and take such security from them as they may think proper for the faithful discharge of their duties, they shall determine the rates of insurance and may fix the sum to be insured, on any building or property not exceeding two thirds of its value, and the amount of the note to be deposited for the insurance thereof, they shall provide all necessary books, blanks and stationery and all other needful things for conducting the business of said Corporation, they shall elect one of their own number to act as President.

Powers and duties of the Directors.

SEC. 6. *Be it further enacted,* That every person who shall become a member of said Corporation, by effecting insurance therein, shall before he receives his Policy, deposite his promissory note for such sum of money as shall be determined by the Directors, a part of which, not exceeding five per cent. shall be paid immediately for the purpose of discharging the incidental expenses of the Corporation, and endorsed on said note, and the remainder of said deposite note shall be paid in part or 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 it as shall remain unpaid after deducting all losses and

Members to deposite their note, part of which to be immediately paid, &c.

expenses accruing during said term shall be relinquished and given up to the signer thereof.

SEC. 7. *Be it further enacted*, That whenever any member shall sustain any loss by fire of property insured in said Corporation, such member shall within thirty days next after, give notice thereof in writing to the Secretary of said Corporation, and the Directors upon a view of the same, or in such other way as they may judge proper, shall ascertain and determine the amount of such loss, and if the sufferer is not satisfied with such determination of the Directors, he may within sixty days next after such determination is made known bring an action at law against said Company, in the County where the loss or damage happened, and in case the plaintiff in such action shall not recover more damages than the amount determined as aforesaid, he shall not be allowed his costs but the Corporation shall recover its costs and execution shall issue for the balance after the expiration of three months.

To give notice of any loss within thirty days.

May bring an action within sixty days, when dissatisfied with determination of Directors.

SEC. 8. *Be it further enacted*, That the Directors of the Corporation shall after receiving notice of any loss or damage by fire sustained by any member and ascertained the amount of the same, settle and determine the amount to be paid by the several members as their respective proportion of said loss, and publish the same in such manner as they may think proper and as the by-laws may prescribe, and the sum to be paid by each member shall always be in proportion to the original amount of the note or notes, but shall in no case exceed the amount of his note or notes deposited, and shall be paid to the Treasurer, or some person authorized to collect the same, within forty days after notice, and if any member shall for the space of forty days after notice refuse or neglect to pay the sum assessed on him as his proportion of any assessment, as aforesaid, the Directors may sue for and recover the whole amount of the note or notes by him deposited with costs of suit, and the money thus collected after deducting the expenses and costs, shall remain in the Treasury of said Corporation—subject to the payment of

Amount of assessments to be paid within forty days after notice

such losses and expenses as have thus accrued or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected on demand after sixty days from the expiration of the time for which insurance was made.

SEC. 9. *Be it further enacted*, That said Corporation shall be entitled to hold real or personal estate to any amount necessary for the purposes aforesaid, and shall have power to make such by-laws, rules and regulations as may be thought proper not repugnant to the Constitution or laws of this State.

Corporation may hold any real estate necessary.

May make by-laws, &c.

SEC. 10. *Be it further enacted*, That whenever said Corporation shall make insurance on any buildings, such buildings and the land on which said buildings stand with the appurtenances thereto belonging shall be holden as security for such deposite note and assessments as the person thus insured shall be liable to pay and the Policy from the time it issues, creates a lien on said buildings, land and appurtenances therefore said lien shall continue notwithstanding any transfer of the property.

Buildings and land holden for insurance.

SEC. 11. *Be it further enacted*, That the Directors shall make provisions to pay all losses within three months after notice given as aforesaid either by making an assessment on the members of the Corporation or by obtaining the money for that purpose on loan, and the Directors hereby have power should they deem it for the advantage of the Corporation to procure money on loan to pay any loss that may happen in said Corporation, but in no case shall they be allowed to obtain it at a greater rate of interest than six per cent.

All losses to be paid within three months.

Directors may procure money on loan.

SEC. 12. *Be it further enacted*, That when any property which is insured in said Corporation shall be alienated by sale or otherwise the Policy shall thereon be void, and when surrendered to the Secretary of said Corporation to be canceled, the person insured shall be entitled to receive his deposite note, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender, *provided however*, that the

Policies void in certain cases.

grantee having the Policy assigned to him may have the same ratified and confirmed to him, for his own proper use and benefit upon application to the Directors, within thirty days after such alienation on giving proper security to the satisfaction of the 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 rights and privileges, and subject to all the liabilities to which the original party was subject or liable.

Policies may be assigned in certain cases.

SEC. 13. *Be it further enacted*, That notice of the first meeting of said Corporation shall be given by publishing notice thereof in two public newspapers printed in Portland—two weeks prior to said meeting.

First meeting.

SEC. 14. *Be it further enacted*, That the powers granted by this act may be enlarged, restrained or annulled at the pleasure of the Legislature.

Chapter 519.

AN ADDITIONAL ACT to establish the Belfast and Quebec Rail Road Corporation.

Approved February 25, 1839.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That all acts or things to be done or performed, by said Corporation, by any provisions of the eleventh section of the original Act of corporation of said Company, which were required to have been done, on or before the thirty first day of December, in the year of our Lord one thousand eight hundred and thirty-nine, may be done and performed, at any time before the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty-two—and that the limitation of the time for completing said rail road is hereby extended to the thirty-first day of December in the year of our Lord one thousand eight hundred and fifty-one.