

CHAPTER 421.—S. F. No. 272.

An Act to amend Sub-division Seven (7), of Section 1640 of the Revised Laws of Minnesota, 1905, relating to the provisions of standard policy of fire insurance companies.

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

Section 1. Selection and fees of appraisers and awards in case of loss.—That the paragraph following the paragraph of Sub-division Seven (7) of Section One Thousand Six Hundred and Forty (1640) of the Revised Laws of Minnesota, 1905, reading as follows:

“Section 1640. In case of loss, except in case of total loss on buildings under this policy and the failure of the parties to agree as to the amount of loss, it is mutually agreed that the amount of such loss shall be referred to three (3) disinterested men, the company and the insured each choosing one out of three persons to be named by the other, and the third being selected by the two so chosen. The award in writing by a majority of the referees shall be conclusive and final upon the parties as to the amount of loss or damage and such reference unless waived by the parties shall be a condition precedent to any right of action in law or equity to recover for such loss, but no person shall be chosen or act as referee against the objection of either party who has acted in a like capacity within four (4) months;” shall be and the same hereby is amended to read as follows:

“In case of loss, except in case of total loss on buildings, under this policy and a failure of the parties to agree as to the amount of the loss, it is mutually agreed that the amount of such loss shall, *as above provided, be ascertained by two competent, disinterested and impartial appraisers who shall be residents of this state, the insured and this company each selecting one within fifteen days after a statement of such loss has been rendered to the company, as herein provided, and in case either party fail to select an appraiser within such time the other appraiser and the umpire selected, as herein provided, may act as a board of appraisers and whatever award they shall find shall be as binding as though the two appraisers had been chosen; and the two so chosen shall first select a competent, disinterested and impartial umpire; provided that if after five days the two appraisers cannot agree on such an umpire, the presiding judge of the district court of the county wherein the loss occurs may appoint such an umpire upon application of either party in writing by giving five days notice thereof in writing to the other party. Unless within fifteen days after a statement of such loss has been rendered to the company, either party, the assured or the company, shall have notified the other in writing that such party demands an appraisal, such right to an appraisal shall be waived; the appraisers together shall then estimate and appraise the loss,*

stating separately sound value and damage and, failing to agree, shall submit their differences to the umpire; and the award in writing of any two shall determine the amount of the loss; the parties thereto shall pay the appraisers respectively selected by them and shall bear equally the expenses for the appraisal and umpire. The fees of any appraiser or umpire shall in no case exceed ten dollars (\$10.00) per day."

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

Approved April 22, 1913.

CHAPTER 422—S. F. No. 331.

An Act amending Sections 385 and 386, Revised Laws of Minnesota for 1905, relating to the duty of judges in connection with elections for the change of boundaries of counties, and relating to the duty of canvassing the returns thereof by the state canvassing board.

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

Section 1. **Vote to show result on any proposition submitted.**—That Section 385, Revised Laws of Minnesota for 1905, be amended so as to read as follows:

"Section 385. The judges of election, in addition to the returns required in other cases, shall within twenty-four (24) hours after the canvass is completed, transmit to the secretary of state, by registered mail, their certificate of the number of votes cast for and against any proposition submitted; and the county canvassing board shall make return of *said* vote as in the case of votes for state officers, *and such return shall also show the result of such vote for and against any proposition submitted, in such proposed new county, as well as in the entire county affected by such election.*"

Sec. 2. **Governor to issue proclamation when vote shows a majority in favor of new county.**—That Section 386 of the Revised Laws of 1905, be and the same is hereby amended so as to read as follows:

"Section 386. The state canvassing board shall canvass such returns at the time of canvassing the votes cast for state officers, and in the same manner; and they may resort to the returns received from the election judges for the correction of errors in the returns of the county canvassing board, and for supplying omissions therein. When the canvass is completed, such board shall make and file with the secretary of state its certificate, declaring the result of the vote; and, if such certificate shows that such proposition has received a majority of the votes cast thereon in each county to be effected thereby, *and*