

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1848.

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

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1848.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1848.

Chapter 133.

CHAP. 133.

An act to incorporate the Protection Mutual Fire Insurance Company.

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

SECT. 1. Timothy Fogg, H. P. Coombs, Atwood Levensaler, Edwin Rose, George Prince, Artemas Watts, John D. Sprague, Charles T. Starrett, Beder Fales, Joel Levensaler, L. C. Stetson, Isaac Hodgman, Asa Coombs, their associates and successors, shall be a corporation under the name of the Protection Mutual Fire Insurance Company; who shall keep their office at Thomaston, in the west village, in the county of Lincoln, and enjoy all the privileges and powers incident to such corporations.

Corporators.

Corporate name.

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 twenty-five thousand dollars.

Voting.

Officers.

When policies of insurance may be made.

SECT. 3. Said corporation may insure for any term from one to five 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 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 usually agreed on.

Term of insurance, and property to be insured.

Assessments.

SECT. 4. The moneys of said corporation shall be invested in the 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.

Funds, how invested.

Each member entitled to his share of the funds, on 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 cor-

Notice to be given when a person shall sustain loss by fire.

CHAP. 133.

If parties cannot agree upon the amount of damages, remedy.

Costs.

Power to hold real and personal estate.

By-laws.

Lien created on property insured for assessments, &c.

Proviso.

Liability for neglect to pay assessments.

poration, 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.

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.

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 surety 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 said buildings and therefor, which lien shall continue notwithstanding any transfer of the property, *provided* it be expressed in the policy that the insurance is made subject to the lien created by law, and shall also be recorded in the registry of deeds in the county wherein the estate insured may lie.

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 the 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 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 legal interest thereon deducting therefrom the rents and profits over and above the repairs and taxes.

SECT. 9. Any two of the persons herein named are authorized to call the first meeting by advertising the same two weeks successively in the *Temperance Star* and *Thomaston Recorder*, a newspaper printed at Thomaston.

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

[Approved July 29, 1848.]

Chapter 134.

An act to amend the "act to incorporate the city of Bath."

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

The act to incorporate the city of Bath shall be amended from the passage of this act, by adding at the end of the first section, the words "which may be recovered to the use of said city, by action of debt or on complaint before the municipal court in said city." Also, by striking out the word "borrow" where it last occurs in the second section, and inserting instead thereof the word "raise." Also, in the fourth section, by inserting after the words "third Monday of March," the words "or as soon thereafter as conveniently may be," and by striking out after the words "fifty thousand dollars," the word "including" and inserting the words "exclusive of." Also, by striking out, after the word "bill," in the fifth section, the words "for the," and inserting the words "and every order or resolution for the expenditure or." Also, by striking out the words "any two members," in the sixteenth section, and inserting the words "one-fifth of the members present."

Fines and penalties.

Power to raise money.

Time of electing and appointing subordinate officers.

Real and personal estate.

Acts for the expenditure of money.

When questions shall be taken by yeas and nays.

[Approved July 29, 1848.]