

the two departments; and which shows a surplus in each department after deducting any funds accumulated for the payment of dividends under section 1952f, and which shall file with the commissioner of insurance an agreement for the benefit of all policy holders now or hereafter residing in the State of Wisconsin, that, in consideration of being permitted to issue non-participating insurance in this state, no part of the funds accumulated or belonging to the participating department shall ever be transferred to the non-participating department, except such as the existing charter of the company or its policies require.

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

Approved June 15, 1909.

No. 542, S.]

[Published June 18, 1909.

## CHAPTER 450.

AN ACT to amend section 1797m—107 of the statutes, relating to an appropriation for the purpose of carrying out the provisions of the public utility law.

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

SECTION 1. Section 1797m—107 of the statutes is amended to read: Section 1797m—107. A sum sufficient to carry out the provisions of this act is appropriated out of any money in the state treasury not otherwise appropriated.

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Approved June 15, 1909.

No. 570, S.]

[Published June 18, 1909.

## CHAPTER 451.

AN ACT to amend subsection 10 of section 2637 of the statutes, relating to the service of summons on corporations.

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

SECTION 1. Subsection 10 of section 2637 of the statutes is amended to read: 10. If against any other corporation organized under the laws of this state, to the president, or other such chief officer, vice-president, secretary, cashier, treasurer, director, or managing agent.

Provided however, that whenever any such corporation does not have any officer or agent within this state upon whom legal

service of process can be made, of which the return of the sheriff shall be prima facie evidence, service of the summons and accompanying complaint may be made by depositing duplicate copies thereof in the office of the secretary of state, one of which copies shall be filed in the office of said secretary of state, and the other by him immediately mailed, postage prepaid, addressed to said company at its office designated in its articles of incorporation on file in the office of the said secretary of state, and such service shall be \* \* \* deemed and treated as personal service on such corporation.

Approved June 15, 1909.

No. 574, S.]

[Published June 18, 1909.

## CHAPTER 452.

AN ACT to amend section 309 of the statutes, relating to contract, how awarded.

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

SECTION 1. Section 309 of the statutes is amended to read: Section 309. Said commissioners or any two of them, at the expiration of the time for receiving proposals as aforesaid, shall proceed to open in public all such proposals by them received, and they shall award the contract for each class of paper to the lowest bidder therefor; and nothing herein contained shall be construed so as to prevent the same person from becoming contractor for both classes. If two or more bidders propose for the same contract, and the proposal of one be lower on certain qualities of paper and that of another lower on other qualities of paper, then said commissioners shall make a strict computation of such bids and shall award the contract to the lowest aggregate bidder as shall appear by said computation, and preference shall always be given to any bidder residing and doing business in the state of Wisconsin if his bid shall be as low, freight added, as that of any other bidder not doing business in this state. *Said commissioners may purchase in case of emergency extra or additional paper at a cost not to exceed the current market price for use of the state until the commissioners can purchase by advertisement according to the provisions of section 305.*

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

Approved June 15, 1909.