

No. 275, S.]

[Published May 29, 1909.

**CHAPTER 211.**

AN ACT to amend section 1946h, 1946j, subsections 2 and 3 of sections 1946k, and subsections 2 and \*3 of section 1946n of the statutes, relating to the fire marshal law.

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

SECTION 1. Sections 1946h and 1946j of the statutes are amended to read: 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. \* \* \* The duties of the said chief assistant and deputies shall be to assist the state fire marshal. In the event of a vacancy in the office of the state fire marshal, or during the absence or disability of that officer, the chief assistant shall perform the duties of the office.

Section 1946j. 1. 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 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 progress made in all such prosecutions for arson and the result of all cases finally disposed of.

2. *It shall be the duty of the attorney in the state fire marshal's department to assist in performing the duties and work of said department, to assist in the taking of testimony and cross examination of witnesses in cases under investigation by said department, and to aid and assist district attorneys in the prosecution of all arson cases in all the courts of the state.*

SECTION 2. Subsections 2 and 3 of section 1946k are amended to read: 2. Said state fire marshal, chief assistant fire marshal, \* \* \* deputy state fire marshals, *and assistant state fire*

\* Subs. 3 of Sec. 1946n also amended by Ch. 390, 1909.

*marshals* are 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.

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, \* \* \* deputy state fire marshals, *or assistant state fire marshals*, in relation to said investigation, or who fails or refuses to produce any paper, book, 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, \* \* \* deputy state fire marshals, *or assistant 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 persons may be willing to comply with any reasonable order made by the said state fire marshal, chief assistant fire marshal, \* \* \* deputy state fire marshals, *or assistant state fire marshals* as provided in this act, and subject to the provisions of section 3577 of the statutes of 1898.

SECTION 3. Subsections 2 and 3 of section 1946n are amended to read: 2. Said state fire marshal shall employ clerks and assistants, *at least one of whom shall be an attorney-at-law*, and incur such other expense as may be necessary in the performance of the duties of the office, including necessary traveling expenses, not to exceed, including salaries, such sum as may be paid to the state treasury in the manner hereinafter provided.

\*3. For the purpose of maintaining the department of the 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 1898, and the acts amendatory thereof, shall pay to the state treasury 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, \* \* \* *three-eighths* 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

\* This subs. also amended by Ch. 390, 1909.

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.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 28, 1909.

No. 522, S.]

[Published May 29, 1909.

## CHAPTER 212.

AN ACT to amend sections 1004a, 1005, and 1218—13, relating to the collection of returns of local taxes.

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

SECTION 1. Section 1004a of the statutes is amended to read: Section 1004a. Annually, on or before the \* \* \* *twentieth* day of December, a statement in detail of all taxes levied in each town, village, city, and county during the \* \* \* year, shall be made and filed by the clerk thereof, with the secretary of state. Any such clerk failing to make the statement herein provided for, *and within the time above provided*, shall \* \* \* *be liable to his county, town, village, and city for all damages caused by his delinquency.* The secretary of state shall prepare and furnish the blanks for such statement.

SECTION 2. Section 1005 of the statutes is amended to read: Section 1005. The county clerk of each county shall, immediately upon the receipt from the secretary of state of the blanks and instructions necessary for carrying out the provisions of \* \* \* *the above section*, by town, village, and city officers, distribute the same to such officers at the expense of the county, and shall annually, \* \* \* *on or before the twentieth day of December*, make out and transmit to the secretary of state, on blanks furnished by him a tabular statement of the statistics of valuation, taxes, and indebtedness reported by the town, city, and village clerks; and also, separately, the assessed valuation of all the taxable property in his county as last fixed by the county board, the amount of all county taxes levied thereon