ply with New York regulations that required maintenance of an office in that state and the countersigning of policies by an agent resident therein.[261] Also, to discourage monopolies and to encourage rate competition, a state constitutionally may impose on all fire insurance companies connected with a tariff association fixing rates a liability or penalty to be collected by the insured of 25% in excess of actual loss or damage, stipulations in the insurance contract to the contrary notwithstanding.[262]

A state statute by which a life insurance company, if it fails to pay upon demand the amount due under a policy after death of the insured, is made liable in addition for fixed damages, reasonable in amount, and for a reasonable attorney's fee is not unconstitutional even though payment is resisted in good faith and upon reasonable grounds.[263] It is also proper by law to cut off a defense by a life insurance company based on false and fraudulent statements in the application, unless the matter misrepresented actually contributed to the death of the insured.[264] A provision that suicide, unless contemplated when the application for a policy was made, shall be no defense is equally valid.[265] When a cooperative life insurance association is reorganized so as to permit it to do a life insurance business of every kind, policyholders are not deprived of their property without due process of law.[266] Similarly, when the method of liquidation provided by a plan of rehabilitation of a mutual life insurance company is as favorable to dissenting policyholders as would have been the sale of assets and *pro rata* distribution to all creditors, the dissenters are unable to show any taking without due process. Dissenting policyholders have no constitutional right to a particular form of remedy.[267]

Miscellaneous Businesses and Professions.—The practice of medicine, using this word in its most general sense, has long been the subject of regulation.[268] A state may exclude osteopathic physi-

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[261] Hoopeston Canning Co. v. Cullen, 318 U.S. 313 (1943).

[262] German Alliance Ins. Co. v. Hale, 219 U.S. 307 (1911). *See also* Carroll v. Greenwich Ins. Co., 199 U.S. 401 (1905).

[263] Life & Casualty Co. v. McCray, 291 U.S. 566 (1934).

[264] Northwestern Life Ins. Co. v. Riggs, 203 U.S. 243 (1906).

[265] Whitfield v. Aetna Life Ins. Co., 205 U.S. 489 (1907).

[266] Polk v. Mutual Reserve Fund, 207 U.S. 310 (1907).

[267] Neblett v. Carpenter, 305 U.S. 297 (1938).

[268] McNaughton v. Johnson, 242 U.S. 344, 349 (1917). *See* Dent v. West Virginia, 129 U.S. 114 (1889); Hawker v. New York, 170 U.S. 189 (1898); Reetz v. Michigan, 188 U.S. 505 (1903); Watson v. Maryland, 218 U.S. 173 (1910); *See also* Barsky v. Board of Regents, 347 U.S. 442 (1954), sustaining a New York law authorizing suspension for six months of the license of a physician who had been convicted of crime in any jurisdiction, in this instance, contempt of Congress under 2 U.S.C. § 192. Justices Black, Douglas, and Frankfurter dissented.