

each such policy at the time of making any loan; and such corporation may invest its funds in other states, organized territories of the United States, and the District of Columbia, on like securities and under the same restrictions as in this state. No life insurance corporation organized under the laws of this state shall issue policies insuring fire, marine, accident or live stock risks, or do any banking business, *except as otherwise provided by law.*

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

Approved May 25, 1905.

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No. 99, S.]

[Published May 27, 1905.

## CHAPTER 264.

AN ACT creating a forestry board, to appoint fire wardens and trespass agents and making an appropriation therefor.

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

**State board of forestry.** SECTION 1. There shall be a state board of forestry, consisting of the president of the state university, the director of the state geological survey, the dean of the state agricultural department, the attorney-general and one other member to be appointed by the governor. Said board shall select its own president and shall perform the duties hereinafter provided; and shall meet on the second Monday in January, April, July and October of each year, and at such other times as may be necessary. They shall receive no compensation except their actual expenses to be audited by the secretary of state and paid out of the state treasury.

**State forester and his duties.** SECTION 2. There shall be a state forester, who shall be a technically trained forester, appointed by the state board of forestry, and whether any candidate for this position is a technically trained forester shall be determined by certificate from the secretary of the United

States department of agriculture. He shall receive a salary of twenty-five hundred dollars per year, and the actual and necessary traveling and field expenses, incurred in the conduct of his official business, be empowered to appoint a clerk whose salary shall not exceed eight hundred dollars per annum; be supplied with suitable offices in the capitol building, be entitled from the superintendent of public property to such stationery, postage and other office supplies and equipment as may be necessary, be authorized to purchase all necessary field supplies, equipment and instruments, be furnished by the state all necessary printed forms and notices and the publications hereinafter provided, and shall act as secretary of the state board of forestry. He shall, under the supervision of the state board of forestry, execute all matters pertaining to forestry within the jurisdiction of the state, direct the management of the state forest reserve, collect data relative to forest destruction and conditions, take such action as is authorized by law to prevent and extinguish forest fires and to prevent forest trespass; co-operate in forestry as provided under section 5 of this act; advance as he may deem wise by the issuing of publications and by lectures, the cause of forestry within the state; and may, upon invitation of the board of regents of the university of Wisconsin, supervise such courses of forestry as may hereafter be provided for at said university. He shall prepare annually a report to the state board of forestry on the progress and condition of state forest work, and recommend therein plans for improving the state system of forest protection, management, re-placement and taxation. The state board of forestry shall report annually a summary of such facts to the governor.

**State forest reserve.** SECTION 3. The sale of all lands belonging to the state north of town 33 shall cease upon the passage of this act, and such lands north of town 33 shall constitute the state forest reserve; provided, that those state lands within said forest reserve which after examination by the state forester are found by him to be more suitable for other purposes than for the purposes of the state forest reserve, because of their character, condition, extent or situation, may be sold by the commissioners of the public lands, upon the recommendation of the state forester and with the approval of the state board of forestry. The state forester shall, under the supervision of the state board of forestry, direct the management of the state forest reserve, to which end he may employ the necessary assistance, and may upon said reserve institute conservative lumbering, make and maintain forestry nurseries, plantations and

fire lines and execute other silvicultural and protective measures necessary to the highest permanent usefulness of said reserve to the state. In such conservative lumbering the state forester is authorized, under the supervision of the state board of forestry, to remove or cause to be removed, when and in such manner as he may deem advisable, wood, timber or other products from said reserve. Such wood, timber or other products shall be sold to the highest bidder under contracts executed and signed by the state forester, on behalf of the state, subject to the approval of the state board of forestry.

**Grants of land for state forest reserve.** SECTION 4. The state board of forestry is hereby authorized, when in its judgment it is advisable, to accept on behalf of the state any grant of land within the state, which shall become a part of the state forest reserve; provided, that no such grant shall be accepted until its title has been examined by the attorney general and a report made to said board of the results of such examination.

**Public Parks.** SECTION 4a. The state board of forestry shall visit points of natural interest in the state and examine into and consider the propriety and desirability of securing such places as public parks. Said board may further investigate as to the price and report its conclusions to the next session of the legislature.

**Co-operation in forestry.** SECTION 5. The state forester shall, acting under the supervision of the state board of forestry, whenever he deems it necessary to the best interests of the people and the state, co-operate in forest surveys, forest studies and forest protection, and in the preparation of plans for the protection, management, replacement of trees, wood lots and timber tracts, with any of the several departments of the federal or state governments or the governments of other states and with counties, towns, corporations and individuals.

**Assistant state forester.** SECTION 6. There shall be an assistant state forester, who shall be a technically trained forester, appointed by the state forester with the approval of the state board of forestry. He shall receive a salary of fifteen hundred dollars per year, and the actual and necessary traveling and field expenses, incurred in the conduct of his official business. He shall perform such duties as may be assigned to him by the state forester, and shall represent the latter in case of disability or absence.

**State and town fire wardens.** SECTION 7. The state forester shall also be state fire warden, and the assistant state forester shall be assistant state fire warden. The state forester shall appoint one or more town fire wardens for those organized towns in which he deems it necessary, or for such portions of organized towns as he may define, and he may remove any fire warden from office. He shall give the necessary instructions to said fire wardens and supervise the execution of their work.

**Powers and duties of town fire wardens.** SECTION 8. Each town fire warden, before entering upon his duties, shall take an oath of office and file the same with the state forester. All town fire wardens shall take prompt and effective measures against the spread and illegal setting of forest, marsh or swamp fires within their own and adjoining towns and have the power of sheriffs to arrest without warrant for violations of the provisions of this act. They shall have authority to call upon any able bodied citizen, in territory in which they act, to assist in extinguishing forest, marsh or swamp fires in such manner as they may direct. The town fire wardens shall first submit to the state forester itemized accounts for their own services and the services of their assistants, and no account shall be paid out of the treasury of the town in which such services have been rendered without the written approval of the state forester. The town fire wardens and those assisting them shall receive such compensation for their services in carrying out the provisions of this section as the town board shall allow, not to exceed 25 cents per hour for the time actually employed; provided, that the total of such accounts shall not exceed one hundred dollars for each thirty-six sections in any one year in any one town. The state forester is authorized to approve for payment not to exceed fifty per centum of the clear proceeds of any fine collected in an action brought for a violation of any of the provisions of sections seventeen or eighteen of this act, or sections 4405a, or 4406, statutes of 1898, relating to setting, failure to put out or care of fires, where the evidence to secure a conviction is furnished by a town fire warden or any other person.

**Liability of town fire wardens and citizens.** SECTION 9. Any town fire warden who shall refuse to carry out the provisions of the preceding section or any able bodied citizen who shall refuse to render assistance as provided by said section, shall be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail for not less

than ten days or more than thirty days or by both such fine and imprisonment.

**Fire warning notices.** SECTION 10. Each town fire warden shall post or cause to be posted conspicuously in those parts of his town where fires are likely to occur, all notices furnished him for that purpose by the state forester, and he shall receive therefor compensation at the rate provided in section 8 of this act.

**Reports of fire wardens.** SECTION 11. Every fire warden, immediately after each fire within his territory, shall forward to the state forester a detailed report of said fire, and shall report annually on or before the first day of December a summary of all forest fires and such other matters as the state forester may direct.

**Trespass agents.** SECTION 12. The state forester shall also be state trespass agent and the assistant state forester, assistant state trespass agent. As state trespass agent, the state forester shall appoint, and may remove from office, such trespass agents as he may deem expedient. He shall give the necessary instructions to said trespass agents and shall supervise the execution of their work. The state forester is authorized to approve for payment to any trespass agent or other person, upon whose evidence successful action is brought for trespass upon any portion of the state forest reserve, not to exceed 25 per centum of the amount collected for such trespass, which payment shall be made by the state treasurer; provided, that in no case shall such payment exceed five hundred dollars (\$500.00).

**Oath and liability of trespass agents.** SECTION 13. Every person appointed as trespass agent under authority of this act, shall, before entering upon his duties, take and subscribe the following oath of office; "I do solemnly swear that I will support the constitution of the United States and of the state of Wisconsin; that I will not engage, either directly or indirectly, in the purchase for my own benefit or for the benefit of any other person, of any state lands or products from said lands, so long as I remain a trespass agent; and that I will faithfully and to the best of my ability discharge the duties of such position, so help me God." Such oath of office shall be filed with the state forester. Any trespass agent who violates the terms of his oath regarding the purchase of state lands or products therefrom, shall be punished by a fine of not less than three times the

price paid for said land, or three times the market value of said products, or by imprisonment in the county jail for not less than thirty days or more than ninety days or by both such fine and imprisonment.

**Powers of trespass agents.** SECTION 14. All trespass agents shall have the power of sheriffs to arrest without warrant for any violation of the provisions of this act. It shall be the duty of every trespass agent to immediately report to the state forester and the district attorney of the county in which such trespass is committed, all cases of trespass upon state lands, which come to his knowledge, and to furnish these officers with information required by them concerning said trespass.

**District attorneys to prosecute.** SECTION 15. Whenever an arrest shall have been made for any violation of any provision of this act, or whenever any information of such violation shall have been lodged with him, it shall be the duty of the district attorney of the county in which the criminal act was committed to prosecute the offender or offenders. If any district attorney shall fail to comply with the provisions of this section, he shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$1,000, or be imprisoned not less than thirty days nor more than one year, or both in the discretion of the court. The penalties of this section shall apply to any magistrate, with proper authority, who refuses or neglects without cause to issue a warrant for the arrest and prosecution of any person or persons when complaint, under oath, of violation of any terms of this act has been lodged with him.

**Destruction of warning notices.** SECTION 16. Any person who shall maliciously or wilfully destroy, deface, remove or disfigure any sign, poster or warning notice posted under the provisions of this act shall be guilty of a misdemeanor and punishable, upon conviction, by a fine of not less than \$15 nor more than \$100, or by imprisonment in the county jail for a period of not less than ten days nor more than three months, or by both such fine and imprisonment.

**Engines in forest land; burning weeds, etc.** SECTION 17. It shall be unlawful for any logging locomotive, donkey or threshing engine, railway locomotive and all other engines, boilers and locomotives operated in, through or near, forest, brush or grass land, which do not burn oil as fuel, to be operated without a netting of steel or iron wires so constructed as

to give the most practicable protection against the escape of sparks, cinders or fire from the smoke stacks thereof and each such engine shall be provided with adequate devices to prevent the escape of fire from ash pans and fire boxes. Every railroad company shall, at least once in each year, as far as practicable, cut and burn or remove from its right of way all grass and weeds and burn and remove therefrom all brush, logs, refuse material and debris within a reasonable time, and whenever fires are set for such purpose shall take proper care to prevent the escape thereof from the right of way. No railroad company shall permit its employes to deposit fire, live coals or ashes upon their tracks, outside of the yard limits, except they be immediately extinguished. Engineers, conductors or trainmen who discover that fences or other material along the right of way or on lands adjacent to the railroad are burning or in danger from fire shall report the same to the agent or person in charge at their next stopping place at which there shall be a telegraph station. Railroad companies shall give particular instructions to their section employes for the prevention and prompt extinguishment of fires, cause notices, which shall be furnished by the state fire warden, to be posted at their stations, and when a fire occurs along the line of their road, or on lands adjacent thereto, for which fire they are responsible, they shall concentrate such help and adopt such measures as shall most effectually arrest its progress. The state fire warden, or his assistant whenever it shall appear necessary, shall inspect the right of way of any railroad company for the purpose of ascertaining whether the provisions of this section have been complied with. Any person wilfully failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor and shall be punished, upon conviction, by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. Any corporation by its officers, agents or employes, wilfully violating the provisions of this section shall be liable to a fine of not less than fifty dollars nor more than five hundred dollars for each and every such violation, to be collected in a civil action in the name of the state.

**Civil liability for forest fires.** SECTION 18. In addition to the penalties provided in the preceding section of this act, the the United States, the state, the county or private owners, whose property is injured or destroyed by such fires, may re-

cover, in a civil action, double the amount of damages suffered, if the fires occurred through wilfulness, malice or negligence. Persons or corporations causing fires in violation to this act shall be liable to state in an action for debt, to the full amount of all damages done to the state lands and for all expenses incurred by the towns fighting such fires.

**Criminal action; forest trespass.** SECTION 19. Every person who, unlawfully cuts, or injures any kind of wood or timber standing, lying or growing upon the lands of another, or of the state, or of the United States, or upon any public highway, or unlawfully and wilfully injures or destroys or carries away any of the products of such wood or timber lands is guilty of a misdemeanor, and upon conviction, shall be fined not less than \$25 nor more than \$1,000, or be imprisoned not less than fifteen days nor more than three years, or by both such fine and imprisonment.

**Civil liability for forest trespass.** SECTION 20. In addition to the penalties provided in section 19 for wilful trespass on forest lands, the state, the county or the private owners upon whose lands the wilful trespass was committed, may recover in a civil action double the amount of damages suffered. This section shall not apply to the cutting of wood or timber from uncultivated woodland for the repair of a public highway or bridge upon or adjacent to the land.

**Disposal of moneys from management of state forest reserve.** SECTION 21. All moneys received from the sale of wood, timber, minerals or other products, and from the sale of state forest reserve lands, and penalties for trespass thereon, as hereinbefore provided, except when otherwise disposed of by constitutional provision, shall be paid into the state treasury and shall constitute a forest reserve fund which shall be disbursed only for the purchase of lands to be added to the state forest reserve and for the improvement and protection of said reserve and for the employment of the necessary assistance therefor, as hereinbefore provided, by or upon the order of the state forester, with the approval of the state board of forestry.

**Appropriation.** SECTION 22. There is hereby appropriated out of any funds in the state treasury not otherwise appropriated an annual appropriation of nine thousand eight hundred dollars to pay the annual salaries provided by the terms of this



act, and for carrying out the provisions of this act. If all of said sum be not expended in any one year the balance not so expended may be used for the purpose aforesaid in any subsequent year.

**Conflicting laws repealed.** SECTION 23. Paragraph 18 of section 1038, sections 1469, 1470, 1471 and 1816a, Wisconsin statutes of 1898; sections 7 and 9, of chapter 432, laws of Wisconsin of 1901; chapter 450, laws of Wisconsin of 1903, and all acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

**Actions commenced under laws repealed.** SECTION 24. The repeal of said section and acts shall not affect any act done or right accrued or established, or any proceeding, suit or prosecution had or commenced in any civil or criminal action or proceeding previous to the time when such a repeal shall take effect; but every such right or proceeding shall remain as valid and effectual as if the provisions so repealed had remained in force.

SECTION 25. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 59, S.]

[Published May 27, 1905.

## CHAPTER 265.

AN ACT to prevent the making of false statements for the purpose of securing credit, and prescribing the penalty therefor.

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

**Penalty for making false statements.** SECTION 1. Any person who shall designedly make any false statements in writing in reference to his assets or liabilities, or both, or the assets or liabilities of any corporation of which he is an officer or employee, for the purpose of procuring credit in any form,