

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-THIRD LEGISLATURE

OF THE

S T A T E O F M A I N E ,

A. D. 1843.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.  
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1843.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1843.

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**CHAP. 112.**

first Monday in October next, may dispense with the services of a cashier, if in their opinion the affairs of the corporation are so far closed as to render the appointment of a cashier unnecessary, and may appoint in his place a clerk to assist in keeping the books, who shall give a bond only in such sum as said president and directors shall think necessary.

When this act shall take effect.

To publish for 3 months, &c.

**SECT. 6.** This act shall take effect and be in force from and after the first day of April, in the year of our Lord one thousand eight hundred and forty three; and that said bank shall publish weekly for three months, in the state paper, and in one or more papers in the county in which said bank is located, that it has surrendered its charter, stating the time when such surrender went into effect, and when its liability to redeem its bills by law will expire.

[*Approved March 22, 1843.*]

### Chapter 112.

AN ACT to incorporate the South Berwick Mutual Fire Insurance Company.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Corporators,

**SECT. 1.** Thomas Goodwin, second, Jedediah Goodwin, John P. Lord, Samuel Parks, William A. Young, Thomas Jewett, William A. Hayes, Charles N. Cogswell, Charles E. Bartlett, Gowen Wilson, Daniel Peirce, Richard Waldron, and their associates and successors, being owners of buildings, shall be a corporation under the name of the South Berwick Mutual Fire Insurance Company, who shall keep their office at South Berwick, in the county of York, and enjoy all privileges and powers incident to such corporations.

Corporate name.

Voting, &c.

**SECT. 2.** 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 seventy-five thousand dollars.

Choice of officers.

When policy may issue.

Duration of policy.

Property and amount to be insured.

**SECT. 3.** Said corporation may insure for any term, from one to ten years, any house or other building, 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 be by vote 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.

Assessments for losses.

SECT. 4. The moneys 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 shares 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.

Moneys how invested.

Each of the insured entitled to his proportion at the expiration of his policy.

SECT. 5. 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.

When loss is sustained, notice to be given in sixty days.

Duty of officer notified.

Sufferer may bring an action if dissatisfied.

If plaintiff is defeated, to pay costs, &c.

SECT. 6. 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.

Power to hold property and make by laws.

SECT. 7. Whenever said corporation shall make insurance on any buildings, such buildings, 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 the said buildings and land therefor, which lien shall continue, notwithstanding any transfer of the property: *provided*, it shall

Lien on property insured, &c.

Transfer no bar to lien. Proviso.

CHAP. 113.

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 be.

If member, &c. neglect to pay deposit and assessments, liable to a suit therefor.

SECT. 8. If any member of said corporation, obtaining insurances 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 appurtenant thereto: *provided*, the officers 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.

Execution, how satisfied.

Proviso.

Redemption.

SECT. 9. Any two of the persons named herein, are authorized to call the first meeting by advertising the same two weeks successively, in the newspaper printed at Saco.

First meeting, how called.

SECT. 10. The powers granted by this act, may be enlarged, restrained or annulled, at the pleasure of the legislature.

Subject to legislature.

[*Approved March 22, 1843.*]

### Chapter 113.

AN ACT authorizing the establishment of school district libraries in the town of Kennebunk-port.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

School district libraries in Kennebunk-port.

SECT. 1. The inhabitants of the town of Kennebunk-port are hereby authorized to establish school district libraries in the several school districts of the town respectively. And any school district in said town that may vote at their annual meeting, or at a meeting called for that purpose, to establish a district library within the same, may choose a librarian by ballot, and at their annual meeting, annually thereafter. They may also choose a trustee who shall receive

To be established by vote of district.

Librarian.

Trustee.