

UNEDITED

The Prairie and Forest Fires Act

being

Chapter 171 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 171

An Act to provide for the Prevention and Suppression of Prairie and Forest Fires

SHORT TITLE

Short title

- 1 This Act may be cited as *The Prairie and Forest Fires Act*.

1917, c.21, s.1; R.S.S. 1920, c.171, s.1.

INTERPRETATION

Interpretation

- 2 In this Act, unless the context otherwise requires, the expression:

“Minister”

1. “**Minister**” means the member of the Executive Council to whom for the time being is assigned the administration of this Act;

“Commissioner”

2. “**Commissioner**” means the Fire Commissioner appointed under the provisions of *The Fire Prevention Act*, and includes his deputy and inspector.

1917, c.21, s.2; R.S.S. 1920, c.171, s.2.

PART I

Prairie Fires

Causing prairie fires

- 3 Any person who directly or indirectly, personally or through a servant, employee or agent:

- (a) kindles a fire and lets it run at large in any woods, or on prairie, meadow, marsh or other open ground not his own property; or
- (b) kindles and leaves a fire burning, without taking effectual means to prevent its spreading in any woods or on prairie, meadow, marsh or other open ground not his own property; or
- (c) intentionally or by carelessness permits fire to pass from his own land to the injury of the property of another person;

shall be guilty of an offence and liable on summary conviction to the penalties mentioned in section 34.

1917, c.21, s.3; R.S.S. 1920, c.171, s.3.

Fires for industrial and other purposes

4(1) Any person may kindle a fire in a wood or in prairie, meadow, marsh or other open ground, for cooking, warmth, branding or other industrial purpose, on the following conditions. He shall:

- (a) select a place in a neighbourhood where there is the smallest quantity of combustible material or the least likelihood of fire spreading;
- (b) clear the space in which the fire is to be lit by removing all vegetable matter dead trees, branches, brushwood and dried leaves from the soil within a radius of ten feet from the fire.

(2) He shall also exercise and observe every reasonable care and precaution to prevent such fire from spreading and shall before leaving carefully extinguish it.

1917, c.21, s.4; R.S.S. 1920, c.171, s.4.

Fireguards in certain cases

5(1) No person shall, directly or indirectly, personally or by a servant, agent or employee, kindle a fire for the purpose of guarding property, burning crops or stubble or clearing land, unless the land on which the fire is started is at the time completely surrounded by a fireguard not less than twenty feet in width consisting of land covered with snow or water or so worn, graded ploughed or burned over as to be free from inflammable matter.

(2) Any person kindling a fire for any of such purposes shall, during the whole period of its continuance, cause it to be guarded by three adult persons provided with proper appliances for extinguishing prairie fire.

(3) Should the precautions hereby required be omitted, or the fire be allowed to escape, the person kindling it shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$200.

1917, c.21, s.5; R.S.S. 1920, c.171, s.5.

Exception

6 The penalties imposed by this Part shall not apply to any person who, in order to save life or property from a running fire in open prairie, kindles a fire and lets it run.

1917, c.21, s.6; R.S.S. 1920, c.171, s.6.

PART II

Forest Fires

Burning timber cuttings

7 Any person who, by himself, his servants or agents or anyone acting by or under his authority, in the process of opening up a road allowance, private road or trail, obtaining fuel clearing the right of way for a railway, telephone or telegraph line or route or clearing land for any purpose whatever, cuts any timber bush or brush, shall cause the fallen timber, timber slashings and refuse to be collected into piles suitable for burning on such right of way, road allowance, private road, trail or clearing, and shall burn the same at the time of cutting, provided that:

- (a) the circumstances and surrounding conditions are such that there will be no probable danger from spread of the fire; or
- (b) a sufficient number of men are present to prevent it from spreading;

otherwise such fallen timber, timber slashings and refuse shall be burned between the fifteenth day of November following the date of cutting and the first day of April then next ensuing.

1917, c.21, s.7; R.S.S. 1920, c.171, s.7.

Liability for setting fire to timber

8 Any person, who, by himself, his servants or agents or anyone acting by or under his authority, sets fire to timber standing in the soil, or to fallen timber, timber slashings or refuse in such manner and under such circumstances and conditions as render it dangerous or probable that the fire will spread and cause, the destruction of wood, timber or property not his own, shall be guilty of an offence and liable upon summary conviction to a penalty of not less than \$50 nor more than \$200, and in default of payment thereof to imprisonment for any term not exceeding twelve months.

1917, c.21, s.8; R.S.S. 1920, c.171, s.8.

Fires near forest reserve

9(1) No person shall, without the written permission of a fire guardian, set fire to or burn any trees, brush or shrubs while standing in the soil, or any fallen timber, timber slashings, wood, branches, brushwood, plants, black loam or light soil, between the first day of April and the fifteenth day of November next ensuing, within:

- (a) any area north of township fifty, excepting township fifty-one in ranges sixteen to twenty-eight inclusive, townships fifty-two and fifty-three in ranges twenty to twenty-eight inclusive, all west of the third meridian; or
- (b) the wooded area comprised of township forty-six in ranges seven to nine inclusive, townships forty-seven and forty-eight in ranges seven to eleven inclusive, townships forty-nine and fifty in ranges seven to thirteen inclusive, all west of the third meridian; or
- (c) six miles of any Dominion Forest Reserve.

(2) Such permission (form A) may be revoked at any time (form B).

(3) Such permission may be refused if the season is specially dangerous, if the conditions are such that in the opinion of the fire guardian there is danger of the fire spreading, or if the conditions the fire guardian considers necessary to prevent fire spreading have not been complied with.

(4) Any person violating the provisions of this section shall be guilty of an offence and liable on summary conviction to a penalty of not less than \$50 nor more than \$200; and, for a second or any subsequent offence, to a penalty of not less than \$50 nor more than \$200 and to imprisonment for not less than ten nor more than thirty days.

1917, c.21, s.9; R.S.S. 1920, c.171, s.9.

PART III

Railway and Engine Fires

Railway companies and employees

10(1) Nothing in this Act shall prevent any railway company or its employees from burning over the land held by it under its right of way, and the land adjoining the same for a distance of three hundred feet on either side of the centre line of the railway.

(2) Every person causing, commencing or in charge of such burning shall cause the same during the whole period of its continuance to be watched and guarded by at least four men provided with suitable appliances for extinguishing prairie fire and in default thereof shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$100.

(3) This section shall not relieve any person from liability under this Act if a fire so started escapes or runs at large.

1917, c.21, s.10; R.S.S. 1920, c.171, s.10.

Sparks from engines

11(1) If a fire is caused by the escape of sparks or other inflammable matter from an engine, it shall be deemed to have been kindled by the person in charge, or who should have been in charge of such engine, and shall be subject to the provisions of section 8, but such person or his employer shall not be liable to the penalties therein mentioned if:

- (a) in the case of portable or traction engines, the precautions required by *The Steam Boilers Act* have been complied with, and there has been no negligence in any other respect; or
- (b) in the case of railway locomotive engines the engine is equipped with a suitable smoke stack netting and ash pan netting, in good repair, and kept closed and in proper place; and

(c) in the case of such last mentioned engines, where the line of railway passes through prairie country there is maintained, for a distance of at least three miles continuously in both directions from the point at which the fire starts, on either side of such line of railway and not less than two hundred nor more than four hundred feet therefrom, a good and sufficient fireguard of ploughed land not less than sixteen feet in width kept free from weeds and other inflammable matter, and the space between such fireguard and such line of railway has been kept burned or otherwise freed from the danger of spreading fire, and there has been no negligence in any other respect.

(2) In the case of a railway or locomotive engine, if the neglect or omission to equip such engine in the manner required by this section was not due to the neglect or default of the person in charge, or who should have been in charge thereof, he shall not be deemed guilty of an offence in respect thereof or liable to any penalty under this Act.

1917, c.21, s.11; R.S.S. 1920, c.171, s.11.

PART IV

Fire Guardians and their Duties

PROVINCIAL FIRE GUARDIANS

Fire guardians

12 The Lieutenant Governor in Council may appoint:

- (a) officers to be called "fire guardians," who shall perform the duties prescribed by this Act in the districts designated in section 9 and in unorganised territory or in municipalities in which fire guardians have not been appointed as hereinafter provided, and such other duties as they are directed to perform by the minister or by regulation of the Lieutenant Governor in Council;
- (b) such other officers, clerics and servants as are deemed necessary for properly carrying out the provisions of this Act.

1917,c 21 s.12; R.S.S. 1920, c.171, s.12.

Provincial police

13(1) All members of the Saskatchewan Provincial Police Force shall be *ex officio* fire guardians.

(2) The fire guardians and such other officers, clerks and servants shall receive such salaries or other remuneration as may be determined by the Lieutenant Governor in Council.

1917, c.21, s.13; R.S.S. 1920, c.171, s.13.

MUNICIPAL FIRE GUARDIANS

Municipal fire guardians

14 The council of every rural municipality shall, at its first meeting in each year, appoint for each division of the municipality, from among the resident householders thereof, a fire guardian who shall carry out the provisions of this Act, the regulations made hereunder, and the bylaws passed by the municipality with respect to the prevention of, and protection of property against, prairie or bush fires.

1917, c.21, s.14; R.S.S. 1920, c.171, s.14.

Reeve chief fire guardian

15 The reeve shall be *ex officio* chief fire guardian of every rural municipality.

1917, c.21, s.15; R.S.S. 1920, c.171, s.15.

Council to provide appliances

16 The council of every municipality shall provide the fire guardians with suitable appliances for suppressing or extinguishing fires.

1917, c.21, s.16; R.S.S. 1920, c.171, s.16.

Municipalities may co-operate

17 Fire guardians of one municipality may co-operate with the fire guardians of an adjoining municipality or unorganised territory, for the purpose of extinguishing or preventing the spread of any prairie or bush fire likely to cause damage.

1917, c.21, s.17; R.S.S. 1920, c.171, s.17.

REPORTS AND INVESTIGATIONS

Investigation and reports of fires

18(1) The secretary treasurer in rural municipalities, and the fire guardian in an unorganised district shall investigate the cause, origin and circumstances of every prairie or bush fire originating or running within his jurisdiction and shall report the same to the Fire Commissioner.

(2) Such investigation shall be made within three days, not including Sunday, of the date on which the occurrence of the fire was reported to him. The secretary treasurer shall, immediately after such investigation, furnish to the Fire Commissioner, on forms to be supplied by the latter, a statement of all the facts that can be ascertained relating to the cause and origin of the fire, and such further information as may be called for by the forms, and in making such investigation may exercise the powers given him under *The Fire Prevention Act*.

(3) There shall be paid out of the consolidated fund of the province to every secretary treasurer of a rural municipality and to the fire guardian of an unorganised municipality the sum of \$1 for every prairie or bush fire reported by him to the satisfaction of the Fire Commissioner, and in addition thereto, mileage at the rate of 10 cents per mile for each mile travelled to and from the fire.

1917, c.21, s.18; R.S.S. 1920, c.171, s.18.

Investigation by commissioner

19 The commissioner may investigate the cause, origin and circumstances of every prairie or bush fire with a view to ascertaining whether such fire was the result of negligence, carelessness, accident or design, and in so doing may exercise the powers given him under *The Fire Prevention Act*.

1917, c.21, s.19; R.S.S. 1920, c.171, s.19.

Report to attorney general

20 If upon investigation the commissioner is of opinion that there is sufficient evidence to charge any person with an offence under this Act, he shall at once report the matter to the Attorney General and furnish him with the evidence, the names of witnesses and all other information in his possession concerning the case.

1917, c.21, s.20; R.S.S. 1920, c.171, s.20.

Laying of charges generally

21 Nothing herein contained shall prevent any person from laying a charge for a violation of the provisions of this Act, and the justice of the peace before whom such complaint is laid shall notify the commissioner thereof.

1917, c.21, s.21; R.S.S. 1920, c.171, s.21

Report to fire guardians by residents

22(1) Every resident of a municipality who becomes aware that a prairie or bush fire likely to cause damage has been started in, or is approaching the municipality, which it is beyond his ability, or the ability of those immediately interested as settlers or property owners to check or extinguish, shall promptly report the fire to the nearest fire guardians, or cause notice of the same to be given him or them, and every fire guardian, when made aware of its existence, shall proceed at once to the locality, taking with him such appliances as he has for the suppression of fire.

(2) Any person failing to report as herein required shall be guilty of an offence and liable to a penalty of not less than \$10.

1917, c.21, s.22; R.S.S. 1920, c.171, s.22.

FIRE FIGHTING

Procedure by fire guardian after notification

23 Every such guardian shall personally or by the best means in his power notify as many as possible of the male residents over sixteen years of age to proceed to the locality of the fire, taking with them such appliances as they possess for extinguishing or preventing the spread of fires, including blankets, sacks and other articles which may be saturated with water, and also horses and ploughs or other implements if required by the guardian so to do.

1917, c.21, s.23; R.S.S. 1920, c.171, s.23.

Residents required to assist

24(1) Every person over sixteen and under sixty years of age, resident in the municipality and not suffering from illness or bodily infirmity rendering him unfit for such duty who has been notified to proceed to the scene of a fire, shall do so with all possible dispatch, and with such appliances as he possesses and as the fire guardian requires.

(2) This section shall not apply to postmasters, physicians, railway station agents, telegraph operators, conductors, engineers, brakemen, firemen or train men.

1917, c.21, s.24; R.S.S. 1920, c.171, s.24.

Persons assisting to obey fire guardians

25 All persons in attendance at a prairie or bush fire shall be subject to the control of the fire guardians present, shall obey their lawful and reasonable orders, and shall use every reasonable exertion for extinguishing the fire and protecting life and property.

1917, c.21, s.25; R.S.S. 1920, c.171, s.25.

Fires over six miles distant

26 No fire guardian or other person shall be obliged to proceed to a fire which is more than six miles, or in the districts covered by section 9 fifteen miles, distant from his place of residence; but when a fire originating beyond that distance comes within it, all such persons shall observe the foregoing provisions of this Act.

1917, c.21, s.26; R.S.S. 1920, c.171, s.26.

Extensive fire

27(1) In case of an extensive fire, the fire guardians shall divide their assistance into bands, each band to be under the control of a fire guardian, or a person appointed by a fire guardian where there are not sufficient guardians to take charge of the several bands.

(2) Such bands shall be placed along the line of the fire, or otherwise act in concert or apart as the circumstances of the case require.

(3) Persons appointed to the charge of bands shall have the authority of fire guardians while so acting.

1917, c.21, s.27; R.S.S. 1920, c.171, s.27.

MUNICIPAL REGULATIONS AS TO FIRES

Regulations by municipalities

28 Every council of a rural municipality may make such regulations as are deemed advisable and are not contrary to the provisions of this Act, for the government and guidance of its fire guardians, including regulations respecting the means, appliances and material to be used in extinguishing or preventing the spread of a fire, the supply and care of vessels carrying water or other articles necessary to have in order and ready for use in case of fire and all other matters within the scope of their authority.

1917, c.21, s.28; R.S.S. 1920, c.171, s.28.

Regulations by guardians

29 If the council omits to make regulations as to the above matters or as to the respective limits and authority of the guardians, the guardians may themselves make them, providing, therein for their own organisation and methods of procedure and the duties of persons acting under their direction, and such regulations shall be as binding as if enacted by the council, and shall remain in force until superseded by regulations of the council.

1917, c.21, s.29; R.S.S. 1920, c.171, s.29.

Rules and regulations posted

30 The municipal council, or the fire guardians, on adopting any such regulations, shall cause a copy thereof to be posted up in the office of the secretary treasurer of the municipality, and in the post offices of the municipality, with a reference to the provisions of this Act; and such regulations, with such reference, may be otherwise published in such manner as the council decides.

1911 c 21, s.30; R.S.S. 1920, c.171, s.30.

Fire guardians notified of appointment, etc.

31 The secretary treasurer of a municipality shall, forthwith after the appointment of fire guardians, notify them of their appointment and furnish each of them with a copy of any regulations adopted by the council for their guidance, a synopsis of the provisions of this Act, and such other information as to their duties as the council orders.

1917, c.21, s.31; R.S.S. 1920, c.171, s.31.

Offences and penalties

32 Every person shall be guilty of an offence and liable to a fine not exceeding \$50 for each offence who:

(a) having been notified of his appointment as a fire guardian, and having accepted the same, wilfully and without lawful excuse, neglects to perform any of the duties imposed upon him by this Act or by any bylaw or resolution of the council of his municipality; or

(b) having been notified by a fire guardian to assist in suppressing a fire or in protecting property threatened with injury or destruction thereby, wilfully and without lawful cause refuses or neglects to proceed to the scene of such fire, or to obey all reasonable and lawful orders and directions of any fire guardian for the suppression thereof or for the protection of life or property endangered thereby.

(2) The penalty imposed for a breach of this section may be recovered on the information or complaint of any resident householder of the municipality before any two justices of the peace or a police magistrate having jurisdiction in the judicial district in which the offender resides or resided at the time of the commission of the offence.

1917, c.21, s.32; R.S.S. 1920, c.171, s.32.

Compensation for loss sustained while assisting

33 In case of the loss by a fire guardian, or any person acting under his orders, of a horse or other animal or of a vehicle or other article of any kind, or injury to the same, while such animal or article is being used under the provisions of this Act or of any regulation made hereunder, the council shall, upon due proof of such loss or injury, compensate the owner therefor out of the general funds of the municipality, or by a rebate or partial rebate of the taxes, if any, due or accruing due by such owner.

1917, c.21, s.33; R.S.S. 1920, c.171, s.33.

PART V**Prosecutions and Penalties****General penalty clause**

34 Any person contravening the provisions of this Act, or refusing or neglecting to perform any duty by it imposed, shall be guilty of an offence and shall, where no other penalty is prescribed, be liable on summary conviction to a fine of not less than \$25 and not more than \$200 for each offence, and shall in addition, be liable to civil action for damages at the suit of any person whose property has been injured or destroyed in consequence of such default.

1917, c.21, s.34; R.S.S. 1920, c.171, s.34.

Proof of exceptions

35 In an information or complaint for an offence under this Act, it shall not be necessary to negative any exemption, exception, proviso or condition herein contained, or prove such negative at the hearing, but the accused may prove affirmatively such exemption, exception, proviso or condition.

1917, c.21, s.35; R.S.S. 1920, c.171, s.35.

Disposal of fines

36 Upon conviction of an offender under this Act, the informer shall be entitled to one-half the penalty imposed, and the other half shall be paid to the municipality in which the offence was committed, except in the case of offences under Parts I and II, when it shall be paid to the Provincial Treasurer.

1917, c.21, s.36; R.S.S. 1920, c.171, s.36.

Injured party not barred from action

37 Nothing herein shall bar any person from recovering damages by action in any court of competent jurisdiction.

1917, c.21, s.37; R.S.S. 1920, c.171, s.37.

PART VI

General

Matches, cigarettes, etc.

38(1) Any person who in or upon any prairie, meadow, marsh or forest throws away or drops any burning match, ashes of a pipe, lighted cigar or cigarette, or any other burning substance, or who discharges any firearms, shall completely extinguish, before leaving the spot, the fire of such match, ashes of a pipe, cigar, cigarette, wadding of the firearm or any other burning substance.

(2) Any person who violates the provisions of this section shall be guilty of an offence and liable on summary conviction to the penalties prescribed by section 34.

1917, c.21, s.39; R.S.S. 1920, c.171, s.38.

Arrest without warrant

39 Any fire guardian may on view without warrant or legal process arrest and bring before a magistrate to be dealt with according to law, any person found violating any provisions of this Act.

1917, c.21, s.40; R.S.S. 1920, c.171, s.39.

SCHEDULE

FORM A

(Section 9(2))

PERMIT to BURN

Issued under *The Prairie and Forest Fires Act*.

No. _____

Place _____ Date _____

These presents authorise Mr. _____, of _____ owner of quarter section _____ township _____ range _____ west _____ to burn (*here specify the material to be burned*) on the property above mentioned between the _____ day of _____ 19____, and the _____ day of _____ 19____.

(Signed)

Fire Guardian for the municipality
of _____ (or as the case may be).

Note.—The above permit may be withdrawn at any time.

FORM B

(Section 9(2))

REVOCATION OF A PERMIT TO BURN

Issued under *The Prairie and Forest Fires Act*.

No. _____

Place _____ Date _____

To Mr.

Address

Take notice that the permit to burn No. _____ issued to you on the _____ day of _____ 19____ for the purpose mentioned therein is revoked, and you are hereby required to extinguish all the fires you have lighted under such permit.

(Signed)

Fire Guardian for the municipality
of _____ (or as the case may be).

FOR HISTORICAL REFERENCE ONLY