

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL

A C T S

OF THE

STATE OF MAINE,

PASSED BY THE

NINTH LEGISLATURE,

AT ITS

SESSION, COMMENCING JANUARY 7th, 1829.

Published agreeably to the Resolve of the 28th June, 1829.

Portland:

DAY & FRASER.....PRINTERS TO THE STATE.

1829.

course south eighty nine degrees west, fifteen rods distant from the base of the Light house ; thence north seventy three degrees east, twenty one rods ; thence south seventeen degrees east twenty three rods ; thence south seventy three degrees west to Penobscot Bay ; thence on the Bay northerly, to the place of beginning.

Concurrent jurisdiction reserved.

SECT. 2. *Be it further enacted,* That this State shall have concurrent jurisdiction with the United States, in and over the territory described in this Act, and the houses thereon erected, so far, as that all civil and military processes, issued under the authority of this State, or any officer thereof, may be executed on any part of the said granted premises, or in any building that is or may be erected thereon, in the same way and manner, as if the jurisdiction thereof had not been ceded as aforesaid.



CHAP. 43.

AN ACT to incorporate the Ellsworth Mutual Fire Insurance Company.

Approved February 25, 1829.

Persons incorporated.

Office to be kept at Ellsworth.

Right of voting.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Leonard Jarvis, Joshua W. Hathaway, Charles Jarvis and Edward S. Jarvis, with their associates and successors, being owners of buildings, shall be a corporation under the name of the Ellsworth Mutual Fire Insurance Company, who shall keep their office at Ellsworth, and enjoy all privileges and powers incident to such corporations.

SECT. 2. *Be it further enacted,* That at all meetings of said corporation, 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 said 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.

No policy to be made until \$50,000 is subscribed to be insured.

SECT. 3. *Be it further enacted,* That said corporation may insure for any term, from one to seven years, any house or other building in this State, household furniture and goods, against damage arising to the same from fire, originating in any cause, other than by 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 officers thereof 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.

May insure from one to seven years.

Proceedings in case of loss beyond the existing funds of the corporation.

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 the 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 insured, as the corporation, by its by-laws existing at the time of making the policy, shall determine.

Monies of the corporation to be invested in bank stock

Members entitled to proportion of funds at the expiration of policies, &c.

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 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 enquire into the circumstances attending it, and determine, in writing by him subscribed

Proceedings in case of loss.

the amount, (if any) of the liability of said corporation for such loss. And if the sufferer shall not acquiesce in such determination, he may, within sixty days after such determination is made known, 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, 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 laws and constitution of this State.

Buildings insured, and land under and appurtenant to the same holden to pay the deposite money.

SECT. 7. *Be it further enacted,* That whenever said corporation shall make insurance on any building, such building and the land under the same and appurtenant thereto, shall be holden as security for such deposite 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 such 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 containing a description of such estate, the date of the policy, and the sum insured thereon, shall be filed by the Secretary of this corporation in the office of the Register of Deeds of the county in which such estate or property insured may lie; for receiving and filing which certificate the said Register shall be entitled to receive twelve and a half cents, provided he shall keep an index of the certificates so filed.

Proviso.

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 deposite 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 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 appurtenant thereto. *Provided,* 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, if any, over and above the repairs and taxes.

Proceedings to compel payment of deposite money and assessments.

Proviso:

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 any newspaper printed in the county of Hancock.

First meeting 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 herein granted subject to revision by the Legislature.