

or any municipal government for information pertinent to the enumeration herein required.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved April 22nd, 1895.

---

CHAPTER 196.

S. F. No. 563.

Forest fires.

*An act to provide for the preservation of forests of this state and for the prevention and suppression of forest and prairie fires.*

Be it enacted by the Legislature of the state of Minnesota:

Forest commissioner and fire warden,

SECTION 1. The state auditor shall be forest commissioner of this state and his orders shall be supreme in all matters relating to the preservation of the forests of this state and to the prevention and suppression of forest and prairie fires as hereinafter provided.

The supervisors of towns mayor of cities and presidents of village councils are hereby constituted fire wardens of their respective towns cities and villages in the state and the chief fire warden may appoint as fire wardens such other persons as he may deem necessary living in or near to unorganized territory in this state, whose districts, to be known as fire districts he may determine.

Chief fire warden—salary.

SEC. 2. The aforesaid forest commissioner shall appoint a competent deputy to be known as chief fire warden, who, from personal experience, is familiar with the conditions of the forests and methods by which fires may be controlled.

Said chief fire warden shall receive a salary of twelve hundred (\$1,200) dollars per year, and shall hold his office during the pleasure of the forest commissioner. He shall represent the authority of the forest commissioner, and it shall be his duty to enforce the provisions of this act throughout the state.

Duties of chief fire warden.

SEC. 3. The chief fire warden shall have general charge of the fire warden force of the state and shall have authority to mass such fire warden force as may be available at any special point to suppress fires.

In case the fire warden force of any locality is deemed by said chief fire warden inadequate to prevent or suppress forest or prairie fires, he may appoint temporarily needed fire wardens whose duties and authority shall be the same as herein given to town supervisors acting as fire wardens.

He shall properly divide into fire districts all unorganized territory in this state and appoint competent fire wardens therein, he shall co-operate with any police or military force of the United States government which may be detailed to guard the national domain from fire, he shall investigate the extent of the forests in the state, together with the amounts and varieties of the wood and timber growing therein, the damages done to them from time to time by forest fires and the causes of such fires, the method used, if any, to promote the regrowth of timber, and any other important facts relating to forest interests, which may be required by the forest commissioner.

The information so gathered, together with his suggestions relative thereto, shall be included in a report to be made by him annually to the forest commissioner.

SEC. 4. The forest commissioner shall provide and officially sign an abstract of the penal laws of this act, with such rules and regulations in accord therewith, as he may deem necessary, and on or before the first day of April of each year he shall forward as many copies as he considers needful to the chairman of each town board of supervisors and presidents of villages, to the forest fire wardens that he has appointed and to all railroad companies and to the chairman of each board of county commissioners in this state, and it shall be the duty of said fire warden to post up such abstract as warning placards in conspicuous places, in their respective districts, and it shall be the duty of the county commissioners of each county to cause the said abstract to be published in at least three issues of the official paper in their respective counties during the fire-dangerous season of each year, which shall be reckoned from the fifteenth of April to the first of November.

Distribution of  
penal laws—  
posting.

SEC. 5. During a dry and dangerous season, when forest and prairie fires are prevailing or are liable to break out, the chief fire warden shall use such means under his command as he may deem necessary to prevent or suppress such fires and his expenses shall be paid by the state, which expenditures in one year shall not exceed \$5,000 to be paid for out of the general revenue fund, upon the order of the forest commissioner.

Provisions  
against forest  
fires.

SEC. 6. It shall be the duty of each fire warden to take precautions to prevent the setting of forest or prairie fires and when his district is suffering or threatened with fire to go to the place of danger to control such fires, and each forest fire warden shall have authority to call to his assistance in emergencies any able-bodied male person over 18 years of age, and if such person refuses without reasonable justification or

Same.

excuse to assist, or if any fire warden refuses or neglects to perform the duties assigned him in this act, such officer or person shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not more than one hundred (\$100) dollars, or imprisonment in the county jail not to exceed three (3) months.

Authority to enforce this act

SEC. 7. The chief fire warden and the several fire wardens created by this act shall have authority to enforce the provisions of this act and it shall be their duty to co-operate with the fire warden of any adjoining district, and in the absence of such fire wardens to direct the work of control and extinguishment of forest or prairie fires in such district; and to arrest without warrant every person found violating any provisions of this act, and to forthwith take the offender before a magistrate and make complaint against such person.

The chairman of boards of township supervisors, presidents of villages and fire wardens appointed by the chief fire warden shall inquire into the cause of each forest or prairie fire within their districts and shall report the same to the chief fire warden and the methods used to control or extinguish such fires and the amount of property destroyed and the number of lives lost, if any, and report such other facts in regard to said fires as said chief fire warden may require.

During the more dangerous season of the year the chief fire warden may require frequent reports from the chairman of township boards, or in unorganized towns from fire wardens appointed by the said chief fire warden as to the condition of forest and prairie fires and as to what is being done to control the same.

Compensation of fire wardens and others.

SEC. 8. Each fire warden shall receive for his actual services rendered under this act two (\$2) dollars per day two-thirds of which shall be paid by the county where such service is performed, and one third by the state; and any employe engaged in like service shall receive at the rate of one and fifty-one hundredths (\$1.50) dollars per day, and said expense shall also be paid, two-thirds by the county where such service is rendered, and one-third by the state, as hereinafter provided, but no payment shall be made to any claimant under this act until he shall have presented an itemized account and made oath or affirmation that said account is just and correct, which account shall be approved by the board of township supervisors, and shall be audited by the county commissioners, when satisfied of the justice of the claim, and left on file with the county auditor; in case of unorganized townships, the board of county

commissioners alone shall approve and audit such accounts.

The county auditor shall thereupon issue to each claimant his warrant upon the county treasurer for the entire sum to which such claimant is entitled, and the treasurer shall pay the same.

Such county auditor shall transmit the original oath and copy of the warrant to the state auditor, who shall audit such claim, and one-third thereof shall be paid out of the state treasury from the general revenue fund by warrant issued by the state auditor upon the state treasurer in favor of the county thereof paying the same, and forward the same to the auditor of said county.

*Provided*, that no fire warden shall be paid, in any one year, for more than ten (10) days service in extinguishing and preventing forest or prairie fires, nor for more than five (5) days service in each year in posting notices and making the reports required by this act; nor, in the aggregate, for more than fifteen (15) days service, of whatever character, in any one year; nor shall any one person, employed by fire wardens to assist in extinguishing or preventing forest or prairie fires, be paid for more than five (5) days of such service in any one year.

No county shall expend more than five hundred (\$500) dollars of public money in any one year under this act.

SEC. 9. Any person who willfully, negligently or carelessly sets on fire, or causes to be set on fire, any woods, prairies or other combustible material, whether or not on his own lands, by means whereof the property of another is injured or endangered, or any person who willfully, negligently or carelessly suffers any fire set by himself to damage the property of another, is guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred (\$100) dollars, or by imprisonment in the county jail not exceeding three months.

Penalty for setting forest fires.

Any person who maliciously sets on fire, or causes to be set on fire, any woods, prairies or other combustible material whereby the property of another is destroyed and life is sacrificed, shall be punished with a fine of not over five hundred (\$500) dollars, or be imprisoned in the state prison for a term of not over ten (10) years, or both such fine and imprisonment.

SEC. 10. Any person who shall kindle a fire on or dangerously near to forest or prairie land and leave it unquenched, or shall be a party thereto, and every person who shall use other than incombustible wads for firearms, or who shall carry a naked torch, firebrand or

Same.

other exposed light in or dangerously near to forest land, causing risk of accidental fire shall be punished by a fine not exceeding one hundred (\$100) dollars or imprisonment in the county jail not exceeding three (3) months.

Penalty for removing notice.

SEC. 11. Every person who shall willfully or heedlessly deface, destroy or remove any warning placard posted under the requirements of this act shall be liable to a fine not exceeding one hundred (\$100) dollars for each such offense, or imprisonment in the county jail not exceeding three (3) months.

Railroads to use spark arresters.

SEC. 12. It shall be the duty of all railroad companies operating any railroad within this state to use efficient spark arresters on all their engines and to keep their right of way to the width of fifty (50) feet on each side of the center of the main track cleared of all combustible materials and safely dispose of the same within said limits of their right of way between the fifteenth day of April and the first day of December. No railroad company shall permit its employes to leave a deposit of fire or live coals, or hot ashes in the immediate vicinity of woodland, or lands liable to be overrun by fires, and where engineers, conductors or trainmen discover that fences or other materials along the right of way or woodland adjacent to the railroad are burning or in danger from fire, they shall report the same promptly at the next telegraph station that they may pass.

In seasons of drought railroad companies shall give particular instructions to their employes for the prevention and prompt extinguishment of fires and they shall cause warning placards furnished by the forest commissioner to be posted at their stations in the vicinity of forest and prairie grass lands, and where a fire occurs along the line of their road they shall concentrate such help and adopt such measures as shall be available to effectively extinguish it.

Any railroad willfully violating the requirements of this act shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding one hundred (\$100) dollars for each such offense, any railroad employe willfully violating the requirements of this section shall be guilty of a misdemeanor and be punished by a fine of not less than five (\$5) dollars, nor more than fifty (\$50) dollars.

But this section shall not be construed to prohibit or prevent any railroad company from piling or keeping upon the right of way cross ties or other material necessary in the operation or maintenance of such railroad.

SEC. 13. It shall be the duty of each and every owner of threshing or other portable steam engines to have efficient spark arresters on their engines at all times when in use, and no person in charge of any threshing engine shall deposit live coals or hot ashes from his engine in any place without putting them out or covering them with at least three inches of earth before leaving them.

Spark arresters  
on portable  
engines.

All persons violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than five (\$5) dollars nor more than fifty (\$50) dollars.

SEC. 14. Nothing in this act shall be construed as affecting any right of action for damages.

Right of action  
for damages.

SEC. 15. Woodland territory within the terms of this act shall be construed to mean bodies of forest and brush land.

Woodland—  
defined.

SEC. 16. All moneys received as penalties for violating the provisions of this act shall be paid into the county treasury of the county wherein the offense occurred, to be known as the county fire fund and used under the direction of the county board in defraying the expenses of enforcing the provisions of this act within such county.

Proceeds of  
penalties.

SEC. 17. The forest commissioner shall annually on or before the first day of December make a written report to the governor, of his doings in respect to the duties herein assigned him, together with an itemized account of the expenses incurred in carrying out the provisions of this act; which report shall include such statistics and facts as he has obtained from the chief fire warden and from the several fire wardens of the state and from other sources, together with his suggestions relative to the preservation of the forests of the state and to the prevention and extinguishment of forest and prairie fires.

Reports.

SEC. 18. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved April 18th 1895.