

No. 562, S.]

[Published July 12, 1907.]

**CHAPTER 525.**

AN ACT to amend sections 1941—47 and 1941—64 of the statutes, as amended, relating to the standard fire insurance policy.

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

SECTION 1. Section 1941—47. of the statutes, is amended to read:

\* \* \* \* \*

SECTION 2. Section 1941—64 of the statutes, as amended by chapter 102. laws of 1905, is amended to read:

\* \* \* \* \*

Approved July 9, 1907.

(In effect from and after date of publication.)

No. 430, S.]

[Published July 12, 1907.]

**CHAPTER 526.**

AN ACT to amend section 357 of the statutes, providing for the distribution of the supreme court reports and public documents to institutions.

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

SECTION 1. Section 357 of the statutes is amended to read:

\* \* \* \* \*

Approved July 9, 1907.

(In effect from and after date of publication.)

which shall be not less than five), a president, secretary and treasurer and such others as may be provided for in the by-laws; and its office shall be in any one city or village in the county aforesaid, designated by the directors.

The following named persons shall constitute the first board of directors and shall hold their respective offices until the first annual meeting following the date of these articles and until their successors are elected (here insert names of the first board of directors). In witness whereof we have hereunto subscribed our names this . . . . day of . . . ., A. D., 19. . . .

3. Such articles shall be subscribed by at least seventy-five adult residents of the cities or villages therein named who collectively are owners of at least one hundred thousand dollars' worth of property which shall be insured by such corporation; and when so signed shall be filed and recorded in the office of the register of deeds of such county; and at the same time or within thirty days thereafter a copy of the constitution and by-laws of such corporation, with the names of its officers, shall be filed in said office and a copy of the same and of its policy and of each blank used in the transaction of its business shall be filed for preservation in the office of the commissioner of insurance; and thereupon the persons 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 liabilities of a corporation for the purposes hereinafter mentioned. \* \* \*

(Ch. 431, 1907.)

**Standard fire policy: loss by lightning.** SECTION 1941—47. This company shall not be liable for loss caused, directly or indirectly, by invasion, commotion, riot, insurrection, civil war, or military or usurped power, or by order of any civil authority; or by theft; or by neglect of the insured to use all reasonable means to save and preserve the property at and after a fire or when the property is endangered by fire in neighboring premises; or (unless fire ensue, and, in that event, for the damage by fire only) by explosion of any kind, \* \* \* *This policy shall cover any direct loss or damage caused by lightning (meaning thereby the commonly accepted use of the term lightning, and in no case to include loss or damage by cyclone, tornado, or windstorm), not exceeding the sum insured, nor the interest of the insured in the property, and subject in all other respects to the terms and conditions of this*

*policy. If there shall be any other insurance on said property this company shall be liable only pro rata with such other insurance for any direct loss by lightning, whether such other insurance be against direct loss by lightning or not.*

(Ch. 525, 1907.)

**Standard fire policy: conformity of companies; size of paper.** SECTION 1941—64. No fire insurance company, corporation or association, except township mutual insurance companies, their officers, or agents, shall make, issue, use or deliver for use any fire insurance policy on property in this state, other than such as shall conform in all particulars as to blanks, size of type, context, provisions, agreements and conditions with the printed form of contract or policy so filed in the office of the commissioner of insurance as provided for in sections 1941—42 to 1941—63, *except that the policy may be printed on paper of a size different from that of the printed form of contract or policy filed in the office of the commissioner, of insurance, which, however, shall not be less than nine inches in width, and no other or different provision, agreement, condition or clause shall in any manner be made a part of said contract or policy, or be indorsed thereon or delivered therewith, except as follows, to-wit:*

1. The name of the company, its location or place of business, the date of its incorporation or organization and the state or country under which the same is organized, the amount of paid up capital stock, whether it is a stock or mutual company, the names of its officers, the number and date of the policy, and, if it be issued through a manager or agent of the company, the words, "this policy shall not be valid until countersigned by the duly authorized manager or agent of the company at \_\_\_\_\_," may be printed on policies issued on property in this state. All policies shall be countersigned by an individual agent.

2. Printed or written forms of description and specification or schedules of the property covered by any particular policy, and any other matter necessary to clearly express all the facts and conditions of insurance on any particular risk (which facts or conditions shall in no case be inconsistent with or a waiver of any of the provisions or conditions of the standard policy herein provided for), may be written upon or attached or appended to any policy issued on property in this state.

3. A company, corporation or association organized or incorporated under and in pursuance of the laws of this state,

or elsewhere if entitled to do business in this state, may, with the approval of the commissioner of insurance, if the same is not already included in the standard form as provided for in said sections, print on its policies any provision, which it is required by law to insert therein, if such provisions be not in conflict with the laws of this state or of the United States, or of the provisions of the standard form provided for herein, but any such provision shall be printed apart from the other provisions, agreements or conditions of the policy, and in type not smaller than the body of the policy, and under a separate title as follows: "Provisions required by law to be stated in this policy," and be a part of said policy.

4. There may be indorsed on the outside of any policy herein provided for the name, with the word "agent" or "agents" and place of business of any insurance agent or agents, either by writing, printing, stamping or otherwise.

5. Where two or more companies (each having previously complied with the law of this state) unite to issue a joint policy there may be expressed in the heading of such policy the fact of the severalty of the contract; also the proportion of premium to be paid to each company, and the proportion of liability which each company agrees to assume. And in the printed conditions of such policy the necessary change may be made from the singular to the plural number when reference is had to the companies issuing such policy.

(Ch. 525, 1907.)

**Mutual fire insurance: annual surplus distribution.** SECTION 1942—1. All of the surplus of any domestic mutual fire insurance company doing business on the mutual plan in excess of two per cent. of the total amount of its outstanding fire risks shall be distributed annually pro rata among the members of said company within sixty days after the holding of its annual meeting, provided such total surplus shall equal or exceed three per cent of the amount of such outstanding risks.

(Ch. 555, 1907.)

**Foreign insurance companies: authorized resident agent, every policy written through.** SECTION 1945e. No fire, casualty or surety insurance company not incorporated under the laws of this state shall write or cause to be written, any policy \* \* \* except through its resident agent duly authorized by the commissioner of insurance. Any company