

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.

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**PART SECOND.**  
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Augusta:

FULLER & FULLER, PRINTERS TO THE STATE.

1856.

THIRTY-FIFTH LEGISLATURE.

SENATE.

No. 10.

STATE OF MAINE.

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

AN ACT respecting agencies of Foreign Insurance
Companies.

Be it enacted by the Senate and House of Representatives 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 com-
3 panies 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 re-
3 ceive 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 ac-

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

SECT. 3. Every foreign insurance company insuring property by their agent in this state, shall give to their agent instructions in writing, signed and sworn to by the president and secretary thereof, to accept service of all lawful processes against the company in like manner as if the company had existed, and been duly served with process in this state, and a copy of this writing duly certified and authenticated shall be filed in the office of the secretary of this state, and copies certified by the said secretary shall be evidence in the courts of this state. This agency shall be continued while any liability remains outstanding against the company in this state, and the power shall not be revoked until the same power is given to another, and a copy thereof filed as aforesaid. And service upon the agent shall be deemed sufficient service upon the principal.

SECT. 4. The agent of every foreign insurance
2 company shall, before insurance is made, by the com-
3 pany which he represents, give a bond to the treas-
4 urer of this state, with one or more sureties to be
5 approved by him, in the sum of three thousand dol-
6 lars, with conditions that he will accept service of all
7 lawful processes against the company in the manner
8 provided in the next preceding section of this act, and
9 comply with all the duties imposed upon him by the
10 terms of this act.

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 one thousand
7 dollars, or imprisonment not exceeding six 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. 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.

SECT. 8. This act shall take effect from and after
2 its approval by the governor.

STATE OF MAINE.

IN SENATE, February 9, 1856.

ORDERED, That 850 copies of "An Act respecting agencies of Foreign Insurance Companies," reported by the Joint Standing Committee on Mercantile Affairs and Insurance, be printed for the use of the Legislature.

WM. G. CLARK, *Secretary.*