

to pay said poll tax in cash, or in lieu thereof to perform one day's work of eight hours, on the highways or streets under the direction of such officer, and at such time and place as he shall designate, which said labor shall be full payment and commutation of and for such poll tax, *Provided*, That such officer may place the names of any persons liable to pay such tax in his district and collect the same as herein provided.

§ 5. PENALTY.] Any person assessed and liable to pay such poll tax, who shall neglect or refuse so to do for three days after such notice shall have been served upon him, shall be guilty of a misdemeanor, and upon conviction thereof before any justice of peace shall be punished by a fine of not less than five dollars.

§ 6. REPEAL.] All acts or parts of acts inconsistent with this act or in conflict therewith are hereby repealed.

§ 7. EMERGENCY.] *Whereas*, An emergency exists in that there is no law at present providing for the levy and collection of a road poll tax, *Therefore*, This act to take effect from and after its passage and approval.

Approved, March 19, 1895.

## PRAIRIE FIRES.

### CHAPTER 90.

[S. B. No. 123.]

#### RELATING TO PRAIRIE FIRES.

AN ACT to Amend Chapter 93, of the Laws of 1891, Being An Act Entitled "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:*

That Chapter 93, of the Laws of 1891, be amended to read as follows:

§ 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 fire breaks 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 bond with two good and sufficient sureties, in the penal sum of five hundred (500) dollars, for faithful discharge of the duties of said warden.

§ 3. FIRE BREAKS.] 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, fire breaks 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 fire breaks at least one day in each year as provided by law.

§ 4. NOTICE TO PERSONS TO WORK ON FIRE BREAKS.] 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 fire breaks, and with what implements. Every person notified to work may appear in person or by a 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 not less than ten (10) dollars, to be collected as other fines are collected, or be imprisoned in the county jail not less than ten days.

§ 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 fire guards 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 FIRE BREAKS.] A strip of plowing, or of burning where it cannot be plowed, not less than four feet wide on either side and burned or plowed within such strips and not less than sixty-six feet wide, is hereby designated a legal fire break.

§ 7. WHEN PRAIRIE MAY BE SET ON FIRE.] For the purpose of making a fire guard 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 four feet wide, and that at any such burning there shall be not less than three men present, and prepared with suitable appliances to keep such fire under control.

§ 8. 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 fire guards, 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.

§ 9. 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 render a reasonable excuse, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than ten (10) dollars, nor more than fifty (50) dollars; *Provided, however,* That any one so called out shall be given credit the same as if he performed labor on highway.

§ 10. RAILROADS TO BURN RIGHT-OF-WAY.] It is hereby made the duty of every railroad company within this state using steam power, not later than the 30th day of June in each year, to plow or cause to be plowed a strip not less than four feet wide, along and within the border line of their right-of-way and on each side of the track except in sloughs, draws, and marshes, where the ground is too wet to plow before said date, and in all such cases said ground shall be plowed as soon thereafter as the condition thereof will permit, and to burn or otherwise destroy all grass, weeds, or other combustible matter being or lying within such plowed strip along their right-of-way, not later than the last day of August in each year. It is furthermore the duty of all railroad companies operating within this State to carry netting or spark arresters on all their smoke stacks from the first day of August to the 15th day of November in each year when running through the prairie portion of this State. Any railroad company failing or neglecting to comply with the requirements of this section shall be guilty of misdemeanor and, upon conviction, shall be fined not less than five hundred (500) dollars for each offense, and shall be liable to any person or persons damaged by such failure or neglect to the full amount of such damage.

§ 11. DUTY OF RAILROAD EMPLOYEES.] It is hereby made the duty of all conductors, brakemen, engineers, firemen, road masters and section men in the employ of the railroad companies within this State knowing or having knowledge that fire started from any material within the right-of-way or from sparks from engines, to inform the fire warden of the fire district where such fire started, of the same without delay, through the nearest local station agent, and if any of the railway employes or officers herein designated shall fail, neglect, or refuse to give information as required by this act, he shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than twenty (20) dollars.

§ 12. DUTIES OF STATE'S ATTORNEYS.] It is hereby made the duty of all state's attorneys within this State to investigate all matters pertaining to prairie fires within their respective counties,

and if a cause of action exist it shall be and it is hereby made the duty of such state's attorneys to prosecute the same as in cases of misdemeanor.

§ 13. SPARK ARRESTERS ON SMOKE STACKS.] It is hereby made the duty of any person or corporation operating any threshing engine or engines, to carry netting or spark arresters on the smoke stacks of all such threshing engines from the first day of August until the 15th day of November of each year.

§ 14. APPROPRIATION FOR FIRE GUARDS.] The board of county commissioners are hereby authorized to expend not to exceed the sum of eight hundred (800) dollars annually from the road and bridge fund, for the purpose of constructing fire guards.

§ 15. REPEAL.] All acts or parts of acts in any manner in conflict with the provisions of this act are hereby repealed, but nothing in this act contained shall be construed to be in conflict with Senate Bill No. 125, being a bill for an act to provide for the extermination of the Russian thistle and French weed.

§ 16. 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 after its passage and approval.

Approved, March 19, 1895.

---

## PUBLIC HIGHWAYS.

---

### CHAPTER 91.

[H. B. No. 9.]

#### IMPROVEMENT OF PUBLIC HIGHWAYS.

AN ACT to Provide for the Better Improvement of Public Highways for Organized Townships and Also Providing for the Payment of Expenses Thereof by Taxation.

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

§ 1. TOWN BOARDS HAVE SUPERVISION.] From and after the passage of this act and its approval in accordance with law the several town boards of organized townships in counties throughout the State shall have general supervision over the roads, highways and bridges throughout their several townships.

§ 2. PLANS AND SPECIFICATIONS FOR ALL WORK.] The several town boards shall on being petitioned by a majority of the legal voters of said township, as shown by the votes cast at the last annual township meeting shall at the next annual meeting cause a vote