

[No. 214, S.]

[Published March 27, 1878.]

CHAPTER 305.

AN ACT to appropriate to the institution for the education of the blind a sum of money therein named, and to repeal chapter sixty-six of the laws of Wisconsin of 1878.

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

Appropriation.

SECTION 1. There is hereby appropriated to the institution for the education of the blind, out of any money in the general fund not otherwise appropriated, the sum of eighteen thousand five hundred dollars for the following purposes, to-wit: Seventeen thousand five hundred and forty-five dollars for the payment of current expenses for the year ending March 1st, 1879, four hundred and fifty-five dollars for house furnishing, five hundred dollars for improvement of grounds.

Disbursement of funds.

SECTION 2. All sums of money appropriated by this act for current expenses shall be drawn not oftener than quarterly in advance.

Repealed.

SECTION 3. Chapter sixty-six of the laws of Wisconsin of 1878, approved March 4, 1878, is hereby repealed.

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

Approved March 20, 1878.

[No. 188, S.]

[Published April 1, 1878.]

CHAPTER 306.

AN ACT to amend an act entitled an Act to incorporate the Germantown Farmer's Mutual Fire Insurance Company, approved April 1st, 1854, and amendatory of chapter three hundred and thirty-one of the private and local laws of the year 1857, and all acts amendatory thereto.

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

Members.

SECTION 1. All persons who shall at any time insure in said company, and also their respective heirs, executors, administrators and assigns continuing to be insured therein, shall be members thereof during the continuance of their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act.

SECTION 2. The annual meeting of said company shall be held at their office in the town of Germantown, on the second Monday of January in each and every year, and special meetings may be called in such manner as the by-laws of said company may prescribe. Notice of every annual or special meeting to be held shall be given by the directors, or their secretary under their direction, at least thirty days previous to said meeting, by publishing in one or more newspapers having a general circulation in the county of Washington. The present board of directors shall hold their office for the term of one year from the day of their election, and at the next annual meeting of the company there shall be elected five directors, and within ten days after their election, they shall hold a meeting for the purpose of determining by lot the terms of office of such directors, three of whom shall hold their office for the term of two years, and two of whom shall hold their office for the term of one year, and at the next annual meeting to be held thereafter, there shall be elected two directors, who shall hold their office for a like time of two years, and there shall be elected in like manner thereafter two and three directors each alternate year, by a majority of the votes of the members present and voting by ballot; and such directors elected shall hold their office for the term of two years, and until others are elected and have accepted their trust: *provided, however,* that if any officer of the company ceases to be a member thereof, he shall thereby discontinue his term of office, and his place shall be deemed vacated: *and provided, further,* that if any vacancy shall occur among said board of directors, either by death, resignation or otherwise, the remaining members of said board shall have full power and authority, at any regular meeting to be held by them, to fill said vacancy by appointment, and every member so appointed shall hold his office for the balance of the unexpired time of his predecessor in office. Every member present at the annual or any special meeting to be held for the said company, shall be entitled to one vote.

Annual and special meetings.

Directors.

SECTION 3. The directors elected, before they execute any of the duties of their office, and within ten days after their election, 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 ability, and at their first meeting, which shall be within ten days after their election, or as soon thereafter as may

Oath.

Duties of directors.

be, they shall choose one of their number president, who shall hold his office for one year, unless sooner removed by a vote of the directors; they shall also appoint a secretary, a treasurer, and such other officers and agents and assistants as may be necessary. The directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and all matters and things thereunto relating, not otherwise provided for by said company, and a majority of the whole number at any time shall constitute a quorum for the transaction of business; they shall determine the rate of insurance, the sum to be insured, the premium to be paid, and the deposit note to be given for such insurance, or to require the whole premium to be paid in cash, without taking a deposit note, as they may order and direct, and they shall direct the making and issuing of all policies, and shall provide books, stationery, and all other things needful for the office of said company, and for carrying on the business thereof; they shall draw upon the treasurer for the payment of all losses which may have been allowed, and for the expenses of said company. They shall hold meetings as often as the business of the company may require, and shall keep a record of their proceedings, which shall be open to the inspection of the members of the company. They shall also determine the salary, fees and expenses, to be paid to any and all of the officers and agents of the company.

Failure to elect directors on certain day not to dissolve corporation.

SECTION 4. In case an election of directors shall not be made on the day provided by this act for such election, the said corporation shall not, for that reason, be dissolved, but it shall be lawful on any other day to hold and make an election of directors at such time as shall be regulated and provided by the by-laws and ordinances of said company.

Policies.

SECTION 5. The policies of insurance and other contracts founded thereon, hereafter to be made or entered into by said company, 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 authorized by the act of incorporation or the by-laws of said company, and countersigned by the secretary, shall be binding and obligatory upon said company, and shall have the like force and effect, to all intents and purposes, as if the seal of said company had been or was affixed thereto: *and further*, all such policies and contracts may be so signed and attested, and all

other business of said company may be conducted and carried on by a committee or committees, consisting of members of said company, duly appointed by the board of directors, at one of their regular meetings for that purpose or otherwise, without the presence of the board of directors, and shall be binding and obligatory on said company, if the same be done under or in conformity with this act and the by-laws and ordinances of said company.

SECTION 6. In case any person or persons insured, named in any policy or contract of insurance made by said company, shall sell, or convey, or assign the property insured during the time for which it is insured, it shall be lawful for such assured 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 an action thereon, in their own name: *provided*, that before any loss shall happen, they shall obtain a consent, in writing, of said company to such assignment, and have the same indorsed or annexed to the said policy of insurance.

Assignment of policy.

SECTION 7. The said company shall have power and authority to acquire, by purchase or otherwise, and hold, improve and convey such real estate as shall be necessary and convenient for the transaction and safe keeping, operation and preservation of the books, papers and personal effects of said company. It shall and may further be lawful for said company to take and hold real estate, *bona fide* mortgaged to them by way of security for the payment of any debts which may be contracted with the said company, 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 authorized to do, and also to purchase on sales made by virtue of any proceeding at law, or any decree or order of any court of equity or any other legal proceedings, or otherwise receive and take; sold or conveyed real estate in payment of or towards the satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property.

May acquire and hold real estate.

SECTION 8. The funds of said company shall be invested or loaned for a term not to exceed four years, on promissory notes, secured by bond or mortgage on unincumbered real estate worth double the amount so loaned or invested, except as hereinafter provided.

Funds.

Expenses.

SECTION 9. The funds of the company shall be appropriated to the payment of the expenses of the company, the payment of losses or damages by fire or lightning, and the return of unearned premiums in case of the surrender of a policy or otherwise, as may from time to time be directed by the directors of said company, and the cash, securities and deposit notes shall constitute the funds of the company.

What constitutes funds.**Deposit notes.**

SECTION 10. Said deposit notes shall be payable in part or in whole, at any time when the directors shall deem the same requisite for the payment of losses or expenses, or whenever any deficiency shall exist in the reserve fund, as required by law; and at the expiration of the term of insurance, the said note, or such part thereof as shall remain after deducting all assessments for losses and expenses occurring during said term, shall be relinquished and given up to the signers thereof or be otherwise destroyed or cancelled. *Provided, however,* that whenever an insurance, whereon a deposit note was given in part payment of premium, shall be renewed and the policy continued in force, the deposit note shall likewise remain in full force and virtue during the continuance of said policy of insurance.

Payment of losses.

SECTION 11. In case of any loss or damage by fire or lightning happening to any member upon property insured in and with said company, the said member shall give notice thereof, in writing, to the secretary of said company, within twenty days from the time such loss or damage may have occurred and the directors of said company, upon examination and view of the testimony taken or to be taken in relation to such loss, may, within thirty days after notice of such loss as aforesaid, either allow the whole of such claim or in part, or may reject the same in whole, and if the claimant is not satisfied with the determination of the directors of said company, for the time being he may bring an action against said company for such loss or damage, at the next or some succeeding term of the circuit court to be held in and for the county of Washington, in the state of Wisconsin, and if upon trial of said action a greater sum shall be recovered than the amount allowed on such claim by the directors of said company, with interest thereon after ninety days from the time of such loss or damage, such claimant shall recover costs in such action as allowed by law; but if no greater amount shall be recovered in such action than the amount allowed on such claim by the directors of said company, then in such case the company shall recover their costs

in such action; but in no case shall the company be obliged to pay more than the real amount it was insured for. All claims, if allowed, shall be paid within ninety days after notice given to the company.

SECTION 12. The directors of said company, by a vote of the majority of the board, may authorize the president and secretary of said company to borrow, from time to time, on the faith and credit of said company, any sum of money necessary, not exceeding in any one year the sum of ten thousand dollars, for the purpose of paying any losses or damages that may accrue to the members of said company by fire or lightning, and if any sum of money shall be borrowed for the purposes aforesaid, it shall be and is hereby made the duty of the directors of said company, immediately thereafter, to levy an assessed tax *pro rata*, on the deposit notes then in force, for the amount necessary to pay such sum or sums of money borrowed as aforesaid, together with the incidental expenses for collecting the same; but as long as other securities may be on hand, they may be sold to satisfy any such losses, in the discretion of the board of directors.

May borrow funds.

SECTION 13. The company shall in no case be liable to pay for damages by fire or lightning, except the cash premium shall have been paid before such damage happens, and in case a note is given and accepted by the company or its agent, instead of the cash premium, and the same is not paid within thirty days after due, the company shall not be liable in case a damage shall happen to such assured; the same rule shall apply in case an assessment be made on any deposit note, and if such assessed amount shall not be paid within thirty days after notice given to the assessed, then in such case the company shall not be liable if a damage should happen.

Cash premium must be paid to effect insurance

SECTION 14. Whenever any assessment is made on any deposit note given to the said company as part of the consideration for any insurance 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.

SECTION 15. Any person who, as secretary, deputy secretary, or clerk of said company, shall be guilty of any designed falsehood or fraud in the certificate authorized by the fourteenth section of this act shall be

Misdemeanors.

guilty of a misdemeanor; any person who shall personate or falsely affix the name of said secretary, deputy or clerk to any such certificate shall be guilty of a misdemeanor; any person who shall fraudulently vote at any election of directors of said company shall be guilty of a misdemeanor.

Penalty.

SECTION 16. Any person or persons convicted of a misdemeanor, for any offense under this act, shall be sentenced to imprisonment in the county jail for a time 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.

By-laws.

SECTION 17. The members of the company may from time to time, at their annual or at any special meeting called for that purpose, adopt such by-laws and regulations as they may deem just and necessary for the promotion of the business of the company, not inconsistent with the constitution of the United States or of this state.

Election of directors.

SECTION 18. The election of directors shall be by ballot, and the election shall be conducted by three inspectors and two clerks, who shall be selected by the directors from the members of the company; notice shall to them be given at least three days before the time for holding such meeting; in case of the refusal or other cause of any person so selected to act, his place shall be filled from the members present at such meeting. Before receiving any votes, the inspectors and clerks of election shall severally take and subscribe, on oath or affirmation, that they will support the constitution of the United States and the constitution of the state of Wisconsin, and will perform the duties of inspectors or clerks of election, according to the provisions of this act, and will studiously endeavor to prevent all deceit or abuse in conducting the same. Said oath or affirmation shall be in writing, and shall be filed with the secretary of the company.

Polls.

SECTION 19. The polls for election shall be opened at eleven o'clock in the forenoon, or as soon thereafter as may be convenient, and shall be kept open till sundown of the same day; the inspector shall cause proclamation to be made of the opening and closing of the polls.

Cauvass of votes.

SECTION 20. As soon as the polls of the election shall be finally closed, the inspectors shall proceed to compare, count and ascertain the number of votes given to any and every person for director, and shall make a statement thereof in writing; they shall also

make out a statement of the persons elected, and certify to it, which said statements and certificates shall be delivered to the secretary of the company, and by him filed and preserved.

SECTION 21. The operations and business of the Germantown Farmer's Mutual Insurance Company shall be carried on at its office in the town of Germantown, county of Washington, and state of Wisconsin. Location of headquarters.

SECTION 22. All provisions of chapter two hundred and seventy-eight of private and local laws of the year 1854, and all acts amendatory thereto, with the exception of section one thereof, inconsistent or contravening with this act, are hereby repealed. Repealed.

SECTION 23. This act shall take effect from and after its passage and publication.

Approved March 20, 1878.

[No. 187, S.]

[Published April 1, 1878.]

CHAPTER 307.

AN ACT to authorize the board of supervisors of Milwaukee county to borrow a sum of money therein named.

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

SECTION 1. The board of supervisors of Milwaukee county is hereby authorized and empowered to borrow and appropriate a sum of money not exceeding one hundred thousand dollars, in addition to all sums of money said county is now authorized to borrow and appropriate under any local or general law of this state, for the purpose of constructing any additional county buildings required or permitted under the laws of this state. Said money may be borrowed by the issue of bonds, or by a note signed in behalf of the county by the chairman of the board and the county clerk of said county. Appropriation for county buildings.

SECTION 2. The rate of interest paid upon any loan authorized and provided for in the preceding section of this act, shall not exceed seven per centum per annum, nor shall any part of such loan be made until after said board of supervisors shall have first specified by resolution the amount of money so required, and the manner and purpose of its expenditure, nor until the treas- Interest. Limitations.