

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1853.

Augusta:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

THIRTY - SECOND LEGISLATURE.

HOUSE.]

[No. 25.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FIFTY-THREE.

AN ACT in relation to Insurance Companies.

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

SECTION 1. Any person who shall in any manner,
2 with the assent of any insurance company, or the
3 president thereof, act directly or indirectly, for such
4 company, in effecting a policy of insurance therein,
5 shall be considered the general agent of such com-
6 pany in relation to such policy, during the existence
7 thereof, and until the adjustment of all losses under
8 the same. And all acts and declarations of such
9 agent, in relation to such policy, or to any loss under
10 the same, shall be considered the acts and declarations

11 of such company, in the same manner, and to the same
12 extent, as if done and made by such company, unless
13 such acts and declarations shall be done and made
14 fraudulently and collusively with the insured.

SECT. 2. Nothing contained in any policy of in-
2 surance upon property within this state, issued after
3 this act shall take effect, or contained in the charter
4 or by-laws of the same, shall have any effect to limit
5 or control the right and power of the courts of this
6 state to entertain jurisdiction of a suit commenced
7 upon such policy ; but said courts shall take cogniz-
8 ance of, and exercise jurisdiction in any such case,
9 any provisions in the policy, charter or by-laws, to the
10 contrary notwithstanding.

SECT. 3. All statements and declarations, made by
2 any person insured, in reference to the subject matter
3 of the insurance, whether in writing or verbal, and
4 whether made before the execution of the policy, or
5 at any time afterwards, shall be considered and held
6 to be representations, and not warranties, in every
7 particular and to all legal intents.

SECT. 4. In any suit upon a policy issued by an in-
2 surance company, the writ may be served on the
3 agent of said company, by or through whom said

4 policy was effected ; or if such agent shall not reside
5 within the county in which the plaintiff resides, such
6 writ may be served upon the secretary of state, and
7 in the latter case such other or further service shall
8 be made thereon as any judge or justice of such court
9 may, by his order endorsed thereon, direct. Such
10 service shall in all cases be made by delivering to such
11 agent or the secretary, or leaving at the last and usual
12 place of abode of such agent, or at said secretary's
13 office, as the case may be, thirty days before the
14 sitting of the court to which the same is returnable, a
15 copy of the writ and declaration, and the same shall
16 be held a sufficient service for all purposes. .

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 18, 1853. }

ORDERED; That 350 copies of the foregoing bill, reported by the Committee on Mercantile Affairs and Insurance, be printed for the use of the Legislature.

A. B. FARWELL, *Clerk.*