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JAMES E MC GINLEY V JOHN HANCOCK MUTUAL EBOOKS 2019



Author: Court of Appeals of New York

Realese Date: Expected @@expectedReleaseDate@@

The problem presented is one of the construction or meaning to be given to the words of a contract of insurance. This presents a question, not for the jury, but for the court. Hening, N.H. Dig. Tit. Contract, p. 284. And in answering this question an external standard is to be adopted, no presumption being indulged in for the benefit of either party. The question is, what would a reasonable person in the position of the insured understand the words of the policy to mean? Duhaime v. Insurance Co., 86 N.H. 307, and cases cited. In other words, would the hypothetical reasonable man describe a death from acute alcoholism as one caused by "external, violent and accidental means?"

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