

proved by the mayor, once in every two years, by a two-thirds vote of all members elect thereof, to fix the number and respective salaries of assistant attorneys in the legal department of such city.

Application.—Sec. 2. This act shall also apply to all such cities as are or may be governed by a charter adopted pursuant to section 36, article 4 of the constitution of this state.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 11, 1911.

CHAPTER 125—H. F. No. 959. 13 ^{C 125} - 159

An Act to provide for the preservation of forests in this state and for reforestation and for the prevention and suppression of forest and prairie fires; also repealing chapter 22, Revised Laws 1905, and sections 2505, 2506, 2507, 2508, 2510 and 2515, Revised Laws 1905; chapters 82 and 310 of the General Laws of Minnesota for 1905; chapter 182 of the General Laws of Minnesota for 1909, and all acts and parts of acts inconsistent with this act, prescribing penalties for violations of this act and appropriating money for the carrying out of its provisions.

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

State forestry board—Composition.—Section 1. There shall be a state forestry board, of nine members, composed of the director of the forestry school and the dean of the agricultural college of the university of Minnesota and seven others appointed by the governor, for a term of four years and until their successors qualify. Two of said members shall be appointed upon the recommendation of the regents of the university, and, of the other four, one shall be appointed upon the recommendation of each of the following bodies. The state agricultural society, the state horticultural society, and the state game and fish commission—*provided* suitable persons be recommended by them to the governor not later than January 31 of the year in which such terms expire. All vacancies shall be filled the same as the original appointments. The members now in office shall hold through the terms for which they were respectively appointed. So far as practicable, all such appointees shall be appointed with reference to their knowledge of and interest in the planting and cultivation of trees in prairie regions, the preservation of natural forests, the reforestation of denuded lands, and the protection of the sources of streams.

Board to appoint secretary.—Sec. 2. The state forestry board shall appoint a secretary at a salary not to exceed eighteen hundred (1800) dollars per annum, whose duties shall be prescribed by the board.

Board to have management of forest reserves, etc.—Sec. 3. The board shall have the management of the forest reserves and of all other property acquired therefor, supervise all matters of forest protection and reforestation and have charge of all moneys appropriated therefor or accruing therefrom, including the forest reserve fund and the forest service fund. It shall ascertain and observe the best methods of reforesting cut-over and denuded lands, foresting waste and prairie lands, preventing destruction of forests and lands by fire, administering forests on forestry principles, encouraging private owners to preserve and grow timber for commercial purposes, and conserving the forests around the head waters of streams and on the watersheds of the state, and shall collect information regarding the timber lands owned by the state. On or before the first Monday in December of each year the board shall report its doings, conclusions and recommendations, and any damage caused by forest and prairie fires and any trespassing upon state lands to the governor, which report shall be printed and distributed to the members of the legislature and otherwise as the board may direct.

Election of officers including a state forester—Forester to appoint assistant and other employees—Records to be kept.—Sec. 4. The board shall elect a president and vice-president annually. It may appoint an executive committee on which it may confer authority to act for it in minor details which cannot conveniently be acted upon by the board. The board shall appoint a state forester who shall be a trained forester, at a salary not to exceed four thousand (4,000) dollars per annum, and he shall be allowed necessary traveling and field expenses incurred in the conduct of his official duties. The office of the state forester shall be at the state capitol and the board is hereby authorized to employ such office assistants as may be necessary and to fix their compensation. The state forester, with the approval of the state forestry board, may appoint an assistant forester and such other employees, outside of the office assistants, as may be necessary in carrying out the provisions of this act and fix the amount of their compensation; and the state forester shall have the power to remove any such subordinate officers and employees so appointed by him. He shall be authorized under the direction and approval of the state forestry board to purchase all necessary equipment, instruments and field supplies. A full and accurate account of all receipts and expenditures incurred in the carrying out of the provisions of this act, with such vouchers and forms as may be recommended by the state public examiner, shall be kept in a

system of books prescribed by such examiner. The state forester shall execute all rules and regulations issued by the state forestry board pertaining to forestry and forest protection within the jurisdiction of the state; shall investigate the origin of all forest fires, and prosecute all violators of this act; shall prepare and print for public distribution an abstract of the forest fire laws of Minnesota, together with such rules and regulations as may be formulated by the state forestry board. He shall prepare printed notices calling attention to the dangers from forest fires and cause them to be posted in conspicuous places, and shall furnish same to the railroad companies whose duty it shall be to post them in such places as he may direct.

Forester to become familiar with state timber and cut-over lands—Report to board.—Sec. 5. The state forester shall become familiar with the location and area of all state timber and cut-over lands and prepare maps of forest reserves and each of the timbered counties showing the state lands therein, and shall supply such maps to the district rangers, to the officials of the state and counties requiring them, and in all ways that are practical and feasible shall protect such lands from fire and the illegal cutting of timber; he shall report from time to time to the board, such information as may be of benefit to the state in the care and management of its timber. It shall be his duty to inquire into the extent, kind, value and condition of all timber lands; the amount of acres and value of timber that is cut or burned, and he shall also report the quantity and species of second-growth timber, and shall not later than the first of December of each year make a written report to the state forestry board upon all such data ascertained by him, and shall recommend therein plans for improving the state system of forest protection, management and reforestation.

To co-operate with auditor and other departments.—Sec. 6. The state forester shall co-operate with the state auditor and with the several departments of the state and federal governments, or with counties, towns, corporations, and individuals, in the preparation of plans for forest protection, management, replacement of trees, wood lots, and timber tracts, using his influence as time will permit toward the establishment of scientific forestry principles in the management and protection of the forest resources of the state.

To co-operate with highway commission.—Sec. 7. The state forester shall also co-operate with the state highway commission and with the supervising officers of the various towns and villages in the construction of fire-breaks along section lines and public highways.

Education in forestry by publications and lectures.—Sec. 8. The state forester may advance, as he deems wise, education in forestry within the state by publications and lectures, and upon the invitation of the director of the college of forestry of the university of Minnesota may co-operate with the said college so far as his time will permit, and such college shall furnish such aid to him as in the circumstances is consistent with its own proper functions.

Forester to audit and inspect all bills.—Sec. 9. It shall be the duty of the state forester to audit and inspect all bills for salary and expenses incurred by the district rangers and by fire patrolmen for the suppression, checking and control of fires and recommend to the forestry board the amounts justly due and which should be paid.

Forester to establish patrol districts.—Sec. 10. As soon as practicable after this act shall take effect, the state forester may, with the approval of the state forestry board, create and establish patrol districts, including all lands of both state and private ownership, upon which there is a probability of forest and brush fires starting, and establish rangers over the said districts.

District rangers to prevent and extinguish forest fires—Other duties.—Sec. 11. Under the direction of the state forester, the district rangers are charged with preventing and extinguishing forest fires in their respective districts, and the performance of such other duties as may be required by the state forester.

They may arrest without warrant any person found violating any provisions of this chapter, take him before a magistrate and there make complaint. When the district rangers shall have information that such violation has been committed, they shall, without delay, make similar complaint, and have the same prosecuted. The district rangers shall not be liable for civil action for trespass committed in the discharge of their duties.

Fire patrolmen to be employed—Duties.—Sec. 12. At any time district rangers, with the approval of the state forester, may employ suitable persons to be known as fire patrolmen permanently to remain upon and patrol such territory, state or private, as may be assigned to them as long as may be required to prevent and extinguish any fire. Each such patrolman so employed shall be supplied with the necessary equipment. The state forester, and the district ranger may, and, if they are absent and fires are actually burning in the forest, the fire patrolmen may, summon any male person of the age of 18 years and upwards to assist in stopping the fire, and may incur any other necessary and reasonable expense for the same purpose, but shall promptly report the same to the district ranger.

Any person summoned by any official, of the state who is physically able and refuses to assist shall be guilty of a misdemeanor and shall be punishable by a fine of not less than \$5.00 and not more than \$25.00.

Railroad companies to provide patrolmen—Violation a misdemeanor.—Sec. 13. When in the judgment of the state forester there is danger of the setting and spreading of fires from locomotive engines, he shall order any railroad company to provide patrolmen to follow each train throughout such fire patrol district or districts as he deems necessary to prevent fires. When the state forester has given a railroad company notice to provide such patrol after trains, the said railroad company shall immediately comply with such instructions throughout the territory designated; and upon its failure so to do, the state forester may employ patrolmen with the necessary equipment to patrol the rights of way of said railroad, and the expense of the same shall be charged to the said railroad company and may be recovered in a civil action in the name of the State of Minnesota, and in addition thereto, the said company shall be guilty of a misdemeanor.

It is also made the duty of any railroad company, acting independently of such state forester, to patrol its right of way after the passage of each train when necessary to prevent the spread of fires and to use the highest degree of diligence to prevent the setting and spread of fires, to cause the extinguishment of fires set by locomotives or found existing upon their respective rights of way and for any violation hereof such railroad company, its officers and patrolmen shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty (50) dollars, nor more than one hundred (100) dollars and costs, and in addition thereto such railroad company shall be liable for all damages caused or permitted by it.

Locomotive engines to be provided with spark arresters—Depositing of fire, live coals or ashes prohibited—Instruction to employees.—Sec. 14. Every company operating a railroad for any purpose shall equip and use upon each locomotive engine a practical and efficient spark arresting device which the master mechanic shall cause to be examined, and the same shall be examined by the master mechanic or some employee each time before leaving the roundhouse, except when snow is on the ground, and the master mechanic, or employee making such examination, shall be held responsible for the good condition of the same, but without relieving the company from its responsibility hereunder. Every such company shall keep its right of way clear of combustible materials, logs, poles, lumber, wood, except ties and other materials necessary for the maintenance and operation of the road, from April 15th to December 1st.

No company shall permit any of its employees to leave a deposit of fire, live coals or ashes in the immediate vicinity of wood land or lands liable to be overrun by fire, and every engineer, conductor or trainman discovering a fire adjacent to the track shall report the same promptly to the agent at the first telegraph or telephone station reached by him, whose duty it shall be as representative of such company to at once take necessary steps to put out such fire.

Every such company shall give its employees particular instructions for the prevention and extinguishment of fires, and shall cause warning placards furnished by the state forester, to be conspicuously posted at every station in the vicinity of forest, brush, and grass lands, and, when a fire occurs on the right of way of its road, shall immediately concentrate such help and adopt such measures as shall be available for its extinguishment.

Any company violating any provision of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty dollars and not exceeding one hundred dollars and costs of prosecution for each offense, and any railroad employee violating the same shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail not exceeding ninety days.

Disposition of slashings and debris—Violation a misdemeanor.—Sec. 15. Where and whenever in the judgment of the state forester there is or may be danger of starting and spreading of fires from slashings and debris from the cutting of timber of any kind and for any purpose, the state forester will notify the individual, firm or corporation, by whom the said timber has been or is being cut, ordering them to dispose of the slashings and debris as he may direct. Where conditions do not permit the burning of the slashings and debris over the entire area so covered, the state forester may require the person, firm or corporation by whom the timber was cut, to dispose of such slashings and debris in such a way as to establish a safe fire line around the area requiring such protection, the said fire line to be of a width and of a character satisfactory to the state forester.

When any person, firm or corporation, shall have been notified by the state forester to dispose of slashings and debris, either by entirely consuming the same or establishing a fire line sufficient for the protection of adjoining property, and fails to comply with such instructions, the said person, firm or corporation, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than \$50.00

and not exceeding \$100.00 and costs of prosecution for each violation thereof or failure to comply therewith.

When any such branches, slashings or debris are left unburned contrary to the instructions of the state forester, the state forester may go upon the premises with such force of men as may be necessary, and burn such branches, slashings and debris, and the expense thereof shall be a lien upon the land on which they are situated, enforced as liens for the improvement of real estate are enforced, and such expense shall be a prima facie valid claim that may be collected from the person, firm or corporation who cut the timber or wood from which the said slashings and debris were made.

Slashings to be burned by corporation.—Sec. 16. Any person or corporation who cuts or fells trees or bushes of any kind in clearing land for roadbed or right of way for any railroad, highway or trail shall in the manner and at the time as above prescribed burn the slashings, and all combustible material except fuel and merchantable timber.

Any person or corporation who cuts or fells trees or bushes of any kind in clearing land for agricultural or pasturage purposes, or who in any way clears land, is prohibited from setting fire to the slashings, brush, roots or excavated stumps or other combustible material on such land and letting the fire run; the material must be disposed of pursuant to the regulations of the state forester.

Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than ninety days.

Salaries and expenses to be fixed by state forester—Emergency fund.—Sec. 17. The wages and expenses of men summoned or employed to fight forest fires actually burning, shall be fixed and paid for by the state forester and the labor reckoned and paid for by the hours of labor performed, which shall not exceed the rate of 25 cents per hour employed; *provided* no pay shall be given for fighting fire within one mile of the residence of such person unless employed by the state forester or his assistants. The forestry board is authorized to draw out of the money appropriated by this act a reasonable sum, not to exceed five thousand (5,000) dollars at any one time, from the state treasurer and place the same in the hands of the state forester to be used by him in paying emergency expenses, and the state auditor is authorized to draw his warrant for such sum when duly approved by the president and secretary of said

board. The state forester shall take proper sub-vouchers or receipts from all persons to whom such funds are paid and after the same have been approved by the state forestry board, they shall be filed with the state auditor.

Failure to perform duty by employes of board a misdemeanor.—Sec. 18. Every employe of the state forestry board and every person lawfully commanded to assist in enforcing any of the provisions of this chapter, who shall unjustifiably refuse or neglect to perform his duty; every person who shall kindle a fire on or near forest, brush or prairie land and leave it unquenched, or be a party thereto, or who shall set fire to brush, stumps, dry grass, field, stubble, or other material and fail to extinguish the same before it has endangered the property of another; every person who shall negligently or carelessly set on fire, or cause to be set on fire, any woods, prairie, or other combustible material, whether on his own land or not, by means whereof the property of another shall be endangered, or who shall negligently suffer any fire upon his own lands to extend beyond the limits thereof; every person who shall use other than incombustible wads for firearms, or carry a naked torch, firebrand, or exposed light in or near forest land, or who, in the vicinity of such land, shall throw or drop into combustible material any burning match, ashes of pipe, lighted cigar, or any other burning substance, and who fails to immediately extinguish the same, and every person who shall deface, destroy or remove any abstract or notice posted under this chapter, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars and not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail not less than ten days and not exceeding ninety days.

Duties of villages and cities located in timber area—Rangers to report failure of compliance.—Sec. 19. All villages and cities in the state situated in the timber area are hereby authorized, and all such municipalities where the same is possible so to do are hereby directed, to clear off all combustible material and debris and create at least two good and sufficient fire-breaks of not less than ten feet in width each, which shall completely encircle such municipalities at a distance of not less than twenty rods apart, between which back-fires may be set or a stand made to fight forest fires in cases of emergency.

It is hereby made the duty of the district rangers to report to the state forester any failure to comply with the provisions of this section or any violation of this act and any failure so to do shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars.

Duties of road overseers.—Sec. 20. Every road overseer or assistant of a road overseer or other local officer having charge

of the highway, who finds that any person has left a camp fire burning in his district, shall extinguish the same, and take prompt measures to prosecute the person or persons who so left such fire.

Prevention of spreading of fires.—Sec. 21. Every person who, when the ground is not covered with snow, starts a fire for any purpose not hereinafter specified in this act, in the vicinity of forest or prairie land, shall exercise every reasonable precaution to prevent such fire from spreading, and shall before lighting the same clear the ground from all branches, brushwood, dry leaves and other combustible material within a radius of ten feet from the fire, and shall carefully extinguish the fire before quitting the place.

What shall constitute prima facie evidence.—Sec. 22. Whoever under any circumstances sets fire must exercise care and precaution in proportion to the danger.

Whenever a fire set by any person or corporation spreads to and destroys property belonging to another, it shall be prima facie evidence that the party so setting such fire is guilty of negligence in setting the same and allowing it to spread.

Appeals in justice's court.—Sec. 23. No appeal shall be allowed from a judgment in justice's court in any prosecution under this chapter unless the person appealing shall, within the legal time prescribed, enter into a recognizance with two sufficient sureties, surety company or cash bail, in twice the amount of the fine and costs, to be approved by the justice, conditioned to appear before the district court on the first day of the general term thereof to be held in and for the same county, and abide the judgment of said court therein.

The justice may examine the proposed sureties under oath, and in such case shall make and keep a record of their answers in respect to the kinds and amount of their property that is not exempt from execution, and furnish a copy of the same to the state forester.

Appointments by state forester.—Sec. 24. The state forester may appoint supervisors, constables and clerks of towns, mayors of cities and presidents of village councils, fire wardens for their respective districts, and it is hereby made their duty to do all things necessary to protect the property of such municipalities from fire and to extinguish the same.

All towns, villages and cities are hereby authorized and directed to take necessary precautions to prevent the starting and spreading of forest or prairie fires and to extinguish the same and are hereby further authorized to annually levy a tax of not more than five mills upon the taxable property of such municipi-

palities, which, when collected, shall be known as the "Fire Fund" which shall be used in paying all necessary and incidental expenses incurred in enforcing the provisions of this act.

In all townships constituted within any of the forest patrol districts which may be established by the state forestry board, the respective town and village officers shall co-operate as far as possible with and act under the general supervision and direction of the state forestry officers.

Disposition of fines.—Sec. 25. All moneys received as penalties for violations of the provisions of this act, less the cost of collection and not otherwise provided for, shall be paid in to the treasury of the county in which the penalties for said violation of the provisions of this act were imposed.

Annual appropriation.—Sec. 26. There is hereby appropriated from the general revenue funds of the state out of any moneys not otherwise appropriated the sum of \$15,000 for the fiscal year ending July 31, 1911, \$75,000 for the fiscal year ending July 31, 1912, and \$75,000 for the fiscal year ending July 31, 1913, which shall be credited to the forest service to be used therefor as provided in this act. The manner of presenting claims to the state auditor and payment of the same shall, so far as practicable, be in accordance with chapter ninety-six (96) of the General Laws of Minnesota for 1905. Itemized vouchers of all expenses shall be approved as directed by the forestry board.

Construction of word "board."—Sec. 27. Whenever the word "board" is mentioned or referred to in the forestry laws of the State of Minnesota it shall mean the state forestry board herein created.

Certain chapters and sections repealed.—Sec. 28. Chapter 22, Revised Laws, 1905 and sections 2505, 2506, 2507, 2508, 2510 and 2515, Revised Laws, 1905; chapters 82 and 310 of the General Laws of Minnesota for 1905; chapter 182 of the General Laws of Minnesota for 1909 and all acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 12, 1911.