

law. All the books of record hereinbefore mentioned and authorized to be kept in the office of any state log scaler are hereby declared to be public records, and of as high degree of evidence as the original instrument therein recorded, and shall, in all courts and places in this state, be taken and held *prima facie* evidence of the matters therein stated, and such books shall not be removed from the state log scaler's office, but any paper purporting to be a copy of any matter or thing of record in such office, certified under the hand of the state log scaler or his deputy to be a correct transcript from the records in such office, shall, in all courts of this state, be received and read as *prima facie* evidence of the matters and things in such record contained and of the matters therein stated.

Books are public record.

SEC. 10. The state log scaler shall make a report of the total number of feet of logs which he has surveyed in his district for the year ending the last day of October, before the last day of November of each year, to the governor of the state.

Scaler shall report to governor annually.

Passed the House March 5, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 13, 1897.

CHAPTER LXV.

[H. B. No. 418.]

RELATING TO INSURANCE.

AN ACT to regulate and control insurance companies, corporations and associations in this state, and to amend sections 11, 26, 29, 33 and 34 of "An act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency," approved March 19, 1895.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. It shall be unlawful for any insurance company, corporation or association doing business in the State of Washington to write, place or cause to be written or placed any policy or contract for indemnity for insurance

Over-head writing prohibited.

on property situated or located in the State of Washington except through or by the duly authorized agent or agents of such insurance company, corporation or association residing and doing business in the State of Washington. At the time of the filing of the annual statement of every such company with the insurance commissioner, there shall be attached thereto the affidavit of the president, manager or chief executive officer in the United States that this section has not been violated: *Provided*, That this shall not apply to counties where there is no agent to write large policies.

Publication
of statement
of condition
required.

SEC. 2. Every insurance company, corporation or association doing business in the State of Washington shall cause to be published once each year, during the month of March or of April, in two daily papers of the largest general circulation, to be designated by the insurance commissioner, one in Western Washington and one in Eastern Washington, a full synopsis of its annual statement as prepared by the insurance commissioner: *Provided*, The secretary of the state shall under this act have the right to make a personal examination of the books and records of any such paper, when not satisfied with the affidavits, to determine which are the two papers of such largest circulation. The cost of such examination, when made, shall be paid by the newspapers whose books have been examined; and the refusal of the owner, manager or editor to permit of such examination will be considered *prima facie* evidence that such paper has not the largest paid circulation.

Penalty for
violation
of law.

SEC. 3. If any insurance company, corporation or association violates any of the provisions of this act, the insurance commissioner shall have power, upon notice and satisfactory proof thereof, to revoke the license of such company to do business in this state, and such insurance company shall not again be readmitted to transact business until it shall have paid into the state treasury the sum of five hundred dollars as a penalty for such violation.

SEC. 4. Section 11 of "An act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency," approved March

19, 1895, is hereby amended to read as follows: Sec.

11. Every insurance company, corporation or association doing business in this state shall, *first*, on or before the 15th day of February in each year file a statement with the insurance commissioner, verified by the oath of the principal executive officer, or manager, residing within the state, or by the principal executive officer of the company, which statement shall show the total business done in this state during the year ending the 31st day of December next preceding, and a complete list of agents or managers in this state; *second*, make and file with the said commissioner before the first day of March in each year a complete statement verified by the oath of the president and secretary of such company, corporation or association, showing the condition of every such insurance organization on the 31st day of December next preceding, and such statement shall show, (1) the amount of the capital stock of the company; (2) the property or assets held by the same; (3) the liabilities of the organization, which must include the reinsurance reserve; (4) the income of the organization during the preceding year; (5) the amount of risks written during the same period, the amount of risks expired during the same period, and the total amount at risk on the 31st day of December next preceding. If the provisions of this section are not complied with on or before the fifteenth day of March in each year, the commissioner shall revoke the certificate of authority to do business in this state, issued to the company, corporation or association failing to comply with the same.

Annual statements, when filed — to contain, etc.

Penalty for failure to report.

SEC. 5. Section 26 of an act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency, approved March 19, 1895, is hereby amended to read as follows: Sec. 26.

Any existing insurance company, corporation or organization, or any company formed under the provisions of this act, may at any time increase the amount of its capital stock, after giving notice once a week for four consecutive weeks in any newspaper having a general circulation, published in the county where the organization is located, of such intention, and by filing with the insurance commis-

Capital stock, manner of increasing.

Affidavit of
publisher.

sioner a copy of such advertisement, subscribed and sworn to by the publisher or manager of said paper as having been so advertised, together with a declaration under its corporate seal, signed by its president and two-thirds of its board of directors, and by the stockholders representing three-fourths of its capital stock, of their desire to so increase the capital: *Provided*, That said increase in capital stock shall be fully paid for in legal tender money of the United States, dollar for dollar.

Face of
policy to be
paid, when.

SEC. 6. Section 29 of an act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency, approved March 19, 1895, is hereby amended to read as follows: Sec. 29. Whenever any policy of insurance shall be hereafter written or renewed insuring real property, or any building or structure erected thereon or connected therewith, and the property insured shall be wholly destroyed, without criminal fault on the part of the insurer, or his assigns, the amount of insurance written in such policy shall be taken conclusively to be the true value of the property when insured, and the true amount of the loss and measure of damages when destroyed. In case there is a partial destruction of the property insured, no greater amount shall be collected than the injury sustained.

Annual tax,
when and
how paid.

SEC. 7. Section 33 of an act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency, approved March 19, 1895, is hereby amended to read as follows: Sec. 33. All insurance companies, corporations or associations now doing business in this state, or that may hereafter do business in this state, must file with the commissioner annually, on or before the fifteenth day of February in each year, a statement under oath stating the amount of all premiums received by said company, corporations or associations during the year ending December 31st preceding in this state, and the amount actually paid policy holders during the same time, and if organized under the laws of the State of Washington, or any other state in the territory of the United States, shall pay into the state treasury a tax of two per centum on all such premiums collected, less the

amount of losses actually paid policy holders; and if organized in any state or nation outside the territory of the United States, they shall pay a tax of three per centum on all such premiums collected, less the amount of losses actually paid policy holders. The commissioner shall file such verified statement and schedule in his office and certify the amount of such gross receipts, less amounts of losses actually paid policy holders as aforesaid, to the state treasurer. Within ten days thereafter such insurance company, corporation or association shall pay or cause to be paid into the state treasury a tax of two per centum or three per centum, as the case may be, upon all such gross receipts, less such amounts of losses actually paid policy holders in the State of Washington, which payment, when so made, shall be in lieu of all taxes upon the personal property of such company, corporation or association, and the shares of stock therein. Any organization failing or refusing to render such statement and to pay the required tax of two per centum or three per centum, as the case may be, thereon for more than thirty days after the time so specified shall be liable to a fine of one hundred dollars for each additional day of delinquency, and the taxes may be collected by distraint and a fine recovered by an action to be instituted by the attorney general in the name of the state in any court of competent jurisdiction, and the commissioner shall revoke the license and authority of such delinquent company until such payment of taxes and fine, should any be imposed, is fully paid and notice thereof given to the insurance commissioner: *Provided*, That all real property, if any, of such company, corporation or associations shall be listed, assessed and taxed the same as real property of like character of individuals.

Commissioner
to certify
amount of tax
to treasurer.

Penalty for
neglect or
refusal to pay.

SEC. 8. Section 34 of an act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency, approved March 19, 1895, is hereby amended to read as follows: Sec. 34. The words "insurance company or corporation, or association, or insurance organization," as used in this act, shall be held to mean and do mean and include any company, association or corporation engaged in or carrying on

Terms used
construed to
mean, what.

in any manner the business of insurance of any character in this state: *Provided*, That the provisions of this act shall not apply to secret or fraternal societies, lodges or councils which conduct their business and secure membership on the lodge system exclusively, having ritualistic work and ceremonies in their societies, lodges or councils, nor to any mutual or benefit association organized or formed and composed only of members of any such society, lodge or council exclusively: *Provided*, That the provisions of this act pertaining to capital stock shall not apply to assessment, life and accident insurance companies maintaining an absolute and unimpaired reserve fund of at least twenty thousand dollars in cash or available securities.

Applications and exceptions.

Combinations and agreements prohibited.

SEC. 9. If a licensed insurance company shall enter into a contract or combination with other insurance companies for the purpose of controlling the rates to be charged for insurance upon property within this state, the commissioner shall forthwith revoke its license and those of its agents, and no renewal of the licenses shall be granted until after the expiration of three years from the date of final revocation.

Passed the House March 4, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 13, 1897.

CHAPTER LXVI.

[S. B. No. 243.]

RELATING TO JUSTICES AND CONSTABLES.

AN ACT relating to justices of the peace and constables in cities having more than five thousand inhabitants, and fixing their number and salaries.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. There shall be elected at the general election to be held in November, 1898, and biennially thereafter

After November, 1898, in cities over 5,000, one justice only.