

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 877

In House of Representatives, March 20, 1915.

Reported by Mr. Conners from Committee on Judiciary and ordered printed under joint rules.

C. C. HARVEY, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to amend Chapter eighty-four of the Revised Statutes of 1903 relating to procedure in court.

Be it enacted by the People of the State of Maine, as follows:

Chapter eighty-four of the revised statutes of nineteen hundred and three are hereby amended by adding thereto the following:

That in all actions at law on insurance policies a declaration in indebitatus assumpsit on an account annexed, with an allegation that the plaintiff has complied with all conditions of the policy of insurance, mentioned in the account annexed, shall be deemed sufficient. The account annexed shall state the number of the policy and the amount claimed as due, both as principal sum, and interest, if any. The

11 fact that the amount claimed in the account annexed varies,
12 from the amount found to be due the plaintiff shall not de-
13 feat the action unless there be a fraudulent claim of an
14 excessive amount. If the defendant relies upon the breach
15 of any condition of the policy by the plaintiff, as a defense,
16 it shall set the same up by brief statement or special plea,
17 at its election; and all conditions the breach of which is
18 not so specially pleaded shall be deemed to have been com-
19 plied with by the plaintiff.

The plaintiff by counter brief statement or replication may
21 set up any matter waiving or legally excusing his non-
22 compliance with conditions as alleged by the defendant.

Nothing herein shall be construed as changing in any way
24 the common law burden of proof as to such matters as are
25 so put in issue under the pleadings.