

Chap.286 AN ACT RELATIVE TO THE ENGAGEMENTS OF ATTORNEYS IN CERTAIN COURTS OR BEFORE CERTAIN AUDITORS.

Be it enacted, etc., as follows:

R. L. 173, § 81,
etc., amended.

Engagements
of attorneys
in certain
courts or
before certain
auditors.

Section eighty-one of chapter one hundred and seventy-three of the Revised Laws, as amended by section nine of chapter four hundred and forty-eight of the acts of the year nineteen hundred and four, is hereby further amended by striking out all after the word "auditor", in the last line, and inserting in place thereof the words: — unless it shall appear to the court in any particular case that it is just and reasonable that he should so proceed, — so as to read as follows: — *Section 81.* An attorney of record who is actually engaged in the trial of a cause in the supreme judicial court or in the superior court, or in the land court, or before an auditor who has been appointed by either of said courts, shall not be required to proceed to the trial of any other cause in either of said courts or before another auditor, unless it shall appear to the court in any particular case that it is just and reasonable that he should so proceed.

Approved April 13, 1905.

Chap.287 AN ACT RELATIVE TO RESERVES FOR CERTAIN INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Liability in-
surance com-
panies to
render a state-
ment to the
insurance
commissioner.

SECTION 1. Every insurance company which has for ten years or more undertaken to insure persons, firms or corporations against loss or damage on account of the bodily injury or death by accident of any person for which loss or damage said persons, firms or corporations are respectively responsible shall, on or before the first day of October in each year, render to the insurance commissioner a statement in writing of its business transacted in the United States, which shall show separately for each of the five calendar years constituting the first half of the period of ten years next preceding the thirty-first day of December of the year in which the statement is made: —

(1) The number of persons reported injured under all its forms of liability policies, whether such injuries were reported to the home office of the company or to any of

its representatives, and whether such injuries resulted in loss to the company or not;

Liability insurance companies to render a statement to the insurance commissioner.

(2) The amount that, on or before the thirty-first day of August of the year in which the statement is made, had been paid on account or in consequence of all injuries so reported, including therein all payments on suits arising from such injuries;

(3) The number of suits or actions under such policies on account of injuries reported which have been settled either by payment or compromise;

(4) The amount paid in settlement of such suits or actions on or before the thirty-first day of August of the year when the statement is made, including therein all payments made on account or in consequence of injuries from which the suits arose, whether prior to or later than the date when the suits were brought.

SECTION 2. Every such company shall in its financial statements hereafter made in this Commonwealth use the experience so ascertained for computing its outstanding losses under all its forms of liability policies, irrespective of the date when the policies were issued. The average cost per suit of settling such cases, as computed by the data required in the preceding section, shall be multiplied by the number of suits or actions pending on account of injuries reported prior to eighteen months previous to the date on which the condition of the company is to be ascertained and shown, which suits or actions are being defended for or on account of a holder of any such policy; also the average cost on account of each injured person, determined as aforesaid from the company's experience, shall be multiplied by the number of injuries reported within the eighteen months prior to making the statement of the company's condition, whether such injuries were reported to the home office of the company or to any of its representatives. From the sum of these two products so ascertained there shall be deducted the amount of all payments made on account or in consequence of said injuries reported within eighteen months, this amount so deducted to be taken as of the date at which the said statement is made. The sum remaining after making this deduction shall be charged as the liability of the company on account of outstanding losses.

Method of computing outstanding losses of liability companies from their own experience.

SECTION 3. Any admitted company issuing liability contracts which by reason of its limited experience in lia-

Method of computing outstanding

losses of liability companies from the experience of other companies.

bility underwriting cannot furnish the information required by section one shall nevertheless, until it is able to comply with said requirements, be charged with a liability for outstanding losses upon all kinds of its liability policies an amount not less than the amount resulting from the following process:— The number of suits or actions pending on account of injuries reported prior to eighteen months previous to the date of making up the statement, whether such injuries were reported to the home office of the company or to any of its representatives, which are being defended on account of the holder of any policy, shall be multiplied by the average cost per suit as shown by the average experience of all other admitted liability companies, ascertained from the data required by section one; also the number of injuries reported under said policies at any time within eighteen months of making up the statement, whether reported to the home office of the company or to any of its representatives and whether such injuries resulted in loss to the company or not, shall be multiplied by the average cost for each injured person as shown by the average of said experience of all other admitted liability companies, ascertained from the data required by section one. From the sum of these two products there shall be deducted the amount of all payments made on account or in consequence of said injuries reported within eighteen months, this amount to be taken as of the date at which the statement is made. A sum not less than the amount remaining after this deduction shall be charged as a liability for outstanding losses to liability companies covered by the provisions of this section. The average cost for suits and for injured persons required by this section shall, on or before the first day of December of each year, be furnished by the insurance commissioner to every such company which has not had an experience of ten years in liability underwriting.

SECTION 4. This act shall take effect upon its passage.

Approved April 13, 1905.

Chap. 288

AN ACT RELATIVE TO APPEALS FROM THE LAND COURT.

Be it enacted, etc., as follows:

Appeals from the land court.

Appeals from the land court to the superior court shall be appeals for a jury trial on the facts. When an appeal