

§ 3. GROUNDS FOR RECOMMENDING PAROLE.] No prisoner shall be paroled except upon the written recommendation of the Warden and by the affirmative vote of at least four members of said board of directors, together with the approval of the Governor, and the convict's prison record and general demeanor shall constitute the only grounds for such recommendation by the Warden; and the appearing before said board of attorneys in behalf of prisoners is hereby prohibited, and petitions signed praying for the parole of prisoners shall not be taken account of by the Warden when making a recommendation to the board as provided for in this section.

§ 4. REPEAL.] All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

Approved February 21, 1891.

PRAIRIE FIRES.

CHAPTER 93.

[S. B. No. 167.]

TO PREVENT AND PROVIDE AGAINST DAMAGE BY PRAIRIE FIRES.

AN ACT for the Prevention of Prairie Fires and to Provide Against Damage Done by Them; Also Prescribing Duties of County Commissioners in Relation Thereto.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. TOOLS AND APPLIANCES.] It shall be lawful for the county commissioners of any county in this State to provide such tools and appliances as in their judgment should be provided to aid and assist in making firebreaks to prevent the spread of prairie fires and damage caused thereby.

§ 2. COUNTY DIVIDED INTO DISTRICTS.] The board of county commissioners shall have power to divide the county into as many districts as may in their judgment be necessary, and each district so formed shall be known and designated as fire district No....; *Provided*, That whenever practicable a road overseer residing in said fire district shall be fire warden, who shall act under his oath of office as said road overseer, and who shall in addition be required to give a bond with two good and sufficient sureties in the penal sum of five hundred (500) dollars for the faithful discharge of the duties of said fire warden.

§ 3. FIREBREAKS.] The road supervisors shall have the right, and it is hereby made their duty, that whenever in the judgment of the board of county commissioners at any regular meeting, firebreaks shall be made, to call on any and all persons liable for the payment of road poll tax in their respective districts to come forth with such tools or teams as the road supervisor may direct and work upon such firebreaks at least two days in each year.

§ 4. NOTICE TO PERSONS TO WORK ON FIREBREAKS.] The road supervisors shall give at least three days' notice to all persons liable for road poll tax and living within their respective districts, of the time and place when and where they are to appear for work on firebreaks, and with what implements. Every person warned to work may appear in person or by an able-bodied substitute, and the person or substitute shall actually work eight hours in each day. Every person notified who refuses or neglects to appear as above provided shall be fined the sum of twenty-five (25) dollars, to be collected as other fines are collected.

§ 5. DISTRICTS, HOW MAPPED OUT.] The fire warden may use his discretion and take advantage of any creek, river or other natural or artificial barrier to prairie fires, and of broken or plowed fields, and may in his judgment map out his district in any form, so that when the fireguards are made a prairie fire may be confined to the smallest possible area consistent with the amount of funds and labor available in his fire district.

§ 6. LEGAL FIREBREAK.] A strip of plowing or of burning, or partly plowed and partly burned, not less than sixty-six feet wide is hereby designated a legal firebreak or fireguard.

§ 7. WHEN PRAIRIE MAY BE SET ON FIRE.] For the purpose of making a fireguard it shall be lawful to set the prairie on fire; *Provided*, That the prairie so set on fire shall not exceed one hundred feet in width and shall be protected on each side by a strip of plowing or of burning not less than five feet wide, and at any such burning there shall not be less than four men present and prepared with water and suitable appliances to keep such fire under control.

§ 8. APPROPRIATION FOR FIREGUARDS.] The board of county commissioners are hereby authorized to expend not to exceed the sum of \$1,000 annually, from the road and bridge fund, for the purpose of constructing fireguards.

§ 9. FIRE WARDEN MAY SUMMON PERSONS TO WORK.] The fire warden shall have the power to summon all persons liable for highway tax to work the same in aiding to make fireguards, and they shall have the same credits therefor as if the work had been upon the highways. The same law as to notice and failure to work, as applies to highway work shall apply to this law.

§ 10. PENALTY FOR FAILURE TO COMPLY.] The fire warden shall have power and is hereby authorized to call out a sufficient number of men in case a prairie fire threatens any portion of his fire district, to extinguish or control said fire as far as possible

and to protect property, and any one warned out by the fire warden or under his direction and who refuses or neglects to respond, unless he renders a reasonable excuse, shall be adjudged guilty of a misdemeanor and fined not less than ten (10) dollars nor more than twenty-five (25) dollars; *Provided, however,* That any one so called out shall be given credit the same as if he performed labor on the highways.

§ 11. RAILROADS TO BURN RIGHT OF WAY.] It is hereby made the duty of every railroad company within this State that is operated by steam power as soon as possible in each year to burn or otherwise destroy all grass, weeds or other combustible matter upon the right of way of such railroad company.

§ 12. LIABILITY OF CARELESS SETTING OF FIRES.] Every person or corporation who shall willfully, negligently or carelessly set on fire, or cause to be set on fire any woods, hay, weeds or prairie grass shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than five hundred (500) dollars or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court, and shall also be liable to any person or persons or corporation damaged by such fire to the amount of such damage.

§ 13. REPEAL.] All acts or parts of acts in any manner in conflict with the provisions of this act are hereby repealed.

§ 14. EMERGENCY.] There being no adequate remedy against prairie fires and the necessity for taking legal action long before July 1st creates an emergency, therefore, this bill shall become a law from and after its passage and approval.

Approved March 9, 1891.

PUBLIC CREDIT.

CHAPTER 94.

[H. B. No. 73,]

AUTHORIZING ISSUE OF STATE FUNDING WARRANTS.

AN ACT to Amend Chapter 114 of the Session Laws, Approved March 18, 1890, Entitled An Act to Amend An Act Entitled An Act to Amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, Entitled An Act for the Protection of the Public Credit.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1 of an act entitled an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of