

MAINE STATE LEGISLATURE

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Public Documents of Maine:

BEING THE

ANNUAL REPORTS

OF THE VARIOUS

PUBLIC OFFICERS AND INSTITUTIONS

FOR THE YEAR

1875.

VOLUME I.

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1875.

REPORT

OF THE

ATTORNEY GENERAL

OF THE

STATE OF MAINE.

1874.



AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1875.

OPINIONS.

STATE OF MAINE.

ATTORNEY GENERAL'S OFFICE, }
Augusta, February 20, 1874. }

Hon. JOSHUA NYE, *Insurance Commissioner*:

DEAR SIR:—I am in receipt of your communication requesting my opinion upon the following question, viz:

“Whether insurance placed in foreign companies that have not complied with the laws of this State, is valid and binding upon such companies?” And I have the honor to reply:

1st. That if the policy be issued in another State where the company has a right to issue policies, such policy is good at Common Law, although it be a policy outside of the State for which it be issued. The laws of the State where the policy is issued, afford the rule of validity and construction.

2d. If the policy be issued in this State by an agent who has no right to issue it, the policy is good by virtue of the Insurance Law (Revised Statutes, chapter 49, section 50), which makes the policy valid, though the agent be liable to a penalty.

These two classes embrace all cases. If issued from without the State, the policy is good at Common Law; if issued from an agency within the State, it is good by Statute.

STATE OF MAINE.

ATTORNEY GENERAL'S OFFICE, }
Augusta, February 26, 1874. }

To the Hon. NELSON DINGLEY, JR., *Governor of Maine*:

SIR:—The following question is submitted for my opinion, viz.:

Whether upon the facts stated, the Sheriff's Enforcement Act, chapter sixty-two, Public Laws of eighteen hundred and seventy-two, gave to the Sheriff of Knox county the discretion to omit proceedings by complaint and warrant of search and seizure,