

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1848.

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

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1848.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1848.

Chapter 116.

CHAP. 116.

An act to incorporate the Lincoln Mutual Fire Insurance Company.

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

SECT. 1. William D. Sewall, Oliver Moses, Davis Hatch, Samuel Swanton, second, Freeman Clark, James Riggs, Stephen Jewell, J. B. Swanton, junior, William V. Moses, Peleg Wadsworth, F. H. Morse, Charles Davenport, James F. Patten, H. K. Baker, Benjamin Prescott, Joseph Berry, their associates and successors, be and they are hereby created a body corporate, 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 the 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.

Corporators.

Corporate name.

General powers, privileges and liabilities.

SECT. 2. All persons who shall at any time become interested in said company by insuring 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.

Members.

SECT. 3. There shall be a meeting of said company at the city of Bath, in the county of Lincoln, on the second Wednesday of January, eighteen hundred forty-nine, and annually thereafter, or on such other day as the company may hereafter determine. Said company shall at its first meeting and at each annual meeting decide upon the number of directors to manage the concerns of the company, and the number to constitute a quorum for the transaction of business, and choose such directors by ballot, who may continue in office till the next annual meeting and until others shall have been chosen and accepted the trust in their stead. Any vacancy occurring in said board may be filled by the remaining members of the board till the next annual meeting.

Annual meeting.

Directors.

Vacancies.

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 annually appoint a secretary and treasurer and may

Power of directors.

—to appoint secretary and treasurer.

CHAP. 116. from time to time appoint 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 property, 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 on property insured by the company and for the 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.

Directors to determine the rate of insurance, &c.

—direct the making and issuing of all policies, &c.

—may draw upon the treasurer for payment of losses.

President.

Meetings.

Deposit notes.

SECT. 5. 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 of which note not exceeding twenty per cent., 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 thirty days after 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, may be relinquished and given up to the signer thereof.

Liability of members to the amount of such notes.

SECT. 6 Every member of said company shall be and hereby is bound and obliged to pay his proportion of all losses and expenses, happening and 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 buildings insured by them, and land under the same, notwithstanding any transfer of the property, which shall continue till the proportion of all losses which occurred during the existence of the respective policies, shall be paid, to the amount of the deposit note and no more.

Lien on buildings so insured.

Members sustaining loss by fire to notify the secretary within 30 days

SECT. 7. Whenever any member shall sustain any loss by fire, of property so insured, such member shall, within thirty

days next after such loss, give notice thereof in writing, to the secretary of said company; and the directors upon the 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 member so insured is not satisfied with the determination of the directors, he may within three months 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 on trial recover damages greater than the amount determined as aforesaid, he shall not be allowed costs; but the company shall recover its costs, and after the expiration of three months, execution may issue against the company.

Remedy when dissatisfied with the decision of the directors.

Costs.

SECT. 8. The directors shall, after receiving notice of any loss or damage by fire sustained by any member and ascertaining the amount of the same, settle and determine the sums to be paid by the several members of said company, as their respective proportions of such loss and publish the same in such manner as they shall see proper or as the by-laws may prescribe. And the sum to be paid by each member shall be in proportion to the original amount of his note or notes, but shall in no case exceed the amount of said note or notes by him deposited; 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, neglect or refuse to pay the sum assessed on him as his proportion of any assessment as aforesaid; in such case 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 costs and expenses, shall remain in the treasury of said company, subject to the payment of such losses and expenses as have then 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 thirty days from the expiration of the time for which insurance was made.

Assessments for the payment of losses.

—to be paid within 30 days.

Remedy for neglect.

SECT. 9. The said company may make insurance for any term of time not exceeding six years, on any house, store, mill or other building, furniture, goods or any other personal property against damage by fire originating in any cause other than design in the insured. When any property insured by said company shall be alienated by sale or otherwise, the policy shall thereupon be void, and shall be surrendered to the secretary of said company to be cancelled; and thirty days after

Term of insurance. Property to be insured.

Policy void when property shall be alienated by sale or otherwise.

CHAP. 116.

Proviso.

Policy may be assigned and ratified.

such surrender the insured shall be entitled to receive his deposit note upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender, *provided however*, that the 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 next after such alienation, on giving proper security, to the satisfaction of the directors, for such portion of the deposit or premium note, as shall remain unpaid; and by such ratification and confirmation the grantee shall be entitled to all the rights and privileges and subject to all the liabilities to which the original party insured was entitled and subjected under this act.

Property insured may be divided into three separate classes.

Each class liable for its own losses

Books of account to be opened with each class.

General expenses.

First class.

Second do.

Third do.

Losses, when paid.

SECT. 10. All property whether real or personal, insured by said company, may be divided into three separate and distinct classes, each policy designating with which class of risks it is associated. And when each class of risks shall amount to fifty thousand dollars property insured, the directors may by a majority vote of their board, make each class of risks liable for its own losses only; and the premium notes of each class of risks, shall from that time be holden and assessed to pay the losses occurring after said division in their respective classes, and not each for the other. The company shall then open books of account with each class of risks and all the business receipts, disbursements, losses, assessments, and expenses shall be put to the several classes to which they are applicable; and the general expenses of the company, which are not strictly applicable to either class, shall be apportioned to the several classes according to the amount insured by each. The premium notes of each class shall be mutually holden to pay any loss that may occur in any class, prior to the division into separate classes. The first class of risks shall consist of dwelling-houses, barns, and other buildings, with property therein usually connected with farming establishments. The second class shall consist of dwelling-houses, barns, and other buildings connected with dwelling-houses with their contents in villages and cities. The third class may consist of stores, merchandize, public houses, churches, school-houses, mechanics' shops, mills and other property the directors may deem proper to include in this class.

SECT. 11. The directors shall provide for the payment of all losses, in manner aforesaid; within three months after they shall have been notified as aforesaid, unless they shall judge it proper, within that time to rebuild or replace the property de-

stroyed, or repair the damages sustained, which they are hereby empowered to do in convenient time. CHAP. 117.

SECT. 12. Any two persons named in this act, may call the first meeting of said company at any time after the passage of the act, for the choice of officers and the transaction of any other business relating to the interest of the company, by publishing a notice of the time and place of said meeting in one or more of the newspapers printed in Bath, which notice shall be at least ten days prior to said meeting; and this act shall not take effect unless property to the amount of thirty thousand dollars at least, shall be agreed to be insured by said company. Said company may at its first meeting, or an adjournment thereof, choose any or all the officers named in the third section of this act, with full powers to manage the concerns of the company, till the annual meeting or till other officers shall be chosen in their stead. First meeting.
When to take effect.

[Approved July 14, 1848.]

Chapter 117.

An act to authorize the laying out a road over tide waters in the town of Bowdoinham.

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

The county commissioners of the county of Lincoln, or the selectmen of the town of Bowdoinham, are hereby authorized if they deem it expedient to lay out and establish a public highway in said town of Bowdoinham, easterly from land of Job Jellerson, in said Bowdoinham, across Abagadassette river to land of Preble, notwithstanding said road may pass over tide waters. Location.

[Approved July 15, 1848.]