

a justice of the peace, to issue warrants for the apprehension of persons charged with the commission of offenses not so triable, to examine such alleged offenders, and commit or hold them to bail the same as a justice of the peace of the city might do but for this chapter. In cities of the second, third, and fourth classes, the police court shall have, *within the limits of such city*, the civil and criminal jurisdiction of a justice of the peace * * *, and exclusive jurisdiction of offenses against the ordinances of the city.

SECTION 2. Section 925—66 of the statutes is amended to read: Section 925—66. No justice of the peace in any city wherein there shall be a police court under this chapter shall have any criminal jurisdiction of offenses committed in such city, nor any authority to issue warrants for the apprehension of any alleged offender for an offense committed therein, nor to examine or commit or hold to bail any such offender charged with any crime or misdemeanor committed in said city. *Civil actions, except actions under city ordinances, may be removed from a police court for trial before a justice of the peace for the same reasons and in the same manner provided by law for removing such actions from one justice of the peace to another. No criminal action and no action under any ordinance of the city shall be so removable; but* in case of the absence, sickness, or disability of said police justice, he may, by an order in writing to be filed in said court, appoint a justice of the peace or a court commissioner in said city to discharge his duties during such absence, sickness, or disability, and the person so appointed shall have all the powers of said police justice while administering such office.

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

Approved June 30, 1911.

No. 557, S.]

[Published July 3, 1911.]

CHAPTER 494.

AN ACT to amend section 1494—57 of the statutes making provisions for all engines operated in, through, or near forest or brush land.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1494—57 of the statutes is amended to read: Section 1494—57. 1. *Between March 1 and December 1* it shall be unlawful for any logging locomotive, donkey, traction, or * * * portable engine, * * * and all other engines, boilers, and locomotives, *except railway locomotives*, operated

in, through, or near forest, brush, or grass land, which do not burn oil as fuel, to be operated without a *screen or wire netting* * * * *on top of the smoke stack* and so constructed as to give the most practicable protection against the escape of sparks and cinders * * * from the smoke stacks thereof, and each such engine shall be provided with the most * * * practicable devices to prevent the escape of fire from ash-pans and fire boxes. *The term logging locomotive as used in this act shall be construed to mean any locomotive operated on a railroad branch, line, or division, the chief or main business of which is the transportation of logs, lumber, or other forest products.*

(Am. 1911, ch. 664, s. 107.)

2. *All locomotives operated on any railroad other than a logging railroad shall be equipped with the most practicable spark arresters so constructed as to give the greatest possible protection against the escape of sparks and cinders from the smoke stacks thereof, and each such engine shall be provided with the most practicable device to prevent the escape of live coals from ash-pans and fire-boxes, and said devices between March 1 and December 1 shall at all times be maintained in good repair. It shall be the duty of the superintendent of motive power or equivalent officer of each such railroad to designate an employe of such railroad at each division point and round house who shall examine each locomotive each time it leaves the division point or round house between March 1 and December 1, and such employe shall be held responsible for the proper carrying out of the provisions of this section, but without relieving the company from its responsibility hereunder.*

(Am. 1911, ch. 664, s. 107.)

3. *Any locomotive inspector designated by the state board of forestry shall have the power to reject from service immediately any locomotive, donkey, traction, or portable engine which, in the opinion of the said inspector, is deficient in adequate design, construction, or maintenance of the fire protective devices designated in sections 1 and 2 of this section, and any such locomotive, donkey, traction, or portable engine so rejected from service shall not be returned to service until such defects have been remedied to the satisfaction of the state board of forestry. In case of disagreement between said inspector and the owner of the locomotive, donkey, traction, or portable engine so rejected from service as to the efficiency or proper maintenance of said protective devices, then the owner of said locomotive, donkey, traction, or portable engine may appeal to the railroad commission of Wisconsin for a decision of said matter, but pending such decision*

the said locomotive, donkey, traction, or portable engine shall not be returned to service.

(Am. 1911, ch. 664, s. 100.)

* * *. 4. Every corporation maintaining and operating a railway shall, at least once in each year, * * *, cut and burn or remove from its right of way all grass and weeds and burn or 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.

* * *. 5. No such corporation shall permit its employes to deposit fire, live coals, or ashes upon their tracks outside of the yard limits, except they be immediately extinguished.

* * *. 6. 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. Corporations maintaining and operating railways 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 forester, 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.

* * *. 7. All such corporations, during a dangerously dry season, and when so directed by the state board of forestry, shall provide fire patrols for duty along their tracks. * * * *Whenever the state board of forestry shall deem it necessary they may order such corporations to provide for patrolmen to follow each train throughout such districts as may be necessary to prevent fires. When the state board of forestry has given a corporation such notice that in its opinion the conditions require such patrol after trains, the corporation shall immediately comply with such instructions throughout the districts designated; or in their failure to do so, the state board of forestry may employ patrolmen, and furnish them with the necessary equipment to patrol the rights of way of such corporations, and the expense of the same shall be charged to the corporation and the same may be recoverable in a civil action in the name of the state of Wisconsin, and in addition thereto, the said corporation shall be deemed guilty of a misdemeanor. It is also made the duty of such corporation, acting independently of such state board of forestry, to patrol their rights of way after the passage of each*

train when necessary to prevent the spread of fires and to use the highest degrees of diligence to prevent the setting and spread of fires, and it is also made the duty of its officers and employes operating trains in this state, to use diligence in the extinguishment of fires set by locomotives or found existing upon their respective rights of way, and any negligence in this regard shall render such corporation or any officer or employe thereof guilty of a misdemeanor.

* * *. 8. The state board of forestry is authorized to inspect any locomotive, donkey, or threshing engine, railway locomotive, and all other engines, boilers, and locomotives operated in, through or near forest, brush, or grass land and to enter upon any property for such purpose, or where they may deem it necessary in order to see that all the provisions of this act are duly complied with.

(Am. 1911, ch. 664, s. 100.)

* * *. 9. 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.

10. *In case the state board of forestry and any corporation or individual operating any locomotive, donkey, or threshing engine, or any engine, boiler, or locomotive cannot agree as to the most practicable device or devices for preventing the escape of sparks, cinders, or fire from smoke stacks, ash-pans, or fire-boxes, then the same shall be determined by the railroad commission of Wisconsin.*

11. *The state board of forestry shall have the power to exempt from the provisions of subsection 1, 2, 3, and 4 of this section any railroad, when, in the judgment of said state board of forestry, conditions along the right of way are such that the reduced fire hazard renders such protective devices unnecessary.*

SECTION 2. All acts or parts of acts conflicting with any of the provisions of this act are repealed in so far as they are inconsistent therewith.

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

Approved June 30, 1911.