

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 DLIII.

AN ACT in further addition to the Act setting off Isaiah Jenkins and others from Litchfield to Wales.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That so much of an Act, establishing the divisional line between said towns as declares the commencement of said line at the northwest corner of Bela Pearce's land, is hereby repealed, and said line shall commence and begin at the northeast corner of said Pearce's land.

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

Part of former Act altered.

CHAPTER DLIV.

AN ACT to incorporate the Mutual Fire Insurance Company of Wiscasset.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled, That Nathaniel Coffin, Isaac Coffin, William M. Boyd, Ebenezer Hilton, Abiel Wood, Warren Rice, John Dole, Frederick Allen, and their associates and successors, being owners of buildings, shall be a corporation under the name of the Mutual Fire Insurance Company of Wiscasset, who shall keep their office at Wiscasset, and enjoy all the privileges and powers incident to such corporations.*

SECT. 2. *Be it further enacted, That, at all meetings of said corporations, every matter shall be decided by a majority of votes, each member having as many votes as he has policies, with the right of voting by proxy; and such corporation may choose such officers and for such length of time as they may deem necessary; but no policy of insurance shall be made until the sum subscribed to be insured shall amount to fifty thousand dollars.*

Persons incorporated.

Name of the Corporation.

Office to be kept at Wiscasset.

Powers.

Manner of voting at all meetings.

Officers may be chosen.

No policy to be made until a certain sum be subscribed to be insured.

SECT. 3. *Be it further enacted,* That said corporation may insure for any term from one to ten years, any house or other building in this State, household furniture and goods, against damage arising to the same by fire originating in any cause other than design in the insured, and to any amount, not exceeding three fourths of the value of the property insured. And in case any member shall sustain damage by fire over and above the then existing funds of the corporation, the corporation, or such of its officers as shall by vote be designated for that purpose, shall assess such further sum or sums upon each member, as may be in proportion to the sum by such member insured, and at the rate of hazard originally agreed on.

Description of property on which insurance may be made.

When damage shall be sustained above the existing funds, assessments shall be made.

SECT. 4. *Be it further enacted,* That the monies of said corporation shall be invested in the stock of some incorporated Bank, stock of the United States, or of this State, or in notes or bonds secured by mortgages. And each of the insured shall have a right at the expiration of his policy or policies to demand and receive from the corporation such share of the remaining funds in proportion to the sum by him actually paid in, as the corporation by its by-laws existing at the time of making his policy shall determine.

Manner in which the monies of the corporation shall be invested.

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

SECT. 5. *Be it further enacted,* That whenever any person shall sustain any loss by fire of the property so insured, he shall within sixty days next after such loss, and before any repairs or alterations are made, give notice in writing of the same to some officer of said corporation or other person appointed thereby for that purpose, whose duty it shall be to view immediately where the fire happened, and inquire into the circumstances attending it, and determine in writing, by him or them subscribed, the amount, if any, of the liability of said corporation for such loss; and if the sufferer shall not acquiesce in such determination, such sufferer, within sixty days next after such

Manner in which losses shall be ascertained and adjusted.

determination is made known, may bring an action at law against said corporation, in the county where the loss 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.

May hold real and personal estate.

May make by-laws, &c.

SECT. 6. *Be it further enacted*, That said corporation shall be entitled to hold real and personal estate to any amount necessary for the purposes aforesaid; and shall have power to make such by-laws, rules and regulations, as may be thought proper, not repugnant to the constitution and laws of this State.

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

Proviso.

SECT. 7. *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 shall also be recorded in the Registry of Deeds of the county wherein the estate insured may lie.

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

SECT. 8. *Be it further enacted*, That if any member of said corporation obtaining insurance subject to the lien aforesaid, or in case of his decease, his legal representatives, shall neglect for thirty days next after the demand made, to pay the deposit money or any assessment, he or they shall be liable to a suit of the corporation therefor in an action of the case, in any court of competent jurisdiction; and the said corporation having obtained judgment and execution therefor, may cause such execution, at their election, to be

satisfied by sale and conveyance of the interest of the insured, in the building insured and land under the same and appertenant thereto: *Provided,* Provis. The officer having such execution, shall advertise the same in like manner as is provided by law for the sale of equities of redemption of real estate mortgaged; saving to the owners thereof the right of redeeming the same, at any time within one year, by paying the purchaser, or his assignee, the sum at which it was sold, with twelve per cent. interest thereon, deducting therefrom the rents and profits over and above the repairs and taxes.

SECT. 9. *Be it further enacted,* That any two of the persons herein named, are authorized to call the first meeting by advertising the same two weeks successively in the Lincoln Intelligencer printed at Wiscasset. First meeting by whom and how called.

SECT. 10. *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 23, 1828.*]

CHAPTER DLV.

AN ACT regulating Fisheries at the mouth of Kennebec River.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person or persons shall set or use any net or seine for the purpose of catching Salmon on or by the shores or islands at the mouth of the Kennebec River, below the Fort, of a greater length than eighty fathoms, he or they shall forfeit and pay a sum not less than twenty nor more than fifty dollars, to be recovered in any court of competent jurisdiction, one moiety thereof to the use of the person who may sue for the same, and the other moiety to the use of the town where such offence shall be committed; any Act to the contrary notwithstanding. Persons taking salmon in a certain manner, and below a certain place at the mouth of Kennebec river liable to penalty; how recovered, &c

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