

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1856.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1830, February 26, 1840,  
and March 16, 1842.  
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1856.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1856.

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## CHAP. 638.

rators, and published at least seven days before the day of meeting, in the Brunswick Telegraph.

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

[Approved March 31, 1856.]

### Chapter 638.

An act to incorporate the Fairfield Bank.

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

- Corporators.** SECT. 1. William B. Snell, Daniel Bunker, J. M. Wilder, Ezra Totman, Nahum Totman, Orin Woodman, Henry Fogg, E. S. Page, E. G. Pratt, W. R. Appleton, George Richardson, Simon Conner, and E. W. McFadden, their associates, successors and assigns, are hereby incorporated into a banking company by the name of the President, Directors and Company of the Fairfield Bank.
- Corporate name.**
- Capital stock.** SECT. 2. The capital stock of said bank shall be fifty thousand dollars, divided into shares of one hundred dollars each; and said bank shall be located at Kendall's Mills, in the town of Fairfield, in the county of Somerset.
- Shares.**
- Location.**
- Rights, powers and privileges.** SECT. 3. The said corporation are hereby authorized and empowered to exercise all the rights and privileges conferred upon such corporations by the laws of this state, and subject to all the liabilities and restrictions thereof.
- Liabilities, &c.** SECT. 4. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 31, 1856.]

### Chapter 639.

An act to incorporate the Kennebunk Mutual Fire Insurance Company.

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

- Corporators.** SECT. 1. That Joseph Dane, junior, Nathaniel L. Thompson, William L. Thompson, Alexander Warren, George W. Wallingford, Charles Thompson, Isaac Furbish, Nathaniel Dane, junior, Noah Nason, Joseph Titcomb, Franklin N. Thompson, Horace Porter, William Lord, junior, William F. Lord, William Lord, and William Downing, and all other persons who may 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 Kennebunk 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, 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 any 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 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.

Corporate name.

Purposes.

Rights and restrictions.

May hold property.

—make by-laws.

SECT. 2. All property, whether real or personal, insured by said company, shall be divided into three 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 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.

Property insured, divided into three classes. Premium notes of each class, holden for losses, &c.

Accounts with each class to be kept separate.

General expenses, how apportioned.

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 mentioned in their respective policies, and no longer; and shall at all times be concluded and bound by the provisions of this act.

Persons insured, to become members.

SECT. 4. There shall be a meeting of said company at Kennebunk, in said county of York, on the first Tuesday of June, annually, or on such other day as the said company may

First meeting.

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Officers to be  
chosen, and  
term of office.

Vacancies may  
be filled.

Special  
meetings.

Powers of  
directors.

May appoint  
officers, &c.

Shall class the  
property insured.

Determine rates  
of insurance.

Other powers.

hereafter 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 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, they giving such notice thereof as they may deem proper; or in such other manner as the by-laws therefor may have prescribed.

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 three 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 is practicable. They shall determine the rates of insurance; the sum to be insured not exceeding three-fourths the value of any building, and not more than two-thirds the value of the 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 for the payment of all losses which may have happened, and for expenses incurred in transacting the concerns of said company, may draw on the treasurer therefor, whose acceptance shall be binding on said company; and said directors may hire money to pay any loss when payable, if the assessment made therefor shall not have been collected in part or whole, or if they have deemed it inexpedient to assess on account of the smallness thereof, and the expense of its collection. They shall elect one of their own number 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. 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 as shall have been determined by the directors; a part not exceeding twenty-five per cent. of which note shall be immediately paid, for the purpose of discharging the incidental expenses of the institution, and creating a fund for the payment of losses or other expenses; and the remainder of said deposit note shall be payable in part or 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 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.

Members shall deposit premium notes before receiving policies.  
Part of the note to be paid immediately.

Remainder to be holden for payment of losses.

Note to be given up at expiration of insurance.

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 and accruing in and to the class in which his property is embraced; and all buildings, and the land on 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 on collecting the same; and such lien and the liability of the assured therein, shall continue during the existence of the said policy, notwithstanding any transfer or alienation.

Members bound to pay their proportion of losses.

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

SECT. 8. In case of any loss or damage by fire, meaning as in section one, 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 three months after the notice aforesaid; and if the party suffering shall not be 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

Notice of loss to be given.

Directors shall ascertain damages.

Proceedings in case of disagreement.

## CHAP. 639.

Judgment,  
interest, &c.

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; and 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.

Proviso.

Further proviso.

Assessments  
shall be in  
proportion to  
amount of note.

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 such assessment shall have been published; and if any member of said company, or his legal representative, 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 his 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 within thirty days from the expiration of the policy.

Neglect to pay  
assessment, &c.Provision, if  
either class be  
unable to meet  
its own losses.

SECT. 10. If it shall ever happen that the whole amount of deposit notes of either of the classes aforesaid, shall be insufficient to pay the losses occasioned by fire as aforesaid, 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.

Time of  
insurance  
limited to six  
years.  
Policies  
valid, &c.

SECT. 11. Said company may make insurance for any term not exceeding six years; and any policy of insurance 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 insured 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, policies shall be void unless the true title of the assured and the encumbrances on the same be expressed therein.

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 times; *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.

SECT. 13. When any property insured by this company shall be alienated, the policy thereupon shall be void and shall be surrendered to the directors of said company to be canceled; and upon said 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 assured shall give notice thereof 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 Joseph Dane, junior, Nathaniel L. Thompson, William L. Thompson, Alexander Warren, George W. Wallingford, Charles Thompson, Isaac Furbish, Nathan Dane, junior, Noah Nason, Joseph Titcomb, Franklin N. Thompson, Horace Porter, William Lord, junior, William F. Lord, William Lord and William Downing, or either three of them, may call the first meeting of the members of said company at any suitable time and place in Kennebunk aforesaid, by public

Losses, when paid.  
Property may be repaired or replaced.

Proviso.

Policy and property alienated, may be surrendered, &c.

Note surrendered.

Alterations in insured property may be made.

Double insurance.

First meeting, how called.

- CHAP. 640.** advertisement in said town and two of the adjoining towns, or by an advertisement in either two of the newspapers printed in said county of York, 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 upon either of the three classes of property until application shall have been made for twenty-five thousand dollars upon such class.
- Business to be transacted.**      **SECT. 17.** The directors may cancel any policy whenever in their opinion the interests of the company may require, upon refunding to the assured the amount paid in by him, less his proportion of losses and expenses accrued.
- Proviso.**      **SECT. 18.** This act shall be subject to all the provisions and restrictions of the laws of this state in relation to corporations.
- When directors may cancel policies.**      **SECT. 19.** The legislature may at any time alter, amend or repeal this act whenever in their opinion the public good may require it.
- Restrictions.**      **SECT. 20.** This act shall take effect from and after its approval by the governor.
- Under control of legislature.**

[Approved March 31, 1856.]

### Chapter 640.

An act to amend chapter four hundred and fifty-nine of the special laws, approved February twenty-eighth, eighteen hundred and fifty-five.

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

Second section,  
chapter 459 of  
special laws of  
1855, amended.

The second section of an act entitled "An act to prevent the destruction of fish in certain ponds and streams in Kennebec and Somerset counties," approved February twenty-eighth, eighteen hundred and fifty-five, is hereby amended by striking out the word "spears."

[Approved March 31, 1856.]