

## CHAPTER 344.

[Published April 1, 1876.]

AN ACT to codify and consolidate all laws in relation to town insurance companies.

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

SECTION 1. It shall be lawful for any number of persons, not less than twenty-five, residing in the same town or adjoining towns 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 or lightning, which corporation shall possess the usual powers and be subject to the usual duties of corporations, and the corporate name thereof shall embrace the name of the town in which the business office of said company is located.

Organization of town fire insurance companies.

SECTION 2. Every company so formed shall choose of their number not less than five nor more than nine directors to manage the affairs of said 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.

Directors of company.

SECTION 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 companies from the hour of nine o'clock a. m. to four o'clock p. m., of each secular day, the established holidays excepted.

Articles of association to be filed in town clerk's office.

SECTION 4. The directors of such company may issue such policies, signed by the president and secretary, agreeing in the name of the company to pay all loss or damages which may be sustained by fire or lightning, for a term not exceeding five years, by the holders of such policies, and not exceeding the sum named in such policy.

Issue of policies.

Persons insured to give undertaking.

SECTION 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 or damages by fire or lightning which may be sustained by any member thereof, and every such undertaking shall, within ten days after the acceptance by the said company of said undertaking, be filed in the office of the secretary of such company, 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 such insurance, pay such percentage in cash, and such reasonable sums for a policy as may be required by the rules or by-laws of the company.

Payment of losses.

SECTION 6. Every member of such company who may sustain loss or damage by fire or lightning, shall immediately notify the president of such company, or in 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 or damage, and in case of the inability of the parties to agree upon the amount of such loss or damage, 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 per 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 damage, in which case said expenses shall be paid by the company.

Classification of property.

SECTION 7. The company 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 risk from fire, and loss which may attach to each several buildings or personal property insured.

Whenever the amount of any loss shall be ascertained which exceeds the amount of the cash funds of the company, the president shall convene the directors of said company, who shall make an assessment upon all 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.

SECTION 8. It shall be the duty of the secretary, 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 the 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.

Duty of secretary.

SECTION 9. Suits at law may be brought against any member of such company who shall refuse or neglect to pay any assessment made upon him by the provisions of this act, and the directors of any company so formed, who shall willfully 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.

Collection of assessments.

SECTION 10. No company formed under the provisions of this act shall insure any property in any city or incorporated village in this state, nor shall such company insure any property out of the town or towns in which said company is located; *provided*, however, that any existing company shall be considered, without reorganization or other act, as comprising such town or towns as such company may have effected insurance in; *and provided further*, that adjoining towns may be attached to and become a part of the territory of any town insurance company by the act of the members of such company, at the annual meeting thereof, but such act shall require an affirmative vote of a majority of all the shares or stock composing such company.

City and village property not to be insured.

SECTION 11. No company formed under this act shall insure any property other than detached dwellings and their contents, farm-buildings and their contents, live-stock on the premises or running at

Classes of property that may be insured.

large, farm products in the stack or bin, and farming implements; *provided, however,* that any such company, at its annual meeting may, by a majority vote of members thereof, authorize its directors to insure country stores and their contents, school-houses, churches, town and society halls, but such risk shall not exceed fifteen hundred dollars in any one case.

Election of directors.

SECTION 12. The directors of such company shall be chosen by ballot, at the annual meeting thereof, which shall be held on the first Tuesday of January in each year unless otherwise ordered by a majority of the voters of such company, and every person shall have one vote for each two hundred dollars, for which he or she may be insured, at said election or in the transaction of any business, but no person shall be allowed to vote by proxy, excepting women; *provided,* that if the day hereinbefore fixed for such annual meeting shall fall upon the first day of January, or upon any legal holiday, then the said meeting shall be held upon the next succeeding day, upon which business may be, under the laws of this state, lawfully transacted.

Duty of secretary to prepare annual report.

SECTION 13. It shall be the duty of the secretary of every such company to prepare a statement, showing the condition of such company on the day preceding their annual meeting, which statement shall contain the amount insured by each policy, the number of policies issued, and to whom, and the aggregate amount insured, and all other matters pertaining to the interests of such company, which statement shall be filed in the office of the town clerk of the town in which said company 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.

Withdrawal of members.

SECTION 14. 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.

Annulling of policies.

Non-resident members.

SECTION 15. Non-residents of any town in this state, owning property therein, may become members of any company formed 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.

SECTION 16. 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.

SECTION 17. All companies heretofore organized under the various laws in relation to town insurance companies, shall be deemed to be organized under the provisions of this act, and the several acts of such companies are hereby legalized and declared valid.

SECTION 18. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 345.

[Published April 1, 1876.]

AN ACT to codify and consolidate the laws relating to pay and mileage of members, pay of employes, and providing for newspapers, postage-stamps, stationery, and opening of legislature.

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

SECTION 1. Each member of the senate and assembly of this state shall be entitled to receive the sum of three hundred and fifty dollars annually, and ten cents per mile for the distance he shall have to travel in going to and returning from the place of the meeting of the legislature, on the most usual route; *provided*, that neither party claiming a contested seat in the senate or assembly, shall be entitled to receive any salary or mileage until the question of the right to such seat has been settled.

SECTION 2. It shall be the duty of the presiding officers of the senate and assembly, respectively, to issue, immediately after the commencement of the annual session of the legislature in each year, to each member of the house over which they respectively preside, who is entitled to receive the same, a certificate, countersigned by the chief clerk, showing that such member has taken the prescribed official oath,

By-laws and regulations,

What companies deemed organized under this act.

Salary and mileage of members.

Presiding officers to issue certificates of membership and mileage.