

to the county treasurer for collection and payment thereof, and the same shall be enforced with, and in like manner, as city, county and state taxes are collected and payment thereof enforced. After the completion of said boulevard the owner or owners of said land adjoining the same, or interested therein, shall have the privilege of paying all or any portion of the cost of construction thereof to said village or city at any time within twenty days thereafter, and before said levy has been made, and the amount so paid shall be deducted from the amount of said assessment.

Payment made before tax levy made.

Law repealed.

SEC. 6. Chapter forty-nine (49) of the General Laws of Minnesota for the year 1899, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Not applicable to city under special charter, law, nor to affect assessments heretofore made.

Provided, however, that this act shall not apply to any city or village of this state having a population of less than ten thousand (10,000) operating under a special law or special charter.

Provided, further, that this act shall not in any way affect any assessments heretofore made by any city or village or any assessments hereafter to be made by any city or village upon any contract made prior to the time when this act shall take effect.

SEC. 7. This act shall take effect and be and remain in force from and after its passage.

Approved April 19, 1905.

H. F. No. 707

CHAPTER 331.

Fire ins. premiums. Appointment of fire marshal.

An act to prevent unjust discrimination in the fixing of fire insurance premiums, to provide for the appointment of a fire marshal and defining his duties, and to provide additional revenue for the enforcement of such act.

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

SECTION 1. Unjust Discrimination Prohibited.—No fire insurance company shall charge or receive, directly or indirectly, a higher or greater rate or premium for insurance against destruction or damage by fire of any property within this state than it charges for other risks in this state of the same kind or class, taking into consideration the local fire loss record, the nature of the risk,

the exposures and hazards thereof, and the means of fire prevention applicable thereto.

SEC. 2. Action for Violation—Penalty.—If any fire insurance company, or any of its officers or agents, shall violate any provisions of the preceding section, the attorney general, upon request of the insurance commissioner, may bring a civil action against the offender, in the name of the state and in any district court thereof, for the recovery of the penalty hereinafter prescribed. Such action shall be tried by the court unless a jury trial be demanded by the defendant. If the cause of action be sustained, the defendant shall be adjudged guilty of unlawful discrimination, and the plaintiff shall recover in said action such sum as the court may deem proper, not exceeding five hundred (\$500) dollars, with disbursements and costs. And for a second offense in respect to the same risk, the insurance commissioner shall revoke the license of the offending company to do business in this state.

SEC. 3. Fire Marshal—Bond, Salary, Etc.—The governor, by and with the advice and consent of the senate, shall appoint a state fire marshal who shall hold office until the first Monday of January in the odd numbered year next ensuing, and until his successor qualifies. But such marshal may be superseded by the governor at pleasure, and any vacancy in the office may be filled by like appointment for the unexpired time. He shall give bond to the state in the penal sum of \$25,000, conditioned for the faithful discharge of his official duties, and shall receive a salary of \$2,500 per annum, payable monthly.

SEC. 4. Investigation of Fires—Upon the request of the mayor of any city or village, or of the chief of a fire department thereof, or of the clerk of any town, or of any fire insurance company or its general agent, the state fire marshal shall forthwith investigate the origin, cause and circumstances of any fire occurring within the state, whereby property has been destroyed or damaged, and shall ascertain if possible whether the same was the result of carelessness or design.

SEC. 5. Reports to Commissioner—The chief of every organized fire department shall immediately report to said fire marshal, upon blanks furnished by him for that purpose, the facts concerning the origin, cause and circumstances of any fire occurring within the district to which the duties of such chief relate. And said fire mar-

Records
open to
public.

shall keep in his office a record, open to public inspection, of all fires so reported and of all obtainable facts and statistics pertinent thereto, and such records and data concerning premiums collected by fire insurance companies as the commissioner of insurance may require.

SEC. 6. Buildings May Be Entered, Rates Investigated, Etc.—Said fire marshal shall have power to administer oaths, take testimony, compel the attendance of witnesses and the production of documents, and to enter, at any time, any buildings or premises where a fire has occurred or is in progress, or any place contiguous thereto, for the purpose of investigating the origin and character of such fire. He shall upon request of the commissioner of insurance investigate any complaint of discrimination in premiums made against any fire insurance company, officer or general agent. And he may enter and examine any building for the purpose of ascertaining the fire risks to which it is exposed, and may require the owner or occupant to remove combustible material improperly placed therein, and to remedy any unnecessary exposure to fire risks found therein. If any such owner or occupant shall neglect for the space of ten days to comply with any lawful direction of the fire marshal, he shall be guilty of a misdemeanor.

Neglect of
owner, or
occupant to
comply with
direction of
marshal.

SEC. 7. Prosecution, When Authorized—If upon investigation of any fire as herein provided, the fire marshal shall be satisfied that there is sufficient evidence to charge any person with the crime of arson, he shall cause such person to be arrested and charged with such crime, and shall furnish to the proper county attorney all the information and evidence obtained by him, including a copy of all pertinent testimony taken in the case.

SEC. 8. Investigation by Another—Expenses, How Paid—If, for any reason, the marshal is unable to make a particular investigation in person, he may designate some suitable person to act thereon in his place; but the compensation of such substitute shall be paid by the marshal. The necessary expenses of all investigations shall be paid as follows: If it be made.

1. At the request of a mayor, town clerk, or chief of fire department, by the city, village, or town in which the fire occurred;
2. At the request of an insurance company, by such company;
3. Without request, by the state.

The marshal shall report monthly to the insurance commissioner, a detailed account of all charges and collections made by him for expenses incurred under this act, with the names of the persons paying the several items of such charges. And a summary of such charges and collections shall be given in the annual report of the commissioner.

Monthly reports by marshal.

SEC. 9. Investigation not to Affect policies—No action taken by such marshal shall affect the rights of any policy holder in respect to his loss by reason of any fire so investigated, nor shall the result of any such investigation, or the fact that an investigation was requested or made, be given in evidence upon the trial of any civil action upon such policy.

SEC. 10. Additional Tax—Appropriation for Expenses—Every fire insurance company doing business in the state, except town mutual companies, shall hereafter pay to the state treasurer on or before the first Monday of April in each year, in addition to all other taxes and fees required of it by law, a tax equal to one-fourth of one per cent of the net premiums collected by it for insurance upon property within the state. So much of the proceeds of such tax as may be necessary for the purpose is hereby appropriated for the payment of the expenses incurred under the provisions of this act, and no such expenses shall be incurred in any year in excess of the gross receipts therefrom.

Tax of one-fourth of one per cent of net premiums.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved April 19, 1905.

CHAPTER 332.

H. F. No. 30.

An act to amend section one (1) of chapter one hundred and ninety-five (195) of the General Laws of nineteen hundred and three (1903).

Probate code.

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

SECTION 1. That section one (1) of chapter one hundred and ninety-five (195) of the General Laws of nineteen hundred and three (1903) be amended, so that it will read as follows:

Order of court discharging executor, or administrators, and sureties after all decrees and orders complied with.

Section 1. That whenever an executor or administrator shall have fully complied with all the terms and conditions of the final decree of distribution and of all other