

MAINE STATE LEGISLATURE

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PRIVATE ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

EIGHTH LEGISLATURE,

AT ITS

SESSION HELD IN JANUARY, 1828.

Published agreeably to the Resolve of the 28th June, 1828.

PORTLAND.

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1828.

SECT. 2. *Be it further enacted,* That from and after the passing of this Act, twenty two polls and six thousand five hundred and seventy dollars shall be, and hereby are, taken from the State valuation of said town of Norridgewock and added to the valuation of said town of Milburn. And all persons having a lawful settlement in said town of Norridgewock, who at the time they gained such settlement, resided in that part of said town which, by this Act, is annexed to the town of Milburn, shall be deemed to have their legal settlement in said town of Milburn.

Part of State valuation taken from Norridgewock, and added to Milburn.

Provision respecting paupers.

[Approved by the Governor, February 2, 1828.]

CHAPTER DIX.

AN ACT to incorporate the Maine Mutual Fire Insurance Company.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Alexander M^r Lellan, Toppan Robie, Josiah Peice, Jun., Jacob S Smith, James Smith, Simon Elder, Nathaniel Merrill, James Irish, John Farnum, Reuben Nason, Daniel Hunt, Samuel Staples, Jun., Nahum Chadbourn, and their associates and successors shall be, and they are hereby created a body corporate, by the name of the "Maine Mutual Fire Insurance Company," with power, by that name, to prosecute and defend suits at law, to have and use a common seal, to make by-laws and regulations, for the management of their affairs, not repugnant to the laws of the State; may purchase and hold such real and personal estate, as may be necessary to effect the objects of their association, and to enjoy all rights and powers, incident to such corporations.

Persons incorporated.

Powers, &c.

May hold estate, &c.

SECT. 2. *Be it further enacted,* That all, and every person and persons, who shall at any time become interested, in said company, by insuring therein, and also their respective heirs, executors,

Persons insuring constituted members.

administrators, and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken, to be members thereof, for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded and bound, by the provisions of this act.

Annual meetings,
where and when
to be holden.

Officers to be cho-
sen.

Vacancies, how fil-
led.

Majority to con-
stitute a quorum.

Special meetings
may be called.

Board of Direct-
ors, their duties,
powers, &c.

SECT. 3. *Be it further enacted,* That there shall be a meeting of said Company, at Gorham, in the county of Cumberland, on the third Wednesday of January, annually, or, on such other day as the said company may hereafter determine; at which meeting, shall be chosen, by a major vote of the members present, a Board of Directors, consisting of not more than nine nor less than five members; who shall continue in office until others shall 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 next 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, or in such manner as the by-laws thereof may have prescribed.

SECT. 4. *Be it further enacted,* That 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 relating, 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 determine the rates of insurance, the sum to be insured on any building, not exceeding three fourths of its value, and the amount of the note to be deposited, for the insurance thereof.

They shall order and direct the making and issuing of all policies of insurance; the providing of books, stationary, 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 said company. 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.

SECT. 5. *Be it further enacted,* That 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 of money, as shall be determined by the Directors, a part, not exceeding eight per cent., of which said note, shall be immediately paid, for the purpose of discharging the incidental expenses of the Institution, and endorsed thereon; and the remainder of said deposite note shall be payable, in part, or the 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 occurring during said term, shall be relinquished, and given up to the signer thereof.

Members effecting insurance, to deposit note, &c.

SECT. 6. *Be it further enacted,* That 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, said company, to the amount of his or her deposite note, and no more. And the company shall have a lien against the assured, on all buildings insured by them, during the continuance of his or her policy, to the amount of his or her deposite note, and no more.

Every member liable to pay his proportion of all losses, &c.

Manner in which losses shall be ascertained.

SECT. 7. *Be it further enacted,* That when any member shall sustain any loss, by fire, of the property so insured, the said member shall, within sixty days next after such loss, give notice thereof, in writing, to the Directors, or some one of them, or to the Secretary of said company; and the Directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss; and if the party suffering is not satisfied with the determination of the Directors, the said party, within three months next after such determination is made known, may bring an action at law, against said Corporation, in the county where the loss or damage happened; and in case the plaintiff in such action, shall not, on trial, recover as damages more than the amount determined, as aforesaid, no costs shall be allowed the plaintiff, but the corporation shall recover its costs, and execution shall issue for the balance, in favor of the party entitled to recover it.

Directors to determine the proportion to be paid by each member, &c.

SECT. 8. *Be it further enacted,* That the Directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, settle and determine the sums to be paid, by the several members thereof, as their respective proportions of such loss; and publish the same, in such manner as they shall see fit, or as the by-laws shall have prescribed. And the sum, to be paid by each member, shall always be in proportion to the original amount of his deposite note or notes, and shall be paid to the Treasurer, within thirty days next after the publication of said notice. And if any member shall, for the space of thirty days, after such notice, neglect or refuse to pay the sum assessed upon him, her or them, as his, her or their proportion of any loss or damage, as aforesaid; in such case the Directors may sue for, and recover, the whole amount of his, her or their deposite note or notes, 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 thereafter 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 term for which insurance was made.

SECT. 9. *Be it further enacted,* That the said company may make insurance, for any term, not exceeding seven years, on dwelling houses, stores, shops, and other buildings, household furniture, and merchandize, in this State, against loss or damage by fire, originating in any cause, other than by design in the assured. And that when the property insured shall be alienated by sale, or otherwise, the policy shall thereupon 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, her or their deposite note or notes, upon the payment of his, her or their proportion of all losses and expenses that have accrued prior to such surrender.

Description of property on which insurance may be made, &c.

Provision in case of the sale of property, &c.

SECT. 10. *Be it further enacted,* That any two of the persons herein named, are authorized to call the first meeting, by posting up advertisements, in two or more public places in Gorham, ten days prior to said meeting. And no policy shall be issued by said company, until application shall be made for insurance on fifty thousand dollars, at least.

First meeting, how and when called.

No policy to be issued until application be made for insurance to a certain amount.

[Approved by the Governor, February 2, 1828.]

CHAPTER DX.

AN Additional ACT to establish the Cumberland and Oxford Canal Corporation.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That the Cumberland and Oxford Canal may terminate at the navigable waters either in the town of Westbrook or Portland, as said corporation may determine.

Canal may terminate at the navigable waters either in Westbrook or Portland.

[Approved by the Governor, February 5, 1828.]