

MAINE STATE LEGISLATURE

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PRIVATE

AND

SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

EIGHTEENTH LEGISLATURE,

JANUARY SESSION, 1838.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:
LUTHER SEVERANCE, PRINTER.

1838.

cott, Walter Weeks, their associates and successors, be, and they hereby are constituted a body politic and corporate forever by the name of the Exeter High School; and by that name shall have power to prosecute and defend suits at law; to have and use a common seal; to take and hold for the objects of their association any estate real or personal, to an amount not exceeding five thousand dollars, and the same to use and dispose of at their pleasure; to make and execute any by-laws for the convenient management of their affairs not repugnant to the laws of the State; and generally to have and enjoy all the powers and privileges incident to corporations instituted for literary and scientific purposes.

SECT. 2. *Be it further enacted*, That it shall be lawful for said corporation, to erect, maintain and keep in repair, suitable buildings for the accommodation of one or more schools, and for the repository of such books, philosophical and other apparatus as the corporation may deem necessary or proper.

SECT. 3. *Be it further enacted*, That whenever this corporation shall be dissolved, the stock or property thereof shall vest in the holders of the shares of such stock at the time of such dissolution, according to their several and respective interests therein, and be disposed of in such manner as they shall deem proper.

SECT. 4. *Be it further enacted*, That Ebenezer Higgins aforesaid may have power to call the first meeting of said corporation, by extending a written or verbal notice of the time and place thereof to each of the corporators, seven days at least before the time appointed for holding said meeting.

Chapter 448.

AN ACT to incorporate the Penobscot Mutual Mill Insurance Company.

Approved March 15, 1838.

SECTION 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That

John Bennock, Asa W. Babcock, Charles Cooper, Corporators.
 Thomas Whitney, William G. Bent and Rufus Dwi-
 nal, their associates, successors and assigns being owners
 of mills, are hereby created a corporation by the name
 of the Penobscot Mutual Mill Insurance Company, Corporate name
 for the purpose of insuring mills against fire, with all
 the powers and privileges incident to similar corpora-
 tions; and said corporation shall be established, and
 their office kept for the transaction of business at Oro-
 no in the County of Penobscot.

SECT. 2. *Be it further enacted,* That at all meet-
 ings of said corporation, every matter shall be decid-
 ed by a majority of votes, each member having as ma-
 ny votes as he has policies, with the right of voting by
 proxy; and such corporation may choose such officers May vote by
 proxy, & choose
 all necessary of-
 ficers.
 and for such length of time as they may deem neces-
 sary; but no policy of insurance shall be made until
 the sum subscribed to be insured shall amount to fifty
 thousand dollars.

SECT. 3. *Be it further enacted,* That said corpo-
 ration may insure for any term from one to six years May insure from
 one to six years.
 any mill or mills in this State against damage arising
 to the same by fire, originating in any cause other than
 by design in the insured, and to any amount not ex-
 ceeding three-fourths of the value of the property in-
 sured. And in case any member shall sustain dam-
 age 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 assess such
 sums as may be
 necessary.
 may be in proportion to the sum by such member in-
 sured, and at the rate of hazard originally agreed on.

SECT. 4. *Be it further enacted,* That the money, Moneys, how in-
 vested.
 of said corporation shall be invested in the stock of
 some incorporated Bank of this State, or in notes or
 lands, 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 the 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 such corporation of 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 such 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 cost shall be allowed to the plaintiff, but the corporation shall receive its cost, and an 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 purpose aforesaid, and shall have power to make such by-laws, rules and regulations as they may think proper, not repugnant to the constitution and laws of this State.

SECT. 7. *Be it further enacted,* That whenever said corporation shall make any insurance on any mill or mills, such mill or mills, the land under the same and appurtenant thereto, together with all the privileges thereto belonging, 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 mill or mills and privileges thereto

Persons sustain-
ing loss to give
notice to some
officer of Corpo-
ration.

Sufferers may
bring an action
at law, when dis-
satisfied, &c.

May hold estate
to any amount
necessary, make
by-laws, &c.

Mills and land
attached to same
holden for insur-
ance.

belonging, 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 certificate containing a description of such estate, the date of the policy and the sum insured thereon, shall be filed in the Register's office of the County in which such mill or mills insured are situated; for receiving and filing which certificate the Registers shall be entitled to receive at the rate of twenty-four cents for every twelve certificates.

Lien, to be effectual, must be expressed in policy.

Certificate to be filed in Register's Office-

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 mill or mills insured, and the land and privileges thereto belonging : *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.

Deposit money and assessments, how collected.

Proviso.

Right of redemption of property sold.

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 three weeks successively previous to said meeting in one of the public newspapers printed in Bangor in said County.

First meeting,