

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

Approved June 3, 1909.

No. 241, S.]

[Published June 5, 1909.

CHAPTER 288.

AN ACT to create section 4202m of the statutes, relating to statements, representations, and warranties in insurance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is added to the statutes a new section to read: Section 4202m. 1. No oral or written statement, representation, or warranty made by the insured or in his behalf in the negotiation of a contract of insurance shall be deemed material or defeat or avoid the policy, or prevent its attaching unless such statement, representation, or warranty was false and made with actual intent to deceive or unless the matter misrepresented or made a warranty, increased the risk or contributed to the loss.

2. No warranty incorporated in a contract of insurance relating to any fact prior to a loss shall defeat or avoid such policy unless the breach of such warranty increased the risk at the time of the loss, or contributed to the loss, or unless such breach existed at the time of the loss.

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

Approved June 3, 1909.

No. 288, S.]

[Published June 5, 1909.

CHAPTER 289.

AN ACT to amend section 496d of the statutes, relating to state graded schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 496d of the statutes is amended to read: Section 496d. The school board of any school district * * * maintaining a graded school but no free high school nor a * * * school of a grade equivalent to a free high school, town free high schools excepted, may receive special state aid as hereinafter provided upon full compliance with the following conditions.

1. There shall be two classes of state graded schools in Wisconsin, known respectively as first class, and second class; all state graded schools of three or more departments shall be in the first class, and all graded schools of two departments shall be in the second class.

2. Schools shall be maintained in the district receiving such aid, at least nine school months, including legal holidays, in each and every department. At least three departments in schools of the first class and both departments in schools of the second class shall have an average daily attendance of not less than fifteen pupils for the entire school year, to entitle the school to state aid.

3. All persons employed in both classes of graded schools applying for state aid shall be competent teachers and shall hold the following grade of certificate: The principal of a state graded school of the first class shall hold some form of a state certificate. In each school of this class one assistant shall hold a third grade certificate, or a certificate of a higher grade, provided such assistant, if holding a third grade certificate shall have had one year's successful experience as a teacher in the public schools of Wisconsin; one assistant shall hold a second grade certificate, or a certificate of a higher grade, and all other assistants shall hold first grade certificates or certificates of the higher grade. The principal of a state graded school of the second class shall hold a first grade county certificate, or some form of a state certificate and shall have had not less than one year of successful experience as a teacher in a public school or a second grade county certificate and shall have had not less than two years of successful experience as a teacher in a public school, provided that the testimonial of successful experience herein required shall be issued by the county superintendent of schools in the county in which the certificate is in force, and the assistant shall hold a third grade certificate, or a certificate of a higher grade, provided such assistant, if holding a third grade certificate, shall also have had one year's successful experience as a teacher in the public schools of Wisconsin. The word "principal" is hereby interpreted as meaning the teacher of the highest grade or grades in the schools who shall have immediate supervision of all the grades; the word "assistant" is hereby interpreted as meaning each and every teacher in the state graded school other than the principal.

4. The schoolhouse or schoolhouses, the outhouses, and the grounds, the furniture, and equipment, shall be maintained in good condition and kept free from any unsanitary feature.

5. Sufficient equipment, including globes, maps, blackboards,

library, and other essentials for the proper work of the school shall be provided by the school district.

6. When the school board of any school district desires to secure state aid for its graded school, said school board shall make written application for the same to the state superintendent. No graded school shall be entitled to be placed upon the list of state graded schools and to receive special state aid until said school shall have been duly inspected by the state superintendent, or some member of his staff, and found to be fully complying with all the conditions of this act.

7. In order that any graded school may receive special state aid as herein provided, application shall be made to the state superintendent by the school board before the first day of September preceding the school year for which said special state aid is requested.

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

Approved June 3, 1909.

No. 328, S.]

[Published June 5, 1909.

CHAPTER 290.

AN ACT to amend section 1219 and subsection *1 of section 1976 of the statutes, relating to the license fees of fire and marine insurance companies and to agents' licenses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1219 of the statutes is amended to read: Section 1219. 1. Every company transacting the business of insurance against fire or by the risk of inland navigation or transportation, * * * shall pay to the state * * *, on or before the thirty-first day of January in each year, a tax of * * * *two per centum* on the amount of the gross premiums received for direct insurance, less return premiums and cancellations on direct insurance, by such company during the preceding year, in this state. * * * *Direct insurance shall include all insurance other than reinsurance. In case any company shall discontinue business in this state and reinsure the whole or a part of its risks without making payment of this tax, the company accepting such reinsurance shall pay the tax; and if several companies shall make such reinsurance the tax shall be apportioned between such companies in proportion to the original premiums upon the business, in this state, so reinsured by each such company. Upon the payment of the tax*

* Subs. 1, sec. 1976, also amended by ch. 116, 1909.