

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-THIRD LEGISLATURE

OF THE

S T A T E O F M A I N E ,

A. D. 1843.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.  
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AUGUSTA:

WM. R. SMITH & Co., PRINTERS TO THE STATE.

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1843.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1843.

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and the said town is hereby authorized to dispose of the same for that purpose, and appropriate the interest on the proceeds for the benefit of said schools.

CHAP. 100.

Interest on proceeds, how applied.

[Approved March 21, 1843.]

**Chapter 100.**

AN ACT to repeal the charter of the Bangor and Brewer Ferry Company.

*Be it enacted by the Senate and House of Representatives in Legislature assembled,* as follows:

The act entitled “an act to establish the Bangor and Brewer Ferry Company,” passed March twenty five in the year of our Lord one thousand eight hundred and thirty one, is hereby repealed, and its charter annulled.

Charter of the Bangor and Brewer ferry company, annulled.

[Approved March 21, 1843.]

**Chapter 101.**

AN ACT to incorporate the Piscataqua Mutual Marine Insurance Company.

*Be it enacted by the Senate and House of Representatives in Legislature assembled,* as follows:

SECT. 1. Thomas Goodwin, 2d, Jedediah Goodwin, John P. Lord, Samuel Parks, Thomas Jewett, Nicholas Hanson, William A. Young, Richard Waldron, Daniel Pierce and their associates and successors, are hereby created a body corporate by the name of the Piscataqua Mutual Marine Insurance Company, to be established at South Berwick, with power and 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, to 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, and be subject to all the restrictions and liabilities which are provided for by the seventy sixth and seventy ninth chapters of the revised statutes, in relation to such corporations.

Corporators

Corporate name.

Powers and privileges.

SECT. 2. 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 hereinafter provided, shall be deemed and taken to be

Membership.

CHAP. 101.

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|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Duration.                                       | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| First meeting.                                  | SECT. 3. There shall be a meeting of said company at South Berwick, in the county of York, on the first Monday of April annually, and on such other day as the 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;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Directors.                                      | 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 may be called of the company, by order of the directors, or in such manner as the by laws thereof may have prescribed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Vacancies, how filled.<br>Quorum.               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Special meetings.                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Duties of the director.                         | SECT. 4. 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 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 own number to act as president, and may hold their meetings monthly and oftener, if necessary, and shall keep a record of their proceedings. |
| Power to appoint officers.                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| To determine rates of insurance.                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| General powers of directors.                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| President.                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Every member to deposit his note, &c.           | SECT. 5. Every person who shall become a member of said company by effecting insurance therein, shall before he receives his policy, deposite 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 deposite note shall be payable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| To pay eight per cent. of said note in advance. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

CHAP. 101.

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.

At the expiration of membership, balance of note to be given up.

SECT. 6. Every member of said company shall be, and is hereby, 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.

Every member bound to pay their proportion of expenses.

SECT. 7. 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 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 such corporation in the county where the loss or the 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.

When loss accrues, notice to be given directors to estimate loss.

Remedy for sufferer if dissatisfied.

No cost to plaintiff, if defeated.

SECT. 8. 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 the 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 cost of suit; and the money thus

Directors to estimate each member's proportion of loss, and publish the same.

Assessment to be paid within thirty days.

Proceedings, if member neglect so to pay.

Appropriation of assessments.

## CHAP. 102.

collected shall remain in the treasury of such 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 paid.

Duration of policy.

SECT. 9. Said company shall make insurance for any term not exceeding four years, on any vessel or boats of any kind and every

Description of property to be insured.

description; also on any merchandise, goods and lumber together with all other articles carried on the water, against loss or damage by winds, waves or storms originating in any other cause, other

When policy void.

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

On surrender of policy, deposit note to be given up.

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.

First meeting, how called.

SECT. 10. 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 South Berwick, and by advertising the same successively in the newspaper printed at Saco; and no policy shall be insured by said company, until application shall be made for insurance and risks actually agreed upon for twenty thousand dollars at least.

[Approved March 21, 1843.]

### Chapter 102.

AN ACT allowing the receivers of Frankfort Bank, further time to close its affairs.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Powers of the receivers of the F. bank in suits, &c.

SECT. 1. The receivers of the Frankfort Bank, are hereby authorized and empowered to prosecute, any and all suits now pending, in the name of said bank, or any others that may be necessary in bringing the affairs of said bank to a final settlement, to final judgment and execution, any supposed limitation of their authority, so to do, contained in any previous act now existing, to the contrary notwithstanding.

Time for closing the concerns of said bank extended.

SECT. 2. Said receivers are not required to make a full and final settlement of the affairs of said bank, as required by the first section of an act approved April 16th, 1841, entitled "an act ad-