

TION. (1) Notwithstanding any other provisions of this chapter, no party shall be recognized or qualified to participate in any election which is directly or indirectly affiliated, by any means whatsoever, with the communist party of the United States, the third communist international, or any other foreign agency, political party, organization, or government which either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or of this state.

(2) The secretary of state shall, with the advice and consent of the attorney general, determine which parties are qualified to participate in any election. Such determination shall be subject to review by the courts in accordance with law.

(3) This section is declared to be enacted in the exercise of the police power of this state for the protection of the public peace, safety, and general welfare of the residents of this state.

(4) If any provision of this section, or the application thereof to any person or circumstance is held invalid, the remainder of the section and the application of such provision to other persons or circumstances, shall not be affected thereby.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 15, 1941.

No. 97, S.]

[Published May 17, 1941.

CHAPTER 106.

AN ACT to create 343.74 of the statutes, to protect property by making criminal certain unlawful entries on, injuries to and interferences with property and providing penalties.

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

SECTION 1. Section 343.74 of the statutes is created to read:
343.74 SABOTAGE (1) DEFINITIONS. As used in this section:

(a) "Highway" includes any private or public street, way or other place used for travel to or from property.

(b) "Highway commissioners" mean any individuals, board or other body having authority under then existing law to discontinue the use of the highway which it is desired to restrict or close to public use and travel.

(c) "Public utility" includes any pipe line, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation, communication or other system, by whomsoever owned or operated for public use.

(d) "Person" includes firm, partnership, corporation, or association.

(e) "Peace officer" includes sheriffs, undersheriffs, deputy sheriffs, police officers, policemen appointed pursuant to the provisions of Section 192.47, constables, marshals, deputy marshals, and federal law enforcement officers.

(2) INTENTIONAL INJURY TO OR INTERFERENCE WITH PROPERTY. Whoever intentionally destroys, impairs, injures, interferes, or tampers with real or personal property with reasonable grounds to believe that such act will hinder, delay, or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, shall be punished by imprisonment for not more than 10 years, or by a fine of not more than \$10,000, or both, except that if such person so acts with the intent to hinder, delay, or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, the minimum punishment shall be imprisonment for not less than one year.

(3) INTENTIONALLY DEFECTIVE WORKMANSHIP. Whoever intentionally makes or causes to be made or omits to note on inspection any defect in any article or thing with reasonable grounds to believe that such article or thing is intended to be used in connection with the preparation of the United States or any of the states for defense or for war, or for the prosecution of war by the United States, or that such article or thing is one of a number of similar articles or things, some of which are intended so to be used, shall be punished by imprisonment for not more than 10 years, or a fine of not more than \$10,000, or both, except that if such person so acts or so fails to act with the intent to hinder, delay, or interfere with the preparation of the United States or of any of the states for

defense or for war, or with the prosecution of war by the United States, the minimum punishment shall be imprisonment for not less than one year.

(4) **ATTEMPTS.** Whoever attempts to commit any of the crimes defined by this section shall be liable to one-half the punishment prescribed for the completed crime. In addition to the acts which constitute an attempt to commit a crime under the law of this state, the solicitation or incitement of another to commit any of the crimes defined by this section not followed by the commission of the crime, the collection or assemblage of any materials with the intent that the same are to be used then or at a later time in the commission of such crime, or the entry, with or without permission, of a building, enclosure, or other premises of another with the intent to commit any such crime therein or thereon shall constitute an attempt to commit such crime.

(5) **CONSPIRATORS.** If 2 or more persons conspire to commit any crime defined by this section, each of such persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit, whether or not any act be done in furtherance of the conspiracy. It shall not constitute any defense or ground of suspension of judgment, sentence, or punishment on behalf of any person prosecuted under this section, that any of his fellow conspirators has been acquitted, has not been arrested or convicted, is not amenable to justice or has been pardoned or otherwise discharged before or after conviction.

(6) **WITNESSES' PRIVILEGES.** No person shall be excused from attending and testifying or producing any books, papers, or other documents before any court, magistrate, referee, or grand jury upon any investigation, proceeding, or trial, for or relating to or concerned with a violation of any provision of this section or attempt to commit such violation, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him by the state may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him, upon any criminal

investigation, proceeding, or trial, except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony.

(7) UNLAWFUL ENTRY ON PROPERTY. (a)

Any person or state or any political subdivision thereof engaged in, or preparing to engage in, the manufacture, transportation, or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States or the manufacture, transportation, distribution, or storage of gas, oil, coal, electricity, or water, or any of said natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons, or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or its property at each gate, entrance, dock, or railway entrance and every 100 feet of water front a sign reading "No Entry Without Permission."

(b) Whoever without permission shall wilfully enter upon premises so posted shall be punished by a fine of not more than \$50, or by imprisonment in the county jail for not more than 30 days, or by both such fine and imprisonment.

(8) QUESTIONING AND DETAINING SUSPECTED PERSONS. Any peace officer or any person employed as watchman, guard, or in a supervisory capacity on premises posted as provided in subsection (7) may stop any person found on any premises to which entry without permission is forbidden by said subsection and may detain and demand of him his name, address, and business in such place. If such peace officer or employe has reason to believe from the answers of the person so interrogated that such person has no right to be in such place, such peace officer or employe shall forthwith release or arrest such person without a warrant on a charge of violating the provisions of subsection (7) and such employe in case of arrest shall forthwith turn him over to a peace officer.

(9) CLOSING AND RESTRICTING USE OF HIGHWAY. (a) Any person, municipal corporation, or state or any political subdivision thereof engaged in or preparing to engage in the manufacture, transportation, or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in prosecution of war by

the United States, or in the manufacture, transportation, distribution, or storage of gas, oil, coal, electricity, or water, or any of said natural or artificial persons operating any public utility, who has property so used which he or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which such property abuts, may petition the highway commissioners of any city, village, town, or county to close one or more of said highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of said highway or parts thereof.

(b) Upon receipt of such petition, the highway commissioners shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the city, village, town, or county in which such property is located, such notice to be at least 7 days prior to the date set for hearing. If after hearing the highway commissioners determine that the public safety and the safety of the property of the petitioner so require, they shall by suitable order close to public use and travel or reasonably restrict the use of and travel upon one or more of said highways or parts thereof, except that the highway commissioners may issue written permits to travel over the highways so closed or restricted, to responsible and reputable persons for such term, under such conditions and in such form as said commissioners may prescribe. The order of such highway commissioners closing or restricting the use of one or more of said highways shall be effective only so long as the public safety and the safety of the property of the petitioner may require. Such order shall be vacated by the highway commissioners when the necessity which prompted it has ceased to exist. Any person feeling aggrieved by any order of the highway commissioners rendered pursuant to this subsection may, within 7 days after the issuance of such order, petition the state highway commission for a review thereof. A copy of said petition shall, within the period named, likewise be filed with the clerk of the local highway commissioners. The clerk shall thereupon certify to the state highway commission a copy of the order in question together with a transcript of any testimony that may have been taken and any documentary evidence received on which such order was based. On the record so certified and on any additional evidence deemed necessary by it, the state highway com-

mission shall render its decision affirming, vacating, or modifying the order in question. Should additional evidence be deemed necessary by the state highway commission, at least 7 days notice of any hearing for that purpose shall be given the person bringing the petition for review and the clerk of the local highway commissioners.

(c) Appropriate notices in letters at least 3 inches high shall be posted conspicuously at each end of any highway so closed or restricted by such order. The highway commissioners may at any time revoke or modify any order so made.

(10) PENALTY FOR GOING UPON CLOSED OR RESTRICTED HIGHWAY. Whoever violates any order made under subsection (9) shall be punished by imprisonment in the county jail for not more than 10 days, or by a fine of not more than \$50, or both.

(11) RIGHTS OF LABOR. Nothing in this section shall be construed to impair, curtail, or destroy the rights of employes and their representatives to self-organization, to form, join, or assist labor organization, to strike, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection, under either the federal labor relations act or the Wisconsin employment peace act.

(11a) NATIONAL RAILWAY LABOR ACT NOT AFFECTED. Nothing in this section shall be deemed or construed to interfere with or abridge or in any manner diminish or affect the rights provided for under the National Railway Labor Act.

(12) SEVERABILITY. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

(13) SHORT TITLE. This section may be cited as the "Sabotage Prevention Act."

(14) EFFECTIVE PERIOD OF SECTION. This section and all orders made under it shall be in force until May 15, 1943, and thereafter whenever the United States is at war, except that any violation of this section, committed while the section is in force, may be prosecuted and punished thereafter,

whether or not this section is in force at the time of such prosecution and punishment.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 15, 1941.

No. 63, S.]

[Published May 17, 1941.

CHAPTER 107.

AN ACT to amend 85.01 (4) (en) of the statutes, relating to brakes on cabin trailers.

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

Paragraph (en) of subsection (4) of section 85.01 of the statutes is amended to read:

(85.01) (4) (en) All new cabin trailers manufactured or sold in this state * * * shall be equipped with brakes * * * approved by the motor vehicle department, designed of a capacity sufficient * * * to bring to a stop such vehicle and cabin trailer within a distance of 50 feet when operated at a speed of 20 miles per hour. No person shall drive any * * * cabin trailer unless the propelling vehicle may stop within the distance and manner specified herein.

Approved May 15, 1941.

No. 176, S.]

[Published May 17, 1941.

CHAPTER 108.

AN ACT to repeal and recreate 203.06 (2) of the statutes, relating to combined coverage under standard fire insurance policy.

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

SECTION 1. Subsection (2) of section 203.06 of the statutes is repealed and recreated to read:

(203.06) (2) (a) There may be inserted in the space indicated therefor or added to the policy by agreement in writing thereon or by endorsement thereto, the following:

1. Descriptions and specifications by schedule or otherwise of