

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1856. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1856.

19 Victoria – Chapter 45

**An Act relating to Insurance Companies not incorporated by Act of Assembly in this Province.
Passed 1st May 1856.**

Section.

1. Insurance Companies not incorporated in the Province to file a statement of their affairs in the Provincial Secretary's office before transacting business.
2. Annual statements to be filed.
3. Provincial Secretary to grant a certificate of the filing of the required statement.

Section.

4. Certified copies of all papers filed under this Act to be received in evidence.
5. Service of process on a Company's Agent to be valid.
6. Proof of the issue of a Policy.
7. Penalty for violating this Act.
8. Commencement of Act.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. It shall not be lawful for any Insurance Company or Association not incorporated by the Legislature of this Province, to establish or continue any Branch or Agency within this Province, or directly or indirectly to take any risk, or transact any business of insurance in the same, after the day fixed for this Act to come into operation, unless a statement subscribed by the President, Secretary, or principal Manager of such Company or Association, shall be first filed in the Provincial Secretary's Office in this Province; which statement shall specify the aggregate amount of the risks at that time taken by the said Company, the amount of losses incurred during the preceding year, the amount of capital actually paid in, and how the same has been invested and secured; also a particular statement of the manner in which the residue of the capital has been secured, the amount of the dividends for the preceding year and when declared, the amount of cash on hand and in the hands of Agents or other persons, together with the amount of the surplus profits then belonging to the said Company, and how the same have been invested and secured, and the amount of real estate owned by the said Company; which statement shall be accompanied by an affidavit of the Secretary or principal Manager of said Company, that such statement is true and correct according to the best of his knowledge and belief; which affidavit shall be made before any Mayor or Chief Magistrate of any Borough, City, or Corporate Town of the State, Province, or Kingdom where the said Company has its principal place of business, or before any person authorized to take the proof or acknowledgment of the execution of Deeds for Registry in this Province.

2. The authorized Agent of every such Company shall, during the continuance of such Branch or Agency within this Province, cause to be made and filed in the Provincial Secretary's Office in this Province, between the first day of January and the first day of August in each and every year, a copy of the Balance Sheet as made up by the said Company, to the end of the fiscal year of the said Company then next preceding, with a statement of the assets of the said Company to and at

the time when such Balance Sheet was made up, and also with the affidavit of the Secretary or principal Manager, to be made before the Mayor or Chief Magistrate of any Borough, City, or Corporate Town of the State, Province, or Kingdom where the said Company has its principal place of business, or before any person authorized to take the proof or acknowledgment of the execution of Deeds for Registry in this Province, that he believes the said statement to be true and correct.

3. On the production to the said Provincial Secretary of any such statement, by or on the behalf of any such Insurance Company as aforesaid, purporting to be subscribed by any such President, Secretary, or Manager, with the affidavit of any person resident in this Province that he is the authorized Agent of the Company by whom such statement is made, and that to the best of his knowledge and belief such statement is correct and true, and that the party subscribing such statement is the President, Secretary, or Manager of such Company, it shall be the duty of the said Provincial Secretary to furnish such Agent with a certificate of the said statement having been duly filed in his office.
4. Copies of all papers required by this Act to be filed on deposited in the office of the said Provincial Secretary, certified under his hand to be true and correct copies of papers so filed or deposited, shall be received in evidence in all Courts and places in this Province, and shall have the same force and effect as the original would have if produced and proved.
5. For the purpose of commencing any action or suit at law or in equity against any such Company, service of process on any such Agent shall be good service of process on such Company, whether the same be incorporated or not; and whether incorporated or not, any such Company may be sued by the name in which they do business, and a judgment against such Company shall be valid and effectual to all intents and purposes, unless reversed on appeal.
6. In any action brought against any such Company on any Policy purporting to have been issued by it or its Agent in this Province, proof of the signature thereto of such Agent or Agents, or, if not signed by him, of the issue of such Policy from the office in this Province of such Agent or Agents, shall upon the trial be deemed sufficient proof of the same being a Policy issued by said Company, unless the contrary be shewn.
7. Any person violating any of the provisions of this Act shall, upon conviction thereof before any Court of competent jurisdiction, be fined by such Court in any sum, according to its discretion, not exceeding two hundred and fifty pounds.
8. This Act shall come into operation on the first day of September next.