

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

PRINTED BY THOMAS TODD, PRINTER TO THE STATE.
1828.

CHAPTER DXLVIII.

AN ACT to regulate the taking of Alewives in Prospect Stream.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That from and after the passing of this Act, no person shall catch any Alewives in Prospect Stream, so called, in the town of Gouldsborough, on any other days than Mondays and Thursdays, nor shall any person catch any of said Fish in such part of said stream, as may be more than twenty rods distant from high water mark, nor in such part of said stream as may be less than two rods from high water mark; nor shall any person catch any of said fish near the mouth of said stream within one hundred and twenty rods from and below high water mark, under penalty of twenty dollars for each offence.

Fish to be taken only on certain days, and in certain places under penalty.

SECT. 2. *Be it further enacted,* That the owners or occupants of such dam or dams as now are or hereafter may be erected across said stream, shall make sufficient water passage round, through or over such dams for the passage of Alewives in the season of their going up or down said stream, under penalty of fifty dollars for each offence.

Owners or occupants of dams to make sluice ways, &c. under penalty.

SECT. 3. *Be it further enacted,* That all penalties incurred under this Act, may be sued for and recovered in an action of debt, by the Treasurer of the town of Gouldsborough, for the time being, before any competent tribunal within the county, and all sums so recovered, shall be appropriated to the use of said town.

Penalties, how recovered and appropriated.

[Approved by the Governor, February 21, 1828.]

CHAPTER DXLIX.

AN ACT to incorporate the Portland Mutual Fire Insurance Company.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That John W. Smith, James Rackleff,

Persons incorporated.

Thomas Forsaith, Christopher Wright, and Simon Greenleaf, with their associates and successors shall be a Corporation by the name of the Portland Mutual Fire Insurance Company, and possess all the powers and privileges incident to such corporations.

Powers.

SECT. 2. *Be it further enacted,* That said corporation may choose such officers and establish such by-laws as they may deem necessary, not inconsistent with the constitution and laws of this State; and in all matters decided in any general meeting of said corporation, each member shall have a right to as many votes as he has policies, and may vote by proxy.

Officers to be chosen.

Manner of voting.

SECT. 3. *Be it further enacted,* That when the sum subscribed by the associates to be insured shall amount to two hundred thousand dollars, said corporation shall then be authorized to insure for the term of one to seven years, any dwelling house, or other building, and household furniture in this State, to any amount not exceeding three quarters of the value of the property insured.

After a certain sum be subscribed, corporation may insure &c.

SECT. 4. *Be it further enacted,* That the funds of the corporation shall be vested in stocks, or loaned on such securities as the Directors may order, and the funds shall be appropriated, first to pay the expenses of the corporation, and next to pay the damage any member may be entitled to recover on his policy. In case any member shall have a just claim against the corporation exceeding the amount of their then existing funds, the Directors shall without delay, assess such sums as may be necessary, on the members; which assessment shall be in proportion to the amount of his premium and deposit for seven years.

Manner in which the funds shall be invested and appropriated.

Assessments may be made in certain cases.

SECT. 5. *Be it further enacted,* That whenever any member shall recover judgment against said corporation, he may levy his execution on any of said funds; but if he cannot find sufficient funds, he may levy the same on the private property of any one of the Directors: *Provided,* They

Manner in which Executions may be levied.

refuse or neglect for the space of sixty days, to satisfy the execution, after a demand made on them for that purpose; and any Director who may thus have his property taken, may sustain an action on the case, to recover compensation thereon of the corporation.

Proviso.

SECT. 6. *Be it further enacted,* That whenever said corporation shall make insurance on any building, such building, the land under the same, and appertenant thereto, shall be holden as security for such deposit money and assessments, as the person thus insured shall be liable to pay; and the policy of insurance shall, from the time it issues, create a lien on the said buildings and land therefor, which lien shall continue, notwithstanding any transfer of the property: *Provided,* It shall be expressed in the policy, that insurance is made, subject to the lien created by law, and a certificate of the same by the Secretary, shall be filed in the Registry of Deeds of the county wherein the estate insured is situated; and the Register, for filing said certificate and keeping a suitable index thereof, shall be entitled to receive twenty cents therefor.

Corporation to have a lien on buildings and lands, &c.

Proviso.

SECT. 7. *Be it further enacted,* That in case it should become necessary to resort to such lien as is before provided, it shall be the duty of the Treasurer, before he attempts to compel payment by selling the insured premises, first to demand payment of the insured, and in case of his decease, of his legal representative, and likewise of the tenant of the insured estate. In case payment is refused, said corporation may then sustain an action on the case, against the insured, or his legal representative, for any sum due, either on a deposit note, or by assessment, and the execution which may issue thereon, may be levied on the insured premises; and the officer making the levy may sell the whole or part thereof, at public auction, giving the same notice, and proceeding in the same manner, as is required in the sale of equities of

Proceedings in case it become necessary to resort to such lien.

redemption on execution. The owner or owners shall likewise have a right to redeem the estate thus sold, within one year, provided he or they shall first pay the costs of sale, the amount of the execution, and twelve per cent. interest thereon.

SECT. 8. *Be it further enacted,* That each of the insured shall at the expiration of his policy or policies, have a right to demand and receive from the corporation, his share of the remaining funds, in proportion to the sum or sums by him actually paid.

The insured at the expiration of his policy entitled to a share of the funds.

SECT. 9. *Be it further enacted,* That any three members named in this Act, may call the first meeting, by publishing notice thereof in one of the newspapers printed in the town of Portland.

First meeting how and by whom called.

SECT. 10. *Be it further enacted,* That the office where said corporation transact their business shall be kept in the town of Portland.

Office to be kept in Portland.

SECT. 11. *Be it further enacted,* That the powers granted by this act may be enlarged, restrained or annulled, at the pleasure of the Legislature.

Powers restricted.

[Approved by the Governor, February 21, 1828.]

CHAPTER DL.

AN Additional ACT to regulate the taking of Fish in Dyer's River.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That it shall be the duty of the fish committee of the towns of New Castle and Jefferson respectively, as pointed out in the Act to which this is in addition, passed February seventh, one thousand eight hundred and twenty-two, to remove all obstructions and keep the fish ways open in said river from the twentieth day of August to the last day of September annually; and any person who shall obstruct any passage way in said river during said term, or prevent the committee or either of them in the discharge of their duty, shall forfeit and pay

Fish Committees of New Castle and Jefferson to keep open fish ways during certain time.

Persons obstructing, liable to penalty.