

commissioner it shall be lawful for any such mutual company or corporation to reinsure its business and consolidate with such stock company so designated, and such stock company shall thereupon become liable for all of the contracts and obligations of such mutual company, and shall become possessed of and vested with all of the property and assets of such mutual company so reinsuring and consolidating. *Provided*, that the property and assets of such mutual company shall be kept intact to be used for the protection of the members and policy holders of such company until all of its contracts and obligations have been fully discharged.

Approved by insurance commissioner, lawful to reinsure and consolidate.

Property and assets of mutual company to be kept intact.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 17, 1903.

#### CHAPTER 245.

H. F. No. 300.

*An act entitled an act to amend section 25 of chapter 175 of the General Laws of 1895, entitled an act to revise and codify the insurance laws of the state.*

Insurance code, amendment.

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

SECTION 1. That section 25 of chapter 175 of the General Laws of the state for the year 1895 be and the same is hereby amended so as to read as follows:

No fire or fire and marine insurance company shall make any conditions or stipulations in its insurance contracts concerning the court of jurisdiction wherein any suit thereon may be brought, nor shall limit the time within which such suit may be commenced to less than two years from the time the loss occurred.

No conditions in contracts concerning court of jurisdiction

Any provisions, contract or stipulation contained in any contract or policy of insurance issued or made by any fire insurance company, association, syndicate or corporation, insuring any property within this state, whereby it is provided or stipulated that the assured shall take out and maintain a larger amount of insurance upon the property than the amount expressed in such policy, or that the insured shall be an insurer of the property insured to any amount or extent, and any provision or stipulation in any such contract or policy to the effect that the insured shall bear any portion of the loss on the property insured,

Void on account of certain conditions.

Liability  
of company  
in such  
case.

are hereby declared to be null and void and the liability of the company, syndicate, association or corporation issuing the policy shall be the same as if no such agreement, stipulation or contract were contained in such policy; nor shall any such insurance company insert any condition, stipulation or agreement in any policy of insurance requiring a certificate from any notary public, justice of the peace or other magistrate or person, as to anything whatever connected with such insurance or loss, and any such condition or stipulation shall be void. Any person, company or association hereafter insuring any building or structure against loss or damage by fire, lightning or other hazard by a renewal of a policy heretofore issued or otherwise, shall cause such building or structure to be examined by the insurer or his agent, and a full description thereof to be made, and the insurable value thereof to be fixed by the insurer or his agent, the amount of which shall be stated in the policy of insurance. In the absence of any change increasing the risk, without the consent of the insurer and in the absence of intentional fraud on the part of the insured, in case of total loss the whole amount mentioned in the policy or renewal upon which the insurer receives, a premium shall be paid; and in case of a partial loss the full amount of the partial loss shall be paid, and in case there are two or more policies upon the property, each policy shall contribute to the payment of the whole or the partial loss in proportion to the amount of insurance mentioned in each policy, but in no case shall the insurer be required to pay more than the amount mentioned in the policy; *provided*, that, in the absence of fraud, the burden of proof to show an increase of risk by reason of any change in the ownership or condition of the structure or building upon which insurance is effected, either before or after loss arises, shall be upon the insurer; anything in the application or the policy of insurance to the contrary notwithstanding; *provided, however*, that it shall be lawful for such insurance companies, at the written request of the insured only, to issue, and it may be optional with the assured to accept a policy or contract of insurance containing a co-insurance clause or provision whenever a reduction in the rate for insurance on the property described in such policy is the consideration named for the taking of such co-insurance, and when so requested in writing, of which fact

On  
renewal.

Liability.

Burden of  
proof.

Co-insur-  
ance.

such writing shall be the only evidence and so accepted, the said co-insurance clause or provisions shall be binding on the assured and on the company issuing such policy; *provided, further*, that the clause herein relating to co-insurance shall in no case apply to dwellings or to farm property, nor shall said clause apply to any risk wherein the total insurance shall be less than twenty-five thousand dollars on any one risk. Except grain elevator and warehouses and contents of same, and any person who solicits insurance and procures the application therefor, shall be held to be the agent of the party thereafter issuing the policy upon such application, or a renewal thereof, anything in the application or policy to the contrary notwithstanding.

Not applicable in certain cases.

Agent.

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

Approved April 17, 1903.

#### CHAPTER 246.

H. F. No. 301.

*An act to amend section 1537 of the General Statutes of 1894, relating to taxes.*

Taxation.

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

SECTION 1. That section 1537 of the General Statutes of 1894 be and the same is hereby amended so as to read as follows:

Section 1537. The county auditor shall annually provide the necessary assessment books and blanks, at the expense of the county, for and to correspond with each assessment district. He shall make out, in the real property assessment book, complete lists of all lands or lots subject to taxation, showing the names of the owners, if to him known, and, if unknown, so stated opposite each tract or lot, the number of acres and the lots or parts of lots or blocks included in each description of property. The list of real property becoming subject to assessment and taxation every odd-numbered year may be appended to the personal property assessment book. There shall be appended to each personal property assessment book a list of all mortgages, or other real estate securities, held, owned or controlled by the residents of the town or district, showing the names of the owners or agents alpha-

County auditor to provide assessment books and blanks.

Complete lists.

Real estate list.

Lists of real estate securities.