

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-FOURTH LEGISLATURE

OF THE

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

**A. D. 1844.**

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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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*AUGUSTA:*

W<sup>M</sup> R. SMITH & Co., PRINTERS TO THE STATE.

1844.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1844.

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SECT. 3. Every district that purchases a library as aforesaid, shall make such rules and regulations for the preservation and management of the same as they may deem proper.

CHAP. 107.

Rules and regulations.

[Approved March 19, 1844.]

### Chapter 107.

AN ACT giving to mortgagees of real estate a lien on policies of assurance against fire.

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

SECT. 1. Whenever the mortgagor of any real estate shall hold or obtain, from any insurance company or companies within this state, a policy or policies of assurance against loss by fire, upon any building or buildings thereon situated, the mortgagee of said real estate shall have a lien upon said policy or policies of assurance and upon any and all moneys which may become due upon the same, by reason of the destruction by fire of any such building or buildings, to the full amount of the sum or sums which may be equitably due on the mortgage. Provided, however, his said lien shall not take effect except from and after the time the said mortgagee shall file with the secretary of said insurance company or companies, a notice in writing of his holding a mortgage deed of said real estate, the amount which he claims as equitably due thereon, and of his intention to secure to himself the benefit of the provisions of this act.

Any mortgagee shall have a lien upon policies of insurance to the amount of his mortgage.

Providso.

SECT. 2. Whenever any mortgagee shall have notified any insurance company of his holding a mortgage of any insured property, as provided in the first section, and the mortgagor shall consent in writing, that the amount secured by the policy, or so much thereof as remains due on the mortgage, may be paid to the mortgagee, such consent in writing shall be sufficient authority to said company, on the occurrence of loss or damage by fire to the insured property, to pay the same agreeably to such consent; and the written receipt of the mortgagee or his agent or attorney shall be a sufficient discharge of all liabilities of said company, to the amount of the sum so authorized to be paid, or so much thereof as may be received for.

Any mortgagee shall receive the amount of his mortgage by proper notice to the insurance company from the mortgagee and mortgagor.

SECT. 3. But when such mortgagor shall not consent as aforesaid, any mortgagee or mortgagees, who shall have given the notice provided for in the first section, may, within thirty days after the

When proper notice shall be given by mortgagee, and mortgagor does not consent, the former may attach, &c.

CHAP. 108.

application of the assured to said insurance company for the payment of any loss payable by said company, or if the assured shall neglect to make such application within the time limited by law or by the terms of his policy, then within sixty days after the occurrence of the fire which occasioned the loss, attach the sum due on the policy, on a process of foreign attachment sued out against the mortgagor and the insurance company as his trustee, and recover so much thereof as may be due on the mortgage or mortgages which he or they may hold; and any sum so recovered, shall be held to be so far a payment of the debt or debts secured by the mortgage or mortgages.

Priority of mortgage determined by principles of common law, &c.

SECT. 4. Whenever two or more mortgagees shall claim to have the benefit of the provisions of this act, their several rights thereto shall be determined in the same order of priority, in which their individual claims under their respective mortgages to the property mortgaged would be determined by the principles of the common law, or any statute provisions then existing and in force.

The claims of any mortgagee, under the benefit of this act, on any policy of insurance, shall be void unless, &c.

SECT. 5. Whenever any mortgagee shall claim the benefit of the provisions of this act, any policy of insurance which said mortgagee may have procured or may subsequently procure, from any insurance company, on his interest in the same property by virtue of his mortgage or mortgages, shall be void, unless the company insuring the interest of the mortgagor shall have consented to such insurance of the interest of the mortgagee.

[Approved March 19, 1844.]

### Chapter 108.

AN ACT additional to chapter one hundred and seventy-three of the revised statutes.

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

Insane homicides shall be admitted to insane hospital.

Any person who may have committed, or shall hereafter commit, an act of homicide, when in a state of insanity, if the fact of insanity be certified by the court before which the trial of such insane person may be had, shall be admitted to the insane hospital, and shall be kept in the same, at his own expense, if he have sufficient property for the purpose; otherwise, at the expense of the state.

How supported.

[Approved March 19, 1844.]