

shall keep a docket and a fair and true record of his proceedings, judgments and executions in all cases which may come before him, and shall be entitled to the same fees as are allowed to justices of the peace for similar services.

Marshal, powers and duties, jurisdiction in criminal matters co-extensive with the county, fees, etc.

SEC. 14. The Marshal shall be principal ministerial officer of said town, and shall have the same powers therein as Constables have by law in their respective counties, and his jurisdiction, in criminal cases, shall be co-extensive with the county; he shall execute all process issued by the President, and receive the same fees that Constables are allowed in similar cases for like services.

Jail, use of given for criminals convicted under the by-laws, etc.

SEC. 15. Said corporation shall be allowed the use of the jail of the county for the imprisonment of such persons as may be liable to imprisonment, under the by-laws and ordinances of said corporation, and such persons shall be under the charge of the sheriff of said county as in other cases.

Books, papers, etc., handed over to successors, etc.

SEC. 16. That the President, Recorder, Trustees, or other officers of said corporation, shall, on demand, deliver to their successors in office, all such books, papers and other property as appertain in any wise to said corporation.

When act in force.

SEC. 17. This act to take effect from and after its passage.

APPROVED, the first day of November, one thousand eight hundred and forty-nine.

November 1, 1849.

CHAP. XII.—An Act to incorporate the Minnesota Mutual Fire Insurance Company.

Corporation named and created a body corporate, to insure houses, shops, etc.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota,* Henry Jackson, Charles K. Smith, Franklin Steele, Alexander M. Mitchell, David Olmsted, William H. Forbes, Lorenzo A. Babcock, Morton S. Wilkinson, Joseph M. Marshall, Socrates Nelson, Alexander Wilkin, Charles F. Tracy, Augustus L. Freeman and William H. Randall, sen., and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a corporation, by the name of the "Minnesota Mutual Fire Insurance Company," for the purpose of insuring their respective dwelling-houses, stores, shops and other dwellings (*buildings*,) household furniture, merchandize and other property, against loss or damage by fire, and for no other purpose.

Directors, business of said corporation to be done in St. Paul.

SEC. 2. The persons named in the first section of this act, shall be the first Directors of the said corporation. The business of the said corporation shall be carried on and conducted at such place in the Town of St. Paul, in Ramsey County, as shall be designated by a majority of the members thereof, present at any regular meeting.

Seal—and to hold real estate in amount as the company may require.

SEC. 3. Said corporation may make and use a common seal, for the transaction of their business, and may alter the same at pleasure; and may hold, purchase and convey, such real and personal estate as the legitimate purposes of the corporation shall require.

Members of company—who, etc.

SEC. 4. All persons who shall insure with the said corporation, and also their heirs, executors, administrators and (their) assigns, continuing to be insured in said corporation, as herein provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.

SEC. 5. The affairs of said corporation shall be managed by a Board of Directors, consisting of fifteen members; all vacancies happening in said board, may be filled by the remaining Directors, and five shall constitute a quorum for the transaction of business.

Directors, affairs to be managed by fifteen; vacancy, how filled, etc.

SEC. 6. That said Directors shall continue in office for one year after the passage of this act, and until others shall be chosen in their places, which Board of Directors shall thereafter be elected in each year, at such time and place in the Town of St. Paul, in the County of St. Croix, [Ramsey,] as the corporation in their by-laws shall appoint; of which election public notice shall be given in at least one of the public newspapers printed in said town, at least thirty days immediately preceding such election: such election shall be holden under the inspection of three members not being Directors, to be appointed previous to every election by the Board of Directors; and such election shall be made by ballot, and by a plurality of the votes of the members or their proxies then present; allowing to each member one vote for every hundred dollars insured in said company: *Provided*, That every member shall have at least one vote, although the amount insured by him may not amount to one hundred dollars.

Directors continue in office 1 year, when elected, notice of how holden, election by ballot, one vote for every hundred dollars—and every member at least one vote.

SEC. 7. The Directors may determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Rates of insurance determined.

SEC. 8. Every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the Directors; a part, not exceeding five per cent of said note, shall immediately be paid for the purpose of discharging the incidental expenses of the Institution, and the remainder of the said deposit note, shall be payable in part or the whole, at any time when the Directors shall deem the same requisite for the payment of losses by fire and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note or such part of the same as shall remain unpaid, after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the maker thereof.

Promissory note deposited and five per cent paid, and the remainder payable when directed, and at the end of time insured, balance of said note unpaid to be relinquished.

SEC. 9. When any property insured with this corporation, shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the Directors of said company to be cancelled; and upon such surrender, the insured shall be entitled to receive his deposit notes upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, for his own proper use and benefit, upon application to the Directors, and with their consent, within thirty days next after such alienation, on giving proper security to the satisfaction of said Directors, for such portion of the deposit or premium note as shall remain unpaid, and by such ratification and confirmation, the party causing such security to be given, shall be entitled to all the rights and privileges and be subjected to all the liabilities to which the original party to whom the policy issued was entitled and subjected under this act.

Property insured, afterwards sold—policy void and deposit notes surrendered up—may be confirmed by assignment, etc.

SEC. 10. Every member of said company shall be bound to pay for losses and such necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposit

Losses and expenses, how paid—

buildings and title to lands pledged, and a lien thereon to company, when filed with clerk and entered in the book of mortgages.

Collection of said deposit notes may be by suit at law, or for any assessment or matter of business of said company, and also against the company for losses or damages; witnesses, who may be.

Directors after notice of fire, duty of—judgment, etc., to settle and pay—publish notice of payments to be made by members, and may sue for whole amount of deposit notes and how disposed of.

Dividend to those sustaining losses— and assessment on members for losses not to exceed one dollar for every hundred dollars—member how discharged from said company and liability.

note or notes; and all buildings insured by said company, together with the right, title and interest of the insured to the lands on which they stand, shall be and are hereby pledged to said company, and said company shall have a lien thereon in nature of a mortgage, to the amount of his deposit note; which shall continue during his policy, the lien to take effect whenever the said company shall file with the clerk and have entered in the book of mortgages kept by the clerk of the county where such property is situated, a memorandum of the name of the individual insured, and a description of the property, the amount of said deposit note, and the time during which said policy shall continue.

SEC. 11. Suits at law may be maintained by said corporation against any of its members for the collection of said deposit notes or any assessment thereon, or for any other cause relating to the business of said corporation; also suits at law may be prosecuted and maintained by any member against said corporation for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such losses; and no member of the corporation not being in his individual capacity, a party to such suit, shall be incompetent as a witness in any such cause, on account of his being a member of said company.

SEC. 12. The Directors shall after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid, against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed, and the sum to be paid by each member, shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the Treasurer, within thirty days next after the publication of said notice, and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him as his proportion of any loss as aforesaid, in such case, the Directors may sue for and recover the whole amount of his deposit note or notes with costs of suit; and the amount thus collected, shall remain in the Treasury of said company subject to the payment of such losses and expenses, as have, or may thereafter accrue; and the balance if any remain, shall be returned to the party from whom it was collected, on demand after thirty days from the expiration of the term for which insurance was made.

SEC. 13. If the whole amount of deposit notes shall be insufficient to pay the loss occasioned by any fire or fires, in such cases, the sufferers insured by said company, shall receive towards making good their respective losses, a proportionate dividend of the whole amount of said notes according to the sums by them respectively insured, and in addition thereto, a sum to be assessed on all the members of said company on the same principles as regulate the amount of their respective deposit notes, not to exceed one dollar on every hundred dollars respectively insured by them; and no member shall ever be required to pay for any loss occasioned by fire, at any one time more than one dollar on every hundred dollars in said company, in addition to the amount of his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any

member upon payment of the whole of his deposite note and surrendering his policy before any subsequent loss or expense has occurred, shall be discharged from said company.

SEC. 14. The premium on deposite notes of said company shall not be liable to taxation.

SEC. 15. The statute of limitation shall not apply in favor of said company, to suits to be commenced against the same.

SEC. 16. No policy shall be issued by said company until application shall be made for insurance for fifteen thousand dollars.

SEC. 17. This act shall continue in force twenty years.

SEC. 18. The Board of Directors shall annually choose a Secretary and Treasurer, in the same person or otherwise, and such other officers as the by-laws may provide for. The Treasurer shall give bond to the Directors in double the sum of the probable amount to be paid into the treasury during the term for which he shall be elected, and the Directors shall be personally responsible for any losses that said company may sustain by the dishonesty or carelessness of said Treasurer.

SEC. 19. Within thirty days after the annual meeting for the election of Directors, it shall be the duty of the officers of the corporation to cause to be made and published, in at least one of the newspapers of the county in which the business of the company is transacted, a general statement of the affairs of the corporation, and shall also at the same time, cause to be struck a balance of the profit and loss account; and if there be a surplus after paying all losses and expenses incurred by the company for the year then next preceding, each member shall be credited with such proportion of such surplus as his deposit or payment may bear to the aggregate of deposits or payments.

SEC. 20. If said company shall have sustained losses to an amount equal to their capital stock actually paid in, and the President or Directors, after knowing the same, shall make any new or further insurance, the estates of such of them as shall make such insurance or consent thereto, shall be jointly and severally liable for the amount of any loss which shall take place under such insurance.

SEC. 21. *The Legislature may at any time, alter or repeal this act: Provided,* That the rights of any person or persons who may have obtained insurance from said company, shall not be affected by such repeal.

APPROVED, the first day of November, one thousand eight hundred and forty-nine.

Premiums not taxable.

Limitation statute not to apply in favor of company.

Capital \$15,000.

Act in force 20 years.

Secretary and Treasurer chosen annually, and other officers; Treasurer's bond, etc.

Officers of the company—duty of in publishing a statement of the business annually, and to strike balances of the profit and loss—surplus, how disposed of.

The profits and losses being equal, new insurance not to be made, and consequences thereof.

Legislature may alter or repeal charter.

CHAP. XLII.—An Act to locate a Territorial Road from the town of St. Paul to Little Canada.

November 1, 1849.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota,* That a Territorial Road shall be established from the town of St. Paul to little Canada, in the County of Ramsey, and that James R. Clewet, David Eberts and Benjamin Jarvis, are hereby appointed Commissioners to locate said road, and said Commissioners shall meet in the town of St. Paul, on the first Monday in November next, or as soon as practicable thereafter, and proceed to the discharge of the duties herein assigned them.

Road from St. Paul to Little Canada, and Commissioners to establish same; time of meeting, duty, etc.