

MAINE STATE LEGISLATURE

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Wm. F. Hill
DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1856.

PART SECOND.

Augusta:

FULLER & FULLER, PRINTERS TO THE STATE.

1856.

THIRTY-FIFTH LEGISLATURE.

HOUSE.

No. 33.

STATE OF MAINE.

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

AN ACT in relation to home, and agencies of foreign,
insurance companies.

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

SECTION 1. The word foreign, whenever it is used
2 in this act, shall be construed to apply to all compa-
3 nies not incorporated by the legislature of this state.

SECT. 2. Every person authorized by any foreign
2 insurance company to advertise as its agent, or to
3 receive and forward proposals for insurance, or to
4 solicit or procure business in any manner for such
5 company, shall be deemed the agent of such company
6 within the meaning of this act; and the issuing of
7 policies by such company in consequence of the action
8 as aforesaid of any such person, shall be conclusive

9 evidence that the person so acting was authorized by
10 such company ; and such company shall be answerable for all the representations made by its agent as to
11 its standing and affairs, any condition in the policies
12 or advertisements of such company to the contrary
13 notwithstanding.

SECT. 3. Every foreign insurance company insur-
2 ing property by their agent in this state, shall give to
3 at least one agent in each and every county where
4 they may insure, instructions in writing, signed and
5 sworn to by the president and secretary thereof, to
6 accept service of all lawful processes against the
7 company, in like manner as if the company had ex-
8 isted and been duly served with process in this state ;
9 and a copy of this writing duly certified and authenti-
10 cated shall be filed in the office of the secretary of this
11 state ; and copies certified by the said secretary shall
12 be evidence in the courts of this state. This agency
13 shall be continued in each and every county while
14 any liability remains outstanding therein against the
15 company, and the power shall not be revoked until
16 the same power is given to another, and a copy
17 thereof filed as aforesaid ; and service upon the agent
18 shall be deemed sufficient service upon the principal.

SECT. 4. Every agent authorized to accept service
2 as required in section three of this act, shall, before
3 insurance is made by the company which he repre-
4 sents, give a bond to the treasurer of this state, with
5 one or more sureties, to be approved by him, in the
6 sum of one thousand dollars, with conditions that he
7 will accept service of all lawful processes against the
8 company in the manner provided in the next pre-
9 ceding section of this act, and comply with all the
10 duties imposed upon him by the terms of this act.
11 And any person injured by any act of such agent
12 which would be a breach of the conditions of said
13 bond, may maintain an action on such bond, in the
14 name of the treasurer of state, in the same manner
15 and upon the same conditions as actions may be
16 maintained on sheriffs' bonds. Whenever by an ac-
17 tion the whole or a part of the penalty of such bond
18 has been recovered, such agent before proceeding in
19 his agency shall procure a new bond of like tenor
20 and amount.

SECT. 5. No foreign mutual insurance company
2 doing business in this state, shall be allowed to collect
3 by suit at law, any assessment or sum of money pur-
4 porting to be an assessment upon any premium note

5 or deposit after said premium note shall have been
6 given up to the party insured.

SECT. 6. If insurance shall be made hereafter by
2 the agent of any foreign insurance company without
3 complying with all the requirements of this act which
4 are applicable thereto, the contract shall be valid;
5 but the agent making or procuring such insurance
6 shall be punished by fine not exceeding — —
7 dollars, or imprisonment not exceeding — months,
8 for each offense, to be enforced by indictment in any
9 court of competent jurisdiction, one half of said fine
10 to accrue to the person who may prosecute therefor,
11 and the other half to the state.

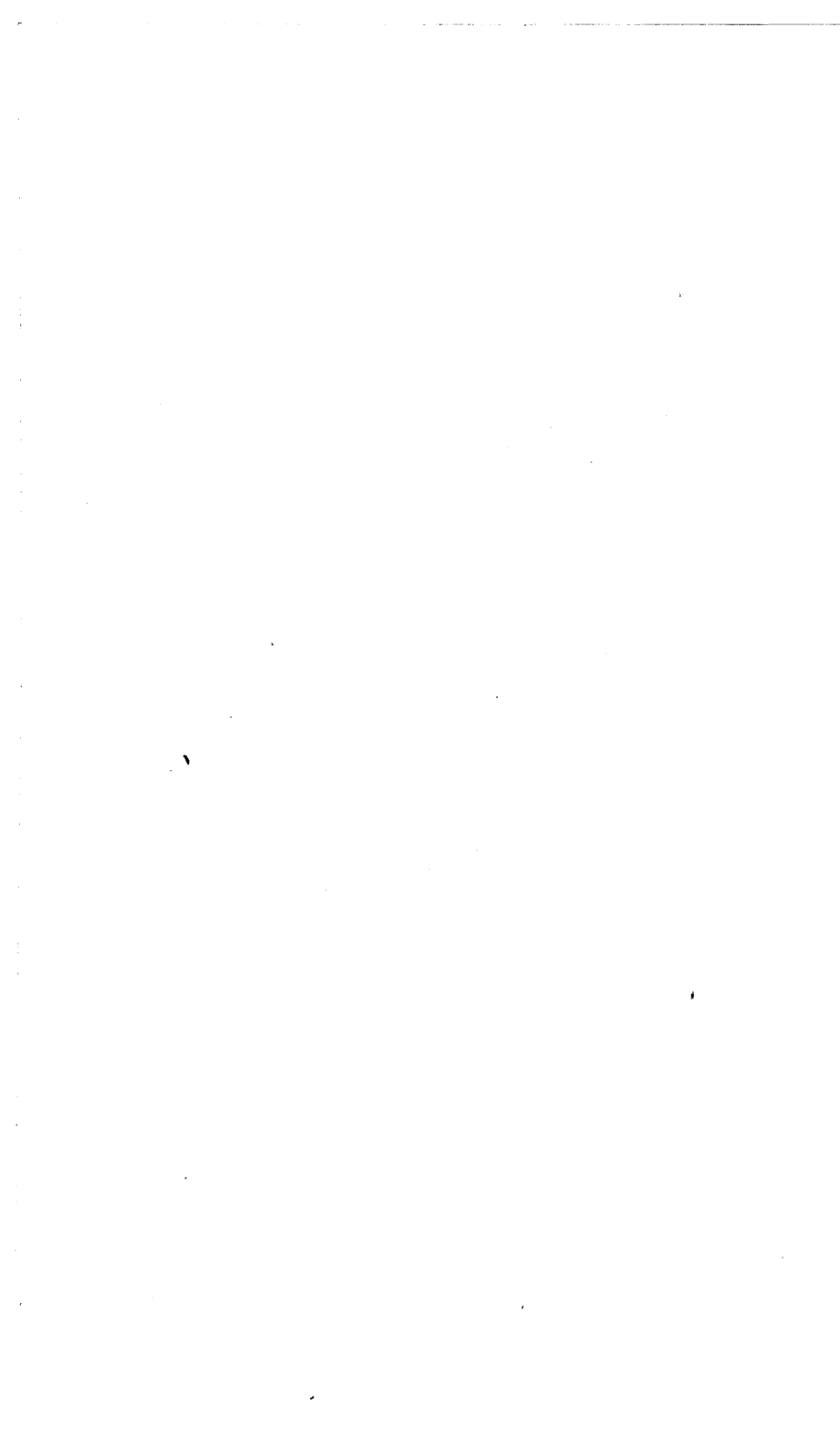
SECT. 7. If insurance shall be made by the agent
2 of any foreign insurance company in any county
3 where the company which he represents shall have
4 failed to comply with the requirements of this act, the
5 contract shall be valid, but the agent making or pro-
6 curing such insurance shall be punished by a fine not
7 exceeding five hundred dollars, or by imprisonment
8 not exceeding three months, to be enforced in the
9 manner provided in the next preceding section of
10 this act.

SECT. 8. Any person who, without having been

2 authorized, shall represent himself as the authorized
3 agent of any foreign insurance company, or who shall
4 procure payment, or any obligation for the payment,
5 of any insurance by false or fraudulent representa-
6 tions, shall be punished by a fine not exceeding one
7 thousand dollars, or imprisonment not exceeding six
8 months, for each offense, to be enforced in the man-
9 ner provided in section six of this act.

SECT. 9. Every insurance company existing and
2 and doing business in this state, shall on or before the
3 first day of December in each year, transmit to the
4 secretary of this state, to be laid by him before the
5 legislature, a statement of the condition of said com-
6 pany as it existed on the fifteenth day of the month
7 next preceding, showing the amount of capital stock
8 and how invested, the amount at risk, the amount of
9 premium notes, the amount of liabilities, and shall
10 cause the same to be published in some paper printed
11 in the county where the company is located.

SECT. 10. This act shall take effect sixty days from
2 the time of its approval by the governor.



STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 22, 1856. }

ORDERED, That 350 copies be printed for the use of the
Legislature.

DAVID DUNN, *Clerk.*