

Penalty.

not less than ten (\$10) dollars nor more than five hundred (\$500) dollars for the first offense and double said amount for each conviction thereafter: *Provided*, It is not the intent of this act to prohibit the digging of said claims for one's own use but to prohibit the digging for sale and canning purposes during the months hereinbefore set out.

Emergency.

SEC. 3. An emergency exists and this act shall take effect immediately.

Passed the House February 21, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 11, 1905.

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## CHAPTER 164.

(S. B. No. 246)

### TO PRESERVE FORESTS AND PREVENT AND SUPPRESS FOREST FIRES.

AN ACT to provide for the preservation of the forests of this State, for the prevention, control and suppression of forest fires, to create a State Board of Forest Commissioners, providing for a State Fire Warden and Forester, Deputy Fire Wardens, Forest Rangers, defining their duties and powers, making an appropriation therefor, and providing punishments for the violation thereof, and repealing an act entitled, "An act to protect from fire forests and other property within the State of Washington, and creating Forest Fire Wardens, Deputies, Patrolmen, and defining the duties and providing penalties and declaring an emergency," approved March 16, 1903.

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

SECTION I. There is hereby created a board to be known as the state board of forest commissioners, consisting of the state land commissioner whose term of office shall be co-extensive with his term as state land commissioner, and four electors of the State of Washington to be appointed by the governor, whose term of office shall be four years from the date of appointment: *Provided, however*, That two of the first appointees under the terms of this act shall hold office for only two years, and thereupon the governor shall appoint the successors of such two-year appointees for the

Board of  
forest com-  
missioners.

Term of  
office.

term of four years. Each of the members of said board shall take and subscribe an oath or affirmation before some officer authorized by law to administer the same to faithfully perform the duties of said office. The members of said board shall receive no compensation whatever for the performance of their duties. The secretary of state shall provide suitable quarters for the use of said board and the state fire warden and forester in the state capitol building. The said board shall meet at the call of the governor as soon as convenient after their appointment at the state capital, and shall organize by the election of a chairman. A majority of the members of said board shall constitute a quorum. Said board shall meet at the state capital, or any other convenient place within the State at any other time at the call of the chairman, and the chairman is hereby directed to call a meeting thereof whenever requested in writing so to do, by three or more members of said board.

No compensation.

Quarters at capitol.

Meetings.

SEC. 2. The state board of forest commissioners shall supervise all matters of State forest protection as provided for in this act; it shall have full power to appoint a state fire warden and forester, deputy fire wardens and forest rangers; to make such rules and regulations for the prevention, control and suppression of forest fires as is deemed necessary; to regulate and control the official acts of the state fire warden and forester, deputy fire wardens and forest rangers, and have power to remove at will any of these officials; it shall be the duty of said board to collect information regarding the timber lands owned by the State through investigation made by the state fire warden and forester, deputy fire wardens and forest rangers, regarding the condition of the timber lands belonging to the State, reporting any damage caused by forest fires and any illegal cutting or trespassing upon State timber and report promptly such information to the state land commissioner.

Supervision.

State fire warden.

Salary.

SEC 3. The state board of forest commissioners shall appoint a state fire warden and forester at an annual salary of fifteen hundred dollars (\$1500.00) payable monthly out of the state treasury in the same manner as the salary [salaries] of other state officials are paid; he shall also be entitled to all office, traveling and other necessary expenses incurred by him under the authority of the state board of forest commissioners, while in the actual performance of his duties. All expenses so incurred shall be submitted in full de-

tail to the state board of forest commissioners for examination, and if approved and allowed by said board shall be presented to the state auditor, who shall, if found correct, draw his warrant upon the state treasurer for the amount so allowed, and the state treasurer is hereby authorized to pay said amount due out of any moneys in the treasury appointed for this purpose.

Duties of  
State fire  
warden.

SEC. 4. The state fire warden and forester shall act as secretary of the state board of forest commissioners and shall have direct charge and supervision of the forest fire service of the State subject to the direction, rules and regulations of the state board of forest commissioners. The term "forest fire service" as used in this act shall be held to include all deputy fire wardens, forest rangers and help especially employed for fighting forest fires. In times of emergency or unusual danger, the state fire warden and forester is empowered to mass the forest fire service of the State where their presence might be required by reason of forest fires and to take charge of and direct the work of suppressing such fire. He shall enforce all laws for the preservation of forests within the State and investigate the origin of all forest fires, vigorously prosecute all violators of this act, prepare and print for public distribution an abstract of the forest and fire laws of Washington, together with such rules and regulations as may be formulated by the state board of forest commissioners. He shall annually notify the county clerk in each county where deputy fire wardens or forest rangers are appointed giving the names of appointments so made. He shall furnish notices printed in large letters on cloth calling attention to the danger from forest fires and to the penalties for the violation of this act; such notices to be posted in conspicuous places by the deputy fire wardens or forest rangers in all timber districts along roads and trails, streams and lakes frequented by tourists, hunters and fishermen, and in other visited regions. He shall, subject to the approval of the state board of forest commissioners, prepare all necessary printed forms for the use of deputy fire wardens in connection with the granting of applications for permits to burn, for the appointment of rangers, any and all forms or blanks required or desirable, and shall supply each deputy fire warden with such forms and blanks. It shall be the duty of the state fire warden and forester to audit and carefully inspect all bills of salary and

Notices.

Auditing  
accounts.

expenses incurred by the deputy fire wardens and all bills authorized by the deputy fire wardens for the suppression, checking or control of forest fires, and to determine what amounts are justly due and should be paid. When so determined he shall present a statement thereof for each county, accompanied by the original bills to the state auditor, who shall audit the same, and if found correct, the state auditor shall draw his warrants on the state treasurer in payment thereof, and the state treasurer is hereby authorized to pay said warrants out of any money in the treasury appropriated for such purposes. The state fire warden and forester shall become familiar with the location and area of all State timber and cut-over lands and prepare maps of each of the timbered counties showing the State lands therein and supply such maps to each deputy fire warden and in all ways that are practical and feasible protect such lands from the ravages of fire and the illegal cutting of timber, reporting from time to time direct to the state land commissioner such information as may be of benefit to the State in the care and protection of its timber. It shall be his duty to institute inquiry into the extent, kind, value and condition of the timber lands of the State; the amount of acres and value of timber that is cut and removed each year; the extent to which timber lands are being destroyed by fires, and also examine into the production, quantity and quality of second growth timber and shall not later than the first day of December, of each year make a written report to the state board of forest commissioners upon all such facts as found by him, together with detailed information as to the work of the forest fire service of the State. The state fire warden and forester shall have power to temporarily suspend any deputy fire warden or forest ranger who may be incompetent or unwilling to discharge properly the duties of his office and to appoint his successor temporarily until his action shall be passed on by the state board of forest commissioners.

Duty as to  
timber lands.

Suspension of  
deputies.

SEC. 5. Said board of forest commissioners shall have power to appoint within any county in this State where there is timber requiring protection a deputy fire warden for all or any portion of the period from June the 1st, to October the 1st, of each year. Such deputy fire warden shall receive a compensation of \$4.00 a day for the time actually employed; he shall make his headquarters at the county seat of the county he represents and be equipped with suitable

Deputy  
wardens—  
compensation  
and duties of.

office quarters in the county court house by the county commissioners. The board of county commissioners of any county in which there has been no deputy fire warden appointed may request the state board of forest commissioners to appoint a deputy fire warden, and said board may, if in their judgment the necessity exists, appoint a deputy fire warden for such county. The authority of county fire wardens respecting the controlling or suppressing of forest fires, summoning help or making arrests for the violations of this act may extend to any adjacent county or to any part of the State in times of great fire danger. The salaries and necessary expenses of all deputy fire wardens, together with all expenses incurred for help and assistance in forest fire protection, shall be borne in the proportion of two-thirds by the State and one-third by the county in which the service was given and the expense incurred for forest fire protection. All accounts of the deputy fire warden shall be submitted to the state fire warden and forester as well as all bills for forest fire protection authorized by the deputy fire wardens, and when such bills are approved and paid as provided for in section 4 of this act, the amount of one-third of all such outlays in each county will be due and payable on demand from each of such counties into the state treasury and credited to the fund appropriated by this act. All deputy fire wardens shall render reports to the state fire warden and forester on such blanks or forms or in such manner and at such times as may be ordered, giving a summary of how employed, the area of country visited, expenses incurred and such other information as may be called for by the state fire warden and forester.

Reports of  
deputies.

Deputies un-  
der direction  
of State  
warden—  
duties of.

SEC. 6. Each deputy fire warden shall be at all times under the direction and control of the state fire warden and forester, and shall perform such duties at such times and places as he may direct. It shall be their duty to post over the forest areas notices of warning giving the date of the closed season as provided for in section 8 of this act and copies of all such laws and rules as they may be directed to post by the state fire warden and forester. They shall investigate all fires and report all of a serious or threatening character to the state fire warden immediately by telegraph. They shall patrol their districts; visit all parts of roads and trails and frequented places and camps as far as possible, warn campers or other users of fire, see that all locomotives

and engines are provided with spark arresters in accordance with law; extinguish small or smoldering fires, impress or employ help to stop conflagrations; see that all laws for the protection of forests are enforced and arrest and cause to be prosecuted all offenders. Any person refusing to render assistance when called upon by any deputy fire warden or rangers shall be guilty of a misdemeanor and shall be punished by a fine not exceeding twenty-five (\$25.00) dollars, or imprisonment in the county jail not exceeding thirty (30) days. Any person who shall wilfully or needlessly deface, destroy or remove any warning placard or notice posted under the requirements of this act shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred (\$100.00) dollars for each offense, or by imprisonment in the county jail not exceeding thirty (30) days.

Penalty for refusal to help deputies.

SEC. 7. All state land cruisers shall be *ex-officio* forest rangers and timber cruisers and others in the employ of corporations or individuals may at the discretion of the state fire warden and forester be appointed forest rangers and vested with their duties and powers, but they shall receive no compensation for their services; the state fire warden and forester, deputy fire wardens, forest rangers and all police officers are hereby empowered to make arrests without warrant of persons violating this act.

State cruisers ex-officio warden.

SEC. 8. No person shall burn any slashing, chopping, wood-land or brush-land within any county in this State in which there is a deputy fire warden between the first day of June and the first day of October in each year, which period is hereby designated as the closed season, without first obtaining permission in writing from the deputy fire warden of such county; and any person who shall violate this provision shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding one hundred (\$100.00) dollars, or be imprisoned in the county jail not exceeding thirty (30) days. Such permission for burning shall be given only upon compliance with such rules and regulations as the state board of forest commissioners shall prescribe. When any person shall have obtained permission from a deputy fire warden to burn any slashings, made for the purpose of clearing land, the deputy fire warden, may, at his discretion, furnish him with a man to supervise and control the burning who shall represent and act for such deputy fire warden and shall have all the powers and author-

Closed season for burning slashings.

Permission for burning.

ity of the deputy fire warden while engaged in such service, including the right to revoke such permit if in his opinion the burning authorized will endanger any valuable timber or other property. Such man shall serve only such time as the party burning may be able to keep the fire under control himself. The deputy fire warden shall also be authorized and empowered to employ a sufficient number of men to extinguish or prevent the spreading of any fires which may be in danger of destroying any valuable timber or other lands in this State. Such man so employed and also the representative of the deputy fire warden supervising the burning shall be entitled to a compensation of twenty-five cents per hour for each hour's actual service, and the deputy fire warden shall issue a certificate to each man so employed showing the number of hours worked by him and the amounts due to him, upon which after approval by the state fire warden and forester the man shall be entitled to receive payment from the State in the manner provided for in section 4 of this act.

Extra help to prevent spread of fire.

Penalty for negligence.

SEC. 9. 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 another's land 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 or imprisonment, and shall be liable for all such damages in a 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 closed 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 a party thereto, or who shall by throwing away any lighted cigar, matches or by use of fire-arms or in any other manner start a fire upon forest lands not his own and leaves 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.

Spark-arresting devices, for locomotives.

SEC. 10. It shall be unlawful for any person, company or corporation to operate any spark-emitting locomotive, log-

ging or farm engine or boiler 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 or boiler in the immediate vicinity of any forest slashing, chopping, wood-land or brush-land during the closed 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 arresters during the periods herein mentioned shall upon conviction pay a fine for each engine or locomotive for each day so operated without such spark arrester of not less than ten nor more than fifty dollars, and shall be prohibited from further use of such locomotive and engine in such months or season until such spark arrester is provided and used therewith. Fines from this source shall be paid into the current expense fund of the county treasury. Deputy fire wardens and forest rangers shall report any lack of sufficient spark 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 provide.

SEC. 11. Whenever an arrest shall have been made for a violation of any of the provisions of this act or whenever information of such violation shall have been lodged with him, the prosecuting attorney of the county in which the criminal act was committed shall prosecute the offender or offenders with all diligence and energy. If any such prosecuting attorney shall fail to comply with the provisions of this section he shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars and by imprisonment of not less than thirty days nor more than one year. The penalties of this section shall apply to any magistrate with proper authority who refuses or neglects to cause the arrest and prosecution of any person or persons when complaint under oath of violations of any provisions of this act has been lodged with him.

Duty of county attorney.

SEC. 12. Nothing in this act shall be construed to prevent any person owning lands, or person or persons employed by him, from burning logs, stumps, 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 such fires from spreading.

Exception, as to small fires.

**Appropriation** SEC. 13. The sum of seven thousand five hundred dollars or so much thereof as may be necessary is hereby appropriated out of any funds in the State treasury not otherwise appropriated for the purpose of carrying out the provisions of this act.

**Repeal.** SEC. 14. An act entitled "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," approved March 16th, 1903, be and the same is hereby repealed.

Passed the Senate March 8, 1905.

Passed the House March 9, 1905.

Approved by the Governor March 11, 1905.

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## CHAPTER 165.

(H. B. No. 69)

### STATE FISH HATCHERY ON LEWIS RIVER.

AN ACT to establish a Fish Hatchery on the East Fork of Lewis River.

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

SECTION 1. That the Fish Commissioner is hereby authorized and empowered to establish and maintain a fish hatchery on the east fork of Lewis river in Clarke County: *Provided*, That said stream is suitable for the hatching of salmon.

Passed the House February 21, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 11, 1905.