

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-FIRST LEGISLATURE

OF THE

## STATE OF MAINE,

A. D. 1852.

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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:**  
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1852.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1852.

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**Chapter 517.**CHAP. 517.

An act to incorporate the Eastport Mutual Marine Insurance Company.

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

SECT. 1. Aaron Hayden, Jacob Shackford, John L. Bowman, William P. Bucknam, Edward H. Andrews, John H. McLarren, Seward B. Hume, Smith Tinkham, John French, Charles Jackson, James P. Wheeler, Edward H. Burgin, Oliver Shead, Daniel J. Odell, Darius Pearce, Myrick D. Bibber, William M. Brooks, Joseph M. Livermore, John B. Knight, David Perkins, Samuel Bucknam, George J. G. Rice, George H. Robbins, Robert Mowe, junior, their associates and successors are hereby created a body corporate by the name of the Eastport Mutual Marine Insurance Company.

Corporators.

Corporate name.

SECT. 2. In addition to the general powers of a corporation as contained in the first section of the seventy-sixth chapter of the revised statutes, the corporation hereby created shall have power by instrument under seal or otherwise, to make insurance on vessels, freights, money, goods, wares, merchandize, bottomry respondentia interest and all other insurances appertaining to or connected with marine or inland navigation risks and to cause themselves to be reinsured against any risks upon which they have made insurance.

Purposes of incorporation.

SECT. 3. All the corporate powers of said company shall be exercised by the holders for the time being, of the capital stock of said company, and such directors, officers and agents as they may appoint ; and the directors shall be chosen at the annual meeting of such company, and shall consist of five, seven or nine persons as the stockholders by their by-laws shall direct. They shall all be stockholders in said company and citizens of this state.

Corporate powers exercised by stockholders.

Directors, when chosen.

SECT. 4. There shall also be chosen at the annual meeting of said company a secretary and treasurer who shall be sworn to the faithful discharge of his duties, and shall give bond therefor in such sum as the stockholders by their by-laws shall direct, and the person so chosen secretary and treasurer shall also be the clerk of the directors.

Secretary and treasurer to be chosen.

SECT. 5. The directors shall choose one of their number president, and the president and directors shall have such power in managing the concerns of the company, as may be conferred on them by the by-laws, and a majority of them shall constitute a quorum for the transaction of business, and they as

President chosen.

Powers of officers and duration of office.

CHAP. 517.

well as the secretary and treasurer shall remain in office till their successors are chosen.

Officers, when chosen.

SECT. 6. At the first meeting of the company after the capital stock is subscribed and paid in or secured, a board of directors together with a secretary and treasurer, shall be chosen to hold office until the time fixed for the annual meeting of the company and until their successors are chosen, and any vacancy in the board of directors or in the office of secretary and treasurer may be filled at a special meeting of the stockholders duly called pursuant to the by-laws of the company.

May fill vacancies.

Capital stock.

SECT. 7. The capital stock of the company shall exclusive of profits and premiums consist of not less than fifty thousand nor more than one hundred thousand dollars, to be divided into shares of one hundred dollars each, and each stockholder shall have a vote for each share that he holds in the company.

Stock, how invested.

SECT. 8. It shall be lawful for the directors of said company to invest the capital stock thereof, as also the amount received for premiums, in such securities as they shall deem safe and for the interest of the company, or as they may be from time to time directed by vote of the stockholders.

Premium notes may be negotiated.

SECT. 9. The company for better security of those concerned, may receive notes for premiums in advance, of persons intending to receive policies, and may negotiate such notes, for the purpose of paying claims or otherwise, in the course of their business, and a compensation therefor may be allowed and paid to the signers thereof at a rate to be determined by the directors not exceeding six per cent. per annum.

Policies not to issue till \$50,000 be subscribed.

SECT. 10. No policy of insurance shall be issued until fifty thousand dollars of the capital stock of the company shall be subscribed and paid in, or secured, and the company is organized by the choice of directors, secretary and treasurer as hereinbefore provided.

Excess over \$10,000 to be reinsured.

SECT. 11. Whenever said company shall insure a sum which in itself or in connection with other risks taken by said company on the same subject matter shall amount to more than ten thousand dollars, the directors shall immediately cause the excess over said sum to be reinsured to the company, and no risk exceeding ten thousand dollars shall be taken without reinsurance of such excess.

Directors to make an estimate of profits, &c.

SECT. 12. The directors at the end of one year from the time the first policy is issued, and within one month thereafter, and during the first month after the close of every subsequent

year, shall cause an estimate to be made of the profits and true state of affairs of the company as near as may be, taking into view the probable amount to be paid on all claims and demands which have been or may be made against the company, and allowing for previous deficiencies, and after ascertaining in this mode the net profits of each year on risks which have terminated, shall if the amount is sufficient, pay to the holders of stock in said company, six per cent. on the par value of said stock, and to the signers of the advance notes the amount agreed for their compensation, together with what may be necessary to make up any deficiency of six per cent. on said stock, and the compensation for the advance notes in any previous year. If the said profits shall not be sufficient to pay the above percentage, together with what may be deficient in former years, the whole of said profits shall be divided between the holders of the stock, and the signers of the advance notes, in the proportion that six per cent. bears to the percentage agreed to be paid the signers of the advance notes. But if the said profits shall be more than enough to pay six per cent. to the stockholders, and the agreed compensation to the signers of the advance notes together with the deficiencies of former years, then of the balance the directors shall declare a dividend of a certain per cent. of the capital stock of the company, and the premiums received on the capital stock of the company, and issue certificates thereof to the stockholders for the time being, and the persons named in the policies or their legal representatives; and the sums named in said certificates shall be conclusive on the parties entitled to receive them at such periods and not to be changed by subsequent events showing the actual payments to be more or less favorable than the estimates, and said certificates shall be only transferable on the books of the company and shall contain a proviso declaring the same to be subject to any future liens of the company until the same are redeemed as hereinafter provided.

SECT. 13. Certificates shall not be issued for a less sum than five dollars and shall be for sums in dollars divisible by five, and any balance due any person over any sum in dollars divisible by five shall be carried to the contingent fund of the company.

SECT. 14. Whenever the net profits of the company over and above six per cent. per annum on the capital stock and the agreed compensation to the signers of the advance notes, shall exceed fifty thousand dollars, the excess may be applied from

Dividend to be made if 6 per cent.

How made if less than 6 per cent.

How made if more than six per cent.

Certificates issued.

Transferable only on books of corporation.

Certificates, amount of sums issued for.

Profits over \$50,000, how applied.

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Over \$100,000,  
how applied.

year to year to the redemption of each year's certificates, in whole or in part, as the directors may determine, and the oldest certificates shall be first redeemed; but when such accumulation shall exceed one hundred thousand dollars, the excess shall be applied to the redemption of the certificates in whole or in part, as above specified.

79th ch. R. S.,  
how far applic-  
able.

SECT. 15. The seventy-ninth chapter of the revised statutes shall not be applicable to this company any further than is consistent with this charter.

Statement laid  
before legisla-  
ture when  
required.

SECT. 16. The directors and secretary and treasurer of this company shall whenever required by the legislature lay before them a statement of the affairs of the company, and submit to an examination on oath concerning the same.

Certificate not  
to issue to per-  
sons in debt to  
company.

SECT. 17. No certificate shall be issued to any person who is in debt to the company, and no transfer of a certificate shall be permitted whilst the holder is in debt to the company, but the amount of such certificate or any amount that may be due on such certificates, may be taken at the discretion of the company, and offset against such indebtedment.

Lien created.

SECT. 18. Any judgment obtained by the company against the holder of a certificate, shall create a lien on such certificate, and the interest of the holder may be taken on the execution and sold in the same manner as any other personal property.

Certificate to  
be claimed in  
two years.

SECT. 19. No certificate shall issue unless claimed within two years from the dividend, but the amount shall be carried to the contingent fund of the company.

First meeting,  
how called, &c.

SECT. 20. The first meeting of the company may be called by any three of the persons named in the first section hereof by giving at least seven days notice of the time and place, by publishing notice thereof in the Eastport Sentinel, at which meeting, if the charter is accepted, the company may take measures to procure the subscription and payment or security of the capital stock, and when fifty thousand dollars or more of such stock is subscribed or paid and secured, the holders thereof may proceed to organize the company by choice of officers as hereinbefore provided; notice of the meeting of the stockholders to be given in such way as the first meeting may determine.

Company not  
organized until  
\$60,000 be  
subscribed and  
paid.

SECT. 21. This act shall take effect from and after its approval by the governor.

[Approved March 22, 1852.]