

CHAPTER VI.

An Act to regulate Insurance Companies not Incorporated by the State of Minnesota.

- SECTION 1.** Agents of Companies to have authority from State Treasurer —to furnish statement—what to contain.
2. Foreign and unincorporated companies to procure certificate from State Treasurer.
 3. Company shall file copy of statement in office of Clerk of District Court.
 4. Statement to be annually renewed and filed.
 5. Liability of persons receiving money on policies.
 6. Copies of papers to be received as evidence.
 7. Act not to apply to life insurance companies.
 8. Penalty for violating provisions of this act.
 9. When Act to take effect.

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

SECTION 1. That it shall not be lawful for any agent or agents of any insurance company incorporated by any other State than the State of Minnesota, directly or indirectly to take any risks or transact any business of insurance in this State, without such company has first obtained a certificate of authority from the State Treasurer; and before obtaining such certificate, such insurance company shall furnish said Treasurer with a statement under the oath of the President or Secretary of the company, which statement shall show :

First—The name and locality of the company.

Second—The amount of its capital stock.

Third—The amount of its capital stock paid up.

Fourth—The assets of the company, including—

1st—The amount of cash on hand and in the hands of agents or other persons.

2nd—The real estate unincumbered.

3rd—The bonds owned by the company, and how they are secured, with the rate of interest thereon.

4th—Debts to the company secured by mortgages.

5th—Debts otherwise secured.

6th—Debts for premiums.

7th—All other securities.

Fifth—The amount of liabilities due or not due to other banks or other creditors, by the company.

Agent must have authority from State Treasurer

Statement

Sixth—Losses adjusted and due.

Seventh—Losses adjusted and not due.

Eighth—Losses unadjusted.

Ninth—Losses in suspense waiting for further proof.

Tenth—All other claims against the company.

Eleventh—The greatest amount insured in any one risk.

Twelfth—The greatest amount allowed by the rules to be insured in any one city, town or village.

Thirteenth—The greatest amount allowed to be insured in any one block.

Fourteenth—The Act of incorporation of such company.

Which statement shall be filed in the office of said Treasurer, together with a written statement duly signed and sealed, authorizing any agent or agents of such company in this State to acknowledge service of process for and in behalf of such company, consenting that service of process final, upon any such agent or agents, shall be taken and held to be as valid as if served upon the company according to the laws of this or any other State, and waiving all claim or right of error by reason of such acknowledgment or service; and no insurance company or agent or agents of any insurance company incorporated by any other State, shall transact any business of insurance in this State, unless such company is possessed of at least one hundred thousand dollars in value, of actual capital, invested in stocks or in bonds or mortgages of real estate worth double the amount for which the same is mortgaged; and upon filing of the aforesaid statement and instrument with the State Treasurer and furnishing him with satisfactory evidence of such investment as aforesaid, it shall be the duty of said Treasurer to issue a certificate thereof, with authority to transact business of insurance to said company for its agent or agents.

Sec. 2. It shall be unlawful for any unincorporated company or association, partnership, firm or individual, or any member or agent or agents thereof, or for any agent or agents of any company incorporated by any foreign government other than a State of this Union, to transact any business of insurance in this State, without procuring a certificate of authority from the State Treasurer, such company, association, partnership, firm or individual, or any agent or agents thereof, having first filed under oath in the office of said Treasurer, a statement setting forth the charter or act of incorporation of any and every such incorporated company, and the by-laws, co-partnership agreements, articles of association of any and every such incorporated company, association, partnership or firm, and the name and residence of such individual, and the names and residences of the members of every such partnership or firm, and the matters required to be specified by the first Section of this Act, and the written authority therein mentioned, and furnish evidence to the satisfaction of the State Treasurer, that such company has invested in the stock

Amount of capital—how invested

Unincorporated and foreign companies must procure certificate from Treasurer

Satisfactory evidence to be furnished Treasurer

of some one or more of the States of this Union, or of the United States, the amount of one hundred thousand dollars (\$100,000), and that such stocks are held by citizens of the United States, or in bonds or mortgages of real estate situate in the United States, fully securing the amount for which the same is mortgaged, or bonds of cities of the United States, the aggregate market value of the investment of the company, in which shall not be less than one hundred thousand dollars (\$100,000); and such incorporated company or unincorporated company, association, partnership, firm or individual, or any agent or agents thereof, filing said statement and furnishing evidence of investment as aforesaid, shall be entitled to a certificate of authority for such body or individual, in like manner as is provided for in the first Section of this Act.

SEC. 3. It shall be the duty of every such insurance company, or some agent or agents thereof, before taking any risks or transacting any business of insurance in this State, to file in the office of the Clerk of the District Court of the county in which it, he or they, may desire to establish an agency for any such insurance company or individual, or to transact any business of insurance therein, a copy of the statement required to be filed with the Treasurer aforesaid, together with a certified copy of the certificate of said Treasurer, which shall be carefully preserved for the public inspection by said clerk, and also cause said statement and certificate to be published in some weekly newspaper of general circulation in said county, for three weeks; or it shall be lawful for each of such aforesaid bodies, whether incorporated or not, or individuals, to cause such statement and certificate to be published in some daily newspaper of general circulation in the city of St. Paul for at least one week, which publication shall be verified by the oath of the printer or publisher of said paper.

Copy of statement and certificate to be filed with clerk of district court

SEC. 4. The statement and evidences of investment required by this Act shall be renewed annually in the month of January in each year. The first statement may be made at any time. The State Treasurer, on being satisfied that the capital securities and investments remain secure as at first, shall furnish a renewal of certificate as aforesaid, the certified copy of which, with the certified copy of the statement upon which the same was obtained, shall be filed, kept, and published in the same manner, and be governed in all respects by the provisions of Section three (3) of this Act.

Statement to be renewed and filed annually

SEC. 5. Any person or firm in this State, who shall receive or receipt for any money on account of or for any contract of insurance made by him or them, or for any such insurance company or individual aforesaid, or who shall receive or receipt for money from other persons, to be transmitted to any such company or individual aforesaid, for a policy or policies of insurance, or any renewal thereof, although such policy or policies of insurance may not be signed by him or them as

Liability of persons receiving money on policies

agent or agents of such company, or who shall in anywise directly or indirectly make or cause to be made any contract or contracts of insurance for or on account of such insurance company aforesaid, shall be deemed to all intents and purposes an agent or agents of such company, and shall be subject and liable to all the provisions, regulations and penalties of this Act.

Sec. 6. That copies of all papers required by this Act to be deposited in the office of the State Treasurer, certified under the hand of said Treasurer, or clerk of any court of record, or Probate Judge of this State, with the seal of such court affixed thereto, or any Notary Public under his proper seal, shall be received as evidence in all courts and places in the same manner, and have the same force and effect as the original would have if produced.

Sec. 7. This Act shall not be so construed as in any manner to apply to life insurance companies, but shall include within its provisions only the "fire" and "fire and marine" departments of any company that may have separate departments for "life insurance" and "fire" and "fire and marine insurance."

Sec. 8. Any person violating the provisions of this Act within this State, shall upon conviction, in any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars (\$1000), or imprisoned in the county jail not more than thirty days, or both at the discretion of the court. Violations of the provisions of this Act shall be prosecuted in the same manner as may be provided by law for the punishment of offences of like grade.

Sec. 9. This Act shall take effect and be in force from and after the first day of July next.

AMOS COGGSWELL,

Speaker of the House of Representatives.

IGNATIUS DONNELLY,

President of the Senate.

Approved February sixth, one thousand eight hundred and sixty.

ALEX. RAMSEY.

SECRETARY'S OFFICE, MINNESOTA, }

February 6th, 1860. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. H. BAKER, Secretary of State.

Copies of papers
to be received as
evidence

Act not to apply
to life insurance
companies

Penalty for viola-
tions of this Act