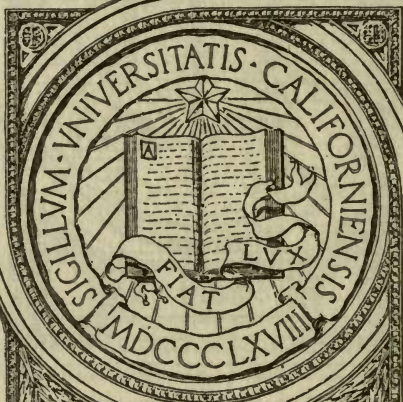


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FOREST PARK RESERVATION COMMISSION

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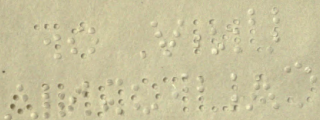
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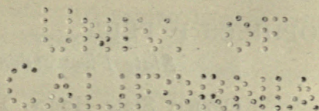
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**INSTRUCTIONS  
FOR FOREST  
FIREFWARDENS**

**1910**



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**FOREST PARK RESERVATION COMMISSION**

**299086**



# Forest Park Reservation Commission.

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Hon. JOHN FRANKLIN FORT, .....Governor  
*Ex officio President.*

HENRY B. KÜMMEL, .....Trenton  
*Executive Officer.*

EDWARD B. VOORHEES, .....New Brunswick

ELMER H. SMITH, .....Salem

CHARLES L. PACK, .....Lakewood

---

ALFRED GASKILL, .....Trenton  
*Forester and Secretary.*

THEOPHILUS P. PRICE, .....Tuckerton  
*State Firewarden.*

Office, State House, Trenton.

# INSTRUCTIONS

## FOR FOREST FIREWARDENS

---

1. Each firewarden is expected to make himself familiar with the forest laws. These instructions supplement and explain the laws: they will be found useful in many ways and must be closely followed.

2. A **Township Firewarden** is chief of the forest fire service in his municipality. Subject to the approval of the State Firewarden he may appoint district firewardens for portions of his municipality. Upon making such appointment the name, address, and district of the appointee must be promptly sent to the State Firewarden at Trenton. The township firewarden has authority over all his district firewardens, must keep in touch with each, supply each with permit books, report blanks, posters, etc., and endorse each report and bill before it is sent to the Forest Commission. To compensate him for this supervision a township firewarden is paid twice the salary of a district firewarden.

3. A **District Firewarden** has the same powers as a township warden within the territory assigned him. Upon his appointment a commission is issued to each district firewarden, who must promptly sign and return to the State Firewarden at Trenton the acceptance attached thereto. At a fire he has authority over all fire fighters, subject to the township warden. He should submit all reports and bills to the

township warden, and not directly to the Forest Commission, or township committee.

A most important duty of a firewarden is to

### PREVENT FOREST FIRES

4. Warn your neighbors of the danger of leaving a fire near the woods. If a lawful burn fire is started it must be watched until it is out; unless this is done a sudden wind may fan embers to flame and cause a bad fire. See that smokers put out their matches before throwing them away, and that cigar stubs and pipe ashes are not dropped in the brush. Let everyone know that you must report any violation of the law. A firewarden is authorized to arrest without warrant anyone caught violating any provision of the forest fire law. (See Section 27.) The firewarden who has few fires gains even more credit than one who is prompt to put them out.

### FIRE PERMITS.

5. A firewarden must exercise judgment about issuing permits. People who need to make a fire should be hampered as little as possible, and anyone who asks for it should be given a permit, unless you believe it unsafe to burn. A firewarden has full authority to refuse a permit to any person who is careless about fire, or when drouth or high winds make fire unsafe. The permit law is intended to check reckless burning, and the people look to their firewarden to protect them. You can often help a neighbor and save yourself trouble by reminding an applicant that no permit is needed if his fire is made in a public road, a garden, or a plowed field, and is

not less than 200 feet away from the woodland, or from any grass or litter that will carry fire to the woods.

6. No charge may be made for a fire permit, and no pay be claimed for issuing it. Issue a permit promptly when asked for and make it as easy as possible for distant residents to get them.

7. Permit stubs need not be sent to the State Firewarden at once. Enclose them with a report or send what you have every month or two.

### WATCH FOR FIRE.

8. Whenever the woods are dry enough to burn look several times a day for signs of fire. If possible arrange a ladder on your house or barn, or on a tall tree, so that you can detect a fire in any direction. If smoke is seen act promptly. If outside your district notify the warden in whose district it is. If it is in your district satisfy yourself that it is an authorized burning and in safe hands, or go at once, with such help as may be necessary, and put it out. If in doubt go, at least far enough to be sure that you are not needed. It is better to go out on a false alarm than to let a fire get well started.

9. Use the telephone whenever it will save time. Ordinarily fire calls are free, but if there is a charge pay it and put the amount in your bill.

### BE READY TO FIGHT FIRE.

10. Every firewarden should have a horse and light wagon kept greased and ready for instant use, or should arrange to have one at his disposal when needed. The wagon should be strong enough to carry six men.

11. If you have **shovels** to fight fire, keep them in a safe place and keep them sharp, ready for use.

12. Keep a list of helpers—men who have agreed to fight fire when called upon, and when a fire is reported send for as many as you are likely to need.

### GO TO THE FIRE.

13. When you learn of a fire **get there!** Minutes at first are worth hours afterwards. Go with two men rather than wait for six, but if you are likely to need more help leave orders for others to follow. Don't wait for meals, but have food sent to you.

### AT THE FIRE.

14. Remember that in the absence of a superior firewarden you are in command and that the control of the fire depends upon your skill and judgment. When you reach the fire put your men to work at what appear to be the most important points; and designate a foreman for each crew; then size up the situation. Think! Don't get excited; act quickly, but don't rush! Move your men to the places where they will do the most good, back fire if you must, but avoid it if possible; many fires are increased by so-called back fires. A back fire must always burn against the wind, back toward the main fire.

15. The law authorizes a firewarden to set a back fire or to plow land when necessary to check a fire, but no one else may do so except by direction of a firewarden, or on his own property.

16. The law also authorizes a firewarden to require any male resident of his district between 18 and 50 years of age to help fight fire, or to require the use of horses, wagons, and other property under a pen-



alty of \$10 for a refusal. On the other hand a fire-warden need not recognize men who go to a fire voluntarily. You are advised, however, to pay any man who does good and necessary work at a fire, whether he was summoned or not, and to refuse those who hang around, or come in at the last moment. In this respect, as in stopping fire, you are expected to work for the interest of your township. If a fire becomes too great for you to handle telephone to Trenton for the State Firewarden.

17. Don't require your men to work without water or food. If you have a bad fire detail a man to supply water to all the fighters, and send for food rather than let the men leave to get it. Reasonable bills on this account will be allowed.

### BE SURE THE FIRE IS OUT.

18. Never leave a fire until it is entirely out. When it is subdued let most of the men go home, but keep a patrol until all danger of a new outbreak is past. If a fire is stopped during the night be especially watchful next morning, when the dew dries off and the wind springs up. Let the patrol put out every ember near the fire line! Spare no pains! Run no risks! Put the fire out so that it will stay out.

### FIRE POSTERS.

19. Every firewarden is required to keep his district well posted with fire notices. These notices in English, German and Italian are sent annually to all township firewardens, by whom they should be distributed to district wardens to be put up by them. Any warden, township or district, can have more by asking the Forest Commission for them. If the

posters are torn down try to catch the one who does it, and report him to the Forest Commission. The law imposes a fine of \$10 for destroying these notices.

### WHAT A FIREWARDEN NEEDS.

20. Each firewarden should keep himself supplied with Fire Permits, Report Blanks, Bill Blanks and at least one copy of the forest fire laws. As a rule these will be sent to township wardens only and by them distributed to district wardens, though when it is more convenient the latter may ask to be supplied direct from Trenton.

21. Each firewarden is furnished with a badge as evidence of his authority. He must keep it carefully, wear it whenever he goes out on fire business, and when his term is over surrender it to the Forest Commission.

### REPORTS.

22. Every forest fire, no matter how small, must be reported on one of the official blanks to the State Firewarden at Trenton within 10 days after the fire is out. Report also every violation of the law, even though there was no fire. This report should be made as full as possible by the warden in charge. A district warden will send the report to his township warden, who will verify and endorse it, and send it to the State Firewarden. A township warden will send his own reports directly to the State Firewarden.

23. Do not send in partial reports. The spaces on the report blanks indicate the information that is wanted. Fill out each report so that anyone who reads it will know as much as you do of what is important.

24. Make a special effort to find out the **cause of the fire** and if the law has been violated, by an individual or by a railroad. Take time to get at the facts. True dates, correct names and addresses of witnesses, and an exact statement of what happened are important. The Forest Commission will always enforce the law against one whose offence can be proven. It can do nothing on a guess or mere hearsay. Try not to turn in a report with "unknown" or a similar expression on the line marked "cause of the fire." And don't shield anyone! It is a firewarden's duty to show up every man who causes a forest fire. Fires will not stop until that is done.

25. Make as careful an estimate as possible of the **area burned over**, and show the character of the forest. In calculating areas it will be helpful to remember that one acre equals 43,560 square feet, or a piece about 208x208 feet. A strip  $\frac{1}{2}$  mile (2640 ft.) long by 10 rods (165 ft.) wide equals 10 acres. A strip 1 mile (5280 ft.) long by  $\frac{1}{4}$  mile (1320 ft.) wide equals 160 acres.

26. Give the best estimate you can of the **damage done**. You are sure to know more about it than anyone who has not been on the ground. Consider the **permanent effect** of the fire, not merely what it seems to have done. Many fires appear to have destroyed everything, yet actually do little harm. On the other hand the burning of a young forest is an actual loss, for by it the small trees, or sprouts, are prevented from growing to commercial size.

### VIOLATION CASES.

27. A firewarden is authorized to **arrest without warrant** anyone caught violating the fire law. This should be done only when the offender refuses to

cease the violation, when the offender is unknown, or may leave the community; otherwise the best course is to report the facts to the State Firewarden and let him act. If an arrest is made take the prisoner to the nearest Justice of the Peace and proceed according to Section 13 of the forest fire law.

28. The law authorizes the Forest Commission in its discretion to permit an offender to pay the costs of extinguishing a fire, instead of the fine which may be imposed. This is a **privilege**, not a right. The Forest Commission is always glad to have a firewarden state whether in his opinion this privilege should be given the offender.

29. If a penalty case is to be settled by paying the bill, the firewarden should not deal directly with the defendant. The only proper course is to have every bill submitted to the Township Committee and paid by the Treasurer according to law. Then if the Forest Commission authorizes a settlement the defendant will pay the Executive Officer, and he will refund to the township treasurer the whole amount recovered.

### **BILLS.**

30. Every bill should be made on the official Forest Fire Service Form. The Forest Commission requires only one copy, which must be signed by the township clerk and township treasurer and sent to Trenton promptly. On the new forms the signature of the firewarden and of the chairman of the township committee are not required.

31. In respect to duplicate bills or vouchers each firewarden will have to satisfy his township committee.

**PAY OF FIREWARDENS AND HELPERS.**

32. Unless other rates are fixed by the township committee pay may be claimed as follows:

A township firewarden, \$20 per year.

A district firewarden, \$10 per year.

These sums "shall be in lieu of all allowances for making reports, for postage, for posting fire warning notices, for issuing permits, and for services, not to exceed three days in any one year, in investigating fires and the causes thereof, and in assisting the State Firewarden as he may require."

33. Each firewarden should keep a record of the time given to special service, with date and place, or fire, with which it was connected. When more than the three days' time has been served submit a bill in the following form:

*For Special Service as Firewarden—*

Dec. 10.	Investigating fire caused by Joe Smith on Nov. 24, .....	6	hours
Dec. 20.	With State Firewarden on Joe Smith case, .....	8	"
Apr. 4.	Serving subpoenas in Alex. Johnson case, .....	10	"
June 12.	Trying to find who set fire near Xville reported June 11, .....	12	"
July 7.	Looking up evidence about fire of July 4, .....	7	"
		—	
	Total, .....	43	"
	Less 3 days required by law.....	30	"

---

Pay claimed for..... 13 hours

At 25c. equals \$3.25.



34. For fighting fire: Any firewarden, \$2 for 5 hours or less, and 30 cents per hour thereafter. Helpers, \$1 for 5 hours or less, and 20 cents per hour thereafter. Women may be allowed the same pay as men when they do the same work.

35. For patrol, etc.: Firewardens on patrol, or for any service not covered by annual pay, 25 cents per hour. Helpers on patrol, or for other service than fighting fire, 20 cents per hour.

36. No man who is allowed \$1, or firewarden \$2, for less than five hours' work should be paid for patrol until his total time exceeds five hours. An exception to this rule may be made when a part of a gang is retained for patrol after others who have worked the same time are allowed to go.

37. For a very brief service at a fire a firewarden may recommend his township committee to pay less than the \$1 to a helper and \$2 to a firewarden allowed by law.

38. No man who is in any way responsible for a fire can be paid for fighting it. And, as a rule, no man, or member of his immediate family, should be paid for fighting fire on his own property. Sometimes this would be unfair and a township committee may decide each case on its merits, but the Forest Commission believes that every man should defend himself without asking pay for it.

39. A firewarden is expected to have a team at his command, but if he has not, the necessary horse hire will be allowed at local rates. Teams employed for plowing, to carry men, etc., may also be charged for in the same way. Food and other necessaries should be charged at cost.

40. It is expected that a firewarden will look after the interests of his township and allow no item in a

bill that is not fully justified. The township committee is expected to examine each bill carefully and to approve it only when every item is reasonable and fully justified. The Forest Commission will scrutinize every bill submitted and approve for payment of the State's share no item that is not reasonable and according to law.



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*Walter Mulford*

[1 M., 5-12]

LAWS OF NEW JERSEY

RELATING TO

FORESTRY

Forest Park Reservation  
Commission

STATE HOUSE, TRENTON

1912

TRENTON, N. J.  
MACCRELLISH & QUIGLEY, STATE PRINTERS.

1912.

# Forest Park Reservation Commission.

---

Hon. WOODROW WILSON, .....Governor  
*Ex-officio President.*

HENRY B. KÜMMEL, .....Trenton  
*Executive Officer.*

ELMER H. SMITH, .....Salem

CHARLES L. PACK, .....Lakewood

WILLIAM W. SMALLEY, .....Bound Brook

---

ALFRED GASKILL, .....Trenton  
*Forester and Secretary.*

CHARLES P. WILBER, .....Trenton  
*State Firewarden.*



# Creating the Forest Park Reservation Commission and Defining Its Powers.

*2 Comp. Stat., pp. 2605-2609, Secs. 1 to 16.*

AN ACT for the establishment of forest park reservations by and in the State of New Jersey, and for the appointment of a state board of forest park reservation commissioners, and defining its powers and duties.

Sec. 1. There is hereby established a state board of forest park reservation commissioners, to consist of five members, which said board shall be a body politic and corporate, with perpetual succession under the name of "state board of forest park reservation commissioners," with power to sue and be sued, with power to adopt and use a corporate seal, and the right, power and authority to acquire, hold and use all such property, real and personal, as may be proper or necessary, and with all other powers proper or necessary to carry out and effectuate the purpose for which said board is created; of this board the governor and the state geologist shall be ex-officio members, and the other members shall be citizens of the state appointed by the governor, by and with the advice and consent of the senate; the terms of office of the said commissioners shall be three years, the term of the governor and of the state geologist to run concurrently with their term as governor and state geologist respectively; the term of the three appointed members to begin from the date of their first appointment, which said appointments shall be made promptly upon the taking effect of this act; of those so first appointed, one shall be for a term of one year, one for a term of two years and one for a term of three years; and thereafter all such appointments shall be for the terms of

**Forest park reservation commissioners.**

**with power to use a corporate seal.**

**Powers and duties.**

**Ex-officio members.**

**Terms.**

**Vacancy.** three years as aforesaid; any vacancy that may occur by death, resignation or otherwise shall be filled by the governor but for the unexpired term only. (P. L. 1905, p. 77.)

**Sec. 2.** Said board shall have power to acquire a fee simple estate in any lands to be taken for the purposes of forest park reservations, as in this act hereafter directed, or any easement or profit a prendre that said board in its discretion may deem best; the said acquisition may be accomplished either by deed, gift or devise, or, if necessary, by condemnation proceedings, to be instituted by and in the name of said board, under and pursuant to an act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of 1900)," being chapter fifty-three, laws of one thousand nine hundred, with any amendments thereof or supplemental thereto; said board shall have power to hold said lands and any estate, easement or profit a prendre therein for the benefit of the people of the state of New Jersey; and said lands so held by said board shall not be sold, aliened or encumbered in any way, except pursuant to an act of the legislature. (P. L. 1905, p. 78.)

**Sec. 3.** The care, management and preservation of the forest reserves, and the forests thereon, as well as future growths thereon, and all moneys appropriated in that behalf, or collected therefrom in any way, and all personal property acquired to carry out the purposes of this act, are hereby confided to and vested in said board, as the same may be herein or in subsequent acts defined and required; the board shall observe, keep in view, and

**Preservation and management.** so far as it can, put in operation the best method to reforest cut-over and denuded lands, to forest waste and other lands, to prevent injury of forests by fire, the administering and care of forests on forestry principles, the encouragement of private owners in preserving and growing timber for commercial and manufacturing purposes, and the general conservation of forests tracts around the headwaters and on the water-sheds of all the water courses of the State, said board

**General powers.** shall make reports of its work, conclusions and recommendations to each session of the legislature, and from time to time publish, in a popular manner, and print for popular distribution, in bulletin or other form, such of



its conclusions and recommendations as may be of immediate public interest; whenever it shall appear that the welfare of the state, with reference to reforestation and the betterment of the state reservations, will be advanced by cutting or selling or disposing of any of the timber on forestry lands, the board is hereby empowered to cut and sell such timber on terms most advantageous to the State; and said board is hereby empowered to make or execute contracts in the name of the state for the carrying out of the purposes of this act; the board shall have power to employ such persons as are necessary for carrying out the provisions of this act and to fix their compensation. (P. L. 1905, p. 78.)

As to cutting or selling timber.

Employees.

Sec. 4. Any person or persons who shall set, or cause to be set, any fire upon any of the forestry reservations of this state, except in accordance with such rules or regulations as may be prescribed by said board, or who shall set or cause to start any forest fire upon property near or adjoining any state forestry reservation whereby the timber of said reservation is damaged, or who shall cut or remove any timber whatever from any forestry reservation, except in accordance with the rules and regulations of the board, shall be guilty of a misdemeanor, and may be punished accordingly; all fines and penalties when collected shall be paid to the executive officer of said board, who is hereby directed to pay the same over to the state treasurer. (P. L. 1905, p. 79.)

Misdemeanor to cause fires or to cut timber on reserves.

Sec. 5. (*As amended 1911.*) The said board may appoint a warden, or wardens, for each forest reserve, and any such warden shall have power, within any forest reserve, to arrest without warrant any person or persons taken by him in the act of violating any provision of this act, or any rule of the forest commission made under the authority of this act. Such wardens shall also have power to require any male person who may live or be within any township adjacent to a forest reserve, and who is between eighteen years and fifty years of age and physically able, to help him extinguish a fire on a forest reserve. He may also require the use of horses or other property needed, and any person so summoned who refuses or neglects to assist a warden, or to allow the use of the property required, shall be liable to a penalty of ten dollars.

Wardens.



Anyone who serves as a fire fighter on a forest reserve shall be entitled to the same pay as is provided by law for those who assist township and district firewardens. Bills for such service shall be rendered to the forest commission by the reserve warden in charge of the fire and shall be paid by the State Treasurer as are other bills of said board. (P. L. 1905, p. 79, as amended P. L. 1911, p. 31.)

**Sec. 6.** The title of all lands acquired by the State for forestry reservations shall be taken in the name of the State, and all such forestry reservation lands shall be exempt from taxation from the time of their acquisition: (See Sec. 16, p. 9; in all cases where lands have been purchased, or may hereafter be purchased, by said board for forest reservations, where there are public roads,

**Maintain roads.** regularly established, running into or through said lands, said board, under such rules and regulations as the said board is hereby authorized to make, may expend such sum per mile in each year as said board shall deem wise for the maintenance, repair or extension of any such roads; all expenses that may be thus incurred shall be subject to the approval of the board and of the governor of the state, and shall be paid in the same manner as other expenses are provided for in this act. (P. L. 1905, p. 80.)

**Sec. 7.** No title or interest in any of said lands held by said board as aforesaid shall be subject to be taken by any body corporate, whether municipal or private corporation, or any person whatsoever possessing the power of eminent domain, by condemnation proceedings, in the exercise of said power of eminent domain against the said board or the State of New Jersey, as respects all lands or interests therein included in said reservations. (P. L. 1905, p. 80.)

**Sec. 8.** Whenever the board shall deem it expedient and proper to purchase lands for a forest reservation in any part of this State, the board shall, by resolution, fix the price to be paid for said lands, and shall instruct the executive officer to enter into a contract, in the name of the State of New Jersey, with the owner or owners thereof for the purchase of the same; which contract shall contain a covenant on the part of the owner or owners that they have a good title in fee simple to the lands proposed to be con-

veyed, and that said lands, when so conveyed, will be conveyed free and clear of all taxes, liens or encumbrances of any kind or character whatsoever. After the entry into said contract by said executive officer, it shall be his duty to prepare an accurate map of said lands to be filed in the office of the said board.

**Map.**

The said board shall have power to order and pay for all searches as they shall be advised by the Attorney-General to be necessary; and when the Attorney-General shall have advised said board, in writing, that the title to the property proposed to be purchased is clear, and that there are no taxes, liens or other encumbrances against the same, said board is hereby authorized to accept a conveyance of said lands, and to pay the price so fixed as aforesaid for the same. (P. L. 1905, p. 80, as amended P. L. 1906, p. 70.)

**Searches.**

Sec. 9. There shall be a secretary to said board, who shall be elected by a majority of the board, whose term of office shall be three years from the date of his first appointment, his successor to be immediately appointed upon the expiration of his first term; the salary of said secretary shall be fixed by the board, payable in monthly installments upon warrant of the comptroller by the state treasurer; it shall be the duty of said secretary to keep proper records of said board, and any copy of any record, under the seal of the board, signed by the secretary, shall be of the same evidential effect in all the courts of this state as an exemplified copy of any recorded deed, according to law as now constituted. (P. L. 1905, p. 81.)

**Secretary of board.**

**Duties.**

Sec. 10. The governor shall be ex-officio president of the board, and the state geologist shall be executive officer thereof; the three appointed members of the board shall serve without compensation, the expenses of the members of said board incurred in the business of the board shall be payable out of the treasury of the state on the certificate of any member certifying to the comptroller what expenses have been incurred; *provided*, the same is attested by the secretary. (P. L. 1905, p. 81.)

**Officers of board.**

Sec. 11. The purchase money for lands acquired, and all expenses incurred in said purchase, and all expenses incurred in connection with the management and holding of the state forestry reservations, shall be paid by the state treasurer from moneys in the

**Expenses.**

state treasury not otherwise appropriated, on warrant of the comptroller upon vouchers certified by the secretary, duly approved by resolution of the board; *provided, however*, such sums shall not exceed the amount annually appropriated therefor by the legislature; all moneys received by said board from sources other than by legislative appropriations shall be paid into the state treasury. (P. L. 1905, p. 81.)

**Sec. 12.** Said board shall have an official seal, which seal shall bear inscribed on it "board of state forest reservation commissioners of the state of New Jersey," with some proper emblem therein, to be adopted by said board. (P. L. 1905, p. 82.)

**Sec. 13.** (*As amended 1911*) The State Board of Forest Park Reservation Commissioners shall have power to enter into contracts with the governing body of any city, town or other municipality, or with any municipal board or commission owning, holding or having control of any lands suitable for forest growth, or with any individual personal or bodies corporate owning lands suitable for forests, for the control and management of such lands for forestry purposes, for the establishment of an arboretum, for experiments in forest culture, or for the planting and care of shade trees. (P. L. 1906, p. 38, as amended P. L. 1911, p. 31.)

**Sec. 14.** (*See also p. 9*) The State Board of Forest Park Reservation Commissioners shall have power to acquire, in the manner prescribed in the act to which this act is a supplement, any land covered by a fresh-water lake or pond, or part thereof, within this State, and any land surrounding or adjacent thereto and all rights, private ways, easements or servitudes held, exercised or used by any person or corporation in, upon or over the said land or any part thereof, as said board in its discretion may deem best. Said property, when acquired, shall be held by said board as a part of the forest park reservations of the State. (P. L. 1907, p. 379.)

**Sec. 15.** The board shall have power to make rules and regulations for the government and use of all forest park reservations, which rules and regulations shall be plainly printed and posted within all such reservations, and any person violating any rule or regula-

tion of said board, so as aforesaid printed and posted, shall be liable to a penalty of ten dollars, to be recovered in an action of debt at the suit of said board before a Small Cause Court or a District Court. All penalties recovered as aforesaid shall be paid to the executive officer of said board and by him paid to the State Treasurer. (P. L. 1907, p. 379.)

Penalty.

Sec. 16. There shall be paid annually to the treasurer of each township or other municipality in which lands are held as State forest reserves, under the act to which this act is a supplement, the sum of two cents per acre for each acre of such reserves in said township or other municipality. Said payment shall be made on the order of the State Board of Forest Park Reservation Commissioners from the appropriation made for the maintenance of State forest reserves. (P. L. 1908, p. 427.)

Payment to township in lieu of taxes.

*Chapter 329, p. 576, P. L. 1912.*

AN ACT to create adjunct State forest reserves by acquiring rights of public use in fresh water lakes and ponds and exempting the same from taxation.

Sec. 1. Any owner or owners of a fresh-water lake or pond which is subject to acquisition by the State, as provided by "A further supplement to an act entitled 'An act for the establishment of forest park reservations by and in the State of New Jersey, and for the appointment of a State Board of Forest Park Reservation Commissioners, and defining its powers and duties,'" approved March twenty-second, one thousand nine hundred and five," the same having been approved May eighth, one thousand nine hundred and seven, may propose an agreement with the Forest Park Reservation Commission by which he or they shall retain title to the property, but grant to the citizens of the State access to and the free use of the waters of such lake or pond for boating and fishing; *provided*, that a reasonable charge may be made for the use of boats belonging to the owner or owners of the said lake

Public use of private lakes.

May charge for boats.

or pond. If, after making an investigation, the State Board of Forest Park Reservation Commissioners shall be satisfied that the public interest will be as well served by the freedom to use the lake or pond for boating and fishing, as it would be if the property were conveyed to the State, the said Board of Forest Park Reservation Commissioners shall enter into an agreement with the

**Land under water exempt from tax.** owner or owners of said pond or lake, which agreement shall provide that in consideration of the free use by the public of the waters of said lake or pond for boating and fishing, the property shall be exempt from taxation so long as the agreement remains in force, the same as it would be if the State acquired title thereto.

**Sec. 2.** As a preliminary to the agreement provided for in section one of this act, the Forest Park Reservation Commission shall require that the waters of said lake or pond be actually made free to all citizens for a period of at least six months and notices thereof conspicuously

**Evidence of free use.** posted on the shores of the said lake or pond. It shall also require a covenant that the lake or pond will not be closed to the public without notice given to the Forest Park Reservation Commission and by signs posted at least six months in advance of such intended closing. When the Forest Park Reservation Commission shall be satisfied that the waters of the said lake or pond are actually free for the use of the public, subject to the provision made in section one of this act, it shall certify to the assessor of the township or other municipality in which the said lake or pond is taxable, that by virtue of the agreement made between the owner and the Forest Park Reservation Commission, the property has become an adjunct State forest reserve and by the provisions of this act is exempt from taxation.

**Sec. 3.** The Forest Park Reservation Commission shall have power to make reasonable and proper regulations for the use of adjunct forest reserves hereby created, and shall exercise the same powers over them as it now does over the State forest reserves established by law.

**Sec. 4.** Nothing in this act shall warrant the owner



or owners of a pond or lake used solely or chiefly as a source of water-power for a mill or factory in active operation to apply for exemption of taxes. Water power  
excepted.

## Municipal Forestry.

*2 Comp. Stat., p. 2609, Secs. 17 and 18.*

AN ACT to authorize any municipality of this State to use lands for forestry purposes, to cut and sell timber therefrom and to determine the character of such use.

Sec. 17. The governing body of any municipality of this State shall have power to use any lands of such municipality for forest growth, and shall have the power to cut and sell any timber found or grown upon such land; and shall have the further power to enter into contracts with the State Board of Forest Park Reservation Commissioners for the control and management of lands of such municipality for forestry purposes. (P. L. 1906, p. 261.) Municipal forestry.

Sec. 18. Any and all lands of any municipality used in accordance with the provisions of this act shall be deemed to be used for public purposes and devoted to public uses. (P. L. 1906, p. 261.) Public land.

## Arbor Day.

*1 Comp. Stat., p. 109.*

AN ACT relating to Arbor Day.

Sec. 1. (*As amended 1912*) For the purpose of encouraging the planting of shade and forest trees, the second Friday of April, in each year, is hereby designated as a day for the general observance of such purpose, and to be known as Arbor Day. (P. L. 1908, p. 378, as amended P. L. 1912, p. 169.) Date.

Sec. 2. On said day appropriate exercises shall be introduced in all the schools of the State, and it shall be the duty of the several county and city superintendents to prepare a program of exercises for that day in all the schools under their respective jurisdiction. (P. L. 1908, p. 378.) School exercises.

## Shade Trees.

3 *Comp. Stat.*, pp. 3544 to 3547, *Secs. 335 to 346.*

AN ACT to provide for the planting and care of shade trees on the highways of the municipalities of this state.

Sec. 335. In all the municipalities of this state there may be appointed, in the manner hereinafter provided, a commission of three freeholders, who shall serve without compensation, and who shall have the exclusive and absolute control and power to plant, set out, maintain, protect and care for shade trees in any of the public highways of their respective municipalities, the cost thereof to be borne and paid for in the manner hereinafter directed; *provided*, that it shall be optional with the governing body of any municipality to increase the number of the commission to five. (P. L. 1893, p. 496, as amended P. L. 1907, p. 398.)

Municipalities may appoint shade tree commissions.

Sec. 336. And be it enacted, that it shall be optional with the body or board having charge of the finances of any municipality whether this act shall have effect in, and such commissioners shall be appointed in, such municipality; and whenever any such body shall by resolution, approve of this act, and direct that such commissioners shall be appointed, then, from that time, this act and all its provisions shall be in force, and apply to such municipality; and such commissioners shall be appointed for terms of three, four and five years, respectively; and on the expiration of any term the new appointment shall be filled for the unexpired term only; and in cities the said appointments shall be made by the mayor thereof, and in townships, by the chairman of the township committee, and in villages and boroughs by the chairman or president of the board of trustees, or other body or board having charge of the finances. (P. L. 1893, p. 496, as amended P. L. 1908, p. 229.)

Action optional.

Terms of Commissioners.

Sec. 337. That whenever said commissioners shall propose to make any such improvements as setting out or planting any shade trees, or changing the same in any highway, they shall give notice of such contemplated improvement (specify the streets or portions

Notice of contemplated improvement to be published.

thereof where such trees are intended to be planted) in one or more of the newspapers of their said municipality, if there be any newspaper published in said place, for at least two weeks prior to any meeting in which they shall decide to make such improvement. (P. L. 1893, p. 496.)

Sec. 338. That the cost of planting and transplanting any trees in any highway, and boxes or guards for the protection thereof, when necessary, shall be borne by the real estate in front of which such trees are planted or set out, and the cost thereof as to each tract of real estate shall be certified by said commissioners to the person having charge of the collection of taxes for said municipality; and upon the filing of said certificate, the amount of the cost of such improvement shall be and become a lien upon said lands in front of which said trees were planted or set out, and the said collecting officer shall place the assessment so made against any property in the annual tax bills rendered to owner or owners of such property, and the same shall be collectible in the same manner as the other taxes against said property are collected. (P. L. 1893, p. 497.)

By whom cost of planting trees borne.

Cost collected as other taxes.

Sec. 339. That the cost and expense of caring for said trees, after being planted or set out, and the expense of publishing said notices, shall be borne and paid by a general tax to be raised by said municipality; said tax shall not exceed the sum of one-tenth of one mill on the dollar annually on all the taxable property of said municipality, and the needed amount shall be each year certified by said commissioners to the assessor and assessors of the said municipality, and be assessed and raised as other taxes. (P. L. 1893, p. 497.)

Cost of caring for trees paid by general tax.

Sec. 340. In any municipality which now has or hereafter shall take advantage of the act to which this is a supplement the commission appointed under the provisions thereof shall have exclusive control over the public parks belonging to or under the control of such municipality, or any department in the government thereof, with full power and authority to improve, repair, manage, maintain and control the same. (P. L. 1905, p. 212.)

Control of parks.

Sec. 341. The said commission shall have full power and

**Protection of trees, shrubbery, statuary.** authority and is hereby empowered to pass, enact, alter, amend and repeal ordinances for the protection, regulation and control of such parks, and the trees, flowers, shrubs, statuary therein, and also for the protection, regulation and control of all shade trees planted or growing upon the public highways of any such municipality, and to prescribe fines and penalties for the violation thereof and fix the amount of the same; the method now in use for the passing, enacting, altering, amending and publishing ordinances in said municipality shall be the method used to pass, enact, alter, amend, repeal and publish the ordinances herein mentioned. (P. L. 1905, p. 212.)

**Ordinances, how made, etc.** Sec. 342. All moneys collected from fines or penalties for the violation of any ordinances of any such commission and all moneys collected for assessments made upon the property for the cost of planting and transplanting any trees, and the boxes or guards for the protection thereof in any such city, shall be forthwith paid over to the proper municipal authorities and shall be placed to the credit of the said commission and subject to be drawn upon by the said commission in the manner provided by law for the payments of moneys in any such municipality. (P. L. 1905, p. 213.)

**Money subject to commission.** Sec. 343. The said commission may prescribe penalties for the violation of any of their ordinances, and the courts which now or hereafter shall have jurisdiction over actions for the violation of ordinances of the municipality in which said commission has been or shall be appointed shall have jurisdiction in actions for the violation of such ordinances as the said commission shall enact; and said ordinances shall be enforced by like proceedings and processes, and the practice for the enforcement of said ordinances shall be the same as that provided by law for the enforcement of the ordinances of the municipality in which such commission exists. (P. L. 1906, p. 333.)

**Jurisdiction and enforcement of ordinances.** Sec. 344. The officers authorized by law to serve and execute processes in the courts, as aforesaid, shall be the officers to serve and execute any process issued out of any court under this act. (P. L. 1906, p. 333.)

Sec. 345. A copy of any ordinance or ordinances of said commission, certified to under the hand of the clerk, secretary or president of the said commission, shall be taken in any court of this State as full and legal proof of the existence of such ordinance or ordinances, and that all requirements of law in relation to the ordaining, publishing and making of the same so as to make it legal and binding have been complied with unless the contrary be shown. (P. L. 1906, p. 333.)

Proof of ordinance.

Sec. 346. In any city or town in this state in which a park commission now exists, the governing body invested with the power of adopting the act to which this is a supplement. may, in the resolution adopting said act, provide that the said park commission also act as a shade tree commission, in which event the park commission shall also act as a shade tree commission; and the act to which this is a supplement, and the amendments thereof and supplements thereto, shall take effect in said city or town, except that no independent shade tree commission shall be appointed. (P. L. 1908, p. 401, as amended P. L. 1910, p. 277.)

Park Commission may act as Shade Tree Commission.

*3 Comp. Stat., pp. 4189 and 4190, Secs. 120 to 123.  
(See, also, p. 18.)*

AN ACT to provide for the planting and care of shade and ornamental trees in the public highways of any city of this state by the authorities having the management of the public parks in any such city.

Sec. 120. It shall be lawful for the board of aldermen, or other governing body of any city of this state, to ordain that the shade and ornamental trees in the public highways of such city shall be planted, regulated and cared for by the authorities having the management of the public parks in any such city. (P. L. 1904, p. 274.)

Shade trees in cities.

Sec. 121. When the authorities having the management of the public parks in any city of this state are empowered, as hereinbefore provided, to plant, regulate and care for the shade trees in the public highways, it shall there-

Care and planting of trees.



upon become the duty of such authorities to regulate and care for the trees now standing in the public highways, and to plant such trees therein as may be applied for by abutting property holders upon such terms and conditions as the said authorities may by rule make; *provided, however,* that the cost of planting shall be defrayed by such applying property owner. (P. L. 1904, p. 274.)

Cost paid by property owner.

Sec. 122. The said park authorities when empowered as hereinbefore provided, are hereby authorized to expend in each year out of the funds standing to their credit, for the purpose of caring for and trimming the said trees such sum, not exceeding one thousand dollars per annum as shall be necessary to perform the duties hereby imposed; *provided, however,* that no such moneys shall be expended for the planting of trees. (P. L. 1904, p. 275.)

Annual expenditures.

Sec. 123. This act shall not be construed to abrogate the powers of any body or commission appointed under any other law of this state to care for and plant shade trees nor to repeal any law authorizing the appointment of such commissions, but the powers herein conferred shall be additional thereto. (P. L. 1904, p. 275.)

Construction of this act.

*3 Comp. Stat., pp. 4201 and 4202, Secs. 174 to 178.*

AN ACT to provide for the planting and care of shade trees on the highways and the charge and control of the city parks in certain cities of this State.

Sec. 174. In cities having a population of over two hundred thousand inhabitants of this State, the mayor thereof may appoint a commission of three (3) resident freeholders of said city who shall serve without compensation, and who shall have the exclusive and absolute control and power to plant, set out, maintain, protect and care for shade trees in any of the public highways of their respective cities, the cost thereof to

Shade Tree and Park Commission.

Duties.

be borne and paid for in the manner hereinafter directed, and the office of which commission so appointed shall extend during the term of office to which the mayor so appointing such commission was elected. (P. L. 1910, p. 364.)

Sec. 175. Whenever said commission shall propose to make any such improvements as setting out or planting any shade trees, or changing the same, in any highway, they shall give notice of such contemplated improvement (specify the streets or portions thereof where such trees are intended to be planted) in one or more of the newspapers of their said cities, if there be any newspaper published in said place, for at least two weeks prior to any meeting in which they shall decide to make such improvement. (P. L. 1910, p. 364.)

Notice of im-  
provements.

Sec. 176. The cost of planting and transplanting any trees in any highway, and boxes or guards for the protection thereof, when necessary, shall be borne by the real estate in front of which such trees are planted or set out, and the cost thereof as to each tract of real estate shall be certified by said commissioners to the person having charge of the collection of taxes for said city; and upon the filing of said certificate the amount of the cost of such improvement shall be and become a lien upon said lands in front of which said trees were planted or set out, and the said collecting officer shall place the assessment so made against any property in the annual tax bills rendered to owner or owners of such property, and the same shall be collectible in the same manner as the other taxes against said property are collected. (P. L. 1910, p. 364.)

Cost borne by  
real estate bene-  
fitted.

Cost a lien.

Sec. 177. That all moneys needed for the purposes and proper execution of this act shall be raised by annual tax upon real and personal property as other taxes are raised in and for any city, and shall be apportioned by the board or body having control of the finances in such city. (P. L. 1910, p. 365.)

Sec. 178. Said commission shall have the charge and control of all city parks within the boundary of said municipality in which said commission shall be appointed, and shall exercise all the powers now exercised by law by any board or body having such charge or control thereof; *provided, however*, that said commission shall not have any charge or control of any county or State park, nor shall said commission have any power to purchase lands for any

Commission to  
control city  
parks.

Limitation of  
powers.

new park or existing park, nor to exercise any of the powers and duties of any board of finance or other body having charge of the finances of any such city with respect thereto, but that said powers and duties of any such board of finance or board having charge of the finances of any such city shall be and remain the same as if this act had not been enacted. (P. L. 1910, p. 365.)

*Chapter 260, pp. 546 and 547, P. L. 1911.*

A SUPPLEMENT to an act entitled "An act to provide for the planting and care of shade and ornamental trees in the public highways of any city of this State by the authorities having the management of the public parks in any such city," approved March twenty-eighth, one thousand nine hundred and four."

Sec. 1. In any city wherein the board of aldermen or other governing body thereof has ordained or may hereafter ordain, pursuant to the provisions of the act to which this is a supplement, that the shade and ornamental trees in the public highways of such city shall be planted, regulated and cared for by the board or authorities having the management of the public parks in such city, such board or park authorities shall have absolute power and control over the shade and ornamental trees now standing or hereafter planted in the highways of such city, and such board or park authorities shall have full power and authority and are empowered to pass, enact, enforce, alter, amend and repeal ordinances for the planting, trimming and removal of such trees and for the protection, regulation, care and control of the same. The method now or hereafter prescribed by law for the passing, enacting, altering, amending, repealing and publishing of ordinances by the governing body in such city shall be the method used to pass, enact, enforce, alter, amend, repeal and publish the ordinances herein mentioned.

Sec. 2. The said board or park authorities may prescribe penalties, not exceeding fifty dollars, for the violation of any ordinance which they are empowered to enact, and the courts which now or hereafter shall have jurisdiction over actions for the violation

of ordinances of such city shall have jurisdiction in actions for the violation of such ordinances as the said board or park authorities shall enact; and said ordinances shall be enforced in the name of said board or park authorities, by like proceedings and processes and the practice for the enforcement of said ordinances shall be the same as that provided by law for the enforcement of the ordinances of the city wherein such board or park authorities exist. All penalties recovered for the violation of any ordinance of said board or park authorities shall be turned over to the said board or park authorities by the court wherein the same are recovered, to be used by said board or park authorities in the planting, regulating and care of shade and ornamental trees in said city.

**Enforcement of ordinances.**

**Penalties may be used by board.**

Sec. 3. The officers authorized by law to serve and execute processes in the courts as aforesaid shall be the officers to serve and execute any process issued out of the court under this act.

**Officers to serve process.**

Sec. 4. A copy of any said ordinance of said board or park authorities, certified under the hand of their clerk, shall be taken in any court of this State as full and legal proof of the existence of such ordinance and that all requirements of law in relation to passing, publishing and making of the same so as to make it legal and binding have been complied with, unless the contrary be shown.

**Proof of ordinances.**

Sec. 5. This act shall in nowise abridge any power or authority heretofore conferred under the act to which this is a supplement, but the power and authority conferred hereunder shall be in addition thereto, and this act shall take effect immediately.

**No abridgement of powers conferred by original act.**

*Chapter 395, Laws of 1912.*

From An Act to provide for the permanent improvement and maintenance of public roads in this State.

Section 4, paragraph 1. The road improvement contemplated under this act shall include the construction of the road and its intersections with other public roads, the restoration or construction, as herein provided, of proper and adequate entrances to properties, the building of any essential walls in cuts or for slopes and of all necessary facilities for drainage in improvement aforesaid, also the planting of shade trees, such works as may be necessary to preserve existing shade trees and such treatment of adjacent forest lands as may be needed to make the road and its borders an effective fire break.



# Forest Fires.

## General Forest Fire Act.

*2 Comp. Stat., pp. 2332-2339, as amended, P. L. 1911, pp. 52-58.*

AN ACT for the appointment of firewardens, the prevention of forest fires and the repeal of sundry acts relating thereto.

38. (*As amended 1911.*) The State Forest Park Reservation Commission shall have power to appoint a State firewarden, and not more than six division firewardens, and to fix their salaries. Each shall give his whole time to the forest fire service and shall hold office during the pleasure of the commission. Members of said commission and such of its officers as it may designate shall be ex-officio firewardens, but shall receive no compensation in virtue thereof. (P. L. 1911, p. 52.)

State and division firewardens.

Ex-officio firewardens.

39. The township committee (see 55a), or governing body of every township in this State shall, within thirty days after receiving notice in writing from the State Board of Forest Park Reservation Commissioners, appoint some suitable person to act as township firewarden for the entire township, or such part thereof as said commission shall determine, for a term of one year and until his successor shall have been appointed, and on failure so to do, the State Board of Forest Park Reservation Commissioners, shall make such appointment. Such appointment, when accepted, shall be promptly certified to the State Firewarden. The person so appointed may be summarily removed by said commission. If any person so appointed is so removed, said commission shall promptly notify the governing body making such appointment, and said governing body shall, at its next meeting, fill the vacancy for the un-

Township firewardens.

Removal.

No reap-  
pointment.

expired term; *provided*, no person so removed by said commission shall be eligible for reappointment within one year from the date of said removal. When required by the State Firewarden, the township firewarden shall establish two or more districts for the township for which he is appointed, and shall appoint suitable persons as district firewardens; *provided, however*,

District fire-  
wardens.

no district firewarden shall be appointed for the district in which the township firewarden lives. Any township firewarden shall have power to designate one or more proper persons to act as deputy or deputies in case of his absence or disability from any cause. He shall file with the State Firewarden, and with the township committee, the names and addresses of all district firewardens and deputies appointed by him, and shall specify the districts to which they are assigned. (P. L. 1908, p. 422.)

39a. The State Board of Forest Park Reservation Commissioners may include parts of several townships in a single fire district and appoint a firewarden thereof, and the services of and expenses incurred by said warden shall be paid as provided in the act to which this act is a supplement, jointly by the State and by the township in which they were incurred. If such fire district shall include the right-of-way of any railroad company and the land adjacent thereto, the board may make such arrangement with said railroad company regarding compensation and expenses of such firewarden as it may deem best; *provided, however*, in no case shall the State pay a larger proportion of such expense than it would pay if such agreement were not made. (P. L. 1907, p. 21.)

Special fire  
districts.

40. (*As amended 1911.*) The State Firewarden and division firewardens shall have all the powers herein granted to the township firewardens. Under the direction of said commission the State Firewarden shall administer the forest fire service. Division firewardens shall perform such service and have such authority as shall be determined by the State Firewarden. (P. L. 1911, p. 52.)

Expenses  
limited.

Powers and  
duties of State  
and division fire-  
wardens.

40a. Repealed 1911. (P. L. 1911, p. 58.)

41. (*As amended 1911.*) Township and district firewardens shall enforce all statutes of this State now in force, or that may hereinafter be enacted for the protection of forest and timber land from fire, and shall carry out the directions of the State Firewarden or division firewardens regarding the prevention and extinguishing of forest fires. They shall have control and direction of all persons and apparatus engaged in extinguishing forest fires. They may plow land, or, in an emergency, set back fires to check any fire. They may summon any male person between the ages of eighteen years and fifty years who may live or be within the jurisdiction of such firewardens to assist in extinguishing fires, and may also require the use of horses and other property needed for such purpose. Any person so summoned who is physically able, who refuses or neglects to assist, or to allow the use of horses, wagons or other material required, shall be liable to a penalty of ten dollars. If, in the judgment of a firewarden, a forest fire in an adjoining township shall imperil the safety of any property in his own township, he may, with assistants summoned as aforesaid, take such measures to extinguish the fire, or to prevent its spread, as he would take were it in his own municipality; *provided*, that if any firewarden of the township in which the fire is located be present at the fire, all work shall be done under his direction. If the State firewarden or any division firewarden be present at any fire he shall ex-officio have complete control. When a serious fire occurs the State firewarden or any division firewarden may summon to his aid firewardens from surrounding townships with their assistants, and in such case the State shall bear the whole expense of paying the firewardens and assistants who reside in townships which were not threatened. In every other case in which a fire is fought by men from two or more townships the cost shall be apportioned by the State firewarden among the townships in which the fire burned, or which were directly threatened.

Powers and duties of township and district firewardens.

May summon assistance.

Penalty.

Authority in adjoining district.

Serious fires.

Apportionment of cost.

Pay of helpers where township fire service is not maintained.

If any township shall fail to appoint a firewarden when directed by the forest commission to do so, as provided by section two of this act, (39) or shall fail to make an appropriation sufficient to pay its share of the firewarden's salary and bills incurred in

fighting fires, assistance may be summoned by any firewarden as provided in this act, and any person so summoned shall receive for his services only the amount that the State would pay as its share under section six (43) of this act. Bills for this service shall be rendered by the firewarden in charge of the fire directly to the forest commission, and shall be paid as are other bills of said commission. No action for trespass shall lie against any person crossing or working upon lands of another to extinguish fire. (P. L. 1911, p. 53.)

42. The State Board of Forest Park Reservation Commissioners shall have power, from time to time to prescribe such other duties and to make such regulations governing firewardens for the prevention, fighting and extinguishment of forest fires, as in their judgment shall be efficacious for that purpose. They may purchase and distribute to firewardens such material and equipment as they may deem necessary for carrying out the provisions of this act. The State Firewarden shall be custodian of and responsible for all such material and equipment, under such rules as said commission may prescribe. (P. L. 1906, p. 223.)

43. (*As amended 1911.*) Township and district firewardens and helpers shall be paid at the following rates, unless other rates shall be fixed by the township committee, or other governing body, and notice thereof filed with the State Firewarden. Each township firewarden shall be paid at the rate of twenty dollars a year, and each district firewarden, appointed as provided in Section 2 as amended, (39) at the rate of ten dollars a year. Said sums shall be in lieu of all allowances for making reports, for postage, for posting fire-warning notices, and for issuing permits. For special services in investigating fires, and the causes thereof, and for all time in actual fire fighting, firewardens and their helpers shall be paid at the following rates:

Firewardens, while engaged in fighting fires, two dollars

for five hours or less, and thirty cents per hour thereafter.

Firewardens, while otherwise employed, twenty-five cents per hour.

Helpers, fighting fire, one dollar for five hours or less, and twenty cents per hour for more than five hours.

Helpers, on patrol or employed otherwise than fighting fire, twenty cents per hour.

Firewardens shall render to the governing body of the township in which the fire occurred a statement of the services rendered by them and

**Bills.**

by the men, teams and other apparatus employed by them as provided in this act, within one month of the date of such service, which said bill shall show in detail the amount and character of the services performed, the exact duration thereof, the name of each person employed, and all disbursements made by said firewardens. If said bill be duly approved, it shall be paid in such manner, and by such official, as other bills of said township are paid. A certified copy of each bill paid in accordance with this section, with evidence of payment, shall be made on a blank provided by the Forest Commission, and filed with the State Firewarden. Upon the approval of said bill by the State Board of Forest Park Reservation Commissioners, one-half of the amount shall be repaid said township by the State Treasurer upon warrant of the State Comptroller; *provided, however,* the State shall pay the entire cost of extinguishing fires originating on and restricted to State forest reservations, and such bills shall not be presented to the township committee but certified to the State Firewarden directly; *and provided further,* that in no case shall the State's share of any bill be based upon a higher rate for services than as fixed above. (P. L. 1911, p. 54.)

**Fires on reserves.**

44. The firewarden of the township in which a fire occurs shall within ten days make such report thereof to the State Firewarden as may be prescribed by the State Board of Forest Park Reservation Commissioners. Each district warden shall report promptly any fire in his district to the township firewarden. (P. L. 1908, p. 425.)

**Reports.**

45. The town and district firewardens shall post such notices concerning forest fires as the State Firewarden may prepare, and any person who shall willfully or maliciously tear down or destroy

**Fire notices.**



any such notice, shall be liable to a fine of ten dollars. (P. L. 1906, p. 225.)

46. (*As amended 1911.*) In any township or part thereof for which firewardens have been appointed under the provisions of this act, waste, fallows, stumps, logs, brush, dry grass or fallen timber shall not be burned unless the written permission of the State Firewarden, or a division firewarden, or of the township or district firewarden of the township or district in which such fire is set has been first obtained. Such permission shall not be granted by any firewarden if, in his opinion, any forest or woodland will be endangered thereby, nor shall such permission, if granted, relieve or exonerate any person from any penalties under this act, in case, by reason of such fire, any forest, brushland or woodland be burned; *provided, however,* permits shall not be necessary for burning said materials when the fire is set in a public road, garden or plowed field at a distance of not less than two hundred feet from any woodland, brushland or field containing dry grass or other inflammable material. (P. L. 1911, p. 55.)

Permits to burn brush, etc.

Permits not required.

Fires must be watched.

Firing the forest forbidden.

Backfiring allowed on own property only.

A firewarden may set a back fire.

47. All persons who shall burn any pit of charcoal, or set fire to or burn any brush, grass or other material whereby any property may be endangered or destroyed, shall keep and maintain a careful and competent watchman in charge of said pit, brush or other material while burning. (P. L. 1906, p. 225.)

48. (*As amended 1911.*) No person shall set fire to or burn, or cause to be burned, any wasteland, brushland, or forest land, but nothing in this section shall be interpreted to forbid any person from setting a backfire, or ground fire, or a surface fire, upon his own property to protect the same; *provided, however,* if such fire be permitted to escape, or does escape, to adjoining property, then the person setting such fire, or causing it to be set, shall be deemed to have violated the provisions of this section. Any firewarden, however, shall have the power to set, or direct to be set, any backfire. In any township in which a fire service is established any person who shall find a fire burning in the forest, or

where forest is endangered, shall immediately extinguish the same, or being unable so to do shall notify a firewarden. (P. L. 1911, p. 56.)

Forest fires must not be ignored.

49. (As amended 1911.) Every person who shall violate any of the provisions of this act, and every person who shall obstruct or in anywise interfere with any firewarden, his deputies and assistants, in the performance of any duty under this act, shall be liable to a penalty of not less than fifty dollars nor more than two hundred dollars, except as otherwise provided in this act; *provided, however*, that where there are mitigating circumstances the Forest Commission may in its discretion, permit the person or persons who may have violated the law to pay the cost of extinguishing the fire, or other expense incurred, or such part thereof, or such sum less than the minimum fine herein imposed, at such time and in such manner as said commission shall determine. Such payment when finally made shall relieve the person or persons making it of the penalty for such violation imposed by this act. All payments on account of penalties under this act shall be made to the executive officer of the Forest Commission, who shall promptly disburse the same in such manner as will relieve in equal degree the township, or townships, concerned and the State of the expense incurred. If a penalty paid shall exceed the costs in any case the excess shall be paid to the treasurer of the township in which the fire, or other violation of law, occurred. Any firewarden, or deputy acting in the absence or disability of a firewarden, may arrest, without warrant, any person or persons taken by him in the act of violating any of the provisions of this act, and shall proceed against such person or persons in the manner prescribed by this act. (P. L. 1911, p. 56.)

Penalties.

Forest commission may reduce penalty.

Firewardens may arrest without warrant.

50. Every district court and every justice of the peace in any city or county, and every police justice or recorder in any city, is hereby empowered, on complaint under oath or affirmation made according to law that any person or persons has or have violated any of the provisions of this act, to issue process, in the name of the State Board of Forest Park Reservation Commissioners, as prosecutor.

Magistrate may issue process.

for the use of the State of New Jersey. Said oath or affirmation, if made by a firewarden, or by a member or officer of the said commission, may be upon information or belief. Said process shall be in the nature

**Process.** of either a summons or warrant against the person or persons so charged; when in the nature of a warrant, it shall be returnable forthwith, but before any warrant shall issue out of any district court the judge thereof shall endorse upon the complaint an order in the following or similar words: "Let the warrant issue in this case." To which said judge shall sign his name; and when in the nature of a summons, it shall be returnable in not less than one or more than ten entire days. Such process shall state what section of the law is alleged to have been violated by the defendant or defendants; and on the return thereof, or at any time to which the trial shall have been adjourned, the said district court, justice of the peace, police justice or recorder shall proceed to hear the testimony, and to determine and give judgment

**Judgment.** in the matter, without the filing of any pleadings, either for the prosecutor for the recovery of such penalty with costs, or for the defendant or defendants. If such judgment be for the prosecutor as aforesaid, it shall be in the following or similar form: "State of New

**Form of judgment.** Jersey, county of \_\_\_\_\_, ss: Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord nineteen hundred \_\_\_\_\_, at \_\_\_\_\_, in said county, C. D., defendant, was, by the district court of the city of T. (or by me, E. F., justice of the peace, police justice or recorder of the city of \_\_\_\_\_, or as the case may be), convicted of violating the \_\_\_\_\_ section of the Act of the Legislature of New Jersey entitled 'An act for the appointment of firewardens, the prevention of forest fires, and the repeal of sundry acts relating thereto,' approved the eighteenth day of April, anno domini nineteen hundred and six, in a summary proceeding, at the suit of the State Board of Forest Park Reservation Commissioners, as prosecutor; and further, that the witnesses in said proceeding who testified for the prosecutor were (name them); and the witnesses who testified for the defendant were (name them); wherefore the said court (or justice of the peace, police justice or recorder, as the case may be) doth hereby give judgment that the prosecutor recover of the defendant \_\_\_\_\_ dollars penalty

and dollars costs of this proceeding, and that execution do issue against the goods and chattels of said defendant for the amount of said penalty and costs, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county and deliver him to the keeper thereof, to be there confined until the said penalty and costs be fully paid, or until he be thence delivered by due course of law." Said judgment shall be signed by the judge of the district court, justice of the peace, police justice or recorder giving the same. (P. L. 1906, p. 226.)

**Imprisonment.**

51. If either the prosecutor or the defendant or defendants be dissatisfied with any judgment given under the provision of the thirteenth section of this act, (50) the dissatisfied party may appeal to the Court of Common Pleas of the county

**Appeal to court of common pleas.**

in which the judgment appealed from shall have been rendered, which appeal shall be taken by filing with the court, justice of the peace or recorder who gave the judgment, a notice of such appeal, signed by the appealing party, or his, her or their agent; *provided, however,* that no appeal shall be allowed to or taken

**Proviso.**

by any defendant from any judgment against such defendant unless, with said notice of appeal, such defendant shall also file a bond, with at least one sufficient surety to be approved by the court, justice

**Bond filed.**

of the peace or recorder who shall have given the judgment, in double the amount of the judgment, and conditioned that the appellant or appellants shall appear and prosecute the appeal in said court of common pleas, shall stand to and abide the judgment of said court of common pleas, and shall pay such costs as shall be taxed against the appellant or appellants, if the judgment appealed from be affirmed. The court, justice of the peace or recorder who shall have given the judgment appealed from shall send a transcript

**Transcript sent to court.**

of the proceedings and judgment and said notice of appeal, together with any bond that may have been filed under the provisions of this section above contained, to the clerk of the court of common pleas to which the appeal is taken on or before the first day of the term of said court next ensuing such appeal. In any case of appeal by a defendant after execution shall have been issued, the court of com-

mon pleas to which the appeal is taken, upon receiving satisfactory proof that the notice of appeal above mentioned has been filed with the court, justice of the peace or recorder who gave the judgment, and upon filing with the clerk of the court of common pleas to which the appeal is taken, such bond as aforesaid, to be approved by said court

**Stay of execution.** of common pleas, may stay the execution until the further order of said last-mentioned court, a rule to which effect shall be entered in the minutes of the said last-mentioned court, and a copy thereof, certified by the clerk of said last-mentioned court, shall be served on the constable in whose hands the execution may be. The said court of common pleas shall proceed to hear and determine such appeal in the same way and manner as said case was heard by such district court, justice of the peace, police justice or recorder. (P. L. 1906, p. 227.)

**Execution granted by magistrate.** 52. In case judgment as aforesaid shall be rendered against any defendant, in any such proceedings as aforesaid, execution shall thereupon be granted by the court, justice of the peace, police justice or recorder giving the judgment, commanding the officer to whom the execution is delivered to levy and make the amount of the penalty and costs imposed by the judgment out of the goods and chattels of the defendant, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county and deliver him to the keeper thereof, to be there confined until the said penalty and costs be fully paid or until he be thence delivered by due course of law. (P. L. 1906, p. 229.)

**Executions.** 53. (*As amended 1911.*) The officers to serve and execute any process or execution issued as aforesaid shall be the sheriff or any constable of the county, and, within the jurisdiction of any district court, shall include the sergeant-at-arms thereof, which service and execution shall in all cases be made in the same manner and under the same liabilities that other processes and executions issued out of the district court of this State are served and executed under and by virtue of the provisions of the act entitled "An act concerning district courts," approved June fourteenth, in the year one thousand eight hundred and ninety-eight. The costs taxable



and recoverable in any case prosecuted as aforesaid shall be the costs allowed by the act last above mentioned in cases prosecuted in districts courts. The penalty recoverable in any such action shall be paid to the prosecutor therein, who shall disburse it as provided in section twelve (49) of this act. The judge of <sup>Disposal of</sup> fines. the district court, justice of the peace, police justice or recorder before whom any case is prosecuted under the provisions of this act may adjourn the hearing thereof from time to time, not exceeding thirty days from the return day of the summons, or warrant; and in any case where a warrant shall have been issued, may require the defendant to enter into a bond with sufficient surety to the plaintiff in the penal sum of two hundred dollars, conditioned to appear at the time and place of the hearing or trial, and in default of such bond may commit the defendant to the common jail of the county, to be there detained until the hearing or trial of the complaint, and if any defendant shall fail to appear at the time and place to which the hearing or trial shall be so adjourned, the bond shall be delivered to the prosecutor, who may sue thereon, and all moneys recovered in such suit shall be paid by the prosecutor into the State treasury. (P. L. 1911, p. 57.)

54. All expenses incurred by the State Forest Park Reservation Commission in carrying out the provisions of this act shall be paid by the State Treasurer, on warrant of the Comptroller, upon vouchers duly approved by the commission; *provided, however*, such sums shall not exceed the amount annually appropriated therefor by the Legislature. (P. L. 1906, p. 230.)

55. Acts and parts of acts repealed.

55a. Wherever the word "township" is used in the act to which this act is a supplement, the said word shall be taken to mean and include a <sup>Township de-</sup> fined. city, town, borough and village as well as a township. (P. L. 1907, p. 21.)

## The Railroad Fire Line Act.

2 Comp. Stat., pp. 2339-2340.

AN ACT for the protection of woodlands.

56. Wherever in this State woodland, meaning thereby land or swamp upon which there is a growth of woods or brush, adjoins the right of way, or is less than one hundred and ten feet from the roadbed of a railroad upon which are operated locomotives, using coal or wood for fuel, there shall be constructed a fire line in the following manner. (P. L. 1909, p. 102.)

57. At a distance of not less than one hundred feet, nor more than two hundred feet from the outer rail on each side of the track or tracks upon which trains pass, and extending practically parallel with it, a strip of land not less than ten feet wide shall be entirely cleared of trees, brush, grass, turf and other combustible matter, and the bare earth shall be exposed. Where the land is swampy a ditch not less than three feet wide, dug to the level of permanent water, may replace the bared strip. Between such bared strip or ditch, and the roadbed, all logs, fallen branches of trees, brush, grass and other combustible material shall be cut and removed or burned on the ground at some convenient time between the first day of November in each year and the first day of March next following; *provided, however*, that standing trees above three inches in diameter at the stump and not less than six feet apart need not be felled but must be pruned of branches to not less than six feet above the ground. Where the standing trees are close together enough must be removed to make those remaining not less than six feet apart; *and provided further*, that the Forest Park Reservation Commission, on application of the railroad company, may authorize the omission of a fire line, or of a reburning or reclearing of the same in such sections as in its judgment the making, reburning or reclearing shall be unnecessary. (P. L. 1909, p. 103.)

Fire line along  
railroads.

Strip of bare  
earth or ditch.

Trees larger  
than 3 inches  
spared.

Trees separated.

Line may be  
omitted.

58. The Forest Park Reservation Commission shall each

year determine the length and location of such fire lines as shall be constructed under the provisions of this act. It shall be the duty of the assessor of each and every township or other municipality in which such fire lines will lie to furnish to the Forest Park Reservation Commission, within ten days of receipt of request for the same, the names and post-office addresses of the owners of woodland on which such fire lines will lie, so far as they appear upon the tax books of said township or other municipality. The Forest Park Reservation Commission shall thereupon mail to each person whose name and address shall appear on said list, notice of its intention to order the construction of a fire line, and shall also give notice of its intention by advertisement inserted once in two papers of general circulation in the section in which said lands are situated. (P. L. 1909, p. 103.)

Length and location of fire lines.

Notification to owners.

59. If the owner of any woodland shall object to the construction of the proposed fire line upon his property he shall file within fifteen days of the date of said notice or of said advertisement, with the Forest Park Reservation Commission, an objection thereto, which objection shall contain such description of the property as shall be necessary to establish its location. The owner of any woodlands who shall not file, for any reason, an objection to the construction of the said fire line within the time specified, shall be deemed to have given his consent thereto. If the owner of any woodland file as above specified his objection to the proposed construction, the Forest Park Reservation Commission, if it deem the construction of the fire line through said property to be a public necessity, shall notify him by registered mail to show cause before the Commission at such time as it may appoint (which time shall be not less than ten days from the date of said notice) why the fire line should not be constructed as proposed. After said hearing, the Forest Park Reservation Commission may sustain the objection or may order the fire line cut as proposed, and its decision shall be final. (P. L. 1909, p. 104.)

In case of objections.

60. Each railroad company affected hereby shall construct each year until all has been completed, such length of fire line as may be ordered by the Forest Park Reservation Commission after

Annual construction.

notice and hearings given as above specified; *provided, however,* the total length of fire line required to be constructed shall not exceed in one year one-fifth of the total frontage of woodland along both sides of its main stem and branches extending therefrom. It shall also maintain by the necessary clearing or reburning each year all that has been previously constructed.

One-fifth each year.

Maintain clearings.

Before the first of October in each year the Forest Park Reservation Commission shall specify to the general manager or local superintendent of each railroad the location of that part of the said fire line to be constructed by the railroad under his charge during the following season;

Small bodies of woodland not counted.

*provided, however,* that nothing in this act shall apply to any tract of woodland which is entirely isolated from any larger body of woodland by public roads or waterways at least twenty feet wide or by open fields, and which has an area less than five times the area of a fire line of the minimum width—namely, one hundred and ten feet—required to be constructed by section two (57) of this act; and such tracts shall not be included in estimating the total frontage of woodland along any railroad line. After the

Right of entrance.

issuance of said order said railroad company may enter upon said lands for such purpose, and no action of trespass shall lie in consequence thereof unless the employes of the railroad company in the construction of said fire lines shall do other damage to the property than that necessarily incident to the construction of the said fire lines as required by this act. (P. L. 1909, p. 104.)

Disposal of cuttings.

61. All marketable wood which shall be cut upon land not belonging to the railroad company in constructing the said fire line, in accordance with the provisions of this act, shall be piled at some point beyond the fire line, subject to removal by the owner. (P. L. 1909, p. 105.)

Action against railroads not barred.

1909, p. 105.)

62. Nothing in this act shall operate as a bar to any action against any railroad company for damages to woodland through fire started by locomotive or employes. (P. L. 1909, p. 105.)

63. Any railroad company which shall have been notified to construct fire lines in accordance with section five (60) hereof, and which shall fail to

Penalty.

do so, shall incur a penalty of two hundred dollars per mile or fraction thereof of fire line not constructed as required by this act, to be recovered in an action of debt at the suit of the Forest Park Reservation Commission, and all moneys so received by the said Commission shall be paid into the treasury of the State of New Jersey. (P. L. 1909, p. 105.)

### **Criminal Action.**

*2 Comp. Stat., p. 1792.*

157a. Any person who shall wilfully or maliciously set fire to, burn or cause to be burnt, or aid, counsel, procure or consent to the burning of any woods, marshes, cranberry bogs or meadows of any other person or persons, shall be guilty of a misdemeanor. (P. L. 1902, p. 248.)

NOTE.—Prosecutions under this act must be instituted by the prosecutor of the pleas of the county in which the fire was set.





*Walter Mulford*

NEW JERSEY

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FOREST FIRE  
MANUAL

3

FOREST PARK RESERVATION  
COMMISSION

STATE HOUSE, TRENTON

1912

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TRENTON, N. J.  
MACCRELLISH & QUIGLEY, PRINTERS.

1912

# Forest Park Reservation Commission.

STATE HOUSE, TRENTON, N. J.

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Hon. WOODROW WILSON, .....Governor  
*Ex-officio President.*

HENRY B. KÜMMEL, .....Trenton  
*Executive Officer.*

ELMER H. SMITH, .....Salem

CHARLES L. PACK, .....Lakewood

WILLIAM W. SMALLEY, .....Bound Brook

---

ALFRED GASKILL, .....Trenton  
*Forester and Secretary.*

CHARLES P. WILBER, .....Trenton  
*State Firewarden.*

## Division Firewardens.

WILLIAM LINDSAY, ..... Dover.

*Telephone No. 271 J Dover.*

### DIVISION FIREWARDEN FOR Division A.

Comprising: Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Union, Warren counties, and that part of Middlesex county north of Raritan river.

FREDERIC C. TORREY, ..... Lakehurst.

*Telephone No. 12 Lakehurst.*

### DIVISION FIREWARDEN FOR Division B.

Comprising: Mercer, Monmouth and Ocean counties, Middlesex county, south of Raritan river, and Burlington county, except Evesham, Medford and Washington townships.

JOSEPH E. ABBOTT, ..... Hammonton

*Telephones* { **Bell No. 21 X Hammonton.**  
**Interstate No. 785 Hammonton.**

### DIVISION FIREWARDEN FOR Division C.

Comprising: Camden county, Atlantic county, except Weymouth township, Monroe township, Gloucester county, and Evesham, Medford and Washington townships, Burlington county.

LEONIDAS COYLE, ..... Millville

*Telephones* { **Bell No. 26 Millville.**  
**Interstate No. 67 M Millville.**

### DIVISION FIREWARDEN FOR Division D.

Comprising: Cape May, Cumberland and Salem counties, Gloucester county, except Monroe township and Weymouth township, Atlantic county.



# PART I.

## INSTRUCTIONS FOR FIRE-WARDENS.

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(1) The following rules for the government of the Forest Fire Service, are approved and published by the Forest Park Reservation Commission of New Jersey, under the authority given it "to prescribe such other duties and to make such regulations governing firewardens for the prevention, fighting and extinguishment of forest fires, as in their judgment shall be efficacious for the purpose." (See p. 24, paragraph 42.)

**Authority.** (2) Each firewarden shall make himself familiar with the forest fire laws. These instructions supplement and explain the laws and must be closely followed.

**Prevent fires.** (3) The Prevention of Forest Fires should be the chief aim of every warden. The man who has few fires gains even more credit than one who is prompt to put them out. Make it public that you will report all violations of the law and help your neighbors to understand the purpose and requirements of the law. Warn them that if a lawful fire is started, it must be watched until it is out. Urge smokers to see that they do not drop lighted matches or tobacco where they may fire the woods. Interest those who work or live along the railroads and highways in keeping watch for fires and putting them out. Let everyone know that work done in extinguishing a fire may be paid for even though a warden is not present, provided he is later satisfied that the service was necessary. (See sec. 66.)

**Keep watch.** (4) Keep watch for fire whenever the woods are dry enough to burn. Do not wait to be told of a fire; see it first yourself. A ladder on your house or barn or on a tall tree will be found helpful.

**Be active.** (5) If you see smoke or are notified of a fire, either satisfy yourself that it is not in your district or that it is a legal burning



and in safe hands, or go at once. If in doubt go at least far enough to be sure that you are not needed. It is better to go out on a false alarm than to let a fire get well started. (See sec. 64.) Have an understanding with and be willing to help your neighboring townships in every way possible, but be assured that pay for yourself and your helpers will not be denied for such service. (See sec. 65.)

Co-operate with neighboring townships.

(6) Use the Telephone whenever it will save time. Ordinarily fire calls are free, but if there is a charge, pay it and put the amount on your bill. Help other wardens by sending them word when you learn of a fire in their territory.

The telephone.

## Firewardens.

(7) A Township Firewarden is appointed by his township committee, subject to the approval of the State Firewarden. He is chief of the forest fire service for his municipality. With the approval of the State Firewarden, he may appoint district wardens for portions of his territory. The name, address and district of each such appointee must be sent promptly to Trenton. The township warden has authority over all his district wardens. He must keep in touch with each, and endorse his signature upon each fire report from his township before it is sent to the State Firewarden.

Township firewardens.

(8) A District Firewarden is appointed by the township warden, subject to the approval of the State Firewarden. Within the territory assigned him he has the same powers as a township warden. At a fire he has authority over all fire fighters except the township warden. He must send all fire reports and bills to the township warden, NOT to the State Firewarden or township committee.

District firewardens.

(9) A Deputy Firewarden is appointed by a township or district warden to be his substitute. He may be appointed for the year or for a single fire. He takes the place of the regular warden temporarily when the

Deputy firewardens.

regular warden cannot attend a fire. While in charge of a fire, he has all the powers of the warden whose place he fills, and receives a warden's pay, but he is not commissioned, receives no annual salary, cannot issue permits, and has no authority and no extra pay when the regular warden is present. He must report his fires to the regular warden who will make out the usual report and bill from the information given him.

(10) A Special District Firewarden is appointed by the Forest Commission to serve over an area embracing parts of two or more townships. His powers and duties for his territory are the same as those of any township warden. He must report his fires direct to the State Firewarden and his bills to the township committee of the township in which the service was rendered. A Reserve Warden is appointed by the Forest Commission. He has, ex-officio, all the powers of a regular firewarden in all townships within which or adjacent to which his reserve lies, in protecting the reserve. To call out men for other fires he must also hold a regular firewarden's commission.

Special district firewardens.

Reserve Wardens.

(11) Division Firewardens have been appointed by the Forest Commission, each over several counties. Every township and district warden should know in which division his township is, who the division firewarden is and where his headquarters are. (See page 3.) These men are ready to give advice and assistance to any warden. They can be reached by telephone and may be summoned to help control a large and stubborn fire, though they should not be called on until an attempt has been made by the local people to put it out. Do not plan to depend on your Division Warden, for he may not be free to go to your assistance at once when the call comes.

Division firewardens.

Firewardens' term of office.

(12) In accordance with the provisions of the law, the Forest Commission requires that all appointments be made effective January 1, for the term of one year. If, however, a warden's appointment is not effective till later, his term expires on December 31, as though

he had been appointed for the whole year. When a successor is not appointed, or he is not removed by either the Forest Commission or his township committee, a warden's term continues until such action is taken or he is re-appointed for the ensuing year.

(13) A commission must be issued to every township and district warden. No appointee is authorized to exercise the authority of a warden or claim pay as one for himself or his helpers until he has his first commission.

Firewardens'  
commissions.

(14) An acceptance is attached to each commission blank. This must be signed and returned to the State Firewarden, at Trenton, before a new warden's authority or his bills will be recognized by the Forest Commission. If a warden's acceptance does not reach Trenton by March 1, of the year for which the commission is issued, the bill for the State's share of his salary will be reduced in proportion to the number of months it is tardy.

Firewardens'  
acceptances.

Salary of tardy  
firewardens re-  
duced.

## Supplies and Equipment.

(15) Each warden is furnished with a numbered badge as evidence of his authority. He must keep it carefully, wear it whenever he is out on fire business, and when his term is over, turn it over to his successor, or return it to the State Firewarden, as directed. When a badge is lost or turned over to a successor, notice should be sent to the State Firewarden of its number and the circumstances, to insure the warden's release from his responsibility. Badges which are broken should be sent to Trenton at once for repairs.

Badges.

(16) Each warden should keep himself supplied with Fire Permits, Report Blanks, Bill Blanks, Complaint Blanks, a Portfolio for his supplies and a copy of the Forest Fire Laws. These will be sent from Trenton promptly, free of charge, and to all wardens upon request. If a warden is found without such supplies as he needs, it is reasonable evidence that he has not interest enough

Supplies.

in the work to secure them from his predecessor or write to Trenton for them. Wardens should send for fresh supplies when their stock is getting low and not wait until everything is gone. (See sec. 71.)

(17) Every warden should arrange to have at his disposal a horse and light wagon ready for instant use when needed. The wagon should be strong enough to carry six men. (See sec. 69.) If he has fire-fighting shovels, or other tools, they should be kept in a safe, handy place ready for use. Fire-fighting tools, such as shovels, rakes, etc., will be furnished to wardens whenever they are clearly necessary.

### Brush Burning Permits.

(18) Permits are required for any burning nearer than 200 feet to woodland or brushland, or anything which will carry fire to the woods. Help your neighbors and save yourself trouble, by informing them when permits are not necessary, if they ask for them needlessly.

When permits  
are necessary.

(19) Permits must be issued free of charge and should be made out promptly when asked for and made as easy as possible for responsible persons to obtain. Make them a safeguard, not a burden. A permit is good for only 7 days after being issued, and a new one must be obtained at the expiration of that time if further burning is required.

Permits free  
and good for  
only 7 days.

(20) Wardens have ample authority and should be careful to refuse permits to any person who is careless with fire or when drouth, high wind, or other conditions make fire unsafe. The permit law is intended to check reckless or careless burning and your township relies on your judgment and activity for its protection from this danger.

Refusal of  
permits.

(21) Be careful about making it possible for anyone, except yourself, to make out a permit. Permits must be signed by a warden and he is responsible for every permit issued in his name.

Only wardens  
authorized to  
grant.

(22) No township or district warden may issue permits for use outside of the district of which he is actively in charge. Permits issued for own district only.

(23) Permit stubs need not be sent to Trenton as soon as the permit is issued. Enclose them with a fire report later or send in what you have every month or two. Stubs.

### Fire Notices.

(24) Every warden is required to keep his district well posted with fire notices. These, printed in English, German, or Italian, are sent to all wardens, by whom they should be distributed throughout their districts as needed. Any warden, township or district, can have more by asking the State Firewarden for them. They should be put up thickly enough to notify all in his territory of the requirements of the law. Crossroads, railroad stations, town billboards, public meeting places and similar conspicuous places should be especially posted. Fire notices.

(25) The Law imposes a fine of \$10 for destroying these notices. If the posters are torn down or mutilated, try to find out who has done it and report him to the State Firewarden. Penalty for abuse of.

### Helpers.

(26) Keep a list of helpers—men who have agreed to respond promptly when called upon—and when a fire is reported send for as many as you are likely to need. Be prepared.

(27) The Law authorizes a warden to require any male person between 18 and 50 years of age to help fight fire and to require the use of horses, wagons and other property under a penalty of \$10 for a refusal. If a man refuses, be sure that he is formally summoned. (See sec. 43.) Service required.

(28) Railroad section foremen can generally be relied upon to give prompt and willing assistance at any fire along the rail- Railroad help.



roads, and wardens are urged to co-operate with them in all such cases, both when a fire is burning and, so far as possible, by a permanent understanding. (See sec. 68.)

(29) A warden need not include, in his bill, men who go to a fire voluntarily. It is advised, however, that any man who does good and necessary work at a fire be paid, whether he was summoned or not. Refuse to pay those who hang around or come in at the last moment.

(30) If a fire becomes too great for you to handle locally, telephone to your Division Firewarden or to the State Firewarden at Trenton.

(31) Do not expect your helpers to work without water or food. If you have a bad fire, detail a man to supply water to all the fighters and send for food rather than let the men leave to get it. Reasonable bills on this account will be allowed. (See sec. 69.)

## Fighting Fire.

(32) In attacking a fire remember that in the absence of a superior warden you are in command, and that the control of a fire is a test of your judgment and skill. When you reach the fire, put your men at work at what appear to be the most important points and appoint a foreman for each crew. Then take time yourself to size up the situation as a whole. Think it out and place your men where they will do the most good.

(33) If a warden is called out of his township, he should assure himself that the summons is official before going, or he and his helpers may not be able to collect pay for their services. (See sec. 65.) Wardens have the same authority outside their district as in it, subject only to the control of the warden whose regular territory it is.

(34) The law authorizes a warden to set a backfire or to plow land, when necessary, to check a fire; no one else may do so,

except on his own property, unless directed by a warden, and if he does so, he violates the law. Backfire if you have to, but not until you have to, and remember that a backfire must always burn **against** the wind and **back** towards the main fire. Fire set where it does not do this is bungling folly.

(35) When a fire is subdued, let most of the men go home, but keep a watch or patrol on duty until all danger of a new out-break is past. If a fire is stopped during the night, be especially watchful next morning when the dew dries off and the wind springs up. After a fire.

### Violations of the Law.

(36) It is a violation of the forest fire law:

1. To burn brush without a permit, except as provided by law.
2. To set fire to, or be responsible for a fire in, any woodland.
3. To set a backfire without orders from a warden, except as provided by law.
4. To refuse to fight fire upon proper summons by a warden, except as provided by law.
5. To mutilate or destroy a fire notice.

(37) A warden is authorized to arrest without warrant anyone caught violating the forest fire law. This should be done only when the offender refuses to cease the violation, when he is unknown or when he may leave the community; otherwise report the facts to the State Fire-warden immediately and let him act. Arrest.

(38) If an arrest is made take the prisoner to the nearest justice of the peace and proceed according to section 50 of the Forest Fire Law, p. 27. See that the complaint is properly made out on one of the complaint forms provided, and get your Division Fire-warden onto the ground at once. What to do with a prisoner.

(39) The law authorizes the Forest Commission,

Release upon payment of bill. if IT sees fit, to permit one who violates the law to pay the costs of extinguishing a fire instead of prosecuting for the statutory fine. This is their privilege, not an offender's right. The State Firewarden is always glad to have a warden state in his report whether in his opinion an offender deserves such consideration.

(40) A warden or township committee must not, under any circumstances, deal directly with a violator of the law, even though he is willing to settle immediately by paying the bill. To do so in no way relieves the offender from his legal responsibility, and in no way assures him that he may not later be required to pay the statutory fine. Bills for such fires must be handled like all others and if the Forest Commission authorizes a settlement the offender will pay its Executive Officer and he will refund to the township treasurer the whole amount recovered. A warden must not let any offender off with a warning. To do so may compromise him later through his assuming the authority given by law to the Forest Commission only.

(41) Wardens should bear in mind that when those responsible for a fire are discovered, it will probably cost the township nothing for putting it out, but that when no responsibility is fixed, the township must pay half the bill.

(42) Except when they make a summary arrest, township and district wardens will not appear as prosecutor in any case. (See, also, sec. 47.)

(43) Refusal to fight fire usually is due to the ignorance of the offender and with proper tact a warden will have few such cases to report. When an occasion does arise be sure to proceed as follows:

1. Have at least one witness present to testify to a summons and refusal.

2. Make, in person (or in writing), a formal summons about as follows: "As Firewarden for . . . . . Township, I summon you to

assist me in extinguishing this fire. Failure to respond will subject you to a fine of \$10."

3. Offer proof of your authority, either your badge or the testimony of a witness.

Failure to observe a procedure as outlined above will probably render it impossible for the Forest Commission to prosecute a case for such violation. All cases of refusal should immediately be fully reported to the State Firewarden.

## Fire Reports.

(44) Every forest fire, no matter how small, must be reported on one of the official blanks to the State Firewarden at Fire reports. Trenton, within 10 days after the fire is out. (See sec. 48.) Make every report on the regular forms and make it cover all essential facts. Fill out all of each report so that anyone who reads it will know as much as you do about the fire. (See sec. 72, paragraph 5.)

(45) If a warden is called out and finds no fire or finds it outside his district, he must report the facts on the regular report forms or a bill cannot be approved for Report false alarms. the time spent. (See sec. 64.)

(46) Report must also be made of every violation of the law, such as setting backfire without a warden's order, refusal to fight fire, burning brush without a permit, even though there was no forest fire, etc. (See sec. 36.) Do not shield anyone. Report all violations.

(47) If there is special reason why a warden does not wish to appear in a case his report will be treated as confidential upon his request and the matter handled by his Confidential reports. Division Warden. (See sec. 42.)

(48) A District Warden must send each report to his township warden who will endorse it with his name and send it—not a copy of it—to the State Firewarden as District wardens' reports. he does his own reports.

(49) Make a special effort to find out the cause of

**Causes,** the fire. Take time to get at the facts. Try not to turn in a report marked with "Unknown" or a similar cause. To do this too frequently raises a doubt of a warden's interest and activity. It is a warden's duty to turn in all he knows about how a fire was started and by whom.

(50) Make as careful an estimate as possible of the area burned over, and show the character of the forest. In calculating

**Areas.** areas, it will be helpful to remember that one acre equals 43,560 square feet, or a piece about 208 x 208 feet. A strip one-half mile (2,640 feet) long by 10 rods (165 feet) wide equals 10 acres. A strip one mile (5,280 feet) long by one-quarter mile (1,320 feet) wide equals 160 acres.

(51) Give the best estimate you can of the damage done. Even a guess by you on the ground is sure to be better than a guess by some one who has not been there. Consider the permanent effect of the fire, not merely what it seems to have done. Many fires appear to have destroyed everything, yet actually do little harm. On the other hand, the burning of a young forest is an actual loss, for by it the small trees, or sprouts, are prevented from growing to commercial size.

## Fire Bills.

(52) Every fire bill must be submitted on the official Forest Fire Service form. The Forest Commission requires but one copy, which must be signed by the township clerk and township treasurer and sent to Trenton promptly. Salary and special service bills must be submitted on the same forms and in the same way. If a township committee requires it, a warden will furnish them with duplicates.

(53) Delay on the part of wardens or township officials in submitting bills for fires may cause the Forest Commission to collect a penalty less than the amount of the bill and thereby place a part of the expense on the township when the offender might have paid it all.

**Loss because of tardy bills.**



(54) In order to avoid question and delay in payment of the State's share, make all bills out in accordance with the following examples. (See, also, sec. 72, paragraph 6.)

(55) Salary Bill.

For services rendered by the Township Firewarden on _____ 1912...		
in accordance with 2 Comp. Stat., pp. 2333-2338, viz:		
<small>Give name and time of each man, including team owners, on back; enter totals here. See authorized rates on back.</small>		
_____ men fighting fire, _____ hours, at _____		
_____ men patrolling, etc., _____ hours, at _____		
_____ Firewardens, _____ hours, at _____		
_____ teams, _____ hours, at _____		
Other expenses, <i>Annual Salary 1912</i>		
<i>Henry Hunt - Township Warden, one year</i>	<i>20</i>	<i>00</i>
<i>John Jones - District " " "</i>	<i>10</i>	<i>00</i>
<i>Mark Mason " " 3 months</i>		
<i>Oct. 1 - Dec. 31 @ \$10 per yr</i>	<i>2</i>	<i>50</i>
Total.	<i>32</i>	<i>50</i>

(56) Special Service Bill.

For services rendered by the Township Firewarden on _____ 191_____		
in accordance with 2 Comp. Stat., pp. 2333-2338, viz:		
<small>Give name and time of each man, including team owners, on back; enter totals here. See authorized rates on back.</small>		
_____ men fighting fire, _____ hours, at _____		
_____ men patrolling, etc., _____ hours, at _____		
_____ Firewardens, _____ hours, at _____		
_____ teams, _____ hours, at _____		
Other expenses, <i>Special Services</i>		
<i>May 3 - Investigating fire of April 29 at</i>		
<i>Anderson's Corner: 6 hours @ 25¢</i>	<i>1</i>	<i>50</i>
<i>July 7 - Investigating fire of July 1, east</i>		
<i>Cooler's Creek: 4 hours @ 25¢</i>	<i>1</i>	<i>00</i>
<i>and team: 4 hours @ 25¢</i>	<i>1</i>	<i>00</i>
Total,	<i>3</i>	<i>50</i>

(57)

## Fire Fighting Bill (Front).

For services rendered by the Township Firewarden on *July 23, 1912.*

in accordance with 2 Comp. Stat., pp. 2333-2338, v.2:

Give name and time of each man, including team owners, on back; state total there.  
See authorized rates on back.

4 men fighting fire, .....	32 hours, at	20¢	6	40
2 men patrolling, etc., .....	4 hours, at	20¢		80
1 Firewardens, .....	8 hours, at	30¢	2	90
1 team, .....	8 hours, at	25¢	2	00
Other expenses, .....				
5 lunches @ 25¢			1	25
1 water boy, 6 hours @ 10¢				60
Telephone, Green Bank to Washington for men.				15
Total,			14	10

(58)

## Fire Fighting Bill (Back).

NAME.	Hours.	NAME.	Hours.
1 Henry Hunt, Firewarden	8	21	
2 John Jones	8	22	
3 Luke Larson	8	23	
4 " " patrol	2	24	
5 Mason Matthews	8	25	
6 Peter Plenty	8	26	
7 Robert Reynolds, patrol	2	27	
8 Steven Story, water boy	6	28	
9 Thomas Tilton, team	8	29	
10 Annie Anderson, lunches		30	
11		31	

(59) Township Officials' Receipt for All Bills.

Approved, August 1 1912, by resolution of the Township Committee of  
Washington Township, Burlington County.  
Ellis Emery  
Sign here. Township Clerk.

P. O. Address Green Bank

I hereby certify that the sum of Fourteen 10  
dollars has been paid to Henry Hunt Firewarden, in full payment of above bill.  
Name of Firewarden.

Francis French  
Sign here. Township Treasurer.  
P. O. Address Green Bank  
Address of Township Treasurer must be given.

Regulation of Pay.

(60) Unless other rates are fixed by the township committee, pay may be obtained as follows:

A Township Firewarden, \$20 per year.

A District Firewarden, \$10 per year. Annual salaries.

These sums "shall be in lieu of all allowances for making reports, for postage, for posting fire warning notices and for issuing permits." (See p. 24, paragraph 43 and also sec. 14.)

(61) Wardens, \$2 for five hours or less, and 30 cents per hour thereafter. Helpers, \$1 for five hours or less, and 20 cents per hour thereafter. Women may be allowed the same pay as men when they do the same work. For fighting fire.

(62) Wardens, 25 cents per hour for any service (except fire fighting), which is not covered by annual salaries. Helpers 20 cents per hour for any service. No warden who is allowed \$2 for less than five hours fighting a fire will be paid for extra services, such as patrol, investigation, etc., in connection with the same, until his total time exceeds five hours. An exception may be made to this rule when he can show that the extra service required an extra trip or attention at some time later than the occurrence of the fire. For patrol investigation, etc.

No helper who is allowed \$1 for less than five hours fighting a fire can be paid for extra services such as patrol until his total time exceeds five hours. An exception to this rule may be made if it is shown that a part of a gang was retained for patrol after others who worked the same time were allowed to go.

(63) For a very brief service at a fire a warden may recommend his township committee to pay less than the \$2 to a warden and \$1 to a helper allowed by law.

Less than statutory pay.

(64) A warden and helpers who respond in good faith to a call and find the fire out or where they are not needed are entitled to pay as if they had fought the fire.

False alarms.

(65) A warden serving outside his township may collect his bill from the township served, if he goes out upon an official summons by the warden of the other township or if his bill is approved by the warden in whose district he fought. (See secs. 5 and 33.) Services outside his township may be collected from his own township if his services were to prevent the fire from entering his township.

Warden fighting outside his township.

(66) Persons putting out a fire in the absence of a warden may be paid if he is later satisfied that the work was well done and was necessary.

No warden present.

(67) No man who is in any way responsible for a fire can be paid for fighting it. And, as a rule, no man, or member of his immediate family should be paid for fighting fire on his own property.

No pay to violators and owners.

Sometimes this latter would be unfair and a township committee should determine whether or not it is so. The Forest Commission believes that every man should defend his own without asking pay for it.

(68) No railroad employes can be paid for fighting a fire near the railroad if it is clearly shown that the fire was caused by the railroad. If he fights a fire at a distance from his employing railroad or when off duty he may be paid like any other fighter.

No pay to R. R. employes.

(69) Necessary horse hire will be allowed at local

rates for teams employed for plowing, to carry men, etc. Food and other necessities should be charged at cost. Team hire and supplies.

(70) It is expected that a warden will look after the interests of his township and allow no item in a bill that is not fully justified. Scrutiny of bills. The township committee is expected to examine each bill carefully and to approve it only when every item is reasonable and fully justified. The Forest Commission will scrutinize every bill submitted and approve for payment of the State's share no item that is not reasonable and according to law.

(71) **For Every Warden.**

Supplies as listed below are furnished free to all wardens by the Forest Commission, upon request, and are necessary to the proper performance of a warden's duty. Every warden must have. (See sec. 16.)

- A Badge.
- A Fire Manual and Laws.
- A Portfolio for Supplies.
- Permit Books.
- Fire Report Forms.
- Fire Bill Forms.
- Fire Notices.
- Complaint Forms for Arrests.

(72) **For Every Fire.**

1. Get together men and equipment, the best possible in short order and see that they get to the fire immediately and attack it at once. Attack. If more help is needed get it later, but make a beginning at once. (See sec. 34.)

2. When a fire is under control, stay by it until it is out, or arrange for a watch or patrol. Patrol. Do not let the same fire give you two fights. (See sec. 35.)



3. Before finally leaving any fire, be sure that it is out. Don't think, but know! An hour spent at this time may save many hours of fighting later.

**Extinction.**  
**Information.** True dates, correct names and addresses of witnesses, and an exact statement of what happened are important.

4. Take time to get all the facts about a fire.  
5. Make out and send in your report as soon after a fire as possible. It is easier to do so while the facts are fresh in your mind. (See secs. 8, 44 and 47.)

*In your report of every fire tell—*

**When** it started and when it was finally left.

**Where** it started, located by roads, streams, towns, mile-posts, stations, etc.

**Who** discovered it, and how, giving his address.

**How** many acres it burned over, and what sort of land.

**Who** owns the land burned and his address.

**How** it was started, by whom and for what reason. Give address for individuals; name and number of train or locomotive for railroads; license number for automobiles, etc. (See sec. 49.)

6. *In your bill for every fire, be sure—*

**Bills.** That the items on the front of the bill agree with those on the back in number and amount.

That no charge is greater than is allowed by law. (See secs. 60 to 69.)

That the name and time of each person paid is given.

That you tell, after each name on the back (except for fire fighting), what the service was, either patrolling, rent of team, lunch, etc. (See sec. 58.)

That special service charges show when, why and for how long the service was rendered. (See sec. 56.)

## PART II.

# FOREST FIRE LAWS.

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### General Forest Fire Act.

*2 Comp. Stat., pp. 2332-2339, as amended, P. L. 1911, pp. 52-58.*

AN ACT for the appointment of firewardens, the prevention of forest fires and the repeal of sundry acts relating thereto.

38. (*As amended 1911.*) The State Forest Park Reservation Commission shall have power to appoint a State firewarden, and not more than six division firewardens, and to fix their salaries. Each shall give his whole time to the forest fire service and shall hold office during the pleasure of the commission. Members of said commission and such of its officers as it may designate shall be ex-officio firewardens, but shall receive no compensation in virtue thereof. (P. L. 1911, p. 52.)

State and division firewardens.

Ex-officio firewardens.

39. The township committee (see 55a), or governing body of every township in this State shall, within thirty days after receiving notice in writing from the State Board of Forest Park Reservation Commissioners, appoint some suitable person to act as township firewarden for the entire township, or such part thereof as said commission shall determine, for a term of one year and until his successor shall have been appointed, and on failure so to do, the State Board of Forest Park Reservation Commissioners, shall make such appointment. Such appointment, when accepted, shall be promptly certified to the State Firewarden. The person so appointed may be summarily removed by said commission. If any person so appointed is so removed, said commission shall promptly notify the governing body making such appointment, and said governing body shall, at its next meeting, fill the vacancy for the un-

Township firewardens.

Removal.

No reap-  
pointment.

expired term; *provided*, no person so removed by said commission shall be eligible for reappointment within one year from the date of said removal. When required by the State Firewarden, the township firewarden shall establish two or more districts for the township for which he is appointed, and shall appoint suitable persons as district firewardens; *provided, however*, no district firewarden shall be appointed for the district in which the township firewarden lives. Any township firewarden shall have power to designate one or more proper persons to act as deputy or deputies in case of his absence or disability from any cause. He shall file with the State Firewarden, and with the township committee, the names and addresses of all district firewardens and deputies appointed by him, and shall specify the districts to which they are assigned. (P. L. 1908, p. 422.)

District fire-  
wardens.

Township and  
district warden  
shall not serve  
same territory.

Deputy fire-  
wardens.

39a. The State Board of Forest Park Reservation Commissioners may include parts of several townships in a single fire district and appoint a firewarden thereof, and the services of and expenses incurred by said warden shall be paid as provided in the act to which this act is a supplement, jointly by the State and by the township in which they were incurred. If such fire district shall include the right-of-way of any railroad company and the land adjacent thereto, the board may make such arrangement with said railroad company regarding compensation and expenses of such firewarden as it may deem best; *provided, however*, in no case shall the State pay a larger proportion of such expense than it would pay if such agreement were not made. (P. L. 1907, p. 21.)

Special fire  
districts.

Expense  
limited.

40. (*As amended 1911.*) The State Firewarden and division firewardens shall have all the powers herein granted to the township firewardens. Under the direction of said commission the State Firewarden shall administer the forest fire service. Division firewardens shall perform such service and have such authority as shall be determined by the State Firewarden. (P. L. 1911, p. 52.)

Powers and  
duties of State  
and division fire-  
wardens.

40a. Repealed 1911. (P. L. 1911, p. 58.)

41. (*As amended 1911.*) Township and district firewardens shall enforce all statutes of this State now in force, or that may hereinafter be enacted for the protection of forest and timber land from fire, and shall carry out the directions of the State Firewarden or division firewardens regarding the prevention and extinguishing of forest fires. They shall have control and direction of all persons and apparatus engaged in extinguishing forest fires. They may plow land, or, in an emergency, set back fires to check any fire. They may summon any male person between the ages of eighteen years and fifty years who may live or be within the jurisdiction of such firewardens to assist in extinguishing fires, and may also require the use of horses and other property needed for such purpose. Any person so summoned who is physically able, who refuses or neglects to assist, or to allow the use of horses, wagons or other material required, shall be liable to a penalty of ten dollars. If, in the judgment of a firewarden, a forest fire in an adjoining township shall imperil the safety of any property in his own township, he may, with assistants summoned as aforesaid, take such measures to extinguish the fire, or to prevent its spread, as he would take were it in his own municipality; *provided*, that if any firewarden of the township in which the fire is located be present at the fire, all work shall be done under his direction. If the State firewarden or any division firewarden be present at any fire he shall ex-officio have complete control. When a serious fire occurs the State firewarden or any division firewarden may summon to his aid firewardens from surrounding townships with their assistants, and in such case the State shall bear the whole expense of paying the firewardens and assistants who reside in townships which were not threatened. In every other case in which a fire is fought by men from two or more townships the cost shall be apportioned by the State firewarden among the townships in which the fire burned, or which were directly threatened.

Powers and duties of township and district firewardens.

May summon assistance.

Penalty.

Authority in adjoining district.

Serious fires.

Apportionment of cost.

Pay of helpers where township fire service is not maintained.

If any township shall fail to appoint a firewarden when directed by the forest commission to do so, as provided by section two of this act, (39) or shall fail to make an appropriation sufficient to pay its share of the firewarden's salary and bills incurred in fighting fires, assistance may be summoned by any firewarden as provided in this act, and any person so summoned shall receive for his services only the amount that the State would pay as its share under section six (43) of this act. Bills for this service shall be rendered by the firewarden in charge of the fire directly to the forest commission, and shall be paid as are other bills of said commission. No action for trespass shall lie against any person crossing or working upon lands of another to extinguish fire. (P. L. 1911, p. 53.)

42. The State Board of Forest Park Reservation Commissioners shall have power, from time to time to prescribe such other duties and make such regulations governing firewardens for the prevention, fighting and extinguishment of forest fires, as in their judgment shall be efficacious for that purpose. They may purchase and distribute to firewardens such material and equipment as they may deem necessary for carrying out the provisions of this act. The State Firewarden shall be custodian of and responsible for all such material and equipment, under such rules as said commission may prescribe. (P. L. 1906, p. 223.)

43. (*As amended 1911.*) Township and district firewardens and helpers shall be paid at the following rates, unless other rates shall be fixed by the township committee, or other governing body, and notice thereof filed with the State Firewarden. Each township firewarden shall be paid at the rate of twenty dollars a year, and each district firewarden, appointed as provided in Section 2 as amended, (39) at the rate of ten dollars a year. Said sums shall be in lieu of all allowances for making reports, for postage, for posting fire-warning notices, and for issuing permits. For special services in investigating fires, and the causes thereof, and for all time in actual fire fighting, firewardens and their helpers shall be paid at the following rates:

Firewardens, while engaged in fighting fires, two dollars



for five hours or less, and thirty cents per hour thereafter.

Firewardens, while otherwise employed, twenty-five cents per hour.

Helpers, fighting fire, one dollar for five hours or less, and twenty cents per hour for more than five hours.

Helpers, on patrol or employed otherwise than fighting fire, twenty cents per hour.

Firewardens shall render to the governing body of the township in which the fire occurred a statement of the services rendered by them and by the men, teams and other apparatus employed by them as provided in this act, within one month of the date of such service, which said bill shall show in detail the amount and character of the services performed, the exact duration thereof, the name of each person employed, and all disbursements made by said firewardens. If said bill be duly approved, it shall be paid in such manner, and by such official, as other bills of said township are paid. A certified copy of each bill paid in accordance with this section, with evidence of payment, shall be made on a blank provided by the Forest Commission, and filed with the State Firewarden. Upon the approval of said bill by the State Board of Forest Park Reservation Commissioners, one-half of the amount shall be repaid said township by the State Treasurer upon warrant of the State Comptroller; *provided, however,* the State shall pay the entire cost of extinguishing fires originating on and restricted to State forest reservations, and such bills shall not be presented to the township committee but certified to the State Firewarden directly; *and provided further,* that in no case shall the State's share of any bill be based upon a higher rate for services than as fixed above. (P. L. 1911, p. 54.)

**Bills.**

**Fires on reserves.**

44. The firewarden of the township in which a fire occurs shall within ten days make such report thereof to the State Firewarden as may be prescribed by the State Board of Forest Park Reservation Commissioners. Each district warden shall report promptly any fire in his district to the township firewarden. (P. L. 1908, p. 425.)

**Reports.**

45. The town and district firewardens shall post such notices concerning forest fires as the State Firewarden may prepare, and any person who shall willfully or maliciously tear down or destroy

**Fire notices.**

any such notice, shall be liable to a fine of ten dollars. (P. L. 1906, p. 225.)

46. (*As amended 1911.*) In any township or part thereof for which firewardens have been appointed under the provisions of this act, waste, fallows, stumps, logs, brush, dry grass or fallen timber shall not be burned unless the written permission of the State Firewarden, or a division firewarden, or of the township or district firewarden of the township or district in which such fire is set has been first obtained. Such permission shall not be granted by any firewarden if, in his opinion, any forest or woodland will be endangered thereby, nor shall such permission, if granted, relieve or exonerate any person from any penalties under this act, in case, by reason of such fire, any forest, brushland or woodland be burned; *provided, however,* permits shall not be necessary for burning said materials when the fire is set in a public road, garden or plowed field at a distance of not less than two hundred feet from any woodland, brushland or field containing dry grass or other inflammable material. (P. L. 1911, p. 55.)

47. All persons who shall burn any pit of charcoal, or set fire to or burn any brush, grass or other material whereby any property may be endangered or destroyed, shall keep and maintain a careful and competent watchman in charge of said pit, brush or other material while burning. (P. L. 1906, p. 225.)

48. (*As amended 1911.*) No person shall set fire to or burn, or cause to be burned, any wasteland, brushland, or forest land, but nothing in this section shall be interpreted to forbid any person from setting a backfire, or ground fire, or a surface fire, upon his own property to protect the same; *provided, however,* if such fire be permitted to escape, or does escape, to adjoining property, then the person setting such fire, or causing it to be set, shall be deemed to have violated the provisions of this section. Any firewarden, however, shall have the power to set, or direct to be set, any backfire. In any township in which a fire service is established any person who shall find a fire burning in the forest, or

where forest is endangered, shall immediately extinguish the same, or being unable so to do shall notify a firewarden. (P. L. 1911, p. 56.)

**Forest fires must not be ignored.**

49. (*As amended 1911.*) Every person who shall violate any of the provisions of this act, and every person who shall obstruct or in anywise interfere with any firewarden, his deputies and assistants, in the performance of any duty under this act, shall be liable to a penalty of not less than fifty dollars nor more than two hundred dollars, except as otherwise provided in this act; *provided, however*, that where there are mitigating circumstances the Forest Commission may in its discretion, permit the person or persons who may have violated the law to pay the cost of extinguishing the fire, or other expense incurred, or such part thereof, or such sum less than the minimum fine herein imposed, at such time and in such manner as said commission shall determine. Such payment when finally made shall relieve the person or persons making it of the penalty for such violation imposed by this act. All payments on account of penalties under this act shall be made to the executive officer of the Forest Commission, who shall promptly disburse the same in such manner as will relieve in equal degree the township, or townships, concerned and the State of the expense incurred. If a penalty paid shall exceed the costs in any case the excess shall be paid to the treasurer of the township in which the fire, or other violation of law, occurred. Any firewarden, or deputy acting in the absence or disability of a firewarden, may arrest, without warrant, any person or persons taken by him in the act of violating any of the provisions of this act, and shall proceed against such person or persons in the manner prescribed by this act. (P. L. 1911, p. 56.)

**Penalties.**

**Forest commission may reduce penalty.**

**Firewardens may arrest without warrant.**

50. Every district court and every justice of the peace in any city or county, and every police justice or recorder in any city, is hereby empowered, on complaint under oath or affirmation made according to law that any person or persons has or have violated any of the provisions of this act, to issue process, in the name of the State Board of Forest Park Reservation Commissioners, as prosecutor.

**Magistrate may issue process.**

for the use of the State of New Jersey. Said oath or affirmation, if made by a firewarden, or by a member or officer of the said commission, may be upon information or belief. Said process shall be in the nature

**Process.** of either a summons or warrant against the person or persons so charged; when in the nature of a warrant, it shall be returnable forthwith, but before any warrant shall issue out of any district court the judge thereof shall endorse upon the complaint an order in the following or similar words: "Let the warrant issue in this case." To which said judge shall sign his name; and when in the nature of a summons, it shall be returnable in not less than one or more than ten entire days. Such process shall state what section of the law is alleged to have been violated by the defendant or defendants; and on the return thereof, or at any time to which the trial shall have been adjourned, the said district court, justice of the peace, police justice or recorder shall proceed to hear the testimony, and to determine and give judgment

**Judgment.** in the matter, without the filing of any pleadings, either for the prosecutor for the recovery of such penalty with costs, or for the defendant or defendants. If such judgment be for the prosecutor as aforesaid, it shall be in the following or similar form: "State of New

**Form of judgment.** Jersey, county of \_\_\_\_\_, ss: Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord nineteen hundred \_\_\_\_\_, at \_\_\_\_\_, in said county, C. D., defendant, was, by the district court of the city of T. (or by me, E. F., justice of the peace, police justice or recorder of the city of \_\_\_\_\_, or as the case may be), convicted of violating the \_\_\_\_\_ section of the Act of the Legislature of New Jersey entitled 'An act for the appointment of firewardens, the prevention of forest fires, and the repeal of sundry acts relating thereto,' approved the eighteenth day of April, anno domini nineteen hundred and six, in a summary proceeding, at the suit of the State Board of Forest Park Reservation Commissioners, as prosecutor; and further, that the witnesses in said proceeding who testified for the prosecutor were (name them); and the witnesses who testified for the defendant were (name them); wherefore the said court (or justice of the peace, police justice or recorder, as the case may be) doth hereby give judgment that the prosecutor recover of the defendant \_\_\_\_\_ dollars penalty

and dollars costs of this proceeding, and that execution do issue against the goods and chattels of said defendant for the amount of said penalty and costs, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county and deliver him to the keeper thereof, to be there confined until the said penalty and costs be fully paid, or until he be thence delivered by due course of law." Said judgment shall be signed by the judge of the district court, justice of the peace, police justice or recorder giving the same. (P. L. 1906, p. 226.)

**Imprisonment.**

51. If either the prosecutor or the defendant or defendants be dissatisfied with any judgment given under the provision of the thirteenth section of this act, (50) the dissatisfied party may appeal to the Court of Common Pleas of the county in which the judgment appealed from shall have been rendered, which appeal shall be taken by filing with the court, justice of the peace or recorder who gave the judgment, a notice of such appeal, signed by the appealing party, or his, her or their agent; *provided, however,* that no appeal shall be allowed to or taken by any defendant from any judgment against such defendant unless, with said notice of appeal, such defendant shall also file a bond, with at least one sufficient surety to be approved by the court, justice of the peace or recorder who shall have given the judgment, in double the amount of the judgment, and conditioned that the appellant or appellants shall appear and prosecute the appeal in said court of common pleas, shall stand to and abide the judgment of said court of common pleas, and shall pay such costs as shall be taxed against the appellant or appellants, if the judgment appealed from be affirmed. The court, justice of the peace or recorder who shall have given the judgment appealed from shall send a transcript of the proceedings and judgment and said notice of appeal, together with any bond that may have been filed under the provisions of this section above contained, to the clerk of the court of common pleas to which the appeal is taken on or before the first day of the term of said court next ensuing such appeal. In any case of appeal by a defendant after execution shall have been issued, the court of com-

**Appeal to court of common pleas.**

**Proviso.**

**Bond filed.**

**Transcript sent to court.**



mon pleas to which the appeal is taken, upon receiving satisfactory proof that the notice of appeal above mentioned has been filed with the court, justice of the peace or recorder who gave the judgment, and upon filing with the clerk of the court of common pleas to which the appeal is taken, such bond as aforesaid, to be approved by said court of common pleas, may stay the execution until the further order of said last-mentioned court, a rule to which effect shall be entered in the minutes of the said last-mentioned court, and a copy thereof, certified by the clerk of said last-mentioned court, shall be served on the constable in whose hands the execution may be. The said court of common pleas shall proceed to hear and determine such appeal in the same way and manner as said case was heard by such district court, justice of the peace, police justice or recorder. (P. L. 1906, p. 227.)

**Stay of execution.** 52. In case judgment as aforesaid shall be rendered against any defendant, in any such proceedings as aforesaid, execution shall thereupon be granted by the court, justice of the peace, police justice or recorder giving the judgment, commanding the officer to whom the execution is delivered to levy and make the amount of the penalty and costs imposed by the judgment out of the goods and chattels of the defendant, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county and deliver him to the keeper thereof, to be there confined until the said penalty and costs be fully paid or until he be thence delivered by due course of law. (P. L. 1906, p. 229.)

**Execution granted by magistrate.** 53. (*As amended 1911.*) The officers to serve and execute any process or execution issued as aforesaid shall be the sheriff or any constable of the county, and, within the jurisdiction of any district court, shall include the sergeant-at-arms thereof, which service and execution shall in all cases be made in the same manner and under the same liabilities that other processes and executions issued out of the district court of this State are served and executed under and by virtue of the provisions of the act entitled "An act concerning district courts," approved June fourteenth, in the year one thousand eight hundred and ninety-eight. The costs taxable

and recoverable in any case prosecuted as aforesaid shall be the costs allowed by the act last above mentioned in cases prosecuted in districts courts. The penalty recoverable in any such action shall be paid to the prosecutor therein, who shall disburse it as provided in section twelve (49) of this act. The judge of <sup>Disposal of</sup> fines. the district court, justice of the peace, police justice or recorder before whom any case is prosecuted under the provisions of this act may adjourn the hearing thereof from time to time, not exceeding thirty days from the return day of the summons, or warrant; and in any case where a warrant shall have been issued, may require the defendant to enter into a bond with sufficient surety to the plaintiff in the penal sum of two hundred dollars, conditioned to appear at the time and place of the hearing or trial, and in default of such bond may commit the defendant to the common jail of the county, to be there detained until the hearing or trial of the complaint, and if any defendant shall fail to appear at the time and place to which the hearing or trial shall be so adjourned, the bond shall be delivered to the prosecutor, who may sue thereon, and all moneys recovered in such suit shall be paid by the prosecutor into the State treasury. (P. L. 1911, p. 57.)

54. All expenses incurred by the State Forest Park Reservation Commission in carrying out the provisions of this act shall be paid by the State Treasurer, on warrant of the Comptroller, upon vouchers duly approved by the commission; *provided, however*, such sums shall not exceed the amount annually appropriated therefor by the Legislature. (P. L. 1906, p. 230.)

55. Acts and parts of acts repealed.

55a. Wherever the word "township" is used in the act to which this act is a supplement, the said word shall be taken to mean and include a <sup>Township de-</sup> fined. city, town, borough and village as well as a township. (P. L. 1907, p. 21.)

## The Railroad Fire Line Act.

2 Comp. Stat., pp. 2339-2340.

### AN ACT for the protection of woodlands.

56. Wherever in this State woodland, meaning thereby land or swamp upon which there is a growth of woods or brush, adjoins the right of way, or is less than one hundred and ten feet from the roadbed of a railroad upon which are operated locomotives, using coal or wood for fuel, there shall be constructed a fire line in the following manner. (P. L. 1909, p. 102.)

57. At a distance of not less than one hundred feet, nor more than two hundred feet from the outer rail on each side of the track or tracks upon which trains pass, and extending practically parallel with it, a strip of land not less than ten feet wide shall be entirely cleared of trees, brush, grass, turf and other combustible matter, and the bare earth shall be exposed. Where the land is swampy a ditch not less than three feet wide, dug to the level of permanent water, may replace the bared strip. Between such bared strip or ditch, and the roadbed, all logs, fallen branches of trees, brush, grass and other combustible material shall be cut and removed or burned on the ground at some convenient time between the first day of November in each year and the first day of March next following; *provided, however*, that standing trees above three inches in diameter at the stump and not less than six feet apart need not be felled

but must be pruned of branches to not less than six feet above the ground. Where the standing trees are close together enough must be removed to make those remaining not less than six feet apart; *and provided further*, that the Forest Park Reservation Commission, on application of the railroad company, may authorize the omission of a fire line, or of a reburning or reclearing of the same in such sections as in its judgment the making, reburning or reclearing shall be unnecessary. (P. L. 1909, p. 103.)

58. The Forest Park Reservation Commission shall each

year determine the length and location of such fire lines as shall be constructed under the provisions of this act. It shall be the duty of the assessor of each and every township or other municipality in which such fire lines will lie to furnish to the Forest Park Reservation Commission, within ten days of receipt of request for the same, the names and post-office addresses of the owners of woodland on which such fire lines will lie, so far as they appear upon the tax books of said township or other municipality. The Forest Park Reservation Commission shall thereupon mail to each person whose name and address shall appear on said list, notice of its intention to order the construction of a fire line, and shall also give notice of its intention by advertisement inserted once in two papers of general circulation in the section in which said lands are situated. (P. L. 1909, p. 103.)

Length and location of fire lines.

Notification to owners.

59. If the owner of any woodland shall object to the construction of the proposed fire line upon his property he shall file within fifteen days of the date of said notice or of said advertisement, with the Forest Park Reservation Commission, an objection thereto, which objection shall contain such description of the property as shall be necessary to establish its location. The owner of any woodlands who shall not file, for any reason, an objection to the construction of the said fire line within the time specified, shall be deemed to have given his consent thereto. If the owner of any woodland file as above specified his objection to the proposed construction, the Forest Park Reservation Commission, if it deem the construction of the fire line through said property to be a public necessity, shall notify him by registered mail to show cause before the Commission at such time as it may appoint (which time shall be not less than ten days from the date of said notice) why the fire line should not be constructed as proposed. After said hearing, the Forest Park Reservation Commission may sustain the objection or may order the fire line cut as proposed, and its decision shall be final. (P. L. 1909, p. 104.)

In case of objections.

60. Each railroad company affected hereby shall construct each year until all has been completed, such length of fire line as may be ordered by the Forest Park Reservation Commission after

Annual construction.

notice and hearings given as above specified; *provided, however,* the total length of fire line required to be constructed shall not exceed in one year one-fifth of the total frontage of woodland along both sides of its main stem and branches extending therefrom. It shall also maintain by the necessary clearing or reburning each year all that has been previously constructed.

One-fifth  
each year.

Maintain clear-  
ings.

Before the first of October in each year the Forest Park Reservation Commission shall specify to the general manager or local superintendent of each railroad the location of that part of the said fire line to be constructed by the railroad under his charge during the following season; *provided, however,* that nothing in this act

Small bodies  
of woodland  
not counted.

shall apply to any tract of woodland which is entirely isolated from any larger body of woodland by public roads or waterways at least twenty feet wide or by open fields, and which has an area less than five times the area of a fire line of the minimum width—namely, one hundred and ten feet—required to be constructed by section two (57) of this act; and such tracts shall not be included in estimating the total frontage of woodland along any railroad line. After the issuance of said order said railroad company may enter upon said lands for such purpose, and no action of trespass shall lie in consequence thereof unless the employes of the railroad company in the construction of said fire lines shall do other damage to the property than that necessarily incident to the construction of the said fire lines as required by this act. (P. L. 1909, p. 104.)

Right of en-  
trance.

61. All marketable wood which shall be cut upon land not belonging to the railroad company in constructing the said fire line, in accordance with the provisions of this act, shall be piled at some point beyond the fire line, subject to removal by the owner. (P. L. 1909, p. 105.)

Disposal of  
cuttings.

62. Nothing in this act shall operate as a bar to any action against any railroad company for damages to woodland through fire started by locomotive or employes. (P. L. 1909, p. 105.)

Action against  
railroads not  
barred.

63. Any railroad company which shall have been notified to construct fire lines in accordance with section five (60) hereof, and which shall fail to

Penalty.



do so, shall incur a penalty of two hundred dollars per mile or fraction thereof of fire line not constructed as required by this act, to be recovered in an action of debt at the suit of the Forest Park Reservation Commission, and all moneys so received by the said Commission shall be paid into the treasury of the State of New Jersey. (P. L. 1909, p. 105.)

## The Law Relating to State Highway Fire Lines.

### *Chapter 395, Laws of 1912.*

From An Act to provide for the permanent improvement and maintenance of public roads in this State.

Section 4, paragraph 1. The road improvement contemplated under this act shall include the construction of the road and its intersections with other public roads, the restoration or construction, as herein provided, of proper and adequate entrances to properties, the building of any essential walls in cuts or for slopes and of all necessary facilities for drainage in improvement aforesaid, also the planting of shade trees, such works as may be necessary to preserve existing shade trees and such treatment of adjacent forest lands as may be needed to make the road and its borders an effective fire break.

## The Law Relating to Forest Fires on State Forest Reserves.

### *2 Comp. Stat., p. 2607.*

From An Act for the establishment of forest park reservations by and in the State of New Jersey, and for the appointment of a state board of forest park reservation commissioners, and defining its powers and duties.

5. (*As amended, 1911.*) The said board may appoint a warden, or wardens, for each forest reserve, and any such warden shall have <sup>Reserve</sup> ~~power~~ <sup>wardens.</sup> within any forest reserve, to arrest without warrant any person or persons taken by him in

the act of violating any provision of this act, or any rule of the forest commission made under the authority of this act. Such wardens shall also have power to require any male person who may live or be within any township adjacent to a forest reserve, and who is between eighteen years and fifty years of age and physically able, to help him extinguish a fire on a forest reserve. He may also require the use of horses or other property needed, and any person so summoned who refuses or neglects to assist a warden, or to allow the use of the property required, shall be liable to a penalty of ten dollars.

Anyone who serves as a fire fighter on a forest reserve shall be entitled to the same pay as is provided by law for those who assist township and district firewardens. Bills for such service shall be rendered to the forest commission by the reserve warden in charge of the fire and shall be paid by the State Treasurer as are other bills of said board. (P. L. 1911, p. 31.)

Pay of fire  
fighters.

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