

**FOREST LAWS OF VERMONT
AND INSTRUCTIONS TO
FIRE WARDENS AND OTHERS
REGARDING FOREST FIRES**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649236640

Forest Laws of Vermont and Instructions to Fire Wardens and Others Regarding Forest Fires
by A. F. Hawes

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Cover @ 2017

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Instructions to Fire Wardens
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REGARDING

FOREST FIRES

BY

10/10/13
A. F. HAWES, State Forester



Forest Service Publication No. 12

April, 1913

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PART I
FOREST LAWS OF VERMONT
ADMINISTRATION

No. 11 OF PUBLIC ACTS OF 1908. AN ACT ABOLISHING THE BOARD OF AGRICULTURE AND CREATING A BOARD OF AGRICULTURE AND FORESTRY.

It is hereby enacted by the General Assembly of the State of Vermont:

STATE BOARD OF AGRICULTURE AND FORESTRY

Section 1. The state board of agriculture and forestry is hereby created consisting of the governor, the director of the Vermont agricultural experiment station, and two citizens of the state, known to be interested in the advancement of agriculture and forestry, who shall be appointed by the governor. The term of office of such appointees shall, except as herein otherwise provided, be four years beginning on the first day of December, 1908. The first appointments under this act shall be made on or before January 1, 1909, and shall be one for the term of four years and one for the term of two years. Appointments to fill vacancies shall be for the unexpired term, and succeeding appointments for full terms shall be for four years. Each appointee shall continue in office until his successor is appointed. The members of the board shall receive no compensation for services, but shall be paid their actual necessary expenses incurred in the performance of the services required of them by law.

STATE FORESTER

Sec. 2. The board shall appoint, to hold office during its pleasure, a state forester, who shall be a professionally trained forester. His compensation shall be fixed by the board and shall not exceed twenty-five hundred dollars annually, and actual necessary expenses incurred in the performance of his official duties. He shall, under the general supervision of the board, have direction of all forest interests and all matters pertaining to forestry in the state. He shall be, ex-officio, state fire warden. He shall, by complaint to the proper prosecuting officer, cause the prosecution of all persons violating any provisions of the penal laws of the state relating to forests and forest fires and shall cause suits to be instituted by the attorney general in behalf of the state against all persons trespassing upon or injuring any state forest property. He shall manage the state forest

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reserves. He shall collect data and make expert studies relative to state forest conditions, and conduct experimental investigations pertinent to forestry, which, subject to the approval of the board, may be made in cooperation with the Vermont agricultural experiment station and with the United States forest service; provided, however, that said experiment station bear its proportional share of the total expense involved in such studies and investigations. He shall be, ex-officio, forester in charge of the nursery for forest seedlings. He shall make a full report of his work and the matters in his charge biennially to the general assembly. He may, so far as his other duties permit, prepare bulletins, deliver addresses, lectures and demonstrations in forestry and personally advise owners of forest lands in this state relative to the management of the same, provided, however, that all necessary expenses incident thereto are met by those requesting such services.

Sec. 3. The governor is hereby authorized, upon recommendation of the board, to accept gifts of land to the state, the same to be held, protected and administered as a state forest reserve. The board may in its discretion purchase lands in the name of the state to be held as state forest reserves. All proceeds from the sales of timber or other products from said lands shall be paid to the state treasurer, and be used at the discretion of the board in the furtherance of the forestry interests of the state. All lands held as state forest reserves shall be appraised and set to the state in the grand list of the town where located, and the state shall pay taxes hereon. At each quadrennial appraisal of real estate, the state forester shall be notified by the listers of the appraisal of all lands in the state forest reserve. The state forester may appeal from such appraisal to the county court, which shall, in open court or by commission, hear the state forester and local representatives of the town and by its order fix the appraisal of such lands, which appraisal shall be certified by the clerk of the county court to the town clerk and shall stand as the appraisal for the quadrennial period. Such appeal shall be taken to the term of the county court of the county where the lands are situate next following the filing of the appraisal of the listers, and notice thereof shall be given to one of the selectmen of the town by the state forester at least twelve days before the sitting of the court.

Sec. 4. The state forester may, at the discretion of the board, use such proportion of the sum hereinafter appropriated as seems reasonable for the further development of the nursery for forest seedlings, and for the purpose of supplying such seedlings for the planting of state forest reserves and of private lands, as provided in section 365 of the Public Statutes.

Sec. 5. All the authority and duties now devolving upon the forestry commissioner shall hereafter devolve upon and be

exercised by the state forester, and the words "state forester" are hereby substituted for the words "forestry commissioner" or "commissioner" wherever they appear in chapter 24 of the Public Statutes. The state forester may, in his discretion, exercise all the authority of the fire warden in any town or gore in the state, and may do each and every act which the fire warden for such town or gore might do under the provisions of chapter 24 of the Public Statutes and every person and town shall be governed and bound by his acts as if the same were performed by the fire warden. But the foregoing provision shall not affect the authority of the local fire warden.

COMMISSIONER OF AGRICULTURE

Sec. 6 as amended by No. 16 of Acts of 1910. The governor with the advice and consent of the senate shall appoint a commissioner of agriculture who shall hold office during the pleasure of the governor. Said board shall fix the salary of said commissioner, who shall receive his necessary clerk hire and expenses incurred in the discharge of the duties of his office.

Sec. 7. Said commissioner shall promote agricultural interests and education throughout the state by means of institutes, farmer's meetings, lectures, essays, bulletins, crop reports, nature leaflets and such other means as he may deem advisable, and may employ special assistants, lecturers, essayists and experts in conducting meetings, in the preparation of bulletins and crop reports, and in the proper discharge of his duties. The educational work herein provided shall include, among other topics, forestry, tree planting, roads and road making. Lectures and essays shall be given and institutes and meetings held at such places and times as to the commissioner shall seem advisable. The commissioner may, in his discretion and at the expense of the state, attend conventions, meetings or institutes relating to agriculture, held in other states or countries, the annual expenditure thereof not to exceed one hundred dollars.

Sec. 9. Said commissioner shall annually, on or before the first day of October, prepare a detailed report of his work, together with such suggestions in regard to the duties of his office and the advancement of the agricultural interests of the state as may seem pertinent. He may include and publish in such annual reports such addresses, lectures, and essays delivered under the provisions of this act as he may deem advisable, and may reprint therein bulletins, crop reports and leaflets. He may, in his discretion include in such annual report an abstract of the proceedings of such agricultural clubs or other organizations or institutions for the furtherance of agricultural education and interests as to him shall seem advisable. There shall be published with such annual report, the report of

the state forester, of the annual meetings of the State Horticultural Society, of the Vermont Dairymen's Association, of the Maple Sugar Makers' Association and of the State Fair Commission.

Sec. 10. Said commissioner may collect authentic statistical information, as full as practicable, relating to agriculture and agricultural products, farms and farm property, unoccupied farms and waste lands, and such information, under a separate head, may form a part of his annual report. He may also, with the approval of the governor, publish information in separate form showing by description and illustration the resources and attractions of Vermont and the advantages the state offers to capitalists, tourists, summer visitors and farmers, and shall distribute and advertise the same in such manner as in his judgment will be most effective in developing the resources and advertising the advantages of the state.

Sec. 11, as amended by No. 16 of Acts of 1910. The sum of ten thousand dollars is hereby appropriated to carry out the provisions of this act between December 1, 1910, and June 30, 1911; and thereafter for like purposes the sum of twenty thousand dollars is hereby annually appropriated. The said board shall apportion the aforesaid appropriations between agriculture and forestry as in its judgment shall best subserve the interest of the state.

Sec. 12. Sections 283, 330, 331, 332, 333 and 6165 of the Public Statutes, and all acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 13. This act shall take effect from its passage.

Approved December 18, 1908.

No. 26 OF THE ACTS OF 1912. AN ACT RELATING TO THE EXTERMINATION OF INSECT PESTS.

It is hereby enacted by the General Assembly of the State of Vermont:

Section 1. The commissioner of agriculture may, with the approval of the governor, use such means as in his judgment are necessary to exterminate or prevent the introduction of the San Jose scale, the gypsy moth, the brown tail moth and any other threatening and unusual insect pest found to be injuring vegetable growth. All expenses incurred by said commissioner in carrying out the provisions of this act shall be paid by the state.

Sec. 2. Section 8 of No. 11 of the acts of 1908 is hereby repealed.

Sec. 3. This act shall take effect December 1, 1912.

Approved December 4, 1912.

FOREST FIRE LAWS.

No. 27 OF THE PUBLIC ACTS OF 1912. AN ACT TO AMEND SECTION 356 OF THE PUBLIC STATUTES, AS AMENDED BY No. 14 OF THE ACTS OF 1908 AND SECTION 1 OF No. 20 OF THE ACTS OF 1910, RELATING TO TOWN FOREST FIRE WARDENS.

It is hereby enacted by the General Assembly of the State of Vermont.

Section 1. Section 356 of the Public Statutes, as amended by No. 20 of the Acts of 1910, is hereby amended so as to read as follows:

Sec. 356. The board of selectmen of each town shall annually, on or before the first day of January, appoint a town forest fire warden, who, upon his acceptance and upon the approval of the state forester, shall serve for the calendar year, and shall be paid for such service at the rate of two dollars a day. Upon the failure of the selectmen to make such appointment by the first day of March, the state forester shall appoint such town forest fire warden. Said warden shall, when a forest fire or fire threatening a forest is discovered in his town, enter upon any premises and take measures for its prompt control and extinguishment; he may call upon any person in the town for assistance, and said person shall be paid by the town at the same rate per hour as is paid for labor upon the highways. A minimum of five hours pay is hereby allowed to persons who are officially summoned to assist in the extinguishment of forest fires. A person who neglects or refuses to assist when so called and not excused, shall be fined not more than ten dollars. The town forest fire warden may arrest without warrant any person found in the act of violating a provision of law pertaining to forest fires. No town shall be held liable in any one year for an amount greater than five per cent of its grand list for the purpose of extinguishing forest fires. The auditor of accounts shall draw an order for any such excess, when the same is approved by the state forester. Whenever a town forest fire warden employs men in extinguishing a fire in a town adjoining his own, the expenses incurred shall be paid by the town in which the work was done. If a town neglects or refuses to pay its town forest fire warden or his assistants for their services rendered under the provisions of this act the state forester shall, if he finds the same to be justly due, certify the amount to the auditor of accounts, together with the names and addresses of

the claimants, and said auditor shall draw an order therefor, payable to such claimants, and the town liable for such services shall reimburse the state for the amount so paid.

Approved January 11, 1913.

SECTION 357 AND 360 AS AMENDED BY No. 20 OF
THE PUBLIC ACTS OF 1910.

Sec. 2. Section 357 is hereby amended to read as follows:

Sec. 357. Said state forester may appoint a fire warden for an unorganized town or gore, who shall hold office for one year. He shall have the same powers and duties as town fire wardens, and shall receive \$2.00 a day for his services. He may call on persons not resident of such town or gore for assistance who shall receive the same pay and be liable to the same penalties prescribed in section 1. Expenses incurred by said warden in extinguishing forest fires shall, on approval of said forester, be paid by an order drawn by the auditor of accounts.

Sec. 3. Section 360 is hereby amended to read as follows:

Sec. 360. The fire wardens shall keep a record of their acts, the amount of expense incurred, the number of fires and causes, the areas burned over, the character and amount of damage done in their jurisdiction and shall within two weeks after the discovery of such fire report the same to the state forester on blanks furnished by him.

Sec. 4. During the danger season, with the permission of the state forester, any fire warden may establish a patrol in dangerous localities, the expense for the same to be paid as for fighting fires. The fire wardens shall receive the same pay for time spent in posting notices, patrolling or making reports that they receive for time spent in actual fire fighting. Any fire warden who neglects his duty without sufficient reason shall be liable to a fine of not over \$25.00.

Sec. 5. The state forester is hereby authorized to expend out of his regular appropriation such moneys as the board of agriculture and forestry shall recommend for paying the expenses of such wardens as he may invite to a local meeting for the discussion of fire problems.

Sec. 6. Whenever any owner or owners of forest land establish at their expense a fire lookout station on any prominent hill or mountain overlooking timber lands in the state, and connect the same by telephone with some regular telephone line, the state forester is hereby authorized to spend money from his annual appropriation for maintaining a watchman at not to exceed two dollars per day at such station during such period as the state forester may think advisable.