

said section, the following words, to wit: "or before a notary public."

SEC. 2. This act shall take effect and be in force from Take effect. and after its passage.

Approved March 19, 1859.

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[Published April 8, 1859.]

### CHAPTER 189.

AN ACT concerning the fees received by state officers.

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

SECTION 1. The secretary of state, state treasurer, and attorney general shall charge the fees heretofore Fees of state officers. allowed by law, and as heretofore charged upon sales of school, university, and swamp lands, and upon loans made of the funds arising from such sales, and for other services rendered in either of said offices, and shall keep an account of all fees so charged; and all fees so charged and received shall be paid into the state treasury to the credit of the general fund: *Provided, however,* Proviso. that each of said officers may retain out of the fees so charged and received, a sum not exceeding two thousand dollars per annum, in addition to the salary now prescribed by law.

SEC. 2. This act shall take effect and be in force from Take effect. and after its passage.

Approved March 19, 1859.

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[Published March 30, 1859.]

### CHAPTER 190.

AN ACT to regulate insurance companies not incorporated by the state of Wisconsin.

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

SECTION 1. That it shall not be lawful for any agent To obtain cer- or agents of any insurance company incorporated by any tificate. other state than the state of Wisconsin, directly or indirectly, to take risks, or transact any business of insurance in this state, without such company has first

obtained a certificate of authority from the secretary of state; and before obtaining such certificate, such insurance company shall furnish the said secretary with a statement under the oath of the president and secretary of the company, which statement shall show,

Statement to  
set forth.

*First*, the name and locality of the company.

*Second*, the amount of its capital stock.

*Third*, the amount of its capital stock paid up.

*Fourth*, the assets of the company, including, 1st, the amount of cash on hand, and in the hands of agents or other persons; 2d, the real estate unincumbered; 3d, the bonds owned by the company, and how they are secured, with the rate of interest thereon; 4th, debts due the company, secured by mortgage; 5th, debts otherwise secured; 6th, debts for premiums; 7th, all other securities.

*Fifth*, the amount of liabilities due or not due to banks or other creditors of the company.

*Sixth*, losses adjusted and due.

*Seventh*, losses adjusted and not due.

*Eighth*, losses unadjusted.

*Ninth*, losses in suspense, waiting for further proof.

*Tenth*, all other claims against the company.

*Eleventh*, the greatest amount insured in any one risk or allowed to be insured in any one block.

*Twelfth*, the gross amount of premiums received in the state of Wisconsin for the current year prior to the making of this report.

*Thirteenth*, the market value of its stock.

*Fourteenth*, the dividend or dividends declared and paid during the past year.

*Fifteenth*, the act of incorporation of such company.

To be filed.

Which statement shall be filed in the office of said secretary of state, together with a written instrument, duly signed and sealed, authorizing any agent or agents of such company in this state to acknowledged service of process, for and in behalf of such company, consenting that service of process, mesne or final, upon any such agent or agents, shall be taken and held to be as valid as if served upon the company, according to the laws of this or any other state, and waiving all claim or right of error, by reason of such acknowledgment of service; and no insurance company, or agents of any insurance company incorporated by any other state, shall transact any business of insurance in this state, unless such company is possessed of at least one hundred and fifty thousand (\$150,000) dollars in value of

Capital pos-  
sessed, &c.

actual capital in cash or real estate, or invested in stocks or in bonds, or mortgages on real estate, worth double the amounts for which the same is mortgaged; and upon the filing of the aforesaid statement and instrument with the secretary of state, and furnishing him with proof or satisfactory evidence of such investment as aforesaid, it shall be the duty of said secretary to issue a certificate thereof with authority to transact business of insurance to said company for its agent or agents.

SEC. 2. It shall be unlawful for any incorporated company or association, partnership, firm, or individual, or any member or agent or agents thereof, or for any agent or agents of any company incorporated by any foreign government other than a state of this union, to transact any business of insurance in this state without procuring a certificate of authority from the secretary of state. Such company, association, partnership, firm, or individual, or any agent or agents thereof, having first filed, under oath, in the office of said secretary, a statement setting forth charter or act of incorporation of, and every such incorporate company, and the by-laws, copartnership agreements, articles of association, of any and every such incorporated company, association, partnership or firm, and the name and residence of such individual, and the names and residences of the members of every such partnership or firm, and the matters required to be specified by the first section of this act, and the written authority therein mentioned, and furnish evidence to the satisfaction of the secretary of state that such company has invested in stocks in some one or more of the states of this Union, or the United States, the amount of fifty thousand (50,000) dollars, and that such stocks are held by citizens of the United States, or in any bonds or mortgages of real estate situated in the United States, fully securing the amount for which the same is mortgaged, or bonds of cities of the United States, the aggregate market value of the investment of the company in which shall not be less than fifty thousand (50,000) dollars; and such incorporated company, or unincorporated company, association, partnership, firm, or individual, or any agent or agents thereof, filing said statement, and furnishing evidences of investment as aforesaid, shall be entitled to a certificate of authority for such body or individual, in like manner as is provided for in the first section of this act.

Certificate,  
necessary to  
legality.

Statement.

Stock invest-  
ments.

SEC. 3. It shall be the duty of every such insurance

Statement to be filed with clerk of court company, or some agent or agents thereof, before taking any risks or transacting any business of insurance in this state, to file in the office of the clerk of the circuit court of the county of which it, he or they may desire to establish an agency for any such insurance company or individual, or to transact any business of insurance therein, a copy of the statement required to be filed with the secretary of state as aforesaid, together with the certified copy of the certificate of said secretary, which shall be carefully preserved for public inspection by said clerk, and also said insurance company, association, partnership, firm or individual, shall cause their statement and certificate to be published in some daily newspaper of general circulation published in this state, printed in the cities of Madison and Milwaukee one month, and such body or individual shall, before it, he or they, or any agent or agents thereof, shall take any risks or transact any business of insurance, furnish such agent or agents with two copies of such statement and secretary's certificate, one of which shall be deposited and kept in the office of the proper clerk of the circuit court, in the same manner and for the same purpose as hereinbefore mentioned; one of which shall be kept in the office of every such agent or other person, to be submitted to any persons for examination who may desire to procure from such agent or agents, or other person, a policy of insurance, or renewal thereof, if demanded by him or them.

Renewal of statement.

SEC. 4. The statement and evidence of investment required by this act shall be renewed annually, in the month of January in each year; the first statement may be made at any time. The secretary of state, on being satisfied that the capital, securities and investments remain secure as at first, shall furnish renewal of certificate as aforesaid; the certified copy of which, with the certified copy of the statement upon which the same was obtained, shall be filed, kept, and published in the same manner, and be governed in all respects by the provisions of section three of this act: *Provided*, that all certificates of authority or renewals granted to any such insurance company, or agent or agents thereof, prior to the passage of this act, in accordance with the act hereinafter repealed, shall be in full force and effect until January, A. D. 1860, the same as if issued under this act: *And provided further*, that any such insurance company, or agent or agents thereof, shall pay into the state treasury, on or before the first day of June, A. D.

Proviso.

Proviso.

1859, a sum of money equal to three per cent. upon the gross amount of premiums received in the state of Wisconsin for the year 1858, which shall be in full for the license until the first day of January, A. D. 1860, to be ascertained in the manner hereinafter provided, and thereafter shall pay in accordance with section five of this act.

SEC. 5. A sum of money equal to three per cent. upon the gross amount received in the state of Wisconsin for premiums in each year, as shown by the report required to be made by section one of this act, shall be paid by each company as an annual license fee at the time of the issue of each certificate, or its renewal, by the company or body receiving it, to be paid to the state treasurer for the privilege of transacting the business of insurance in this state: *Provided*, that when application is made for license by any company that shall not have transacted business within this state for the space of one year, the sum of five hundred dollars shall be paid by such company as a license for the first year: *And provided further*, that any insurance company not incorporated by the laws of the state of Wisconsin, now doing business in this state, shall, on or before the first day of June, A. D. 1859, make a statement, verified by the oath of the president and secretary of such company, showing the gross amount (*amount*) of premiums received in this state by such company for the year 1858, which statement shall be filed by the secretary of state.

SEC. 6. Any person or firm in this state who shall receive or receipt for any money or account of or for any contract of insurance made by him or them, or for any such insurance company or individual aforesaid, or who shall receive or receipt for any money from other persons, to be transmitted to any such company or individual aforesaid, for a policy or policies of insurance, or any renewal thereof, although such policy or policies of insurance may not be signed by him or them, as agent or agents of such company, or who shall in anywise, directly or indirectly, make or cause to be made any contract or contracts of insurance for or on account of such insurance company aforesaid, shall be deemed to all intents and purposes an agent or agents of such company, and shall be subject and liable to all the provisions, regulations and penalties of this act.

SEC. 7. That copies of all papers required by this act to be deposited in the office of the secretary of state, certified under the hand of such secretary or clerk of any

License fee.

Proviso.

Proviso.

Agents, how considered.

Papers, to be received in evidence.

court of record of this state, with the seal of such court affixed thereto, or any notary public under his proper seal, and any copy of any affidavit of publication in any newspaper by this act made necessary, duly certified by the clerk of any court of record or probate judge in this state, authenticated by the seal of such court, or by any notary public, witnessed by his proper seal, shall be received as evidence in all courts and places, in the same manner, and have the same force and effect as the original would have if produced.

Penalty for violation of this act.

SEC. 8. Any person violating any of the provisions of this act shall, upon conviction thereof in any court of competent jurisdiction, be fined in not less than one hundred nor more than one thousand dollars, or imprisonment in the county jail not more than six months, at the discretion of the court. The penalties imposed in this act shall be collected in the name of the people, by the attorney general of the state, or the district attorney of the county where the offence shall have been committed, on the complaint of any person aggrieved by such violation, or any other person; and one half of the penalty, when recovered, shall be paid into the treasury, for the use of the poor of the county where the offence shall have been committed, and the other half to the informer of such violation. Violations of this act shall be prosecuted in the same manner as may be provided by law for the punishment of offences of like grade.

Repealed.

SEC. 9. All acts or parts of acts contravening the provisions of this act are hereby repealed. This act shall in no wise affect the law now in existence to compel said companies to pay in their quota towards the support of the fire departments in the different cities of the state.

Fire Departments.

Take effect.

SEC. 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1859.

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[Published April 8, 1859.]

## CHAPTER 191.

AN ACT to divide the county of Polk and erect the county of Dallas.

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

Boundary.

SECTION 1. All that portion of the county of Polk embraced in the following description, is hereby set off