

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE,

1855.

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

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1855.

PRIVATE AND SPECIAL LAWS ·

OF THE

STATE OF MAINE.

1855.

Chapter 422.

CHAP. 422.

An act to increase the capital stock of the Ocean Bank.

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

SECT. 1. The president, directors and company of the Ocean Bank, at Kennebunk, are hereby authorized to increase the capital stock of said bank, by adding thereto the sum of fifty thousand dollars, in shares of one hundred dollars each, to be paid into said bank in gold or silver, on or before the first of August next; and loans may be made by said bank, on said additional capital, whenever the directors, or a majority of them, with the cashier of said bank, shall have signed and verified by oath, and filed in the office of the secretary of state, a certificate that said additional capital has been actually paid in.

Capital stock increased \$50,000.

Shares.

When to be paid in.

Loans.

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved February 12, 1855.]

Chapter 423.

An act to incorporate the Harpswell Mutual Fire Insurance Company.

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

SECT. 1. Paul R. Curtis, Shubal Merryman, Isaac A. Johnson, Thomas A. Estes, Thomas U. Eaton, Abram J. Allen, Simeon Curtis, L. H. Stover, Pennell Alexander, Thomas Alexander, Abel Thompson, and all others who may hereafter become members of said company in the manner herein prescribed, are hereby incorporated and made a body politic, by the name of the Harpswell Mutual Fire Insurance Company, for the purpose of insuring their respective dwelling houses, stores, barns and other buildings, household furniture and merchandize, against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means, excepting that of design in the insured, or by the invasion of an enemy, or insurrection of the citizens of this state, or 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, and 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

Corporators.

Corporate name.

Powers and privileges.

CHAP. 423. and convey at pleasure, may make, establish, and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of the 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.

Membership.

SECT. 2. All and every person and 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 a member thereof, for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded by the provisions of this act.

Annual meeting, when and where held.

Directors, how chosen.

SECT. 3. There shall be a meeting of said company annually, at such time and place as said 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 nine or less than five members, who shall continue in office until others are chosen and have accepted the trust. 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 transacting business. Special meetings of the company may be called in any manner they may by their by-laws prescribe.

Vacancies, how filled.

Special meetings, how called.

Directors, duties and powers of.

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 thereto relating, not otherwise provided for by said company. They shall from time to time appoint a secretary, treasurer and such other officers and agents as to them may seem necessary, and prescribe their duties, fix their compensation, take such security for the faithful discharge of their respective duties as they may think proper, and may remove them at pleasure. They shall determine the rates of insurance, the sum to be insured on any building, not exceeding two-thirds of its value, and the sum to be deposited for the insurance thereof, and no risk in any case to exceed two thousand dollars. They shall order and direct the making and issuing of all policies, the providing of books and all other things needful for carrying on the business of said company, may draw upon the treasurer for the payment of all losses which may have happened, and for all expenses incurred in transacting the concerns of said company. They shall elect one of their number to act as president, and may hold their meetings as often as necessary for transacting the business of the company, and

Secretary, treasurer, &c.

Rates of insurance, &c.

Policies, &c.

President, election of. May hold meetings.

any director disagreeing with the majority of the board, may enter his dissent with his reasons therefor on record. CHAP. 423.

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 as shall be determined by the directors, a part of which, not exceeding six per cent., shall be immediately paid; the remainder shall be payable in part or whole at any time when the directors may order for the payment of losses or other expenses, and at the expiration of the term of insurance, said note, after deducting all losses and expenses occurring during said term, shall be given up to the signer thereof.

Members, duties of, &c.

Deposit note when payable.

Deposit note when relinquished.

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 or occurring to said company, and all buildings insured by said company, together with the right, title and interest of the insured to the lands on which they stand, shall be pledged to said company, and the said company shall have a lien thereon against the insured during the continuance of his, her, or their policies.

Members, obligations of, &c.

Lien against insured.

SECT. 7. In case of any loss or damage by fire happening upon property insured by said company, the suffering member shall give notice thereof in writing to the president of the board, or to the secretary of said company, within thirty days of the time such loss or damage may happen; and the directors shall in such way as they shall deem proper, ascertain and determine the amount of said loss, and if the party suffering is not satisfied with the determination of said directors, the question may be submitted to referees.

Losses, notice of.

—how ascertained and settled.

SECT. 8. After any loss or damage shall be ascertained, and it shall be necessary that an assessment shall be made to cover said loss, the directors shall determine the sums to be paid by the several members respectively, and give notice in such manner as shall be prescribed by the by-laws of said company, and the sums to be paid shall be in proportion to the original amount of his, her, or their deposit note or notes and shall be paid to the treasurer within thirty days after such notice shall be given. And if any member shall neglect for the space of thirty days, after such notice of such assessment is so given, the directors may sue and recover the whole amount of his, her, or their deposit note or notes with costs of suit, and such money shall remain in the treasury of said company, subject to the payment of losses and expenses that have or may thereafter accrue, and the balance, if any remain, shall be returned to the party of whom collected, on demand, in thirty days from the expiration of the term for which insurance was made.

Assessments, how made, &c.

—if neglect to pay, proceedings, &c.

—how and when disbursed.

CHAP. 423.

Deposit notes, if insufficient, &c.

Rights of assured in surrendering policy.

May make insurance in Harpswell only, &c.

Policy, void in certain cases.

Losses, how and when paid, &c.

Alienated property, policy becomes void.

Rights of assured on surrendering policy.

Proviso.

Risk increased, policy void.

SECT. 9. If it ever so happens that the whole amount of deposit notes shall be insufficient to pay the loss occasioned by any one 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 respectively insured, and in addition thereto a sum to be assessed on all the members of said company, not exceeding fifty cents on every hundred dollars insured in said company, in addition to the amount of his deposit; but any member, upon payment of his whole deposit note and surrendering his policy before any subsequent loss or expense has occurred, may be discharged from said company, or he may at any time surrender his policy and be discharged from said company, by paying all assessments, and his proportion of all losses, which may have happened before the surrendering of his policy.

SECT. 10. The said company may make insurance on buildings and other property, situated in the town of Harpswell only, for any term not exceeding six years, and any policy of insurance issued by said company, signed by the president and secretary, shall be deemed valid and binding on said company in all cases where the insured has a title in fee simple, unincumbered, to the building or buildings insured and to the land covered by the same; but if the insured have a less interest, or the premises be incumbered, the policy shall be void, unless the true title of the insured and the incumbrance on the premises be expressed therein, and satisfactory security be given to the directors for the amount of the deposit note by such person signed.

SECT. 11. The directors shall settle and pay all losses, within three months after they have been notified as aforesaid, unless they shall judge it proper to repair said damage or rebuild such building as may be destroyed, which they are hereby empowered to do, *provided* they do not expend in such building or repairs, more than the sum insured on the premises.

SECT. 12. When any building shall be alienated by sale or otherwise, the policy shall thereupon be void, and on the surrender of the policy to the directors, the insured shall be entitled to receive his, her or their deposit note or notes, upon paying the proportion of all losses and expenses justly chargeable on said note. *Provided, however,* said company may prescribe by their by-laws some manner in which said policy may be assigned to the grantee or alienee, if they think proper.

SECT. 13. If any alteration shall be made in any building, after insurance is made thereon by said company, which shall increase

the risk or hazard, such alteration shall be made known to the directors and an additional premium and deposit secured, or said policy shall be void; but any alteration which does not increase the risk, shall not effect insurance previously made. CHAP. 424.

SECT. 14. If insurance be made in and by said company on any building or other property, and in any other office or by any other person or persons at the same time, the insurance made by this company shall be void, unless such double insurance is made with the consent of the directors, signified by endorsement on the back of the policy, signed by the president and secretary. Insurance when void.

SECT. 15. Paul R. Curtis, Thomas Alexander, Isaac A. Johnson, Abel Thompson and Thomas U. Eaton or either three of them, may call the first meeting of said company, at any time and place they may think best, by posting notices in six public places in Harpswell, at least ten days before such meeting, expressing the design of said meeting, and the time and place at which it may be holden, at which meeting they may transact any business necessary and proper to carry into effect the provisions of the act. *Provided,* First meeting.
however, that no policy shall be issued until application shall have been made for twenty thousand dollars of property to be insured therein. Proviso.

SECT. 16. This act shall be subject to all the provisions and restrictions of the laws of this State, in relation to mutual fire insurance companies.

SECT. 17. The legislature may at any time, alter, amend or repeal this act, whenever in their opinion the public good may require.

[Approved February 14, 1855.]

Chapter 424.

An act additional to, and explanatory of the act authorizing the city of Calais to aid in the construction of Lewy's Island Railroad, passed and approved April fourteenth, eighteen hundred fifty-four, and of the act in addition to an act to authorize the city of Calais to aid in construction of Lewy's Island Railroad, passed January twenty-ninth, eighteen hundred fifty-five.

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

SECT. 1. The act authorizing the city of Calais to aid in the construction of the Lewy's Island Railroad, passed April fourteenth, eighteen hundred and fifty-four, and the act additional to an act to authorize the city of Calais to aid in the construction of the Lewy's Aid to Lewy's Island Railroad, limited.