

Payments may be made at intervals as the work progresses, but no more than eighty per cent. of the value of the work actually done and material furnished shall be paid at any time before the entire completion of the work. The board of education shall have authority to employ a competent person, or persons, for the supervision of the work.

**Common council may adopt.** SECTION 2. In any city of the third class, the common council may adopt this subsection as provided in section 926, chapter 40b, the statutes of 1898.

**Conflicting laws repealed.** SECTION 3. Any acts or parts of acts affecting any city adopting this subsection, inconsistent with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1903.

No. 448. A.]

[Published April 30, 1903.

## CHAPTER 128.

AN ACT to authorize trustees of county asylums for the chronic insane and poor commissioners to organize a mutual fire insurance company for the insurance of county asylums and almshouse property.

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

**Power conferred.** SECTION 1. All duly elected and qualified trustees of county asylums for the chronic insane, or commissioners of poor in counties not having asylums in this state, are hereby empowered to enter into, and organize for and in behalf of the several counties they represent, a mutual fire insurance company for the insurance of asylums and almshouse property only, against damage by fire or lightning, in accordance with the provisions of this chapter, and each county so entering into such corporation shall be bound to pay its just

share of all losses and legitimate expenses incurred in the operation of the aforesaid corporation.

**Number; articles of organization.** SECTION 2. Any number of trustees of county asylums for the chronic insane or commissioners of poor in this state, not less than twenty (20), from not less than ten (10) counties, having county asylums for chronic insane, or almshouses, which they desire to have insured, may form themselves into a corporation for mutual insurance against damage by fire or lightning, by complying with the following conditions, namely:

They shall sign articles of organization which shall be substantially in the following form:

The undersigned trustees of county asylums for chronic insane or poor commissioners, representing ten counties or more, having county asylums for chronic insane, or almshouses which we desire to insure, do hereby associate for the purpose of forming a mutual fire insurance corporation for the insurance of county asylums and almshouse property only, against damage by fire and lightning, in the counties hereinafter mentioned, under the provisions of sections —, inclusive, of the statutes of —.

The name of such corporation shall be \_\_\_\_\_.

The officers shall consist of a board of directors, not more than five in number nor more than one in any county, who shall meet and elect a president, secretary and treasurer from their number, and the office of such corporation shall be in the county from which said board of directors shall elect their secretary.

The following named persons shall constitute the first board of directors, who shall hold their respective offices for one year and until their successors are elected: (Here insert names.)

In witness whereof we have hereunto subscribed our names this \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_

Such articles of organization shall be subscribed by at least twenty (20) duly elected and qualified trustees of ten (10) county asylums in this state, said county asylums to possess an actual value of not less than two hundred and fifty thousand dollars (\$250,000); and when said articles are so signed, a certified copy shall be filed in the office of the county clerk of each county having a county asylum for the chronic insane or almshouse insured in the said corporation; and a copy of the constitution and by-laws of such corporation shall at the same time be filed in said offices, with the names of the officers of said corporation; and thereupon the counties represented by

the trustees of their several county asylums for the chronic insane or poor commissioners subscribing said articles, and such as shall afterwards become insured thereby, shall be a corporation by the name mentioned in said articles, with the usual powers, and subject to the usual duties and the liabilities of a corporation for the purposes hereinafter mentioned. A copy of the articles, by-laws, policy, and of each blank used by such company, shall be furnished to and filed with and preserved by the commissioner of insurance.

**Directors, how chosen.** SECTION 3. The directors subsequent to the first board, shall be chosen by ballot at the annual meeting of the corporation, which shall be held on the first Thursday of December, unless some other day be fixed therefor by a majority of the votes of such corporation, and every county having property insured shall have one vote for every two thousand dollars (\$2,000) for which it is insured at such election, and in the transaction of all other business of the corporation. A vacancy in the board of directors shall be filled by the president for the balance of the unexpired term.

**Officers, how chosen; place of meeting.** SECTION 4. The directors shall hold their office for one year and until their successors are elected. They shall choose from their number a president, a secretary and a treasurer, and keep a record of all their proceedings in the book kept for that purpose, together with the names of all counties having asylum or almshouse property insured; also names of all trustees of said asylums or poor commissioners, with place of residence; also the amount for which said asylum or almshouse property is insured; which shall be open for inspection of all trustees of county asylums or poor commissioners of counties insured in said corporation, and such officers shall receive as full compensation and services rendered as such, three dollars (\$3.00) per day for actual expenses while actually and necessarily engaged in transacting the business of such corporation. The place for the annual meeting shall be determined by a majority vote of the trustees from counties having county asylum and almshouse property insured in said corporation.

**Treasurer's bond.** SECTION 5. The treasurer before entering upon the duties of his office, shall execute to such corporation, and file with the president a bond conditioned for the faithful discharge of the duties of his office with two or more sureties in such sum, not less than five thousand dollars

(\$5,000.00), as the directors may order; such bond and sureties to be approved by the president and a majority of the directors.

**Property insurable.** SECTION 6. This corporation shall insure only county asylums for the chronic insane, almshouses, barns and outbuildings on county asylum farms and almshouse farms, live stock, hay, grain, fodder, farm machinery, etc., used in the conduct and management of aforesaid farms; provided, that other county buildings, namely, court houses, work houses, and sheriffs' residences may be insured, if, by two-thirds vote, by ballot, at an annual meeting, the qualified voters of such corporation so direct.

**Policies, rates; losses, how paid.** SECTION 7. The board of directors may issue policies signed by the president and secretary, agreeing in the name of the corporation to pay to the insured, all loss or damage of and to the property mentioned and described therein, which may be occasioned by either of the causes mentioned in section one, and providing for such conditions of insurance as may be determined by the by-laws of such corporation, or by the resolutions of its annual meeting, but such corporation shall not make or execute any policy until a blank form for the same shall have been submitted to and approved by the commissioner of insurance; provided, that no such company shall be required to use the standard policy; and the said board of directors may classify the property insured at the time of issuing policies thereon, under different rates, corresponding as near as may be to the greater or less risk which may attach to such property, or they may accept all property on an even basis, demanding only that a sufficient protection be provided against fire by each county whose property is insured. Each county shall pay losses as they occur by an assessment being made pro rata, according to the amount of insurance carried.

**Undertaking to pay losses.** SECTION 8. Every county to which any such policy is issued shall be deemed a member of such corporation and shall give its undertaking bearing even date with such policy, binding itself to pay its pro rata share to the corporation of all losses or damages which may be sustained by any member thereof, and of its necessary business expenses, together with all legal costs and charges incurred in case legal proceedings are commenced to collect any assessment made upon said county, and every such undertaking shall, within ten days after its acceptance, be filed in the office of the

secretary, and shall remain on file in such office, except when required to be produced in court as evidence. Such county 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.

**Notice of loss; how adjusted.** SECTION 9. Whenever the trustees of any county asylum or poor commissioners shall notify the president, or, in his absence, the secretary, of any loss or damage sustained from any cause insured against, he shall forthwith convene the directors, whose duty it shall be when so convened, to appoint a committee of three trustees of county asylums or poor commissioners in said corporation, except in case the loss is supposed to be less than three hundred dollars (\$300), when the president and secretary may appoint such committee to ascertain the amount of such loss or damage; provided, that when the loss or damage does not exceed one hundred dollars (\$100), the president and secretary may in their discretion adjust the same without the appointment of any such committee.

In case of the inability of the parties to agree upon the amount of such loss or damage, the claimant may appoint one disinterested person on its part, and upon receiving notice from such claimant of such appointment, the president of such corporation shall forthwith appoint a member of such corporation, and the two persons so appointed shall forthwith proceed to appoint a third person who shall be disinterested, and the three persons so appointed shall constitute a committee of reference, who shall have full authority to examine witnesses and determine all matters in dispute, and shall make their award to the president, or in his absence, to the secretary of such corporation, which award thereon shall be final. The said committee of reference shall be allowed three dollars (\$3.00) per day for each day's service actually and necessarily rendered and their necessary expenses while engaged 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 corporation in liquidation of such loss or damage, in which case the said corporation shall pay said expense. Before entering upon their duties each member of said committee shall be duly sworn to faithfully and impartially discharge the duties thereof. The secretary of any such corporation may administer any oaths and take any acknowledgments necessary to adjust claims against this company, provided that he shall receive no compensation for such service.

**Assessments.** SECTION 10. Whenever the amount of any loss so ascertained shall exceed the amount of cash funds of the corporation, the president shall convene the board of directors who shall make an assessment upon all property insured by it, in proportion to the amount thereof and the rate under which it may have been classified, sufficient, at least, to pay such loss; provided, that such board may assess up to three per cent., even if such loss should not require such an amount; and when such assessment shall have been completed the secretary shall immediately notify every county having property insured, by sending notice by either postal or letter, to each trustee of each county asylum or poor commissioners of each almhouse insured in said corporation; said notice shall include amount of such loss and the sum due from each county as its share thereof, and the time when and to whom payment is to be made; which time shall not be less than sixty days, nor more than nine months from date of such notice. Such assessment when collected shall be turned over to the treasurer of the county entitled thereto, according to the terms of the policy issued to said county, to be credited to the asylum or poor fund of said county. The trustees of county asylums or poor commissioners of any county in said corporation shall pay all losses and other legitimate expenses by drawing upon the asylum or poor fund of said county, as other expenses of the asylums or almhouses are paid, and when any assessment shall be made against any county which shall exceed the available amount in the asylum or poor fund, the trustees or poor commissioners shall report the same to the county board of such county, which shall appropriate, at their annual meeting or any adjourned session thereof, an amount sufficient to meet such assessment. Every county which shall neglect or refuse to pay such assessment at the time specified in the notice sent to the trustees, or poor commissioners, shall pay to such corporation a fine of one per cent. of the amount of such assessment for each month or part thereof during which the same shall remain unpaid.

**Liability for neglect.** SECTION 11. An action at law may be brought against any county of such corporation which shall refuse or neglect to pay any such assessment made upon its insured property. The directors of any such corporation, who shall wilfully neglect or refuse for thirty days to perform the duties imposed upon them, shall be jointly and severally liable in their individual capacity to the county sustaining such loss.

**Withdrawal authorized.** SECTION 12. Any county of such corporation may withdraw therefrom at any time by giving

notice in writing to the president, or, in his absence, to the secretary thereof, and paying its share of all claims then existing against said corporation, and the directors, or a majority thereof, shall have power to annul any policy by giving notice in writing, to that effect, to the county asylum trustees or poor commissioners of any county having property insured in said corporation.

**Secretary's annual statement.** SECTION 13. The secretary of every such corporation shall annually prepare a statement of its condition on the 31st day of November, preceding its annual meeting, which shall contain the names of all counties having property insured, the amount insured by each policy, the whole number of policies issued, the whole number then in force, the aggregate amount then insured, and the aggregate amount of each class of insured property, the amount of losses paid during the year, the whole amount of losses paid and the whole amount insured by the corporation since its organization, the amount of losses sustained and unpaid, if any, and all such other matters pertaining to its interest as by the by-laws he may be required to report upon. The treasurer of such corporation shall annually prepare a statement of its financial condition on the 31st day of November, preceding its annual meeting, showing amount on hand December 1st preceding, amount received during the year for premiums, amounts received from assessments Nos. ————, amounts received from any and all other sources, amount paid for losses, amount paid for expenses, giving a detailed statement of every item of expense, and amount of cash on hand. Certified copies of said report shall be filed by the secretary within fifteen days after such meeting, together with any other information relative to the operation of said corporation, with the county clerks of counties having property insured in said corporation, and with the commissioner of insurance.

**Insurance authorized; expense, how paid.** SECTION 14. All counties having asylums for the care of the chronic insane, or almshouses for the care of the poor or which may hereafter build the same, may, by a majority vote of the board of trustees or poor commissioners, procure an insurance thereon, unless otherwise ordered by the county board. The expense of such insurance to be paid for out of the asylum or poor fund and to be audited and allowed in the same manner as the asylum or poor fund expenses.

**Conflicting laws repealed.** SECTION 15. All acts and parts of acts conflicting with this act are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1903.

No. 445, A.]

[Published April 30, 1903.

## CHAPTER 129.

AN ACT to grant to the Eau Claire, Chippewa Falls and Northeastern railway company a right-of-way over and across the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, and the northeast quarter of the southeast quarter of section four (4), and the northwest quarter of the southwest quarter of section three (3), township twenty-eight (28) north, of range eight (8) west, in Chippewa county.

**Preamble.** Whereas, The said Eau Claire, Chippewa Falls and Northeastern railway company, a corporation organized and existing under the laws of the state of Wisconsin, is empowered to construct, maintain and operate a line of railroad from a point on the line of the Chicago, Saint Paul, Minneapolis and Omaha railway company, in the city of Chippewa Falls, northeasterly to Little Falls, in this state; and

**Preamble.** Whereas, By reason of the topography of the country and the course of the Chippewa river, it is not reasonably practicable to construct and maintain said line of road to or from said city of Chippewa Falls without its crossing the said northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, and the northeast quarter of the southeast quarter of section four (4), and the northwest quarter of the southwest quarter of section three (3), township twenty-eight (28) north, of range eight (8) west, which belong to the state and have, with other lands, been set apart for the home for the feeble minded, in said Chippewa county; and

**Preamble.** Whereas, Said line has been located across said lands immediately adjoining and parallel to the line of the Wis-