

No. 160, A.]

[Published March 28, 1899.

CHAPTER 65.

AN ACT relating to the organization of bankers mutual casualty insurance companies, and regulating the operations of foreign companies doing business in this state.

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

Business of corporations defined.

SECTION 1. Any insurance company organized and incorporated on the mutual plan, under the laws of this state or any other state, for the purpose of insuring against loss or damage resulting from burglary and robbery, or attempt thereat, and securing against the loss of money and securities in the course of transportation, when shipped by registered mail, shall be authorized, admitted and licensed to do business in this state as hereinafter provided.

Qualifications necessary to be admitted.

SECTION 2. Before any such company shall be authorized to transact business in this state, except to solicit and receive applications for insurance and portions of premiums thereon, as hereinafter provided, it shall have in force five hundred or more policies on which the premium shall have been paid in cash, or shall be evidenced by the written contracts of the policy holders, on which not less than one-fifth of the amount shall have been paid in cash; and the cash and contracts for premiums shall amount in the aggregate, to a sum of not less than one hundred thousand dollars. The premium contract so held shall constitute a part of the assets of the company.

Company to file certified copy of charter and statement of financial condition.

SECTION 3. And every such company, association or partnership shall also file a certified copy of their charter, articles of incorporation, together with a statement, under the oath of the president or vice-president and secretary of the

company, for which he or they may act, stating the name of the company and place where located, a detailed statement of its assets, showing the number of policy holders, aggregate amount of premium contracts, the amount of cash on hand in bank or in the hands of agents, the amount of real estate and how the same is encumbered by mortgage, the number of shares of stock of every kind owned by the company, the par and market value of the same, amount loaned on bond and mortgage, the amount loaned on other securities, stating the kind and the amount loaned on each, and the estimated value of the whole amount of such securities, and other assets or property of the company; also stating the indebtedness of the company, the amount of losses adjusted and unpaid, the amount incurred and in process of adjustment, the amount resisted by the company as illegal and fraudulent, and all other claims existing against the company; and for a company organized under the laws of any other state, a copy of the last annual report, if any, made under any law of the state by which such company was incorporated; and no company shall be allowed to transact business in the state whose re-insurance reserve as required in this act is impaired to the extent of twenty per cent. thereof, while such deficiency shall continue. The commissioner of insurance, before issuing a license for any such company, shall either in person or by deputy, make an examination of the affairs and financial condition thereof, and if found to meet the conditions and requirements of law, shall issue such company a license to transact business in this state, provided no such company shall be licensed, unless it shall have paid all claims in full for the two years next preceding date of application. Nor shall it be lawful for any agent or agents to act for any company or companies referred to in this act, directly or indirectly, in taking risks or transacting the business of burglary and rob-

Commissioner of insurance to make examination of affairs and financial condition of company.

bery insurance, or the insuring of the safe shipping of money and securities by registered mail in this state, without procuring from the insurance commissioner a certificate of authority stating that such company has complied with all the requirements of this act which apply to such companies, and as to the companies organized under the laws of any other state, there shall be added the name of the attorney appointed to act for the company.

Business of company restricted. Re-insurance of fifty per cent compelled.

SECTION 4. Any company organized, admitted and licensed to transact business in this state under this act, shall confine its line of business to that stated in the first section of this act, and shall confine its business in this state to banks, bankers, loan companies and county treasurers, and shall not issue any policy or policies to any persons, firm or corporations in this state other than banks, bankers, loan companies and county treasurers. Every such company shall set aside a re-insurance reserve of fifty per cent. of its premium, whether collected in cash or represented by obligations of the policy holders, as written in its policies.

Liability of policy holders.

SECTION 5. Policy holders of any company organized and admitted to transact business in this state under this act, shall be held liable to pay the membership fee and premium on their insurance as paid, or contracted to be paid, at the time the policy is taken out, and shall not be held liable for any further or other assessments or claims on the part of the company or its policy holders. The membership fee and premium agreed upon, may be collected in cash at the time the policy is issued or evidenced by a written obligation of the policy holder as may be agreed upon by the company and the policy holder. Such payment or obligation shall be the limit of the liability of the policy holder to the company for premium on their insurance.

SECTION 6. It shall not be lawful for any insurance company, association or partnership, incorporated by or organized under the laws of

any other state of the United States, for any of the purposes specified in this act, directly or indirectly, to take risks or to transact any business of insurance in this state by any agent or agents in this state until it shall first appoint an attorney in this state, who shall be the insurance commissioner, on whom process of law can be served, and file in the office of the insurance commissioner a written instrument, duly signed and sealed, certifying such appointment, and any process issued by any court of record in this state, and served upon such attorney by the proper officer of the county in which such attorney may reside or be found, shall be deemed a sufficient service of the process upon said company; but service of process upon such company may also be made in any other manner provided by law.

Commissioner of insurance to be appointed attorney for service of process.

SECTION 7. The statement and evidences of membership assets and investments required by section three of this act shall be renewed from year to year in such manner and form as may be required by said insurance commissioner, with an additional statement of the amount of premiums received in this state during the preceding year, so long as such agency continues; and the said insurance commissioner, on being satisfied that the membership, assets securities and investments remain secure, as hereinbefore mentioned, shall furnish a renewal of the certificate as aforesaid, and such certificate shall expire on the first day of March of the ensuing year, unless sooner revoked or forfeited. Any violation of any of the provisions of this act, shall subject the party violating the same, to a penalty of not more than five hundred dollars.

Statement of condition to be filed annually, and commissioner to issue license, if satisfied with condition.

SECTION 8. All companies organized, authorized, admitted and licensed under this act, shall pay a filing fee of twenty-five dollars on filing their annual statement, and a tax of two per cent. on the gross premiums collected during the preceding year, from policy holders residing in Wisconsin, which shall be in lieu of all other taxes or fees.

License fee and tax on gross earnings.

SECTION 9. This act shall take effect and be in force, from and after its passage and publication.

Approved March 27, 1899.

No. 258, A.]

[Published March 29, 1899.

CHAPTER 66.

AN ACT to authorize the maintenance of the waters of Spring lake in the town of Mukwongo, in county of Waukesha, to and at their natural flow and level.

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

Property owners authorized to fill ditches and outlets.

SECTION 1. It shall be, and it is hereby declared and made lawful, for the owners of lands adjoining Spring lake in the town of Mukwongo, in the county of Waukesha and state of Wisconsin, or any of such owners of lands, to restore the waters of said lake to the natural flow and line thereof, up to the meander line as indicated by the original government survey; and for that purpose to fill any ditch or outlet which has been dug or deepened since said original survey, made by the government of the United States, and by means of which, said waters have been reduced below the natural flow and line.

Draining of lake prohibited.

SECTION 2. It shall be and is hereby declared unlawful, for any person or party, by means of any ditch or in any manner or by any means to drain said lake or lower the water thereof, below the original natural flow and level.

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

Approved March 28, 1899.