

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1876.

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

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AUGUSTA:  
SPRAGUE, OWEN & NASII, PRINTERS TO THE STATE.  
1876.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1876.

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**Chapter 142.**

CHAP. 142.

An act additional to chapter eleven of the Revised Statutes, relating to the lists of scholars required to be returned by School Agents and School Committees.

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

That the certified lists of scholars, as required to be returned by the school agent in item fifth of section sixty and in section sixty-one, also by school committee in sections fifty-six and fifty-seven of chapter eleven of the revised statutes, shall be made under oath, before a justice of the peace.

Return of scholars to be made under oath.

Approved February 23, 1876.

**Chapter 143.**

An act to repeal chapter thirty-nine of the Public Laws of eighteen hundred and seventy-five, relating to Civil Actions.

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

SECT. 1. Chapter thirty-nine of the public laws of eighteen hundred and seventy-five, relating to civil actions, is hereby repealed.

Civil actions, law of 1875 relating to, repealed.

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

Approved February 23, 1876.

**Chapter 144.**

An Act relating to Insurance Companies.

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

SECTION 1. Any ten, or more persons, residents of this state, who shall have associated themselves together by an agreement in writing, such as is hereinafter described, with the intention of constituting a corporation for the purpose of transacting the business of insurance, either upon the stock or mutual principle, against loss or damage by fire, by lightning, by tempest, or by the perils of the sea, and other perils usually insured against by marine insurance companies, including risks of inland navigation and transportation, shall become a corporation upon complying with the provisions of section nine of this act, and shall remain a corporation with all the powers, rights and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws, which are or may be in force relating to insurance corporations.

Insurance companies, how established.

Rights, powers and privileges.

## CHAP. 144.

Articles of agreement.      **SECT. 2.** Such agreement shall set forth the fact that the subscribers thereto associate themselves with the intention to constitute a corporation, the name by which the corporation shall be known, the class or classes of insurance for the transaction of which the corporation is to be constituted, the plan or principle upon which the business is to be conducted, the town or city in which it is established or located, and if a joint stock company, the amount of its capital stock, and if a mutual company with a guarantee capital, the amount thereof. The capital stock of a joint stock company organized for any of the purposes hereinbefore mentioned shall not be less than one hundred thousand dollars.

Location, capital stock, &c.

Any mutual insurance company may be organized under this act.

Policies, when issued.

**SECT. 3.** Any mutual insurance company may be organized under the provisions of this act, with a guarantee capital of not less than one hundred thousand dollars, divided into shares of one hundred dollars each; and no policy shall be issued by such corporation until one-fourth, at least, of its guarantee capital shall have been paid in, in cash, and invested as provided in section five of chapter one hundred and forty-eight of acts of eighteen hundred and seventy-three.

New companies, when to issue policies.

**SECT. 4.** No policy shall be issued by a purely mutual company until applications shall have been made in good faith, for insurance to the amount of thirty thousand dollars; and no policy shall be issued by a joint stock company until its capital stock shall have been paid in, in cash, and invested as provided in section three.

—may adopt a company name.

**SECT. 5.** Any name not previously in use by an existing corporation or company may be adopted, provided, that the words insurance or mutual insurance, as the business is to be conducted, shall constitute a part of such title. The insurance commissioner may refuse his certificate hereinafter provided, if, in his judgment, the name adopted too closely resembles the name of an existing corporation or company, or is likely to mislead the public, until the adoption of a different name.

Insurance commissioner may object to name.

First meeting, how called.

**SECT. 6.** The first meeting for the purpose of an organization shall be called by a notice signed by one or more of the subscribers to such agreement, stating the time, place and purpose of the meeting, a copy of which notice shall seven days at least before the day appointed be given to each subscriber, or left at his usual place of business or residence, or deposited in the post office, postage prepaid, and addressed to him at his usual place of business or residence. Such notice shall be proved by affidavit of the person giving it.

—organization shall be effected.

Clerk.

By-laws.

**SECT. 7.** At such first meeting, including any adjournment thereof, an organization shall be effected by the choice by ballot of a temporary clerk, who shall be sworn to the faithful discharge of his duties; by the adoption of by-laws consistent with the

constitution and laws of this state, and by the election in the manner provided by law, of directors and such other officers as the by-laws may require, but at such first meeting no person shall be a director who has not subscribed to the articles of association. The temporary clerk shall record the proceedings until and including the qualification of the secretary of the corporation by his being duly sworn. No organization shall be effected at any such meeting or its adjournment, unless a majority of the subscribers to the articles of agreement and association are present and voting.

SECT. 8. The directors so chosen shall elect a president, a secretary and other officers which under the by-laws they are authorized to choose.

SECT. 9. The president, secretary and a majority of the directors shall forthwith make, sign and swear to a certificate setting forth a copy of the articles of association, with the names of the subscribers thereto, the date of the first meeting, and of any adjournment thereof, and shall submit such certificate and the records of the corporation to the inspection of the insurance commissioner, who shall examine the same, and who may require such other evidence as he may deem necessary. The commissioner, if it shall appear that the requirements of sections seven and eight have been complied with, shall certify that fact and his approval of the certificate by endorsement thereon. Such certificate shall thereupon be filed in the office of the secretary of state by said officers, and upon being paid by them the fee hereinafter provided, the secretary shall cause the same, with the endorsement thereon, to be recorded, and shall thereupon issue to said corporation a certificate in the following form :

#### STATE OF MAINE.

Be it known, that whereas [names of subscribers to association] have associated themselves with the intention of forming a corporation, under the name of ———, for the purpose [here the purpose declared in the articles of association shall be inserted,] with a capital stock of ———, and have complied with the provisions of the statutes of this state in such case made and provided, as appear from the certificate of the president, secretary and directors of said corporation, duly approved by the insurance commissioner and recorded in this office. Now, therefore, I ———, Secretary of the State of Maine, do hereby certify that [subscribers' names] their associates and successors, are legally organized and established as, and are hereby made, an existing corporation, under the name of ———, with all the powers, rights and privileges, and subject to the duties, liabilities and restrictions which by law appertain thereto. Witness my official signature,

#### CHAP. 144.

Directors.

Clerk to record proceedings.

Majority of subscribers necessary to form organization.

President  
Secretary, &c

Certificate of articles of association to be subscribed and sworn to.

—to be submitted to insurance commissioner.

—to be approved by commissioner and filed and recorded in the office of secretary of state.

Form of certificate of organization.

CHAP. 144. hereunto subscribed, and the seal of the State of Maine hereunto affixed, this —— day of ——, A. D.——. (In case of purely mutual companies, so much as relates to capital stock shall be omitted.) The secretary of state shall sign the same and cause the seal of the state to be thereto affixed, and such certificate shall have the force and effect of a special charter, and be conclusive evidence of the organization and establishment of such corporation. Said certificate shall be duly recorded in the office of the secretary of state, and a duly authenticated copy of such record may be used in evidence, with like effect as the original certificate.

Certificate to be recorded in the office of secretary of state.

Capital stock, how increased.

—shall present certificate to insurance commissioner.

Certificate to be subscribed and sworn to.

Company, when authorized to transact business on increased capital.

Fees of secretary of state.

Place of business, &c.

Rate of dividends.

Certificate of profits.

Capital stock increased by amount of certificates issued.

SECT. 10. Any joint stock insurance company may, at a meeting called for the purpose, increase the amount of its capital stock, and the number of shares therein, and within thirty days after the payment and collection of the last instalment of such increase, shall present to the insurance commissioner a certificate setting forth the amount of such increase, and the fact of such payment, signed and sworn to by the president, secretary and a majority of the directors of such corporation. The insurance commissioner shall examine the certificate and ascertain the character of the investments of such increase, and if the same conforms to law shall indorse his approval thereof, and such certificate shall then be filed with the secretary of state, and thereupon the company shall be authorized to transact business upon the capital so increased, and the insurance commissioner shall issue his certificate to that effect, and any mutual insurance company with a guarantee capital, may increase its capital in the same manner.

SECT. 11. The fees of the secretary of state for the services required in the two preceding sections shall be twenty dollars and ten dollars, respectively.

SECT. 12. All insurance companies hereafter incorporated and organized under the laws of this state, shall have their principal place of business in some town or city of this state, and a majority of its directors shall be citizens of the state.

SECT. 13. No joint stock insurance company organized under the laws of this state, shall declare cash dividends exceeding in amount six per centum semi-annually on their capital stock; but any such company may issue, pro rata to its stockholders, certificates of such portion of its profits and income as the directors may from time to time determine, not including therein any portion of the premium money of risks not terminated, and after providing for all expenses, losses and liabilities then incurred; and the capital stock of such company shall be increased by the amount of the certificates of stock so issued; and whenever any increase of capital stock shall be made by any insurance company, under the provisions of this act, a certificate thereof shall be filed

with the insurance commissioner, whose duty it shall be to certify to the amount of the capital stock of the company so increased, in like manner as is provided in section ten.

CHAP. 145.

Insurance commissioner to certify amount of capital stock.

Approved February 23, 1876.

### Chapter 145.

An act repealing chapter forty-four of the Public Laws of eighteen hundred and seventy-two, and chapter two hundred and forty-four of the Public Laws eighteen hundred and seventy-four.

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

SECT. 1. That chapter forty-four, laws eighteen hundred and seventy-two, and chapter two hundred and forty-four, laws eighteen hundred and seventy-four, be, and the same are hereby repealed.

Sale of land for taxes in unincorporated places, ch. 44, laws 1872, and ch. 244, laws 1874, repealed.

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

Approved February 23, 1876.

### Chapter 146.

An act to amend section thirty-nine of chapter eighteen of the Revised Statutes, relating to Ways.

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

Section thirty-nine of chapter eighteen of the revised statutes relating to ways, is hereby amended by striking out the words "two years" in line six of said section, and inserting the words 'one year,' so that said section as amended shall read as follows :

Sec. 39, ch. 18, R. S., amended.

'SECT. 39. If the judgment of the commissioners in favor of laying out or altering a way as prayed for is wholly reversed on an appeal, they shall proceed no further; and in all cases when the judgment of the commissioners shall be reversed on appeal, no petition praying for substantially the same thing, shall be entertained by them for one year thereafter. If their judgment is affirmed in whole or in part, they shall carry into effect the judgment of the appellate court, and in all cases they shall carry into full effect the judgment of the appellate court, in the same manner as if made by themselves; and the party appealing or prosecuting shall pay the cost incurred since the appeal, if so adjudged by the

Reverse of judgment on appeal.

If judgment is affirmed, proceedings in case of.

Cost, by whom paid.