

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FIFTEENTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1835.

Published agreeably to the Resolve of June 28, 1820.

AUGUSTA:

WILLIAM J. CONDON.....PRINTER TO THE STATE.

1835.

Place of location. in the town of Bath, to land of said Rogers in Phippsburg; and on or adjoining to said dam, to erect and maintain mills or other manufactories; *Provided, however,* that said Rogers, his heirs and assigns shall be liable to the owners of land or marsh situate on said Creek for damages, if any, from flowage of the same occasioned by said dam, unless said Rogers and said owners shall have otherwise agreed, in the same manner as if this Act had not been passed.

CHAPTER 552.

AN ACT to incorporate the Hancock Mutual Fire Insurance Company.

Approved March 10, 1835.

Names of persons incorporated. **SECT. 1.** *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Hezekiah Williams, Samuel Adams, Thomas Adams and William Witherle, with their associates and successors, being owners of buildings, shall be a Corporation under the name of the Hancock Mutual Fire Insurance Company, who shall keep their office at Castine, and enjoy all privileges and powers incident to such Corporations.

Corporate name. **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.

Office to be kept at Castine. **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 other cause 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 sus-

Manner of voting.

No policy to be made until the sum of \$50,000 is subscribed.

Manner of insurance.

tain 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.

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.

Monies of the corporation to be invested in Bank Stock, &c.

Rights of persons insured.

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 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.

Persons sustaining loss to give certain notice.

Amount of losses, how determined.

Sufferer may bring an action in county where loss happened.

Costs, to whom allowed.

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

Powers, &c.

be thought proper, not repugnant to the Constitution and laws 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 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 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 in the Clerk's office of the town, in which such estate or property insured may lie; for receiving and filing which certificate, the town clerk shall be entitled to receive twelve and a half cents.

Property insured to be holden as security for deposit money.

Proviso.

Members deceased — their representatives liable in certain cases.

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 representative, shall neglect for thirty days next after demand made, to pay the deposit money or any assessments 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 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 over and above the repairs and taxes.

Proviso.

SECT. 9. *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 Castine, ten days prior to said meeting.

Mode of calling first meeting.

CHAPTER 553.

AN ACT to annex the town of Litchfield to the County of Kennebec.

Approved March 10, 1835.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the town of Litchfield in the County of Lincoln, be and the same hereby is set off from said County of Lincoln, and annexed to, and made part of, the County of Kennebec—*Provided,* That all taxes upon said town or the inhabitants thereof, lawfully assessed, shall be paid, and the remedies for collecting the same, shall remain as if this Act had not been passed.

Town of Litchfield set off from Lincoln and annexed to Kennebec.

Proviso.

SECT. 2. *Be it further enacted,* That all persons holding commissions of Justices of the Peace in the town of Litchfield shall be authorized to act as Justices of the Peace in the County of Kennebec, in the same manner as if their commissions had been originally granted for that County.

Justices of the Peace in Litchfield allowed to act in Kennebec.

CHAPTER 554.

AN ACT to incorporate the Orono Company.

Approved March 10, 1835.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That William Jameson, Samuel Gardner, Sylvanus L. Mitchell, Zenas Keith, Jun., N. D. Hyde, Scott Keith, Charles Robinson, Increase Robinson, Enoch Robinson, Gad Robinson, Jacob Robinson, Dyer Robinson, Jun., Nathan Lazell, James T. Hobart, Ben-

Names of persons incorporated.