

section thereof shall be revised or amended unless the new ^{Revision and amendment.} ordinance contain the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 10. All acts and parts of acts in conflict with this ^{Repeal.} act are hereby repealed.

Passed the House March 4, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 114.

[H. B. No. 82.]

TO PROTECT FORESTS FROM FIRE.

AN ACT to protect from fire forests and other property, within the State of Washington, and creating forest fire wardens, deputies, patrolmen, and defining duties and providing penalties and declaring an emergency.

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

SECTION 1. That the State Land Commissioner shall be ^{State Fire Warden.} ex-officio State Forest Fire Warden.

SEC. 2. That the county commissioners of the various ^{County Boards of Fire Wardens.} counties shall constitute a county board of deputy forest fire wardens, and may appoint such deputy fire wardens as they may deem necessary and prescribe the territory to be patrolled by them, and fix their compensation, and may remove them at pleasure.

SEC. 3. That all State Land Cruisers shall be ^{State Land Cruisers. Forest patrolmen.} ex-officio Forest Patrolmen at Large.

SEC. 4. That timber cruisers and others in the employ ^{Timber cruisers, etc. Special patrolmen.} of corporations or individuals may, at the discretion of the State Forest Fire Warden, be vested with the duties and powers of special forest patrolmen at large, without compensation, or at the discretion of any county board of deputy forest fire wardens be vested with such powers within the limits of the county wherein such deputy forest fire

Powers of wardens, patrolmen, etc.

wardens reside. Patrolmen, special patrolmen, fire wardens, deputy fire wardens, and all police officers are hereby empowered to make arrests, without warrant, of persons violating this act.

Enforcement of laws.

SEC. 5. The State Forest Fire Warden shall enforce all laws for the preservation of forests within the State, investigate the origin of all forest fires, cause to be posted not later than the month of May each year, in all forest counties, copies of all laws and regulations for the protection of such forests. The expenses incurred in carrying out these provisions shall be met as are other expenses of cruising or caring for the State lands.

Expenses incurred.

Close season for burning slashings, etc.

SEC. 6. It shall be the duty of all boards of deputy forest fire wardens to fix each year in timber counties, for their respective counties, a close season during which no person shall burn any slashing or chopping without first obtaining permission in writing from the county board or its duly appointed representative. Such permission shall be given only upon compliance with such regulations as the board may prescribe, one of which regulations shall be notice to all owners or tenants of adjoining lands residing thereon giving the time and place of the proposed burning.

Suppression of fires during close season.

SEC. 7. During the close season when timber lands are in danger from fire the deputy fire warden [s] shall put out, or endeavor to put out, or stop the spreading of any forest fires in their respective districts. When any person shall have obtained permission from the county board of forest fire wardens to burn a clearing or slashings made for the purpose of clearing land, he may apply to the deputy fire warden or person acting as such, who shall furnish him with a sufficient number of men to aid him in keeping the fire from spreading. Said men shall be detailed only till such time as the party burning may be able to keep the fire in control himself.

Posting of notices.

SEC. 8. In addition to the regular publication of the county commissioners' proceedings, the county commissioners, acting as such board, shall cause to be posted in all forest areas notices of warning, giving the date of the close season and all rules made by such board for the preservation of forests. All expenses incurred by counties in carrying out these provisions shall be paid as other county current expenses are paid.

SEC. 9. It shall be the duty of duly appointed deputies to patrol their districts, visit all parts of all roads and trails and frequented places and camps as often as possible; post all notices furnished by the State Forest Fire Warden or by the county board, posting such notices on all roads, trails, frequented places and camps; warn campers or other users of fire; see that all locomotives and engines are provided with spark arresters in accordance with the law; extinguish small or smouldering fires; impress help to stop conflagrations; see that all laws for the protection of forests are enforced; and arrest and cause to be prosecuted all malicious offenders. Any person refusing to render needed assistance when called upon for such assistance by any patrolman or deputy forest fire warden shall be punished by a fine of not less than five nor more than twenty dollars, and stand committed until the fine imposed is paid. Any person who shall wilfully or heedlessly deface, destroy or remove any warning placard or notice posted under the requirements of this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not exceeding one hundred dollars for each such offense, or by imprisonment in the county jail not exceeding three months.

Duty of deputies.

Impress assistance.

Refusal to render assistance punishable by fine.

Penalty for defacing notices.

SEC. 10. Any person who shall on any land within this State set and leave any fire that shall spread and damage or destroy property of any kind not his own shall be punished by a fine of not less than ten nor more than five hundred dollars. If such fire be set or left maliciously, whether on his own or other lands, with intent to destroy property not his own, he shall be punished by a fine of not less than twenty nor more than one thousand dollars, or imprisonment of not less than one month nor more than one year, or by both such fine and imprisonment, and shall be liable for damages in civil suit. All fines collected under this act shall be paid into the county treasury. This section shall not apply to back fires reasonably set for the saving of life and property. During the close season, any person who shall kindle a fire on land not his own, in or dangerously near any forest, and leave same unquenched, or who shall be party thereto or who shall by throwing away any lighted cigars, matches, or by the use of fire arms, or in any other manner, start a fire upon forest lands not his own

Penalty for violations.

Fines paid into county treasury.

Starting fires during close season—penalty therefor.

and leave same unquenched, shall upon conviction, be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding two months.

Locomotives to be provided with spark arresters.

SEC. 11. It shall be unlawful for any person or corporation to operate any spark emitting logging locomotive, logging or farm engine in this State at any time during the months of June to October inclusive, or for any person to operate any logging or other engine in the immediate vicinity of any forest slashing or chopping during the close season, without such locomotive or engine is provided with and uses a safe and suitable device for arresting sparks. Any person, company or corporation who shall fail to provide and use such spark arrester during the periods herein mentioned shall upon conviction pay a fine for each engine or locomotive for each day operated without such arrester, of not less than ten nor more than fifty dollars, and shall be prohibited from further use of such locomotive or engines in such months or season until such arrester is provided and used therewith. Fines from this source shall be paid into the current expense fund of the county treasury. Patrolmen and wardens shall report any lack of sufficient arresters to the prosecuting attorney of their county, and the Superior Court of that county where suit is first instituted shall have jurisdiction of the offense.

Failure to so provide.

Fines.

Reports of negligence.

Not to prevent burning of isolated fires—proper safeguards.

SEC. 12. Nothing in this act shall be construed to prevent any person owning land, or person or persons employed by him, from burning stumps, logs, drift or brush heaps when such are burned in small quantities, isolated from other inflammable material, under personal supervision, and such other safeguards as shall prevent said fire from spreading.

Emergency.

SEC. 13. An emergency exists and this act shall take effect immediately.

Passed the House February 26, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 16, 1903.