

Liability of  
contractors for  
wrongful use of  
materials.

from the principal contractor any amount so paid by the owner, for which the principal contractor was originally liable. And any contractor or sub-contractor who shall purchase materials on credit, and represent at the time of purchase, that the same are to be used in a designated building or other improvement, and shall thereafter use or cause to be used the said material in the construction of any building or improvement other than that designated, without the written consent of the person from whom the materials were purchased, with intent to defraud such person, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by imprisonment in the county jail not more than three months, or by a fine not exceeding three hundred dollars.

Repealed.

SECTION 2. All acts and parts of acts inconsistent with the foregoing section are hereby repealed.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved April 9, 1889.

[No. 395, A.]

[Published April 12, 1889.]

## CHAPTER 334.

AN ACT to require all so called "fraternal assessment insurance corporations" to report to, and be under the jurisdiction of the insurance commissioner.

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

Fraternal, secret and benevolent orders doing business on assessment plan to report to insurance commissioner.

SECTION 1. Every insurance association doing business in this state, as an association declared by law to be fraternal and not an insurance corporation, shall annually, on or before the first day of March in each year, report to the insurance commissioner the location of its principal office in this state, and the names and addresses of its president, secretary and treasurer or other officers answering thereto; and shall make such

further statement of its membership and financial transactions for the year ending on the preceding thirty-first day of December, with such other information relating thereto as said commissioner may deem necessary to a proper exhibit of its business and standing; and the commissioner may at other times require any further statements that he may deem necessary to be made, regarding any such association and such association other than those of Wisconsin, shall also appoint, in writing, the commissioner of insurance as his successor in office to be its true and lawful attorney upon whom all legal process in any action or proceeding against it may be served; and in such writing shall agree that any legal process against it which is served on said attorney, shall be of the same legal force and validity as if served on the corporation, and that the authority shall continue in force and validity as if served on the corporation, and that the authority shall continue in force so long as there is any liability outstanding against the association, in this state, in the same manner as other insurance corporations are required by the statutes. Any such association failing to make report, when required by the commissioner, shall be excluded from doing business within this state.

Commissioner to act as attorney upon whom process may be served.

Penalty for non-compliance.

SECTION 2. Any officer, agent or person or persons acting for any such association within this state after such association has been prohibited from doing business herein, shall be deemed guilty of an offence, and on conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars, or by imprisonment in the county jail not less than thirty days or more than six months, or by both fine and imprisonment in the discretion of the court.

Penalty for doing business after prohibited.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1839.