

# MAINE STATE LEGISLATURE

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# **PUBLIC ACTS**

OF THE

## **STATE OF MAINE,**

PASSED BY THE

### **EIGHTH LEGISLATURE,**

AT ITS

**SESSION HELD IN JANUARY, 1828.**

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Published agreeably to the Resolve of the 20th June, 1820.

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**PORTLAND.**

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1828.

their powers and duties.

such Public Administrator to take out letters of administration and faithfully administer upon the estate of any person who may die intestate in such county leaving no heir or kindred in this State who by law can inherit such estate.—And such Public Administrator shall give bond to the Judge of Probate, within his county, faithfully to administer on such estate, in the same way and manner as Executors and Administrators are now by law bound to do.—And shall account to the Judge of Probate in the same way and manner as other Executors and Administrators. And when such estate is fully administered upon, such Public Administrator shall deposit the whole amount that may be in his hands, with the Treasurer of State for the time being, who shall receive the same and hold and keep the amount thereof for the benefit of those who may lawfully claim such amount.

Amount of such estate to be deposited in the Treasury for the benefit of the person entitled thereto.

Judges of Probate not obliged to appoint a principal creditor administrator when widow or kindred refuse.

**SECT. 2.** *Be it further enacted,* That Judges of Probate in the several counties in this State shall not be obliged to appoint one or more of the principal creditors to any estate, administrator or administrators thereof, but may appoint any suitable and discreet person administrator or administrators where the widow or kindred neglect or refuse to take out letters of administration.

[Approved by the Governor, February 23, 1828.]

## CHAPTER CCCCII.

AN ACT regulating within this State the Agencies of Insurance Companies established or incorporated without the same.

Agents of Insurance Companies without the State, not to make or renew contracts of insurance until they have deposited with the Register of Deeds certain documents in relation to their Agency.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That if any person, or association shall, after the first day of September next, within this State, make or renew, or cause to be made or renewed directly or indirectly, on account, or in behalf, or as Agent of any body politic or corpo-

rate, not within this State or authorized by a law thereof, any contract of insurance, or by way of insurance with any person inhabiting within, or corporation of this State, before said person or association so acting as Agent has left with some Register of Deeds, within the county wherein he or they usually transact the business of his or their Agency, a true copy of the charter or charters of the corporation on account of which, or in behalf of whom such Agent shall act, and a full and complete copy of the letter of attorney, corporate votes, or other authority from such Corporation, granting and constituting such agency, every person or association, so offending, shall forfeit and pay the sum of three hundred dollars, for every such offence, the one half to the informer, the other half to the use of the State, to be recovered by action of debt.

SECT. 2. *Be it further enacted,* That it shall be the duty of every Agent aforesaid, before making or renewing any contract of insurance as aforesaid, and annually thereafter on the first Monday in September, to deposit with the Register of Deeds aforesaid, within the county where he usually transacts the business aforesaid, a statement, signed and sworn to, by a majority of the Directors or other authorized managers of the affairs of the Corporation, for which he acts, specifying the amount of its capital stock, exclusive of premium notes, and other profits of its business, and the manner of the investment of such capital stock, designating the amount respectively invested in mortgages, in public securities, in stock of incorporated companies, stating what companies, and also the amount invested in other securities, particularizing each item of investment. And the time, to which the truth of said annual statement relates, shall be within one month next preceding said first Monday of September of each year, and shall be specified in said statement. And it shall further be the duty of every Agent aforesaid,

Such Agents further restricted.

within one month after the deposit of said statement as aforesaid, to cause such statement with a notice where the deposit of said statement, and other documents required by this act, have been made for the inspection of whom it may concern, to be published in some newspaper printed within the county aforesaid. And if any person or persons shall make, or renew, or cause to be made or renewed any contract of insurance as described in the first section of this Act, without performing each and every duty herein prescribed, such person or persons shall severally for each and every offence in so making or renewing such contract forfeit and pay the sum of three hundred dollars, to be recovered in manner and to the use as herein before provided.

Further restrict-  
ed.

SECT. 3. *Be it further enacted,* That no person or association shall act, within this State, as Agent for or on account of any insurance company or corporation, not authorized by a law of this State, in making or renewing any contract of insurance for or on account of any such company or corporation, with any person or corporation within this State, unless the capital stock of the company or corporation for which he or they may act, exclusive of premium notes and profits of its business, amount to the sum of one hundred and fifty thousand dollars actually paid in, in money, and invested agreeably to the provisions of its incorporation; nor unless said company or corporation for which he, or they act, be restricted by its charter of incorporation, or otherwise, so that it cannot lawfully incur in any one risk, a greater hazard than ten per centum of the amount of its said capital stock; and each and every person offending against the provisions of this section, for each and every offence, shall forfeit and pay the sum of three hundred dollars, to be recovered in the manner and to the use as provided in the first section of this Act. *Provided, however,* That this Act, or any clause thereof, shall

Proviso.

never be so construed as to render, or make void, or any way impair the validity and binding effect of any contract of insurance, upon any insurance company or corporation, not established, incorporated, or authorized by a law of this State, or upon their Agent or Agents.

[Approved by the Governor, February 23, 1828.]

### CHAPTER CCCCH.

AN ACT providing for the promotion of Education.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the Land Agent, under the advice and direction of the Governor and Council, be, and he hereby is authorized to sell at Public Auction or Private Sale, whenever in their opinion, the same can be done at fair price, any number of the townships of the public lands already surveyed, and not otherwise appropriated, not exceeding in the whole twenty townships of land averaging six miles square, upon such terms of credit as in their judgment will best promote the objects of this Act. And whenever any credit shall be given to the purchaser, he shall secure the State by the joint note of himself with two or more sufficient sureties to the acceptance of said Agent. And the said Agent is required to pay into the Treasury of the State, the sums he may receive from the sale or sales of said land, and to deliver over to the Treasurer of State all the notes he may obtain upon the sale or sales of said land, immediately after he shall have received them.

Lands to be sold for the benefit of primary schools; and avails to be paid into the Treasury.

SECT. 2. *Be it further enacted,* That the Treasurer of the State be directed to keep a separate account of all monies he may receive from the sales of said land and from the notes in payment therefor, and the same shall constitute a permanent fund to be reserved for the benefit of

Treasurer to keep a separate account of this fund, which is to be put at interest, &c.