

CHAPTER 820.

[Published April 11, 1865.]

AN ACT in relation to insurance companies doing business in this state.

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

Insurance companies to deposit certain amounts of state bonds with state treasurer.

SECTION 1. Every incorporation or association, whether organized under the laws of this state or of any other state of the United States, or of any foreign government, doing the business of insurance in this state, is hereby required, in addition to what is now required by the laws of this state, to deposit on or before the first day of June next, with the state treasurer, bonds of the state of Wisconsin, to the amount hereinafter mentioned, graduated according to the gross amount of premiums received in Wisconsin during the year 1864, as exhibited by the annual statements of such insurance companies, filed with the secretary of state, as follows: Where any such insurance company has received the sum of sixty thousand dollars and upwards, as the gross amount of premiums, it shall so deposit thirty thousand dollars of such bonds; and where any such insurance company has received the sum of forty-five thousand dollars, and less than sixty thousand dollars, as the gross amount of premiums, it shall so deposit twenty-five thousand dollars of such bonds; and where any such insurance company has received the sum of thirty thousand dollars, and less than forty-five thousand dollars, as the gross amount of premiums, it shall so deposit twenty thousand dollars of such bonds; and where any such insurance company has received the sum of twenty thousand dollars, and less than thirty thousand dollars, as the gross amount of premiums, it shall so deposit eighteen thousand dollars of such bonds; and where any such insurance company has received the sum of fifteen thousand dollars, and less than twenty thousand dollars, as the gross amount of premiums, it shall so deposit twelve thousand dollars of such bonds; and where any such insurance company has received the sum of ten thousand dollars, and less than twelve thousand dollars, as the gross amount of

\$30,000.

\$25,000.

\$20,000.

\$18,000.

\$15,000.

\$10,000.

premiums, it shall so deposit eight thousand dollars of such bonds; and where any such insurance company has received the sum of eight thousand dollars, and less than ten thousand dollars, as the gross amount of premiums, it shall so deposit seven thousand dollars of such bonds; and where any such insurance company has received the sum of six thousand dollars, and less than eight thousand dollars, as the gross amount of premiums, it shall so deposit six thousand dollars of such bonds; and where any such insurance company has received the sum of five thousand dollars or less, and less than six thousand dollars, as the gross amount of premiums, it shall so deposit five thousand dollars of such bonds, at their par value, to be held by the state for the purposes hereinafter specified: *provided*, that whenever in the opinion of the state treasurer, it shall be impossible for any company or association to purchase such bonds or any part thereof, at prices not exceeding the par value thereof, it shall be lawful for such company or association to deposit bonds of the United States, bearing interest at six per cent. at their par value, in lieu of bonds of this state: *provided*, that in estimating the amount to be deposited by mutual insurance companies, their premium notes shall be taken into account: *provided*, that nothing contained in this proviso shall be so construed as to exempt any mutual insurance company from a compliance with the provisions of this section hereinbefore contained; and each insurance company every year after the deposit of such bonds, shall, in case the gross amount of premiums received by such company exceed the receipts of the year for which the deposit was made, deposit an additional amount of such bonds with the state treasurer, which, together with the bonds before deposited and still remaining in the hands of the state treasurer, amount to such sum as would, under the provisions of this act, have been required of any such company, had the gross amount of premiums been the same the previous year as the year of such increase; and *provided*, further, that the provisions of this act shall not be so construed as to prevent any insurance company from doing business in this state under any license authorizing such company to transact business, until the expiration of the term of such license.

When U.S. bonds
may be deposited

Mutual compa-
nies.

When additional
bonds must be
deposited.

Construction.

New state companies and foreign companies not now doing business in this state, to deposit \$5,000.

SECTION 2. It shall not be lawful for any incorporation or association hereafter organized under the laws of this state, or for any incorporation or association organized under the laws of any other state or country, and not now doing business in this state, or for any agent of any such incorporation or association, to take any risk, issue any policies or receive any premiums in this state, or directly or indirectly to transact any business of insurance in this state, until such company or association shall have made a deposit of five thousand dollars of bonds with the state treasurer, for the purposes contemplated by this act.

Treasurer to give receipt for bonds

SECTION 3. It shall be the duty of the state treasurer to give each company or association making such deposit, or to an agent of any such company, a certificate stating the number, kind and amount of bonds deposited by such company or association, and that they are held by the state of Wisconsin in trust for the purposes of this act. All bonds so deposited by any company or association, shall be stamped by the state treasurer with a stamp which shall indicate the purpose for which they are held and the name of the company or association to which they belong; and said treasurer shall not use or dispose of such bonds, except as is provided by this act. It shall also be the duty of the state treasurer, on or before December 31st, 1865, to certify to the secretary of state the name of each company and association that shall have so deposited bonds, and the date of such deposit, and thereafter to make such certificate to the secretary of state immediately on receiving such deposit from any company or association.

Bonds to be stamped.

Names of companies depositing, to be certified to secretary of state.

Bonds to be held in trust for benefit of parties insured.

SECTION 4. All such bonds deposited, shall be held in trust for the company or association depositing the same, and for the benefit and security of such parties as may effect insurance with such company, and shall not be withdrawn till all liabilities of the company to parties in this state are discharged. Such bonds shall not be subject to attachment or execution, as the property of the company or association depositing the same; but whenever there shall be presented to the state treasurer a certificate of a clerk of a court of record in this state, showing that a person, party, corporation or firm has recovered and is the holder of a

Bonds not subject to attachment.

In case of judgment against company, bonds may be sold and judgment satisfied.

judgment in said court against any such company or association, which judgment has remained in force, not reversed, and without stay of execution thereon, and not satisfied, for the space of sixty days, and stating the amount of such judgment and the date of its rendition, it shall be the duty of the state treasurer at once to notify such company or association, by advertisement in the official state paper, of the presentation of such certificate; and if such company or association shall neglect for twenty days after the publication of such notice, to pay to the state treasurer, for the use of the holder of such judgment, a sum sufficient to pay the amount due thereon, and the cost and expenses of the certificate and notice, it shall be the duty of the state treasurer to sell, either at public or private sale, either in this state or in the city of New York, as he may deem best, a sufficient number of the bonds deposited by such company, and held by him, to pay and satisfy such judgment and interest, and all costs and expenses incurred under this act. After the receipt of the money, either from such company or association, or from a sale of its bonds, it shall be the duty of the state treasurer, after deducting all expenses incurred by him, to pay the holder of such judgment the amount thereof, in satisfaction of the same, and to take such holder's duplicate receipt and discharge of such judgment, one copy of which he shall deliver to such company or association, or its agent, on demand: *provided*, that in case the amount realized from the sale of such bonds shall be insufficient to pay the whole amount due on such judgment, and costs and expenses, it shall be the duty of the state treasurer, after deducting all expenses incurred by him, to pay the remainder to the holder of such judgment, and take his duplicate receipt therefor.

SECTION 5. All interest coupons as they become due and payable, or the money therefor, shall be delivered by the state treasurer to the company or association which deposited the bonds to which they were attached, or to its authorized agent.

Interest coupons
to be delivered to
company.

SECTION 6. Any company or association which shall hereafter desire to retire from the business of insurance in this state, shall be entitled to a return by the state treasurer of its bonds deposited in pursuance of this act, and remaining in the possession of the state

In case company
desire to retire
from business.

treasurer, on exhibiting satisfactory evidence that all the liabilities of such company or association, as such insurer in this state, are discharged.

In case bonds are sold to satisfy judgment, company to deposit additional bonds, or certificate to be revoked.

SECTION 7. After any bonds deposited by any company or association, shall have been sold, as provided in section four of this act, it shall not be lawful for any such company or association, or any agent of any such company or association, to continue to transact the business of insurance in this state, until such company or association, or its agents, shall have deposited with the state treasurer bonds to make good the amount required by this act to be deposited; and it shall be the duty of the state treasurer, immediately after any such sale of bonds deposited by any company or association organized under the laws of any other state or country, and doing business in this state, to notify the secretary of state, who shall at once revoke his certificate and authority to such company to transact business.

No certificate to issue after Dec. 31, 1866, until bonds shall have been deposited.

SECTION 8. After December 31st, 1865, the secretary of state shall not issue to any insurance company incorporated under the laws of any other state, a certificate, with authority to do business in this state, as is provided in chapter 190 of the general laws of 1859, unless, in addition to the statement now required by law to be furnished by such company, it shall also have deposited with the state treasurer bonds to the amount and at the time required by this act.

Who deemed agent.

SECTION 9. Any person in this state who shall receive or receipt for any money on account of or for any policy or renewal, or other contract of insurance of any kind, made by any insurance company or association organized under the laws of any other state, or who shall receive or receipt for money from other persons, to be transmitted to such company or association, for any policy of insurance or renewal of such policy, or any contract of insurance whatever, although such policy, renewal or other contract may not be signed by such person as the agent of such company or association, and any person who shall in any way, directly or indirectly, make or aid in making any insurance contract, or transacting any insurance business for or on account of any such company or association, shall be taken and held to be an agent of such company for the purposes of this act, and as such, subject

to all its provisions : *provided*, that nothing contained in this act shall be held to prohibit any person from collecting and receipting for any annual or other payment to any life insurance company, on a policy previously made and issued.

Payments on life policies already issued.

SECTION 10. Any person, being an officer or agent of any such company or association, who shall willfully violate any of the provisions of this act, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail, not more than one year nor less than twenty days, or by fine, not more than five thousand dollars, nor less than two hundred dollars, or both, in the discretion of the court.

Penalties.

SECTION 11. Anything contained in chapter seventy-two of the revised statutes, relative to insurance companies, or in any act amendatory thereof, or in chapter 190 of the general laws of 1859, or in any act amendatory thereof, or in any act incorporating any insurance company now existing in this state, which is repugnant to or inconsistent with the provisions of this act, is hereby repealed.

Repeal.

SECTION 12. All bonds of this state, not on deposit with the bank comptroller, in pursuance of the banking law of this state, are hereby declared to be exempt from all taxation and assessment, by whomsoever held or owned; and all bonds of this state which are now on deposit with the bank comptroller, which shall hereafter, in pursuance of any law of this state, be withdrawn from said bank comptroller's custody, shall thereafter be exempt from taxation and assessment for any purpose, in whose hands soever the same may be.

Exempt from taxation.

SECTION 13. It is hereby declared as a portion of the contract between this state and any insurance company or companies which shall, in pursuance of the provisions of this act, deposit bonds of the state of Wisconsin, as mentioned in section one of this act, that the state will, at the option of any such insurance company, take up at par any and all bonds held by any such company complying with the provisions of this act, on the first day of January, A. D. 1870, and the said company may deposit in lieu thereof the bonds of the United States : *provided*, that if the said company or companies so holding said bonds, shall fail to elect to have the state take the same at par, by filing

State will take up bonds Jan. 1, 1870, and deposit U. S. bonds.

When bonds subject to taxation.

with the secretary of state a notice, in writing, of such election, on or before the first day of January, 1869, then the said bonds shall be subject to taxation, in all respects the same as if this act had not passed, and the state shall not be bound to redeem them until due.

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

Approved April 6, 1865.

CHAPTER 321.

[Published May 22, 1865.]

AN ACT to amend an act entitled "an act to incorporate the Milwaukee mechanics' mutual insurance company," approved February 18th, 1852, and the several acts amendatory thereof.

(See supplement to local laws.)

CHAPTER 322.

[Published May 23, 1865.]

AN ACT to authorize the city of Beloit to raise money by wards, for the payment of bounties to volunteers for military service of the United States, and to provide for the levy and collection of the same.

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

Any ward may vote bounties to volunteers and persons furnishing substitutes.

SECTION 1. The qualified electors of any ward of the city of Beloit, in this state, shall have power at any meeting of such electors, called and held as hereinafter provided, to vote to raise by a tax, to be levied upon the taxable property in such ward, such sum or sums of money as they may deem necessary, to pay bounties to volunteers in the service of the United States, who may have enlisted or shall hereafter enlist and become credited to such ward upon its quota, and also to persons who shall procure substitutes for