

No. 577, A.]

[Published May 3, 1897.]

## CHAPTER 362.

AN ACT to amend chapter 266, laws of 1895, entitled, "An act to provide for the better protection of life and property against forest fires," and making an appropriation therefor.

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

State forest warden created and his deputy.

SECTION 1. Chapter 266, laws of 1895, is hereby amended so as to read as follows: Section 1. The chief clerk of the state land office, shall be the state forest warden, and may appoint a clerk in the state land office as his deputy. It shall be their duty to see that the provisions of this act are faithfully executed, and for that purpose shall formulate all proper and necessary rules and regulations for the government of the several fire wardens of the state, and shall supervise them in the performance of their duties under this act. Whenever the forest warden, or any fire warden in this state, shall have good reason to believe that an offense has been committed by any person or persons against any of the provisions of this act, it shall be the duty of such forest warden or fire warden, as the case may be, immediately to notify the district attorney of the proper county of the facts upon which such belief is founded, and the district attorney so notified shall immediately and thoroughly investigate the facts bearing upon the commission of such alleged offense. If, after such investigation, such district attorney shall have good reason to believe that an offense has been committed against any of the provisions of this act, it shall be his duty forthwith to institute proper proceedings for the arrest and conviction of the person or persons whom he believes guilty of having committed such offense.

SECTION 2. The state forest warden shall appoint at least one fire warden in each of the organized towns of the state, and shall keep a register of the names and postoffice address of all the fire wardens in the state. Every fire warden so appointed shall, before entering upon the duties of his office, take and subscribe the usual oath of office, and file the same with the forest warden. He shall take all necessary precaution to prevent the improper setting or progress of fires within his town or adjoining towns, and within eighty rods of the town line, when the fire warden of the adjoining town is, for any reason, unable or unwilling to do so. It shall be his duty when credibly informed, that a fire has been improperly set or allowed to burn in any territory within his jurisdiction, to take such steps as shall be necessary to prevent the spread of, and in all proper cases to extinguish the fire. He may summon any resident of his town, or in the immediate vicinity of the fire, to assist him in such work, and when such summons is reasonable it shall be the duty of such person summoned to render such assistance. The fire warden and the person summoned to assist him shall receive a reasonable compensation for their services so rendered, not to exceed twenty cents per hour for the time actually employed, to be paid out of the town treasury of the town where such fire shall occur, and which account shall be audited and paid as other accounts are paid; but the total amount of such accounts shall not exceed the sum of one hundred dollars for each thirty-six sections, in any one year in any one town. Any fire warden who shall refuse to carry out the provisions of this section, or any person who shall refuse, when called upon by the fire warden, to render any reasonable assistance, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than ten dollars and the costs of prosecution for each such offense.

Appointment  
of firewardens  
in each county  
—how made  
and duties.

Penalty.

SECTION 3. Every fire warden of any town

Notices to be posted; reports.

in the state shall cause to be conspicuously posted in that part or those parts of the town, where fires are most likely to occur, any and all notices which shall be furnished to him by the state forest warden. He shall report to the state forest warden, on or before the first day of November in each year, upon suitable blanks provided by the forest warden for that purpose, and also at such other times as the state forest warden may request him to do so, all fires which may have occurred, been extinguished or prevented from doing damage in his town, and any and all violations of the provisions of this act, and other facts required; and the state forest warden shall biennially report a summary of such facts to the governor on or before the first day of December of the year succeeding each general election.

Penalty for failure to extinguish fires.

SECTION 4. Any person who shall build a fire on any lands in this state, not his own or under his control, except as hereinafter provided, shall, before leaving the same, totally extinguish the same, and upon failure to do so, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding one month, or by both such fine and imprisonment. Any person who shall wilfully or negligently set fire to, or assist another to set fire on any land whereby such land is injured or endangered, or shall wilfully or negligently suffer any fire upon his own land to escape beyond the limits thereof, to the injury of the land of another, shall be deemed guilty of a misdemeanor and upon conviction thereof, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding one month, or by both such fine and imprisonment, and be liable to the person injured for all damage that may be caused by the fire.

SECTION 5. At any time the fire wardens of any town become convinced that a dangerously

dry time exists in that vicinity, and that it is imprudent to set any fires upon any land, they shall post or cause to be posted at least one notice in each road district, stating that no fires shall be set. After the posting of such notices no person shall set any fire upon any land in said town, except for warming the person or cooking food, until written permission has been received from one of the fire wardens of said town. All hunters, trappers, fishermen, campers, surveyors, land locators, travelers or other persons who start camp fires, shall exercise all reasonable precautions to prevent damage from the same, and shall entirely extinguish the same before leaving them. Every person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than fifty dollars and the costs of prosecution, or by imprisonment in the county jail not more than six months for each offense.

Notices to be posted in a dry time.

SECTION 6. Every railroad company shall, at least once in each year, cut and burn or remove from its right of way, all grass and weeds, and shall burn or remove from its right of way all brush, logs, refuse material and debris within a reasonable time, and whenever fires are set for such purposes, proper care shall be taken to prevent the escape of such fire from the right of way. All locomotives shall be provided with, and shall use, approved and sufficient arrangements for preventing the escape of fire and sparks so far as the same can be reasonably done. No railroad company shall permit its employes to deposit fire, live coals or ashes upon their tracks outside of the yard limits, except that they be immediately extinguished, and where engineers, conductors or trainmen discover that fences, or other material along the right of way, of lands adjacent to the railroad, are burning, or in danger from fire, they shall report the same at their next stopping place, at which shall be a telegraph station. In seasons of drought, railroad companies shall give

Railroad companies to clear railroad track annually.

particular instructions to their section employes for the prevention and prompt extinguishment of fires; they shall cause notices, which shall be furnished by the forest warden, to be posted at their stations; and when a fire occurs along the line of their road or adjacent thereto, they shall concentrate such help and adopt such measures as shall most effectually arrest its progress. The state forest warden, whenever it shall appear necessary to him, shall inspect the right of way of any railroad company, or cause the same to be done by his deputy, for the purpose of ascertaining whether or not the provisions of this section have been complied with; and to enable them to do so, any railroad company whose lines pass through any portion of this state shall, whenever the secretary of state shall certify to the general manager of such company the names of the state forest warden and his deputy, furnish free transportation over the lines of such company for the use of such officers. Any officer or employe of any railroad company violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, and the costs of prosecution, for each offense.

Penalty.

Auditing  
accounts of  
the state  
forest warden;  
appropriation.

SECTION 7. The commissioners of the public lands shall audit all accounts of the state forest warden or his deputy, for expenses incurred under the provisions of this act, and when allowed by them and approved by the governor, shall be paid out of the state treasury upon the warrant of the secretary of state, and whenever the commissioners of the public lands shall deem it proper to do so they shall allow said state forest warden, or his deputy, a reasonable compensation for the services performed by him in carrying out the provisions of this act, and when the governor shall approve of such action by said commissioners, the secretary of state shall issue his warrant therefor and the amount so allowed shall be paid out of the state treasury; but in no case shall such expense and com-

compensation together, exceed the sum of three hundred dollars per annum. There is hereby appropriated out of the general fund of the state, a sum sufficient to pay the compensation and expenses hereinbefore provided for.

SECTION 8. The superintendent of public property shall furnish the forest warden with stationery in the same manner as he is now directed to furnish it to other officers under the provisions of section 290, of chapter 19, of the revised statutes.

Stationery to be furnished by superintendent of public property.

SECTION 9. All fines collected under this act shall be disposed of as other fines are.

Disposition of fines.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 27, 1897.

No. 658, A.]

[Published May 1, 1897.

## CHAPTER 363.

AN ACT appropriating certain sums of money to divers persons therein named, in payment of damages suffered by such persons by the enforcement of an invalid law, known as chapter 221, of the laws of 1895.

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

SECTION 1. There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to the persons hereinafter named, the sums set opposite their respective names:

Money appropriated as damages to invalid fish law sufferers.

To Charles Hilke, twenty-four dollars and fifty cents.