

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1852.

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

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1852.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1852.

SECT. 2. Said corporation may purchase and hold real and personal estate to an amount not exceeding forty thousand dollars, with full power to manage and dispose of the same, and to be divided into such number of shares as they may determine.

CHAP. 544.

May hold property of value of \$40,000.

SECT. 3. This act shall take effect from and after its approval by the governor.

[Approved March 30, 1852.]

Chapter 544.

An act in addition to an act entitled "an act to incorporate the Merchants' Steam Navigation Company of Bangor."

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

Said company may hold personal estate to the amount of one hundred and fifty thousand dollars, instead of one hundred thousand dollars, and that said company may and shall in all respects have and enjoy the like privileges, and be subject to the same liabilities with the increased capital, as they enjoyed and were subjected to, under the original act passed May thirteenth, eighteen hundred fifty-one.

Right to hold property increased to \$160,000.

[Approved March 30, 1852.]

Chapter 545.

An act to incorporate the York County Mutual Fire Insurance Company.

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

SECT. 1. J. N. Goodwin, H. H. Hobbs, G. C. Wallingford, Thomas Jewett, John Frost, Benjamin F. Parks, T. F. Jewett, Abner Oakes, John Hanscom, Francis Raynes, Bartholomew Wentworth, Thomas W. Ricker, William A. Young, Shipley W. Ricker, Oscar K. Grant, and Mark T. Goodwin; and all other persons who may hereafter become members of said company, in the manner herein prescribed, be, and they are hereby incorporated, and made a body politic, by the name of the York County Mutual Fire Insurance Company, for the purpose of insuring any description of property, real or personal, against

Corporators.

Corporate name. Purposes of the corporation.

CHAP. 545.

loss or damage by fire, whether the same shall happen by accident, lightning, or any other means except the design in the insured, 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 other place whatever; may have and use a common seal, may purchase and hold such real and personal estate 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 regulations, not being contrary to the laws of this 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 full effect the purposes intended by this grant.

Rights and restrictions.

May hold property.

Make by-laws.

Property insured divided into four classes.

Accounts with each class to be kept separate.

SECT. 2. All property, whether real or personal, insured by said company, shall be divided into four separate and distinct classes, and each class shall be liable for its own losses. The premium notes of each class of risks shall be holden and assessed to pay the losses occurring in their respective classes, and not each for the other, and the policy of each member of the company shall designate with which class of risks he is associated. The company shall 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.

Persons insured to become members.

SECT. 3. All persons 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 members thereof 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. 4. There shall be a meeting of said company at South Berwick, in the county of York, on the first Wednesday of June annually, or on such other day as the said company may hereinafter determine; at which meeting shall be chosen, by a major vote of the members present, a board of directors, consisting of such number, not less than seven, as the

Officers to be chosen, and term of office.

members present may think expedient to elect, who shall continue in office until others 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 annual meeting; and a majority of the whole number shall constitute a quorum for the transaction of business. Special meetings of the company may be called by order of the directors, or in such other manner as the by-laws therefor may have prescribed.

Vacancies may be filled.

Special meetings.

SECT. 5. 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 belonging, 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 class the property to be insured into four different classes, and fix upon the different kinds of property to be embraced in each class, which classes shall severally be made as equal in regard to the risks as practicable. They shall determine the rates of insurance, the sum to be insured not exceeding three fourths the value of any building, and personal property, and the sum to be deposited for the insurance thereof. They shall order and direct the 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 which may have happened, and for expenses incurred in transacting the concerns of the company. They shall elect one of their own number to act as president, and may hold their meetings monthly, and oftener if necessary for transacting the business of the company; and shall keep a record of their proceedings.

Powers of directors.

May appoint officers, &c.

Shall class the property insured.

Determine rates of interest.

Other powers.

SECT. 6. 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 ten per cent. of which note shall be immediately paid, for the purpose of discharging the incidental expenses of the institution, 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

Members shall deposit premium notes before receiving policies.

Part of the note to be paid immediately.

Remainder holden for payment of losses.

CHAP. 545.

Note to be given up at the expiration of insurance.

Members bound to pay their proportion of losses.

Insured property holden for payment of deposit note, &c.

Notice of loss to be given.

Directors shall ascertain damages.

Proceedings in case of disagreement.

Judgment, interest, &c.

Proviso.

Further proviso.

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

SECT. 7. 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 the class in which his property is embraced, and all buildings and the land upon which they stand, and the property insured therein shall be held by said company as security for any deposit note which they may hold of the member for whom they have insured, and the policy of insurance to any member of said company, upon his buildings or other property, shall of itself create a lien upon the same for the sum of any such deposit note, and the cost which may accrue in collecting the same, and such lien shall continue during the existence of said policy and the liability of the assured therein, notwithstanding any transfer or alienation.

SECT. 8. In case of any loss or damage by fire, happening to any member upon any property, insured in and with said company, of either class, 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, under oath; and the directors, upon a view of the same, or in any such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage within ninety days after the notice aforesaid; and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring an action against said company for said loss or damage, and if, upon trial of said action, a greater sum shall be recovered than the amount determined upon 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 the costs of suit; but if no more shall be recovered than the amount aforesaid, the said party shall recover the amount of said verdict, less the costs, of said company, in case their counsel shall not insist upon their lien, which costs shall be deducted therefrom; but if the lien be insisted upon, 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 said 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.

SECT. 9. All assessments shall be determined by the directors, and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note of the class in which his property is embraced, and shall be paid to the treasurer within thirty days next after notice of said assessment shall have been published, and if any member of said company, or his legal representatives, shall, for the space of thirty days after notice, neglect to pay the sum assessed upon his note in conformity to this act, the directors may sue for and recover the whole amount of said deposit note, with costs of suit; and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may hereafter 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 policy.

Assessments shall be in proportion to amount of note.

Neglect to pay assessment, &c.

SECT. 10. If it shall ever so happen that the whole amount of deposit notes of either of the four classes aforesaid, shall be insufficient to pay the losses occasioned by 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 insured of their respective classes.

Provision if either class be unable to meet its own losses.

SECT. 11. Said company may make insurance for any term not exceeding six 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 building, buildings or property insured, and to the land covered by said buildings; but if the assured has a less estate therein, or if the property or premises are incumbered, policies shall be void, unless the true title of the assured, and the incumbrances on the same be expressed therein.

Time of insurance limited to six years.

Policies valid, &c.

SECT. 12. 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 to replace the property destroyed, or repair the damages sustained, which they are hereby empowered to do in convenient time; *provided* they do not lay out and expend in buildings or repairs, more than three fourths the amount insured in a case of a total loss; and the insured shall contribute the balance, but no allowance is to be

Losses, when paid.

Property may be repaired or replaced.

CHAP. 545.

Certain property not to be allowed or replaced.

Policy on property alienated may be surrendered, &c.

Note surrendered.

Alterations in insured property may be made.

Double insurance.

First meeting.

Business to be transacted.

Proviso.

Restrictions.

Under control of legislature.

made, in estimating damages, in any case, for gilding, historical or landscape painting, stucco or carved works nor are the same to be replaced if destroyed by fire.

SECT. 13. When any property insured by this company shall in any way be alienated, the policy thereupon shall 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 note, upon the payment of his proportion of all expenses and losses that have accrued prior to such surrender.

SECT. 14. Alterations or enlargements may be made to buildings insured by this company, or containing property insured thereby, *provided* the insured shall give notice thereof in writing to the secretary, and pay such additional premium as may be required, if any, and in default of giving such notice of any alteration or enlargement affecting the risk, the policy on such building or property shall be void.

SECT. 15. If insurance on any house, or building or other property, shall be and subsist in said company, and in any other company, 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 subsist with the consent of the directors, signified by endorsement on the back of the policy signed by the secretary and president.

SECT. 16. The said J. N. Goodwin, H. H. Hobbs, Shipley W. Ricker and Oscar K. Grant, or either three of them, may call the first meeting of the company at any suitable time and place in South Berwick aforesaid, by public advertisement in any two of the towns in the county of York, or by advertisement in either two of the newspapers printed in the county aforesaid, giving at least ten days notice of the time, place and design of said meeting, for the purpose of choosing the first board of directors, of making and establishing by-laws, and of 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 upon either of the four classes of property, until application shall have been made for twenty-five thousand dollars upon such class.

SECT. 17. This act shall be subject to all the provisions and restrictions of the laws of this state in relation to corporations.

SECT. 18. The legislature may at any time alter, amend or repeal this act, whenever, in their opinion, the public good may require it.

[Approved March 30, 1852.]