

charged soldier, sailor or marine of the late war shall be sent to a poor-house in the state of Wisconsin, but that suitable provision shall be made for them by the relief commission out of funds herein provided.

SECTION 5. The county board of supervisors shall allow the persons composing the commission provided for in section 3, of this act, their actual expenses incurred in the performance of their duties on presentation of an itemized statement of the same.

Actual expenses to be allowed by county board to commissioners.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.
Approved April 2, 1857.

[No. 28, A.]

[Published May 4, 1857.]

CHAPTER 305.

AN ACT to authorize the organization of local fire insurance companies in the cities and villages of this state.

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

SECTION 1. Any number of persons not less than twenty-five, residing in the same city or incorporated village, who collectively, shall own property of not less than twenty-five thousand dollars in value, which they desire to have insured, may form themselves into a corporation, for mutual insurance against loss or damage by fire or lightning, by complying with the following conditions, namely: They shall sign articles of organization, which shall be substantially in the following form, substituting the word, "village" for "city," whenever such corporation is formed within an incorporated village. The undersigned, all residents of the city of _____, in the county of _____, and state of Wisconsin, and owners of at least twenty-five thousand dollars worth of property which we desire to insure, do hereby associate for the purpose of forming a mutual fire insurance

Manner of organization of local fire insurance companies in cities and villages.

corporation, to do such insurance in the city above named, under the provisions of chapter—of the laws of 1887. The name of such corporation shall be the (here insert corporate name in full). The officers thereof shall be a board of directors of —, (insert the number which shall be not less than five nor more than nine), a president, secretary and treasurer, and such others as may be provided for in the by-laws of such corporation, and the office of such corporation shall be in the city aforesaid. The following named persons shall constitute the first board of directors, and shall hold their respective offices until the first annual meeting following the date of these articles, and until their successors are elected, (here insert names of first board of directors). In witness whereof, we have hereunto subscribed our names, this — day of —, A. D. 18—. Such articles shall be subscribed by at least twenty-five persons, residents of the city or village therein named, all adults, and who collectively are owners of at least twenty-five thousand dollars worth of property, which shall be insured by such corporation, and when so signed shall be filed and recorded in the office of the clerk of such city or village, and at the same time or within thirty days thereafter a copy of the by-laws of such corporation, with the names of its officers, shall be filed in said office; and thereupon the persons subscribing said articles, and such as shall afterward become insured thereby, shall be a corporation by the name mentioned in said articles, with the usual powers and subject to the usual duties and liabilities of a corporation for the purposes hereinafter mentioned. The name of such corporation shall embrace the name of the city or village in which the same is located.

Directors, how
chosen.

SECTION 2. The directors subsequent to the first board shall be chosen by ballot at the annual meeting of the corporation, which shall be held on the second Monday of January of each year, unless some other day be fixed for such annual meeting by a majority of the votes of such corporation, and every person insured by such corporation shall have one vote, for each two hundred dollars for which he is insured, at such election; and the transaction of all other business except as otherwise provided by law may be determined

viva voce or by ballot as such corporation may by its by-laws or other rules and regulations prescribe; but no person shall vote by proxy, except women.

SECTION 3. The directors, except those constituting the first board, whose term of office shall be as defined in the articles of incorporation, shall hold their offices for one year and until their successors are elected. They shall choose one of their number president and one vice-president, and a secretary and a treasurer, and shall 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 at the office of said company 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.

Term of office
of directors.

SECTION 4. The treasurer, before entering upon the duties of his office, shall execute to such corporation, and file with the secretary, a bond conditioned, for the faithful discharge of the duties of his office, with two or more sureties, in such sum not less than five thousand dollars, as the directors may order, such bond and sureties to be approved by the president and a majority of the directors.

Bond of treasurer.

SECTION 5. No such corporation shall insure any property out of the city or village in which said corporation is located; and no such corporation shall insure any property other than detached dwellings, barns, stables and sheds, and the contents of such buildings, except as hereinafter provided.

What property
may be insured.

SECTION 6. Such corporation may, at its annual meeting, or at a special meeting thereof convened for that purpose, pursuant to its by-laws, by a majority of all the votes cast by its members present, in like manner as for the election of directors, authorize its board of directors to insure hotels, stores, groceries, offices and shops, and the contents of such buildings, school-houses, churches, and town and society halls; provided, however, that the aggregate of risks taken upon such property within and upon any one building of the character mentioned in this section, shall in no

Corporation
may authorize
directors to insure
certain
other property.

case exceed twenty-five hundred dollars, and such insurance shall in all cases be approved by three-fourths of the board of directors.

Policies, how issued.

SECTION 7. Subject to the restrictions contained in this chapter, the board of directors may issue policies of insurance, signed by the president and secretary, agreeing in the name of the corporation to pay the insured all loss or damage of and to the property mentioned and described therein to the amount named therein, which may be occasioned by fire or lightning, within the period named in said policy, which in no case shall be more than five months, 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 issuing 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 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.

Who are members,

SECTION 8. Every person to whom any such policy is issued shall be deemed a member of such corporation, while such policy is in force, 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 within or during the term of such policy, 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.

To notify corporation of loss.

SECTION 9. 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 vice-president, or in the absence of both, the secretary thereof, who shall forthwith convene the directors of said corporation, whose duty it shall be 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, in which case the president, or in his absence, the vice-president and secretary may 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, or in his absence, the vice-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 authority to examine witnesses and to determine all matters in dispute, and who, within thirty days after their appointment, shall make their award to said corporation, and file the same with the secretary thereof, which award 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, which shall be paid by the claimant, unless the award of said committee shall exceed the sum found justly due by the committee herein first provided for, in liquidation of such loss or damage, in which case, such expense shall be paid by the corporation.

SECTION 10. Whenever the amount of any loss so ascertained shall exceed the amount of the cash funds of the corporation, the president, or in his absence, the vice-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 have been classified, sufficient at least to pay such loss; provided, however,

Assessmen'ts,
how and when
made.

that such board of directors shall be authorized, if it sees fit to do so, to assess up to four mills, even if such loss should not require such an amount, and whenever such an assessment shall have been completed, the secretary shall immediately cause to be published for three consecutive weeks, in such weekly newspaper printed within said city or village, if there be one, otherwise in such newspaper as is printed within the county, as the board of directors may designate; a notice, stating therein the time when such assessment was levied and the time when the same becomes due, which notice shall in any court of this state be conclusive evidence of notification of such assessment; and within five days after the levying of such assessment the secretary shall notify every member of such corporation by letter or postal card sent to his usual postoffice address, of the amount of such assessment, and the sum due from him as his share thereof, and the time within which and to whom payment thereof is to be made, which time shall not be less than sixty nor more than ninety days from the date of such notice as the board of directors may at the time of making such assessment have determined; 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, or so much thereof as may be required 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 in any year, the board of directors may borrow money sufficient to pay such loss at a rate of interest not exceeding seven per cent., and shall 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. If the assured neglect to make payment of any assessment within the time specified in the notice to be sent him by the secretary as herein before provided, then his policy shall be null and void until such assessment is paid and also his pro rata share of all other assessments which may be levied during the suspension of the policy on account of the non-payment of a

previous assessment. Actions may be brought against any member of such corporation who shall refuse or neglect to pay any assessment made upon his insured property under the provisions of this act; and the directors of any such corporation who shall wilfully neglect or refuse for thirty days to perform the duties imposed upon them by this or the next preceding section, shall be jointly and severally liable in their individual capacity to the persons sustaining such loss.

SECTION 11. Any member of such corporation may withdraw therefrom by giving notice in writing 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 or 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.

Members may
withdraw.

SECTION 12. The secretary of every such corporation shall annually prepare a statement showing its condition on the thirty-first day of December preceding its annual meeting, which shall contain the names of all persons insured, the amount insured by each policy, the whole number of policies issued, the whole number then in force, the aggregate amount then insured and the aggregate amount of losses paid by the corporation since its organization, the whole amount of losses sustained and unpaid, if any, and all such other matters pertaining to the interest of such corporation as by the by-laws he may be required to report upon. The treasurer of every such corporation shall annually prepare a statement of its financial condition on the thirty-first day of December next preceding its annual meeting, showing, amount on hand January first preceding, amount received during the year from premiums, amount received from assessments, Nos. —, amount received from any other sources, amount paid for losses, amount paid for expenses, a detailed statement of every item of expenses, and amount of cash on hand, and such other items as the by-laws may require. Such statements, or so much thereof as said corporation at its annual meeting may by resolution or otherwise agree upon, shall be read to the members of such corporation at their annual meeting and entered at length upon the records;

Secretary to re-
port, annual
statement.

and, within fifteen days after such annual meeting, shall be filed in the office of the city or village clerk, and copies thereof certified by the secretary transmitted to the commissioner of insurance.

Non-resident
may become
member.

SECTION 13. A non-resident of any city or village within which such corporation may be formed, owning property therein, may become a member of such corporation by insuring such property therein under the provisions hereinbefore prescribed, and shall be entitled to all the rights and privileges of such member, except that he shall not be a director or other officer of such corporation.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1887.

[No. 728, A.]

[Published April 28, 1887.]

CHAPTER 306.

AN ACT to amend section 2625, and 2628, of the revised statutes, relating to the change of place of trial in certain cases.

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

Amending section 2625, R. S.

SECTION 1. Section 2625, of the revised statutes of 1878, is hereby amended by inserting after the word, "action," in the sixth line of said section, the words, "obtained on the application of the party filing such affidavit," so that said section when so amended shall read as follows: Section 2625. The court shall change the place of trial of any action upon the application of any party thereto who shall file his affidavit that he has good reason to believe and does believe that he cannot have a fair trial of such action on account of the prejudice of the judge, naming him. If such application shall be made after any continuance in the action, obtained on the application of the party filing such affidavit, it shall be granted, however, only upon the payment of the costs of