

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## FORTY-FOURTH LEGISLATURE

OF THE

## STATE OF MAINE.

1865.

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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 & SAYWARD, PRINTERS TO THE STATE.  
1865.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1865.

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**Chapter 493.**

CHAP. 493.

An act to authorize the building and maintaining a sluice for the passage of lumber in Perry.

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

SECT. 1. Ephraim C. Gates, Church E. Gates, Thomas J. Copeland, William Duren, F. A. Pike, and James Murchie and sons, their heirs and assigns, are hereby authorized to erect and maintain a sluice, for the passage of lumber, from the mills of the persons herein named, in Perry, to the wharf at salt water called the Chadbourn wharf; said sluice to be erected on the bank of the river called Little river, on which said mills are situated, and for that purpose, may take and use the land necessary and convenient for said sluice, not exceeding twenty-five feet in width; and in case the said mill owners cannot agree with the owners of the land, as to the land damages for said sluice, the same shall be determined by the county commissioners, as in case of damages for land taken for highways.

Ephraim C. Gates and others authorized to erect, &c., sluice.

—where to be erected.

—may take land.

Damage for land taken, how determined.

SECT. 2. This act shall take effect when approved.

Approved February 20, 1865.

**Chapter 494.**

An act to incorporate the Neptune Mutual Marine Insurance Company.

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

SECT. 1. There shall be established in the town of Searsport an insurance company, to be called the Neptune Mutual Marine Insurance Company.

Corporate name.

SECT. 2. In addition to the general powers and privileges of a corporation, as contained in the first section of the forty-sixth chapter of the revised statutes, the corporation hereby created shall have power by instrument, under seal or otherwise, to make insurance on vessels, freights, money, goods, wares merchandise, bottomry, respondentia interest, and all other insurance appertaining to, or connected with marine or inland navigation risks; and to cause themselves to be reinsured against any risks upon which they shall have made insurance.

Powers, privileges, &c.

SECT. 3. All the corporate powers of said company shall be exercised by a board of trustees, and such officers and agents as they may appoint; the said board shall consist of twelve persons, citizens of this state, one of whom they shall choose president;

Corporate powers, how exercised. Board of trustees, &c.

**CHAP. 494.** and five of their number shall constitute a quorum for the transaction of business.

**Trustees.**

SECT. 4. J. C. Nickles, Lebbeus Curtis, D. S. Goodell, William McGilvery and Isaac Carver of Searsport; N. G. Hichborn, Thomas M. Hichborn, Robert Hichborn and B. M. Roberts of Stockton; James White of Belfast; Samuel H. Dale and J. B. Foster of Bangor, are hereby appointed the first trustees of said corporation; and the six persons first named shall continue in office for two years; the term of the six last named shall continue for one year; and thus from year to year, there shall be an election of six trustees to serve for two years; and the board shall fill all vacancies that shall occur by death, resignation or removal from the state.

—their tenure of office.

Vacancies, how filled.

Membership, how created.

SECT. 5. Every person who shall hereafter be insured by said company, and his executors, administrators and assigns, continuing to be insured, as hereinafter provided, shall hereby 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.

Liability of members.

SECT. 6. In no case shall any member be liable for any losses or expenses beyond the amount of premiums he has paid, or for which he has given his note.

Policy, payment of.

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 trustees, either in money or by note, as required; and no such premiums shall be withdrawn from said company, but shall be liable to all the losses and expenses incurred by the company during its charter.

Premium note not to be withdrawn.

Premiums, investment of.

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

Premium notes may be taken for premiums.

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 signers thereof may be allowed and paid, at a rate to be determined by the trustees, but not exceeding six per cent. per annum.

Policy, when to issue.

SECT. 10. No policy of insurance shall be issued until application shall be made for insurance to the amount of one hundred thousand dollars.

Risks of over \$10,000, duty, of trustees, &c.

SECT. 11. Whenever said company shall insure any risk, which in itself, or in connection with other risks, taken by said company, shall amount to more than ten thousand dollars, the trustees shall

immediately cause the excess over said sum herein limited, to be reinsured to said company, and no such risk or risks so exceeding ten thousand dollars, shall be taken without such reinsurance.

SECT. 12. The trustees, at the end of one year from the time the first policy is issued, and within one month thereafter, and during the first month after the close of every subsequent year, 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 such 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 periods, 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.

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

Dividends and certificates.

SECT. 13. 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.

Certificates, how issued.

SECT. 14. After said estimate is made up, the trustees shall cause a statement to be published in one or more newspapers, printed in Belfast, Bangor or Portland, exhibiting the amount of premiums received, the amount of expenses and the amount of losses paid, and the balance remaining, with the amount of securities held, and the nature of them.

Statement to be published.

SECT. 15. 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 year's certificates, in whole, or in part, as may be determined on by the board of trustees; 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 trustees to apply such latter excess towards the redemption of certificates, in whole or in part, in the manner above specified.

When the profits of the company may be applied, &c.

SECT. 16. The forty-sixth chapter of the revised statutes shall not be applicable to this company any further than consistent with this charter.

R. S., chap. 46, not applicable to this Co.

## CHAP. 495.

Statement to be laid before legislature.

Secretary, appointment and bond of.

Appointment of other officers. Duties of secretary.

Certificates not to issue to persons indebted to Co.

Judgment creates lien upon certificates.

Certificates, when not to issue.

SECT. 17. The trustees shall, whenever required by the legislature, lay before them a statement of the affairs of the company, and submit to an examination on oath, concerning the same.

SECT. 18. The trustees shall appoint their secretary and require such bond as said company, by vote, or by-laws, may prescribe for the faithful discharge of his duty, and may at pleasure remove him or any other officer they may appoint. Beside other duties, the secretary shall call a meeting of the members, whenever required to do so, in writing, by three or more persons holding policies, to a sum equal to one-fifth of the whole amount insured, or whenever required to do so by a vote of the board. He shall keep a true record of the votes of the members and of the trustees, and a true list of the members, in a book kept for that purpose.

SECT. 19. No certificate shall be issued to any person who is in debt to the company, and no transfer of a certificate shall be permitted so long as the holder is indebted to said company; but the amount of such certificates may be taken at the discretion of the company, and offset against such indebtedness.

SECT. 20. 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 may be taken and sold by the company, on execution, in the same manner as other chattel property.

SECT. 21. 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.

Approved February 20, 1865.

### Chapter 495.

An act to set off part of the town of Starks and annex the same to the town of Mercer.

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

Town of Starks, part of annexed to Mercer.

SECT. 1. That so much of the town of Starks, in the county of Somerset, as is described by this act, be, and the same is hereby set off from said Starks, and annexed to the town of Mercer, in said county, viz: beginning at the easterly line of said Mercer, at Sandy river; thence down said river upon the northwesterly side of the Farrand Island, so called, and upon the northwesterly side of the Gray and Farrand Island, so called, to the northeasterly corner of Herod Robbins' land; thence in a southeasterly direction upon the northeasterly line of said Robbins' land, to land of John