

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-FOURTH LEGISLATURE

OF THE

## STATE OF MAINE,

1855.

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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:**  
STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

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PRIVATE AND SPECIAL LAWS ·

OF THE

STATE OF MAINE.

1855.

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*Be it enacted by the Senate and House of Representatives in* CHAP. 441.  
*Legislature assembled, as follows:*

SECT. 1. Jurisdiction of the lands and their appurtenances that have been, or may be, purchased in said Belfast and Ellsworth, for the erection of the aforesaid buildings, is hereby ceded to the United States of America; *Provided, however,* that all civil and criminal process issued under the authority of this state, or any officer thereof, may be executed on said lands, and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

Jurisdiction of tracts of land in Belfast and Ellsworth ceded to the United States.

SECT. 2. The lands above described, with their appurtenances and all buildings and other property that may be thereon, shall forever hereafter be exempted from all state, county and municipal taxation and assessment, so long as the same shall remain the property of the United States of America.

Taxes exempt from.

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

[Approved February 23, 1855.]

### Chapter 441.

An act to incorporate the Atlantic Mutual Fire Insurance Company.

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

SECT. 1. Samuel L. Carleton, Joseph Fowler, Enoch Moody, Edward Waite, J. J. Gilbert, William Hoyt, N. B. Noble, William V. Bowen, William Brown, Joseph York, R. L. Jordan, Charles P. Thurston, William A. Quincy, Samuel Stowe, Luther Fitch, and all other persons who may become members of this company, in the manner herein prescribed, are hereby incorporated and made a body politic, by the name of the Atlantic Mutual Fire Insurance Company, for the purpose of insuring any description of property, real or personal, against loss or damage by fire, whether the same shall happen by accident, or by lightning, or any other means, except the design of 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

Corporators.

Corporate name.

Powers and privileges.

By-laws, &c.

CHAP. 441. 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.

Membership.

SECT. 2. All and every person or 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 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.

Annual meeting, when and where held.

SECT. 3. There shall be a meeting of said company at Portland, in the county of Cumberland, on the first Monday of June, annually, or on such other day 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 nor less than five members, who shall continue in office until others shall 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 next 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 manner as the by-laws thereof may have prescribed.

Directors, how chosen.

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 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 building, 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 which may have happened, and for expenses incurred in transacting the concerns of said company. They shall elect one of their own num-

Secretary, treasurer, &c.

Rates of insurance, &c.

Policies, &c.

President, election of.

ber to act as president, and may hold their meetings monthly, and oftener if necessary, and shall keep a record of their proceedings.

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SECT. 5. Every person who shall become a member of said company by effecting insurance therein, shall, before receiving 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 said note shall be immediately paid, for the purpose of discharging the incidental expenses of the institution, and endorse 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 at the expiration of the term of insurance, the said note, or such a part thereof as shall remain unpaid after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof.

—may hold meetings.  
Members, duties of, &c.

Deposit note, when payable, &c.

—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, 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 which 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 no more; and such lien shall continue during the existence of said policy, and the liability of the assured therein, notwithstanding any transfer or alienation.

Members, obligations of, &c.

Lien against assured.

SECT. 7. In case of any loss or damage by fire happening to any member upon any property insured in and with said company, 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 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

Losses, &c., notice of, how given.

—how ascertained.

Action for.

Costs, to whom allowed, &c.

## CHAP. 441.

Lien.

the amount aforesaid, the said party shall recover the amount of the verdict, but no cost thereon, and the said company shall recover their costs against the said party, which shall be deducted from the verdict, unless their council shall insist upon their lien; 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 effect 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.

Proviso.

Assessments,  
how determined,  
&c.

SECT. 8. 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, 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.

Proceedings in  
case of neglect to  
pay assessments.Assessments,  
how and when  
disbursed.Deposit notes, if  
insufficient, &c.

SECT. 9. If it shall ever so happen that the whole amount of deposit notes 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.

Insurance, how  
made.

SECT. 10. 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.

Losses, how paid,  
&c.

SECT. 11. 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 damage 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 case of a total loss, and the insured shall contribute the balance; but no allowance is to be 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.

CHAP. 441.

May repair.

Proviso.

SECT. 12. 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.

Alienated property, policy on, void.

Rights of assured on surrendering policy.

SECT. 13. Alterations or enlargements may be made to buildings insured by this company, or containing property insured thereby, provided the assured 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.

Alterations may be made to buildings.

Proviso.

SECT. 14. 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.

Insurance, void in certain cases.

SECT. 15. The said Samuel L. Carleton, Joseph Fowler, Enoch Moody, Edward Waite, or either of them, may call the first meeting of the members of said company, at any suitable time and place in Portland aforesaid, by public advertisement in any two of the newspapers printed in said Portland, giving 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 that may be 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 until application shall have been made for thirty thousand dollars.

First meeting.

Proviso.

SECT. 16. This act shall be subject to all the provisions and restrictions of the laws of this state in relation to corporations.



CHAP. 442. SECT. 17. The legislature may, at any time, alter, amend or repeal this act, whenever in their opinion the public good may require it.

[Approved February 24, 1855.]

### Chapter 442.

An act to incorporate the Mechanics' Association.

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

Corporators.

SECT. 1. Oren Williamson, Daniel Palmer, John M. Plummer, James O. Butman, D. C. Stone, John N. Clifford, William M. Folsom, Abner Fogg, S. Hawes, A. T. Beal, J. S. Farnham, C. P. Griffin, Alvan Fogg, Amariah K. Plummer, their associates, successors and assigns, be and hereby are created a body corporate, by the name of the Mechanics' Association, for the purpose of manufacturing boots, shoes and all other articles in any way connected with or pertaining to the business of shoe-making, at Augusta, in the county of Kennebec; and said corporation shall have all the powers and privileges, and be subject to the duties and requirements generally incident to such corporations.

Corporate name.  
Purposes, powers  
and privileges.

May hold real  
and personal  
estate.  
Amount not ex-  
ceeding \$100,000.

First meeting.

SECT. 2. Said corporation may take and hold any real or personal estate to an amount not exceeding in the whole, at any one time, the sum of one hundred thousand dollars.

SECT. 3. The first meeting of said corporation may be called by either one of the first three named corporators, by notice published in any newspaper in the city of Augusta, said publication to be seven days, at least, prior to said meeting.

SECT. 4. This act shall take effect from and after its approval by the governor.

[Approved February 24, 1855.]