

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.

CHAP. 60.

AN ACT to incorporate the Waterville Mutual Fire Insurance Company.

Approved March 3, 1829.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Elijah Robinson, Timothy Boutelle, Joseph Eaton, Ebenezer Hutchinson, William Bryant, their associates and successors, be, and hereby are created a body politic and corporate, by the name of the Waterville Mutual Fire Insurance Company, who shall keep their office at Waterville, and enjoy all privileges and powers incident to such corporations.

Persons incorporated.

Office to be kept at Waterville.

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 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.

Right of voting.

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 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 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 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.

May insure buildings, &c. from one to ten years.

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

Monies to be invested in bank stock, &c.

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

Proceedings in case of loss.

May hold real and personal estate and make by-laws.

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.

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 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 after such 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 to 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.

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.

SECT. 7. *Be it further enacted,* That whenever said corporation shall make insurance on any building, such building, 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 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 six cents.

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

Register's fees for filing certificate, &c.

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 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 the land under and appurtenant to the same : *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 for which it was sold, with twelve per cent. interest thereon, deducting therefrom the rents and profits over and above the repairs and taxes.

Proceedings to compel payment of deposite money and assessments in case of neglect

Proviso.

First meeting.

SECT. 9. *Be it further enacted,* That any two of the persons herein named are authorized to call the first meeting of said corporation by advertising the same two weeks successively in the newspaper printed at Waterville.

Powers herein granted subject to revision by the Legislature.

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.

CHAP. 61.

AN ACT to change the Names of certain Persons.

Approved March 3, 1829.

Names changed.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Jonas Bowen Clark Greene, of South Berwick, in the county of York, shall be allowed to take the name of Bowen C. Greene; that Edward Haines, of Portland, in the county of Cumberland, shall be allowed to take the name of Edward Payson Haines; that Joseph Fernald of said Portland, shall be allowed to take the name of Joseph Gunnison Fernald; that Otis Paine, of said Portland, shall be allowed to take the name of Otis Holmes Paine; that Henry Buck, of said Portland, shall be allowed to take the name of Henry Gates; that Abraham Anderson 3d. of Windham, in the county of Cumberland, shall be allowed to take the name of Abraham Wendall Anderson; that Joseph Sessions, of Brunswick, in the county of Cumberland, shall be allowed to take the name of Joseph Washburn Sessions; that James Capernaum and Elizabeth Capernaum, of Falmouth, in the county of Cumberland, together with their children, shall be allowed to take the surname of Smellage; that Margaret