

CHAPTER 446—S. F. No. 749.

An Act to amend section one thousand six hundred forty-two (1642) of chapter nineteen (19), Revised Laws of Minnesota, for the year one thousand nine hundred and five (1905), relating to insurance.

Be it enacted by the Legislature of the State of Minnesota:

Amount collectible.—Section 1. That section one thousand six hundred and forty-two (1642) of chapter nineteen (19), Revised Laws of Minnesota, for the year one thousand nine hundred and five (1905), be, and the same is hereby amended so as to read as follows:

Section 1642. **Whole amount collectible—co-insurance, etc.**—Every company insuring any building or other structure against loss or damage by fire, lightning, or other hazard, by the issue of a policy or renewal of one theretofore issued, or otherwise, shall cause such structure to be previously examined, a full description thereof to be made, and its insurable value to be fixed, all by the insurer or his agent, and the amount thereof to be stated in the policy. In the absence of any change increasing the risk, without the consent of the insurer, of which the burden of proof shall be upon it, and in the absence of intentional fraud on the part of the insured, the whole amount mentioned in the policy or renewal upon which the insurer receives a premium, shall be paid in case of total loss, and in case of partial loss, the full amount thereof. If there are two or more policies upon the property, each shall contribute to the payment of the whole or partial loss in proportion to the amount specified. Any policy where the entire risks covered by the same amounts to more than \$20,000 may contain a co-insurance clause, if the insured requests the same in writing, of which fact such writing shall be the only evidence, and if in consideration thereof, a reduction in the rate of premium is made by the company. When so demanded and attached to the policy, said agreement shall be binding upon both the insured and the company, and in case of loss the actual cash value of the property so insured at the time of the loss, including buildings, shall be the basis for determining the proper amount of such co-insurance and the amount of loss, notwithstanding any previous valuation of such building. Every person who solicits insurance and procures an application therefor, shall be held to be the agent of the party

afterwards issuing insurances thereon or a renewal thereof.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1907.

CHAPTER 447—S. F. No. 853.

An Act to amend section 428, Revised Laws 1905, relating to publication of official proceedings of county boards.

Be it enacted by the Legislature of the State of Minnesota:

Publication.—Section 1. That section 428, Revised Laws 1905, be, and the same is hereby amended so as to read as follows:

428. **Publication.**—The board shall cause the official proceedings of its sessions to be published in some newspaper printed and published in its county, which publication shall be let annually by contract to the lowest bidder, at the first regular session of the board in January of each year. The board may reject any offer, if, in its judgment, the public interests so require, and may thereupon designate a paper without regard to any rejected offer. *Provided*, that in counties whose population exceeds 50,000, the proceedings may be published in one daily and one weekly newspaper at their respective county seats. If the official newspaper of the county shall cease to exist for any reason, except by consolidation with another newspaper, the county board shall have authority to designate another newspaper for the remainder of the year.

Approved April 25, 1907.