

[No. 152, A.]

[Published April 10, 1882.]

## CHAPTER 146.

AN ACT amending sections 1929, 1932, 1934 of the revised statutes, section 1, chapter 13, laws of 1881, section 1, chapter 42, laws of 1881, and section 1937 of the revised statutes, all relating to town insurance companies.

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

SECTION 1. Section 1929 of chapter 89 of the revised statutes is hereby amended by striking out all after the words "four o'clock P. M.," where they occur in the eighth line, and inserting in lieu thereof the words "of such days of each week as may be determined by the annual meeting of such corporation," so that said section when so amended shall read as follows: Section 1929. The directors shall hold their offices for one year and until their successors are elected; they shall choose one of their number president, and a secretary and a treasurer, and keep a record of all their proceedings in a book kept for that purpose, together with the names and places of residence of all persons insured, and the amount for which each is insured, which shall be kept open for inspection of all members of such corporation from the hour of nine o'clock A. M. to four o'clock P. M., of such days of each week as may be determined by the annual meeting of such corporation. Amended.

SECTION 2. Section 1932 of chapter 89 of the revised statutes is hereby amended by inserting after the word "lightning," where it occurs in the fifth line, the words "and providing for such conditions of insurance as may be determined by the by-laws of such corporation, or by the resolutions of its annual meeting," and by adding at the end of said section the following: "The board of directors, however, may delegate such authority to a committee of not less than three, at least two of whom shall be directors," so that said section, when so amended shall read as follows: Section 1932. The board of directors may issue policies of insurance signed by the president and secretary, agreeing in the name of the corporation to pay to the insured all loss or damage of and to the property mentioned and described therein, which may be occasioned by fire or lightning, and providing for such conditions of insurance as may be determined by the by-laws of such corporation or by the resolutions of its annual meeting; and the said board of directors or the corporation may classify the property insured at the time of issu- Amended.

ing policies thereon under different rates, corresponding, as near as may be, to the greater or less risk from fire and loss which may attach to the several buildings or personal property insured. The board of directors, however, may delegate such authority to a committee of not less than three, at least two of whom shall be directors.

Amended.

SECTION 3. Section 193 $\frac{1}{2}$  of chapter 89 of the revised statutes is hereby amended by inserting after the word "damage" where it occurs in the ninth line, the words: "provided, that the board of directors may appoint a committee of not less than three members of the corporation for the adjustment of all losses that may occur during the year," so that said section, when so amended, shall read as follows: Section 193 $\frac{1}{2}$ . Every member of such corporation, who may sustain loss or damage by fire or lightning, shall immediately notify the president of such corporation, or, in his absence, the secretary thereof, who shall forthwith convene the directors of said corporation, whose duty it shall be, when so convened, to appoint a committee of not less than three nor more than five members of such corporation, except in case the loss is supposed to be less than three hundred dollars, the president and secretary to appoint such committee to ascertain the amount of such loss or damage; provided, that the board of directors may appoint a committee of not less than three members of the corporation for the adjustment of all losses that may occur during the year, and in case of the inability of the parties to agree upon the amount of such loss or damage, the claimant may appoint one disinterested person on his part and upon receiving notice from such claimant of such appointment the president of the corporation shall forthwith appoint a member of such corporation, and the two persons so appointed shall forthwith proceed to appoint a third person who shall be disinterested, and the three persons so appointed shall constitute a committee of reference, who shall have full authority to examine witnesses, and to determine all matters in dispute, who shall make their award to the president, or, in his absence, to the secretary of such corporation, which award thereon shall be final. The said committee of reference shall each be allowed the sum of two dollars per day for each day's service so rendered, and the sum of five cents per mile necessarily traveled in the discharge of such duties, which shall be paid by the claimant, unless the award of said committee shall ex-

ceed the sum offered by the corporation in liquidation or such loss or damage, in which case said expense shall be paid by said corporation.

**SECTION 4.** Section 1 of chapter 13 of the general laws of 1881 is hereby amended by inserting in the fifteenth line thereof, and between the words "thereof" and "together," the following words: "and of the necessary business expenses of such corporation," so that said section when so amended shall read as follows: Section 1. Amend section 1933 of the revised statutes by adding after the word "thereof" where it occurs in the sixth line of said section, the following: "together with all legal costs and charges incurred in case legal proceedings are commenced to collect any assessment made upon him," so that said section when so amended shall read as follows: Section 1933. Every person to whom any such policy is issued shall be deemed a member of such corporation, and shall give his undertaking, bearing even date with the policy so issued to him, binding himself, his heirs and assigns, to pay his pro rata share to the corporation of all losses or damages by fire or lightning, which may be sustained by any member thereof, and of the necessary business expenses of such corporation, together with all legal costs and charges incurred in case legal proceedings are commenced to collect any assessment made upon him; and every such undertaking shall, within ten days after its acceptance, be filed in the office of the secretary, and shall remain on file in such office, except when required to be produced in court as evidence. He shall also at the time of effecting such insurance, pay such percentage in cash, and such reasonable sums for a policy as may be required by the rules or by-laws. Amended.

**SECTION 5.** Amend section 1, of chapter 42 of the laws of 1881, by striking out the words "at the time of making the assessment therefor" where they occur in the thirty-second and thirty-third lines, and by adding at the end of said section the following words: "Every member of such corporation who shall either neglect or refuse to pay such assessment at the time specified in the notice sent him in compliance with the provisions of this section, shall pay to such corporation a fine of two per cent. of the amount of such assessment for each week or part thereof during which such assessment shall remain due and unpaid" so that said section when so amended shall read as follows: Section 1. Section 1 of chapter 251 of the general laws of 1879 is hereby amended by striking out Amended.

the word "two," where it occurs in the eighteenth line of said section, and insert in lieu thereof the word "three," so that said section, when so amended, shall read as follows: Section 1. Whenever the amount of any loss so ascertained shall exceed the amount of the cash funds of the corporation, the president shall convene the board of directors, who shall make an assessment upon all property insured by such corporation, in proportion to the amount thereof and the rate under which it may be classified, sufficient at least to pay such loss; provided, however, that such board of directors shall be authorized, if they see fit to do so, to assess up to three and a half mills, even if such loss should not require such an amount; and when such assessment shall have been completed, the secretary shall immediately notify every member of such corporation, by letter or postal card sent to his usual post-office address, of the amount of such loss, and the sum due from him as his share thereof, and the time when and to whom payment thereof is to be made, which time shall not be less than sixty days nor more than ninety days from the date of such notice; and the treasurer or person designated to receive such money may demand and receive two per cent. in addition to the amount of each such assessment for his fees in receiving and paying over the same. Such assessment, when collected, shall be paid to the person entitled thereto, according to the terms of the policy issued to him; provided, that if any loss shall occur during the first eight months of any year, the board of directors may borrow money sufficient to pay such loss, at a rate of interest not exceeding eight per cent., and shall therein include the interest in the assessment, and direct payment of such assessment to be made not later than the thirty-first day of December next following. Every member of such corporation who shall either neglect or refuse to pay such assessment, at the time specified in the notice sent him in compliance with the provisions of this section, shall pay to such corporation a fine of two per cent. of the amount of such assessment for each week or part thereof during which such assessment shall remain due and unpaid.

Amended.

SECTION 6. Amend section 1937 of the revised statutes by inserting after the word "thereof," where it occurs in the fourth line, the words "or such and so many of them as they may have appointed as a committee for such purpose," so that said section, when so amended, shall read as follows: Section 1937. Any

member of such corporation may withdraw therefrom at any time by giving notice in writing to the president, or, in his absence, to the secretary thereof, and paying his share of all claims then existing against said corporation; and the directors, or a majority thereof, or such and so many of them as they may have appointed as a committee for such purpose, shall have power to annul any policy by giving notice in writing to that effect to the holder thereof.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 32, A.]

[Published March 28, 1882.]

### CHAPTER 147.

AN ACT to repeal chapter 248 of the laws of 1880, also to repeal chapter 296 of the laws of 1881, relating to fishways.

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

SECTION 1. Chapter 248 of the laws of 1880, entitled "an act to compel the owners, proprietors and occupants of dams in the counties of Iowa and La Fayette, to construct and maintain fishways;" also chapter 296 of the laws of 1881, entitled an act in relation to fishways, and amendatory of chapter 248 of the general laws of the state of Wisconsin for the year 1880, entitled "an act to compel the owners, proprietors and occupants of dams in the counties of Iowa and La Fayette to construct and maintain fishways," are hereby repealed. Repeal.

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

Approved March 18, 1882.

[No. 71, A.]

[Published March 28, 1882.]

### CHAPTER 148.

AN ACT to appropriate to the Clark County Agricultural Society a sum of money therein named.

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

SECTION 1. There is hereby appropriated to the Clark County Agricultural Society, out of any moneys in the general fund not otherwise appropriated, the sum of one hundred dollars for the year A. D. 1881. Appropriation.

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

Approved March 18, 1882.