

[Published March 10, 1859.]

CHAPTER 46.

AN ACT to authorize the formation of Town Insurance Companies.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*Companies,
how formed.

SECTION 1. It shall be lawful for any number of persons, not less than twenty-five, residing in any town in this State, who collectively shall own property of not less than twenty-five thousand dollars in value, which they desire to have insured, to form themselves into a company for mutual insurance against loss or damage by fire, which corporation shall possess the usual powers and be subject to the usual duties of corporations, and the corporate name whereof shall embrace the name of the town in which the business office of said company shall be located.

Directors and
officers.

SEC. 2. Every company so formed shall choose of their number not less than five nor more than nine directors, to manage the affairs of such company, who shall hold their office for one year and until others are elected; and such directors shall choose one of their number president and one as secretary.

Record, how
kept.

SEC. 3. The directors of such company shall file their articles of association, together with a copy of their by-laws and the names of the officers of such company, in the clerk's office of the town in which the office of such company is located, and shall keep a record of their proceedings in a book to be kept for that purpose, together with the names of all persons insured, and the amount each person is insured; which record shall be kept open for the inspection of all the members of such company, from the hours of nine o'clock, A. M. to four o'clock, P. M. of each secular day, the established holidays excepted.

Policies how
issued.

SEC. 4. The directors of such company may issue policies signed by the president and secretary, agreeing in the name of the company to pay all damages which may be sustained by fire, for a term not exceeding five years, by the holder of such policies, not exceeding the sum named in said policy, and which shall not exceed the sum of two thousand dollars in any one risk.

Undertaking
given.

SEC. 5. Every person so insured shall give his undertaking, bearing even date with the policy so issued to him, binding himself, his heirs, and assigns, to pay his *pro-rata* share to the company, of all losses by fire which

may be sustained by any member thereof, and every such undertaking shall, within five days after the execution thereof, be filed by the secretary of such company, in the office of the clerk of the town in which the office of said company is located, and shall remain on file in such office, except when required to be produced in court as evidence. He shall also, at the time of effecting insurance, pay such per centage in cash, and such reasonable sum for a policy as may be required by the rules or by laws of the company.

To be filed.

Per centage paid.

SEC. 6. Every member of such company who may sustain loss or damage by fire, shall immediately notify the president of such company, or in case of his absence, the secretary thereof, who shall forthwith convene the directors of such company, whose duty it shall be, when so convened, to appoint a committee of not less than three nor more than five members of such company, to ascertain the amount of such loss; and in case of the inability of the parties to agree upon the amount of such damages, the claimant may appeal to the judge of the county court of such county, whose duty it shall be to appoint three disinterested persons as a committee of reference, who shall have full authority to examine witnesses, and to determine all matters in dispute, who shall make their award in writing to the president, or in his absence, to the secretary of such company, which award thereon shall be final. The said committee of reference shall each be allowed the sum of two dollars per day for each day's service so rendered, and the sum of five cents for every mile necessarily traveled in the discharge of such duties, which shall be paid by the claimant, unless the award of said committee shall exceed the sum offered by the company in liquidation of such loss or damages, in which case said expenses shall be paid by the company.

Notification of loss by fire.

In case of disagreement.

SEC. 7. The companies formed under the provisions of this act, may classify the property insured at the time of issuing policies thereon, under different rates, corresponding as nearly as may be to the greater or less risks from fire and loss which may attach to each several buildings insured. Whenever the amount of any loss shall be ascertained, which exceeds in amount the cash funds of the company, the president shall convene the directors of said company, who shall make an assessment upon all the property insured to the amount for which each several piece of property is insured, taken in connection with the rate of premium under which it may have been classified.

Classification of property.

Assessments.

- Notice to be given.** SEC. 8. It shall be the duty of the president whenever such assessment shall have been completed, to immediately notify every person composing such company, by letter, sent to his usual post office address, of the amount of such loss, and the sum due from him as his share thereof, and of the time when and to whom such payment is to be made, but such time shall not be less than sixty nor more than ninety days from the date of such notice, and every person designated to receive such money, may demand and receive two per cent. in addition to the amount due on each assessment as aforesaid, for his fees in receiving and paying over the same.
- Time.**
- Fees.**
- Suits in case of neglect.** SEC. 9. Suits at law may be brought against any member of such company, who shall refuse or neglect to pay any assessment made upon them by the provisions of this act, and the directors of any company so formed, who shall wilfully neglect or refuse to perform the duties imposed upon them by the foregoing sections of this act, shall be liable in their individual capacity to the person sustaining such loss.
- What property insured.** SEC. 10. No company formed under this act shall insure any property out of the limits of the town in which the office of the company is located, nor shall they insure any property other than detached dwellings and their contents, and farm buildings and their contents; nor shall they insure any property within the limits of any incorporated city of this state.
- Directors, how and when chosen.** SEC. 11. The directors of each company so formed shall be chosen by ballot at the annual meeting thereof, which shall be held on the first Tuesday of January in each year, and every person shall have one vote for each two hundred dollars which he may be insured, but no person shall be allowed to vote by proxy at such election.
- Duty of secretary.** SEC. 12. It shall be the duty of the secretary of every company as aforesaid, to prepare a statement showing the condition of such company on the day preceding their annual meeting, which statement shall contain the amount insured, the number of policies issued, and to whom, and the amount insured by each policy, and all other matters pertaining to the interests of such company, which statement shall be filed in the office of the town clerk, in which said company may be located, on or before the fifteenth day of January in each year, and which statement shall also be read to the members of said company at their annual meeting.
- Members may withdraw.** SEC. 13. Any member of such company may withdraw therefrom at any time, by giving notice in writing to the

president, or in his absence, to the secretary thereof, and paying his share of all claims then existing against said company; and the directors or a majority thereof shall have power to annul any policy by giving notice in writing to that effect to the holder thereof. Policies annulled.

SEC. 14. Non-residents of any town in this state, owning property therein, may become members of any company founded under this act, and shall be entitled to all rights and privileges appertaining thereto, except that it shall not be lawful for such non-resident to become a director of said company, unless he be at the time of such membership a resident of a town adjoining the town in which said company has been formed under the provisions of this act. Non-residents rights of.

SEC. 15. The company so formed may adopt such by-laws for its regulation as are not inconsistent with the provisions of this act, and may therein prescribe the compensation of its officers. By-Laws.

SEC. 16. No company formed under this act shall continue for a longer term than thirty years. Limit of corporation.

SEC. 17. This act shall take effect and be in force immediately after its passage. Take effect.

Approved March 8, 1859.

[Published March 11, 1859.]

CHAPTER 47.

AN ACT to amend chapter twenty-nine (29) of the revised statutes authorizing the Governor to make certain surveys.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever there is no money in the treasury belonging to the swamp land fund, the expenses of surveys of swamp and overflowed lands, and the expenses of the examination of records in any of the land offices in the state, which in the judgment of the executive of the state are necessary to be made in regard to such swamp and overflowed lands, shall be paid out of the general fund. Expenses of surveys, how paid.

SEC. 2. All accounts for services in surveying swamp and overflowed lands and for services in examining records, as provided by this act, shall be audited by the secretary of state. How audited.