

No. 73, S.]

[Published June 17, 1907.]

**CHAPTER 227.**

AN ACT to amend chapter 99 of the laws of 1891, as amended by chapter 111 of the laws of 1905, and relating to the compensation of jurors in said court.

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

**Waukesha county court; juror's fees and mileage.** SECTION 1. Section 18 of chapter 99 of the laws of 1891 is amended to read as follows: Section 18. All jurors summoned and attending such county court, shall receive *the same compensation and mileage, to be paid \* \* \* in like manner, as jurors in circuit courts are paid.*

Approved June 15, 1907.

(In effect July 1, 1907.)

No. 75, A.]

[Published June 19, 1907.]

**CHAPTER 228.**

AN ACT to create sections 1946g, 1946h, 1946i, 1946j, 1946k, 1946l, 1946m, 1946n, 1946o, 1946p and 1946q, statutes of 1898, establishing the office of state fire marshal.

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

SECTION 1. There are added to the statutes of 1898 eleven new sections to read:

\* \* \* \* \*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 18, 1907.

(In effect July 1, 1907.)

terms of its policy or policies, its premium charge or dividends allowed or returned by such other company.

Any officer, director or agent aforesaid, found guilty of violating any of the provisions of this act, shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for a term not exceeding six months.

(Ch. 126, 1907.)

**Fire marshal of Wisconsin: appointment and term; office in capitol.** SECTION 1946g. The governor is hereby authorized and empowered to appoint within thirty days after this act shall take effect, and every six years thereafter, between the fifteenth day of January and the first day of February, by and with the advice and consent of the senate and also within thirty days after the occurrence of a vacancy in the office, a suitable person who shall be a citizen of this state, as state fire marshal, who shall hold the office until his successor is appointed and qualified, the title of which office shall be state fire marshal. Such officer shall keep his office in the capitol, in the city of Madison, and may be removed for cause at any time by the governor.

(Ch. 228, 1907.)

**Chief assistant; first and second deputies.** SECTION 1946h. The state fire marshal is hereby empowered and required to appoint one chief assistant fire marshal, and two deputy fire marshals to be designated as first and second deputies, and the first deputy fire marshal shall be an attorney at law. The duties of said chief assistant and deputies shall be to assist the state fire marshal. In the event of a vacancy in the office of state fire marshal, or during the absence or disability of that officer, the chief assistant marshal shall perform the duties of the office.

(Ch. 228, 1907.)

**Causes of fires; investigating authorities.** SECTION 1946i. 1. The state fire marshal and the chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated city, and the president of the village board of every incorporated village in which no fire department exists, and the town clerk of every organized township without the limits of any organized city or

village shall investigate or cause to be investigated the cause, origin and circumstances of every fire occurring in such city, village or town by which property has been destroyed or damaged when the damage exceeds twenty-five dollars, except that all fires of unknown origin shall be reported, and shall especially make investigation as to whether such fire was the result of carelessness, accident or design.

**Investigations.** 2. Such investigation shall be begun within two days of the occurrence of such fire, and the state fire marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary.

**Fire reports and records.** 3. The officer making investigation of fires occurring in cities, villages and towns shall forthwith notify said state fire marshal and shall within one week of the occurrence of the fire, furnish to the said state fire marshal a written statement of all the facts relating to the cause and origin of the fire, and such further information as may be called for by the blanks furnished by said state fire marshal. The state fire marshal shall keep in his office a record of all fires occurring in the state, together with all facts, statistics and circumstances including the origin of the fires, which may be determined by the investigations provided by this act; such statistics shall be at all times open to the public inspection.

(Ch. 228, 1907.)

**Arson; fire marshal to prosecute.** SECTION 1946j. The state fire marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have any means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence, together with the copy of all names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case; and shall keep a record of the proceedings and the progress made in all such prosecutions for arson and the result of all cases finally disposed of.

(Ch. 228, 1907.)

**Persons and papers; witness fees; inquisitions, private and separate.** SECTION 1946k. 1. The state fire marshal, chief assistant marshal, and deputy state fire marshals shall each have the power in any county of the state of Wisconsin, to summon and compel the attendance of witnesses before them, of either of them, to testify in relation to any matter which is by the provisions of this act, a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto by them or either of them. Such witness shall be subpoenaed in the same manner as witnesses in circuit court. They shall receive the same compensation, which shall be paid out of the fire marshal fund, upon vouchers signed by the state fire marshal, chief assistant fire marshal, or deputy fire marshal, before whom any witnesses shall have attended, and such officer shall at the close of the investigation wherein such witness was subpoenaed certify to the attendance and mileage of such witness, which certificate shall be filed in the office of the state fire marshal. All investigations held by or under the direction of said state fire marshal, or his subordinates, may, in his discretion, be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other, and not allowed to communicate with each other until they have been examined.

**Oaths of witnesses.** 2. Said state fire marshal, chief assistant fire marshal, and deputy state fire marshals are each hereby authorized and empowered to administer oaths and affirmations to any person appearing as witnesses before them: and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such.

**Contempt proceedings.** 3. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said state fire marshal, chief assistant fire marshal, or deputy state fire marshals, in relation to said investigation, or who fails or refuses to produce any book, paper or document touching any matter under examination or who is guilty of any contemptuous conduct, after being summoned to appear before them, or either of them, to give testimony in relation to any matter or subject under examination or investigation as aforesaid, may be summarily punished by the state fire marshal, chief assistant fire marshal or deputy state fire marshals as for

contempt by a fine in a sum not exceeding one hundred dollars or be committed to the county jail until such time as such person may be willing to comply with any reasonable order made by the said state fire marshal, chief assistant fire marshal, or deputy state fire marshals as provided in this act, and subject to the provisions of section 3577 of the statutes of 1898.

**Entry of buildings after fires.** 4. Said state fire marshal and his subordinates, or either of them, shall have the authority at all reasonable hours in performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred, and other buildings or premises adjoining or near the same.

(Ch. 228, 1907.)

**Entry of buildings generally.** SECTION 1946l. 1. The state fire marshal, his chief assistant and deputies, upon complaint of any person, or without any complaint previously entered, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction.

**Fire prevention; removal of combustibles and explosives.** 2. Whenever any of said officers shall find any building or other structure, which for want of repair, or by reason of age or dilapidated condition, or for any other cause is especially liable to fire, and which is so situated as to endanger other buildings and property, and whenever any such officers shall find in any building, or upon any premises, any combustible or explosive material, or inflammable conditions, dangerous to the safety of said buildings or premises, they shall have power to make reasonable orders for the repair or removal of the same, and such order shall be forthwith complied with by the owner or occupant of said premises or building.

**Reasonable orders; failure to obey.** 3. Any owner or occupant of buildings or premises failing to comply with any reasonable order of the authorities, above specified, shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each day's neglect, in any action to be brought by any of the officers above referred to in any municipal or justice court in the county where such owner or occupant is resident.

(Ch. 228, 1907.)

**Officers' neglect of duty; penalty.** SECTION 1946m. Any officer referred to in section 1946i of this act, who neglects to comply with any of the requirements of this act shall upon conviction be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars for each neglect or violation.

(Ch. 228, 1907.)

**Salaries and fees.** SECTION 1946n. 1. The state fire marshal shall receive an annual salary of three thousand dollars, the chief assistant fire marshal shall receive an annual salary of two thousand five hundred dollars, the first deputy marshal one thousand and eight hundred dollars, and the second deputy marshal one thousand five hundred dollars. All officers who shall perform any service at the request of any such state fire marshal, chief assistant fire marshal, or deputy fire marshal, shall receive the same fees as officers in justice courts, and such fees shall be paid out of the fire marshal fund in the same manner as witnesses testifying under this act.

**Clerks and expenses.** 2. Said state fire marshal shall employ clerks and assistants and incur such other expense as may be necessary in the performance of the duties of his office, including necessary travelling expenses, not to exceed, including salaries, such sum as may be paid into the state treasury in the manner hereinafter provided.

**Fire insurance companies; special fund tax upon.** 3. For the purpose of maintaining the department of state fire marshal and paying all the expenses incident thereto, every fire insurance company doing business in the state of Wisconsin, except town mutual insurance companies heretofore or hereafter organized under the provisions of section 1927, statutes of 1898, and the acts amendatory thereof, shall pay to the state treasurer within thirty days after the passage and publication of this act and in the month of February, annually thereafter in addition to the taxes now required by law to be paid by such company, one-fourth of one per cent. on the gross premium and assessment receipts of such companies on all business done in Wisconsin in the year next preceding, as shown by their annual statements under oath to the insurance department. The money so received into the treasury shall be set aside as a special fund for the maintenance of such office of state fire marshal and the expenses incident thereto. The state shall not be liable in any

manner for the salary of said fire marshal, his deputies, clerks, assistants, employes or for the maintenance of the office of fire marshal or any expenses incident thereto, and the same shall be payable only from the special fund provided for in this subsection.

**Omission of said tax.** 4. Whenever at any time there shall accumulate in the special fund a surplus sufficient to maintain the department of the state fire marshal for the period of one year, then in the discretion of the state fire marshal, the foregoing special tax for such year may be omitted.

**Expense account and vouchers.** 5. The state fire marshal shall keep on file in his office an itemized statement of all expenses incurred by his department, and shall approve all vouchers issued therefor, before the same are submitted to the secretary of state for payment, which said voucher shall be allowed and paid in the same manner as other claims against the state.

(Ch. 228, 1907.)

**Attendance to duty.** SECTION 1946o. The state fire marshal shall not engage in any other business, and he or one of his chief subordinates shall at all times be in the office of the fire marshal ready for such duties as are required by this act.

(Ch. 228, 1907.)

**Annual report.** SECTION 1946p. The fire marshal shall submit annually as early as consistent with full and accurate preparation, and not later than the fifteenth day of February, a detailed report of his official action to the governor.

(Ch. 228, 1907.)

**Local officers' fees and mileage for reports and visits.** SECTION 1946q. 1. There shall be paid to the chiefs of fire departments, and to mayors of cities, who do not receive to exceed fifty dollars annually as compensation for their services as such chief, and mayors, and to presidents of the village boards and to the township clerk of every organized township, who are by this act required to report fires to the state fire marshal, the sum of two dollars for each fire reported to the satisfaction of the state fire marshal, and in addition thereto, mileage at the rate of ten cents per mile for each mile traveled to and

from the place of the fire. Said allowance shall be paid by the state fire marshal at the close of each fiscal year out of any funds appropriated as heretofore provided for the use of the office of said state fire marshal.

**If salary above \$50, no extra allowances.** 2. All chiefs of departments who receive a stated salary and devote their entire time to the duties of chief of the department, and those mayors of cities who receive a stated salary exceeding fifty dollars, as such officer, shall be precluded from receiving any extra allowance for the report herein mentioned.

(Ch. 228, 1907.)

**Life insurance words and phrases.** SECTION 1946x. Unless the context of any statute or law relating to life insurance indicates otherwise, the following words and phrases shall be understood in the sense herein set forth and defined:

1. The "amount at risk," in any policy year, is the difference between the sum insured in such policy year and the terminal reserve for such policy year.

2. "Beneficiary," is the person in whose favor a policy is written.

3. "Company," includes all corporations, associations, partnerships or individuals, engaged as principals in the business of life insurance, except fraternal or beneficiary corporations, societies, orders or associations for the relief of members or beneficiaries, orders or associations for the relief of members on the mutual or assessment plan.

4. "Deposit," is the terminal reserve on a policy discounted to the beginning of the policy year at the rate of interest assumed.

5. "Domestic company," is any company organized or incorporated under the laws of this state.

6. The "expense charge," for any policy year is the excess of the stipulated premium for such policy year and the terminal reserve of the preceding policy year over the sum of the mortality charges and deposit for such policy year. Under the net level premium plan, with uniform gross premium, it is called "loading."

7. "Foreign company," is any company not organized or incorporated under the laws of this state.

8. "Insured," is the person upon whose life the contract of insurance is written.

9. "Mortality charge," is the provision made in the policy