

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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1855.

PRIVATE AND SPECIAL LAWS ·

OF THE

STATE OF MAINE.

1855.

CHAP. 534.**Chapter 534.**

An act authorizing Plantations Letters G. H., number eleven, Range five, and Crystal, to raise money to repair the roads in said plantations.

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

Authorized to raise money, &c.

SECT. 1. All the power that towns have to raise and expend money to build and repair roads, are hereby extended to Plantations Letters G. H., number eleven, range five, and Crystal Plantation, in the county of Aroostook, and the assessors of said plantations are hereby authorized to assess, and the collector and treasurer thereof to collect taxes, in the same manner and on the same conditions as are towns in similar cases.

Doings of, declared valid.

SECT. 2. The organization and doings of said plantations are hereby declared to be legal, and said plantations may in May next, and annually afterwards, choose a treasurer and collector, and any other officers who shall have the power now possessed by the treasurer and collector of a town, and of such other officers.

Treasurer, &c.

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

[Approved March 17, 1855.]

Chapter 535.

An Act to incorporate the Piscataqua Mutual Fire and Marine Insurance Company.

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

Corporators.

SECT. 1. Abner Oakes, John N. Goodwin, Shipley W. Ricker, Oscar K. Grant, Granville C. Wallingford, with their associates and successors, are hereby created a body corporate by the name of the Piscataqua Mutual Fire and Marine Insurance Company, with all the rights and powers incident to such corporations.

Corporate name.

Powers and privileges.

SECT. 2. In addition to the general powers and privileges 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 insurances 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 transportation risks; to make insurances on all descriptions of property, real and personal, against loss or damage by fire, whether the same shall happen by lightning, accident, 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 to cause themselves to be re-insured against any risks upon which they shall have made insurance.

SECT. 3. All the corporate powers of said company shall be exercised by a board of directors, and such officers and agents as they may appoint; the said board shall consist of such a number of citizens, not less than five, of this and other states as the members of said company may determine at the annual meetings of the said corporation, a majority of which number shall be citizens of this state, and the said company may, at their annual meeting, determine the number of directors who shall constitute a quorum for the transaction of business; and may authorize the board of directors to appoint committees with such powers as they may judge expedient, not inconsistent with the laws of this state.

Directors, &c.

Annual meeting.

—may appoint committees, &c.

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 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 duties, respectively, and may remove them at pleasure. They shall have power to class the property insured by said company into separate and distinct classes, not exceeding four in number, and determine upon the different kind of property to be embraced in each class. They shall determine the rates of insurance and the sums to be insured upon the different kind of property, which sums shall be expressed in the body of the policies of insurance issued by the said company, and the said company shall be liable to pay only such sums as are expressed in the said policies, in proportion as the amount insured bears to the estimated value of the property named in said policies. 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 general record of their proceedings.

Directors, duties of, &c.

Secretary, treasurer, &c.

—duties and compensation.

Property insured to be classified.

Rates of insurance, &c.

Policies, &c.

President, election of. May hold meetings, &c.

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Losses, how assessed.

To keep account with each class of risks, &c.

General expenses, how charged.

Membership.

Rates of insurance to be paid before receiving policy.

Liability of assured.

Directors may invest premiums.

Premium notes, in advance of policies, may be taken and negotiated.

Compensation to assignees may be allowed.

Estimate of profits, &c., to be made.

SECT. 5. If the directors of said company shall divide the property insured by said company into separate and distinct classes, then each class shall be liable for its own losses, and the premiums, deposits and securities, and premium notes of each class of risks shall be holden, and appropriated 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 said company shall designate with which class of risks he is associated. The said company shall open books of accounts 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.

SECT. 6. Every person who shall hereafter be insured by said company, and his executors, administrators and assigns, continuing to be insured, as hereinafter provided, shall thereby become a member during the period continuing to be insured and no longer; and every person holding a certificate or certificates not discharged by payment of losses, for a share of profits earned to the amount of twenty-five dollars, shall also be a member; and each member shall be entitled to one vote, either in person or by written proxy.

SECT. 7. Every person who shall hereafter become a member of this company by insuring therein shall, before he receives his policy, pay the rates fixed and determined by the board of directors, either in money or note as required; and no such premium shall be withdrawn from said company, but shall be liable to all losses and expenses incurred by the company during its charter.

SECT. 8. It shall be lawful for the directors to invest the said premiums in such securities as they shall deem safe and for the interest of said company.

SECT. 9. The company for the 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 its business; and a compensation to the assignees thereof may be allowed and paid, at a rate to be determined by the directors, but not exceeding six per cent. per annum.

SECT. 10. The directors, at the end of two years from the time the first policy is issued, and within a reasonable time thereafter, and during the first month after the close of two subsequent years, shall cause an estimate to be made of the profits and true state of the 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 any previous deficiencies; and after ascertaining in this mode the net profits of each year, on risks which have terminated, the trustees may declare a dividend, and issue certificates of a certain per centum on the premiums received on the risks which have terminated, to persons named in the policies or their representatives; and the sums named in such certificates shall be conclusive on the parties entitled to receive them at such period, 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 only be transferable on the books of the company, and shall contain a proviso declaring the same to be subject to any future losses of the company until the same are redeemed, as hereinafter provided.

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Dividend.

—certificates
may be issued.—how trans-
ferred.

SECT. 11. No certificates, however, shall be issued for a sum less than ten dollars, and all certificates 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.

—not to be issued
for less than ten
dollars, &c.

SECT. 12. The board of directors may form and maintain a guarantee capital not exceeding at any time the sum of one hundred thousand dollars in approved securities to be held by the company, whenever the said directors shall consider it necessary and advantageous to its interest; and may allow therefor a sum not exceeding six per cent. per annum, and may use, negotiate or assess the same only for the purpose of paying the just debts of the company; and if it shall become necessary at any time to negotiate or assess said securities, or to call for or collect any part thereof, the sums so received shall be re-paid out of the first surplus receipts of said company with lawful interest.

Guarantee
capital.

—how applied.

—assessment of,
&c.

SECT. 13. Whenever the net profits of the company shall exceed fifty thousand dollars the excess may be applied from year to year towards the redemption of each years' certificates, in whole or in part as may be determined on by the board of directors, but the certificates of a subsequent year are not to be redeemed until those of the preceding year are provided for; but when such accumulation shall exceed one hundred thousand dollars, it shall be the duty of the directors to apply such latter excess towards the redemption of certificates, in whole or in part in the manner above specified.

Profits over
\$50,000, how
applied.—\$100,000, how
applied.

SECT. 14. Any judgment obtained by the said company against the holder of any certificate, shall create a lien on such certificate to the amount of such judgment, and the interest of the holder

Lien on certifi-
cate.Interest of holder
may be sold.

CHAP. 535. may be taken and sold by the company, on execution, in the same manner as other chattel property.

Certificates not to be issued after two years from date of dividend.

SECT. 15. No certificate shall issue unless claimed within two years from the declaration of the dividend, whereof it may be evidence; but the amount shall be carried to the contingent fund of said company.

Members of company bound to pay their proportion of losses, &c.

SECT. 16. 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 or company 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 each lien shall continue during the existence of said policy, and the liability of the assured therein, notwithstanding any transfer or alienation.

Property insured, holden.

Lien created by policy.

Losses, notice of, how given.

SECT. 17. In case of any loss or damage by fire happening to any member upon any property insured in and with said company, or 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 said statement shall be full and particular in all its details, specifying the particular goods, wares and merchandise lost or damaged, the numbers, amounts and quantities of the same, and their cost, so far as it is possible to be given; if buildings, the materials, mode of construction, dimensions and all necessary particulars relating thereto, and shall state whether he was the sole owner of the same at the time of said loss; and if it is now, was at the time of its insurance, or has since been encumbered by mortgage or otherwise; and whether any insurance has subsisted in any other office upon the same since insurance was effected at this office; the cause or occasion of the fire, so far as is known, and the value of such parts as remain; until which is done, the amount of such loss, or any part thereof, shall not be payable; and if there shall appear any fraud in the claim made for such loss, or false swearing or affirming in support thereof, the claimant shall forfeit all benefit under his policy, except such as the directors shall see fit to allow, 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

Claim for losses forfeited in certain cases.

Losses, how ascertained and determined.

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 the 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.

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Losses, how determined in case of disagreement.

Proviso, judgment not to affect claim of suffering party.

Execution, when to issue.

SECT. 18. 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 deposite 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 deposite 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, how determined and paid.

—proceedings in case of neglect to pay.

Money collected, how applied.

SECT. 19. If it shall ever so happen that the whole amount of such deposit notes of either class, which may be found in said company, 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.

Proceedings in case losses exceed premium notes.

SECT. 20. Said company may make insurance for any term not exceeding six years, and any policy of insurance issued by said

Insurance, term of.

CHAP. 535. company, signed by president and counter-signed by the secretary, or two of the directors of said company, 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 encumbered at the time the insurance is effected, or should thereafter be incumbered without the written consent of said company, the policies shall be void; unless the true title of the assured, and the encumbrances on the same, be expressed therein, and consented to on the part of said company.

Policy, how signed, &c.

Policy void in certain cases.

Losses when determined and settled, &c.

Proviso.

Company not liable for gildings, paintings, &c.

Policy void if property be alienated.

— to be surrendered, &c.
Premium note to be surrendered.

Notice of alterations, &c., to be given to company.

Double insurance void, unless by consent of company.

SECT. 21. The directors shall settle and determine 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 the proportionate part of the insurance as it bears to the estimated value of the property insured, and the assured shall contribute the remainder, 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.

SECT. 22. 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. 23. 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 buildings or property shall be void.

SECT. 24. If insurance on any house or building, or any 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, signified thereto by the secretary and president, or two of the directors of said company.

SECT. 25. No policy of insurance shall be issued until application be made for insurance to the amount of twenty-five thousand dollars, upon either of the classes which may be formed in this company.

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Policies, when to issue.

SECT. 26. There shall be a meeting of said company, at South Berwick, in the county of York, on the first Wednesday of October annually, after the year eighteen hundred and fifty-five, or on such other day as the said company may determine, hereafter; 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 members present may think proper 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. Special meetings may be called by the order of the directors, or in such other manner as the by-laws therefor may have prescribed.

Annual meetings.

Directors, how chosen.

Vacancies, how filled.
Special meetings.

SECT. 27. The directors of said company may form, establish, and put into execution distinct and separate by-laws, for the several classes which may be organized in this company, provided they are authorized so to do at the meetings of said company.

By-laws.

SECT. 28. The said Abner Oakes, Oscar K. Grant, Shipley W. Ricker and G. C. Wallingford, may call the first meeting of said 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 in any newspaper, published therein, 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.

First meeting, how called.

[Approved March 17, 1855.]

Chapter 536.

An act authorizing George Smith, guardian of John Rogers, to convey certain estate.

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

George Smith of Belgrade in the county of Kennebec, guardian of John Rogers, he and he hereby is authorized and empowered to make a conveyance of the estate real and personal of said John Rogers to John Owen Rogers in consideration of his personal obligation to support said Rogers during his natural life, and to make

Authorized to convey certain real estate.