

person, or endorsed upon any such contract as remitted by the provisions of this act.

Conflicting acts repealed.

SEC. 3. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

When to take effect.

SEC. 4. This act shall take effect from and after its passage.

FREDERICK W. HORN,

Speaker of the Assembly.

SAMUEL W. BEALL,

Lt. Governor and President of the Senate.

Approved March 17th, 1851.

NELSON DEWEY.

Chap. 393 An Act authorising the Register of deeds of Manitowoc County to obtain from the Register of Brown County certain instruments therein mentioned.

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

Authority granted.

SECTION 1. The register of deeds of Manitowoc county is hereby authorised to procure from the office of the register of deeds of Brown county a copy of all deeds, mortgages, assignments, satisfactions, bonds, and other instruments that are recorded in said office, wherein the county of Manitowoc may be interested, the expense of which shall be paid by the county of Manitowoc.

FREDERICK W. HORN,

Speaker of the Assembly.

SAMUEL W. BEALL,

Lt. Governor and President of the Senate .

Approved March 17th, 1851.

NELSON DEWEY.

Chap. 394 An Act to incorporate the Madison Mutual Insurance Company.

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

Incorporation.

SECTION 1. Leonard J. Farwell, Simeon Mills, Nathaniel B. Eddy, Franklin G. Tibbits, Benjamin F. Hopkins, and their associates, and all such persons as shall hereafter have property insured by the said company, shall be, and hereby are ordained, constituted and declared to be a body corporate and politic in fact and in name, by the name of "The Madison Mutual Insurance Company."

Powers of corporation.

SEC. 2. The said corporation hereby created shall have power and authority to make contracts of insurance with any person or persons, or any body corporate or politic, against

losses by fire of any houses, stores or other buildings whatsoever, or of any goods, chattels, or personal estate whatsoever, for such term or terms of time, and for such premium or consideration, and under such modifications and restrictions as may be agreed upon between the said corporation and the person or persons agreeing with them for such insurance.

SEC. 3. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, executors, administrators and assigns, continuing to be insured therein as hereinafter mentioned, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act, and the property and concerns of said corporation shall be managed and conducted by a board of thirteen directors, and that L. J. Farwell, Simeon Mills, A. J. Ward, N. W. Dean, F. G. Tibbits, B. F. Hopkins, D. Atwood, John Catlin, E. B. Dean, Jr., William N. Seymour, N. B. Eddy, W. C. Wells, and William Welch, shall be the first directors of said corporation, and shall continue in office for the period of one year, and until others shall be chosen, and no longer. The directors shall be elected on the first Monday of January in each year, at such hour of the day at the village of Madison, in the county of Dane, and State of Wisconsin, as the board of directors for the time being shall appoint, of which election public notice shall be given in one or more of the public newspapers printed at Madison, at least thirty days preceding such election, and such election shall be holden under the inspection of three members not being directors, to be appointed previous to every election by the board of directors, and such election shall be made by ballot, and by a plurality of the votes of the members then present, or their proxies, allowing one vote for every hundred dollars each member shall have insured in said company, and every member may vote in person or by proxy at his pleasure, at any election of directors of said company, and his membership shall be ascertained by the records and entries in the office of the secretary of said company, and no oath shall be administered to any member offering to vote in person, or required to be attached to his appointment when offering to vote by proxy.

SEC. 4. The directors hereinbefore named shall, as soon as may be, after the passing of this act, and the directors to be chosen at such annual elections, shall, as soon as may be thereafter, proceed to choose out of their body one person to be President; and in case of the death, resignation or inability to serve of the President, or any director of said corporation, such vacancy may be filled for the remainder of the year by

Who deemed members.

First Directors constituted.

When Directors annually elected hereafter.

Manner of election.

Directors to choose a President.

the board of directors; and in case of the absence of the President, the board of directors shall have power to appoint a President pro tem. who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

Special Elections—when may be held.

SEC. 5. If it shall at any time happen that an election of directors shall not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

Policies of insurance, &c.,—when binding.

SEC. 6. The policies of insurance and other contracts founded thereon hereafter to be made or entered into by said corporation, though not under seal, if subscribed by the President, or in case of his absence, resignation, or inability to act, by such officer or officers, or person or persons as may be for that purpose authorised by the act of incorporation or by-laws of said corporation, and countersigned by the secretary, shall be binding and obligatory upon the said corporation, and shall have the like force and effect to all intents and purposes, as if the seal of said corporation had been or was affixed thereto. And further, all such policies or contracts may be so signed and attested, and all other business of said corporation may be conducted and carried on by Committees or otherwise, without the presence of a board of directors, and shall be binding and obligatory on the said corporation, if the same be done under or in conformity to the by-laws and ordinances of said corporation.

Business may be done by Committee.

Insured may assign Policy.

SEC. 7. In case any person or persons insured, named in any policy or contract of insurance made by said corporation hereby created, shall sell, or convey, or assign the property insured, during the time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser or purchasers, such policy or contract of insurance, and such assignee or assignees shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit thereon in his, her, or their own names: Provided, that before any loss happens, he, she, or they, shall obtain the consent in writing of said corporation to such assignment, and have the same endorsed or annexed to the said policy of insurance.

Proviso.

Consent of corporation to be obtained.

Corporation may hold real estate as security, and sell the same.

SEC. 8. It shall and may be lawful for said corporation to take and hold any real estate, bona fide mortgaged to the said corporation by way of security for the payment of any debts which may be contracted with the said corporation, and to proceed on the said mortgaged securities for the recovery of the moneys thereby secured, either in law or equity, in the same manner as any other mortgagee is, or shall be authorised to do,

and also to purchase on sales made by virtue of any proceeding at law, or any order or decree of any court of equity, or any other legal proceedings, or otherwise receive and take any real estate in payment of, or towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property.

SEC. 9. The said directors, and such others as may be chosen by the said corporation, shall be indemnified, and saved harmless by the members of said corporation in proportion to the amounts of property that each and every member may have insured, at and after the rates of insurance of such property by the said corporation, in and for their giving out and signing policies of insurance, and other lawful acts, deeds and transactions, done and performed in pursuance of this act, and neither of the said directors shall be answerable for or charged with the faults, neglects, or mis-deeds of others of them.

Directors to be indemnified by members, and not to be answerable but for himself.

SEC. 10. Every member of said company shall be, and is hereby bound to pay his proportion of the losses and expenses accruing in and to said company, and all buildings insured by said company, together with the right, title and interest of the insured to the lands on which they stand, shall be, and hereby are pledged to said company; and said company shall have a lien thereon against the insured during the continuance of his, her, or their policy, to the amount of the premium note deposited with said company, and no more, the lien to take effect whenever the said company shall cause to be filed in the office of the register of deeds of the county where the property is insured, a memorandum of the name of the individual insured, and a description of the property, the lien in no case to exceed one hundred dollars.

Proportion of loss a lien on property insured.

When lien to take effect.

SEC. 11. Whenever any assessment is made on any premium note given to the said company for any hazard taken by said company, or as consideration for any insurance issued or to be issued by said company, and an action is brought for the recovery of such assessment, the certificate of the secretary of said company, specifying such assessment and the amount due to said company on such note by means thereof, shall be taken and received as prima facie evidence thereof, in all courts and places whatsoever.

Evidence in action for recovery.

SEC. 12. Any person who, as secretary, deputy secretary, or clerk of said company, shall be guilty of any designed falsehood or fraud in the certificate authorised by the eleventh section of this act, shall be guilty of a misdemeanor; any person who shall personate or falsely affix the name of said secretary,

Persons committing certain acts deemed guilty of a misdemeanor.

deputy, or clerk, to any such certificate, shall be guilty of a misdemeanor; any person to vote in person at any election of directors of said company, who shall falsely personate another, shall be guilty of a misdemeanor; and any person who shall falsely sign or affix the name of any person or member of this company to an appointment of a proxy, shall be guilty of a misdemeanor.

Penalties for
misdemeanor.

SEC. 13. Any person convicted of a misdemeanor for any offense under this act, shall be sentenced to imprisonment in the county jail, for a term not exceeding six months, or, to pay a fine not exceeding fifty dollars, or to both, such fine and imprisonment at the discretion of the court before whom he or she may be convicted.

President and
directors may
appoint certain
officers.

SEC. 14. The President and directors of said corporation shall have power to appoint such officers and agents as they may find necessary, prescribe their duties, and require bonds for the faithful performance thereof, and may, from time to time, adopt such by-laws and regulations for the business of said company as they may deem expedient—such by-laws and regulations not to be inconsistent with the Constitution and laws of the United States, or of this State; and such by-laws shall determine as near as practicable, the rates of insurance on the different classes of property, and the sums to be deposited for any insurance.

By-laws to de-
termine classes
and rates of in-
surance.

Directors to
make oath, &c.

SEC. 15. The directors, before they execute any of the duties of their office, except choosing President, shall severally take an oath or affirmation that they will faithfully, diligently, honestly and impartially perform the duties of their respective offices, according to the best of their abilities.

Place of busi-
ness

SEC. 16. The operations and business of the (Wisconsin) [Madison] Mutual Insurance Company shall be carried on in the village of Madison, State of Wisconsin; and this act shall take effect from and after its passage. The Legislature of this State may at any time alter, modify or repeal this act.

When to take
oath, and who
may alter, &c.

FREDERICK W. HORN,

Speaker of the Assembly.

DUNCAN C. REED,

President pro tempore of the Senate.

Approved March 17th, 1851.

NELSON DEWEY.

Chap. 395

An Act to amend an Act entitled "An Act to incorporate the Milwaukee Mutual Fire Insurance Company."

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

Act amended.

SECTION 1. The fourth section of the act entitled "An