

Prairie Fires.

CHAPTER 106.

BURNING PRAIRIES IN CERTAIN COUNTIES.

AN ACT respecting the Burning of Prairies and Setting of Prairie Fires in the Counties of Lawrence, Pennington, Mandan and Forsythe.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. PENALTY FOR SETTING FIRE TO WOODS OR PRAIRIES.] That if any person or persons shall willfully, negligently or carelessly set or cause to be set on fire any woods, marsh or prairie in the counties of Lawrence, Pennington, Custer, Mandan and Forsythe, or either of them, or if any person or persons having made any camp or other fire shall leave the said fire without having thoroughly extinguished the same so that the fire shall spread and burn any wood, marsh or prairie, the person or persons guilty of setting or causing to be set such fire or leaving such camp or other fire without having thoroughly extinguished the same so that the fire shall spread therefrom shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed two hundred dollars or 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 in a civil action to any person or persons or corporation damaged by such fire to the amount of such damage.

§ 2. RESPONSIBILITY OF PARTY TO PERSON DAMAGED.] If the ranche, buildings, improvements, fencing, timber, marsh or other property of any person, persons or corporation shall be injured or destroyed by any such fire as described in the first section of this act, the person or persons who shall cause or allow the same as therein provided shall be responsible to the person, persons or corporation injured thereby for all damage or injury caused or sustained by reason of such fire.

§ 3. RESPONSIBILITY WHERE CATTLE RANGE IS INJURED.] If the cattle range or improvements of any person, persons or corporation shall be injured or destroyed by any such fire as described in the first section of this act, or if the hay put up on any such range or the grass growing thereon shall be injured by any such fire as aforesaid, the person or persons who shall cause or allow the same as therein provided shall be responsible to the person, persons or corporation owning or claiming the same and injured thereby for all damage or injury caused or sustained by reason of any such fire.

§ 4. PROOF NECESSARY TO ESTABLISH CLAIM FOR DAMAGES.] In any action instituted in any court to recover damages under the provisions of this act it shall not be necessary for any person, persons or corporation injured by any such fire to allege in their pleadings or prove on the trial of such action, title to the real property over which such fire has spread, but it shall be sufficient in any such action to allege and prove that the person, persons or corporation so injured was or were in the occupancy or possession of any such ranche, buildings, improvements, fencing, timber, marsh or other property, claiming the right to and occupying with cattle any such cattle range, it being the purpose and intention of this act to protect the possession as aforesaid of any person, persons or corporation, whether such person, persons or corporation have title to the land claimed or occupied by such person, persons or corporation or not.

§ 5. This act shall take effect and be in force from and after its passage.

Approved, February 11, 1881.