

# MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1861.



AUGUSTA:  
STEVENS & SAYWARD, PRINTERS TO THE STATE.  
1861.

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# FORTIETH LEGISLATURE.

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HOUSE.

No. 49.

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## STATE OF MAINE.

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

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AN ACT in relation to Insurance Companies and actions  
in contracts of insurance.

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

SECTION 1. No foreign insurance company making  
2 insurance on property within this state, or belonging  
3 to a citizen of this state, shall by any condition, stip-  
4 ulation or restriction in its charter, by laws, or contract  
5 of insurance, deprive the courts of this state of juris-  
6 diction of actions against the company, or limit the  
7 time of commencing such actions to a period less than

8 two years from the time the right of action shall ac-  
9 crue.

SECT. 2. An agent authorized by an insurance com-  
2 pany to receive applications for insurance or payments  
3 of premium, or whose name shall be borne on the policy,  
4 shall be deemed the general agent of said company in  
5 all matters of insurance—any notice required to be  
6 given to said company, or any of its officers, by the  
7 insured, may be given to such agent ; any application  
8 for insurance, or valuation, or description of the prop-  
9 erty, or of the interest of the insured therein, if drawn  
10 by said agent, shall be conclusive upon the company  
11 but not upon the insured, although signed by him ; all  
12 acts, proceedings and doings of such agent, with the  
13 insured, shall be as binding upon the company, as if  
14 done and performed by the person specially empowered  
15 or designated therefor by the contract.

SECT. 3. All statements of description or valuation,  
2 in any contract of insurance on application therefor,  
3 shall be deemed representations and not warranties ; an  
4 omission to notify the company of other insurance,  
5 either prior or subsequent to the policy, or to procure  
6 the assent of the company thereto, or the concealment  
7 of any other matter, not material to the risk, shall not  
8 affect the policy unless done designedly and for a

9 fraudulent purpose. Any misrepresentation of the  
10 title or interest of the insured, unless the same is  
11 fraudulent, shall not prevent his recovering on the  
12 policy the amount of his insurable interest; a misrep-  
13 resentation of title to a parcel of the property insured,  
14 shall not affect the contract as to other parcels either  
15 real or personal covered by the policy.

SECT. 4. No insurance company shall avoid pay-  
2 ment of a loss, by reason of incorrect statements of  
3 value or title, or erroneous description by the insured  
4 in the contract of insurance, if the jury shall find that  
5 the difference between the property as described and  
6 as really existing did not contribute to the loss or ma-  
7 terially increase the risk; any change in the property  
8 insured, its use or occupation, or breach of any of the  
9 conditions or terms of the contract by the insured shall  
10 not affect the contract, unless the risk was thereby  
11 materially increased.

SECT. 5. In case of loss, the insured shall notify the  
2 company, or its agent, of the fire, and within a rea-  
3 sonable time afterwards, shall deliver to the company  
4 or its agent, as particular an account of the loss and  
5 damage as the nature of the case will admit, stating  
6 therein his interest in the property, what other insur-  
7 ance, if any, existed thereon, in what manner the

8 building insured, or containing the property insured,  
9 was occupied at the time of the fire, and by whom,  
10 and when and how the fire occurred, so far as he knows  
11 or believes—such statement shall be sworn to before  
12 some disinterested magistrate, who shall certify that  
13 he has examined the circumstances attending the loss,  
14 and has reason to and does believe such statement is  
15 true ; the insured shall, if so requested, within ten days  
16 after notice of such loss, exhibit to the agent or com-  
17 pany his books of account, bills of parcels, and any  
18 other vouchers in his possession, and shall also, if re-  
19 quested at the same time, submit to an examination  
20 under oath, in the place of his residence ; no other  
21 preliminary proof of any kind shall be required, before  
22 commencing any action against such company. All  
23 provisions contained in any policy or contract of insur-  
24 ance, in conflict with any of the provisions of this act,  
25 are hereby declared null and void, and all contracts of  
26 insurance hereafter made, renewed or extended, shall  
27 be subject to the provisions of this act.

SECT. 6. This act shall take effect and be in force  
2 from and after the first day of May next.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 1, 1861. }

Reported by Mr. FOX from Committee on Judiciary, and on his motion laid on the table and 350 copies ordered to be printed for the use of the Legislature.

CHARLES A. MILLER, *Clerk.*