

MAINE STATE LEGISLATURE

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FIFTY-EIGHTH LEGISLATURE.

HOUSE.

No. 82.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

AN ACT to amend section nineteen, chapter forty-nine of the revised statutes, relating to insurance.

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

Section nineteen, chapter forty-nine of the revised 2 statutes, is hereby amended by inserting after the 3 word "risk," in the ninth line, "but any subse- 4 quent insurance, procured without giving notice to 5 existing underwriters, shall be taken and held to 6 be a material increase of the risk," so that said 7 section as amended shall read as follows:

8 *Sect. 19.* All statements of description or value 9 in an application or policy of insurance, shall be 10 deemed representations and not warranties; errone- 11 ous descriptions or statements of value, or title

12 by the insured, shall not prevent his recovering on
13 his policy unless the jury find that the difference
14 between the property as described and as it really
15 existed, contributed to the loss or materially in-
16 creased the risk; a change in the property insured,
17 its use or occupation, or a breach of any of the terms
18 of the policy by the insured, shall not affect the
19 policy unless they materially increase the risk; but
20 any subsequent insurance, procured without giving
21 notice to existing underwriters, shall be taken and
22 held to be a material increase of the risk, nor shall
23 any misrepresentation of the title or interest of
24 the insured in the whole or a part of the property
25 insured, real or personal, unless material or fraudu-
26 lent, prevent his recovering on his policy to the
27 extent of his insurable interest.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 7, 1879. }

Reported from the Committee on Mercantile Affairs and Insurance, by Mr. HILL of Union, and ordered printed under the Joint Rule.

B. L. STAPLES, *Clerk.*