

Any fine imposed under secs. 25, 26, or 27 may be applied by the Magistrate in compensation for the loss inflicted.

Nothing in the Act will prevent a civil suit being brought for damages (sec. 29). But if any compensation has been recovered under the Act, the amount of it is set-off against any damages awarded in the civil suit (sec. 30).

APPENDIX A.

ABSTRACT OF THE CHIEF CONTINENTAL LAWS RESPECTING FOREST FIRES.

French law.

It may be useful to compare with the Indian law, the provisions that have been made by European law against forest fires.

Under the French Code (Article 42), purchasers of the annual cutting,¹ their workmen and agents, are forbidden to light any fires outside their lodges or huts or sheds, under penalty of 10 to 100 francs, besides liability to damages. Burning of charcoal is regulated under Article 38 by written order as to its locality. Article 148 prohibits the kindling of fire (under any pretence whatever) inside a forest or within a distance of 200 *mètres* from it.² Lighting a fire contrary to this rule is punishable with fine from 20 to 100 francs. And if a forest fire actually breaks out in consequence, the punishment for mischief by fire under the Penal Code³ may be inflicted besides damages. Under Article 149 of the Code For., provisions similar to those of the Indian law are enacted compelling right-holders &c., to help in case of fire; and in case of refusal they may be deprived of their right for at least one year, or at most for five years; besides being liable to punishment under Article 475 of the Penal Code. (This section refers to refusal to help a public servant demanding aid, similar to

¹ The trees to be cut in the forest for the year according to the working plan, are in France, usually sold standing, and the purchaser cuts and removes them; there is a special procedure for the "adjudication" of the "coupe;" and conditions as to the removal, followed by a careful scrutiny on the expiry of the time, to see that all conditions have been duly observed, are laid down.

² This refers of course to fires out of doors, not to fires lighted inside a house which happens to be within 200 *mètres* of a forest boundary (Curasson, II, 18).

³ By Article 434 of the French Penal Code, a *wilful* incendiary of a *house* or a *forest* may be punished even with death. This of course refers to an atrocious form of crime committed deliberately out of hatred or for motives of vengeance (Curasson, II, 404); but an intentional setting on fire of a forest, even with less criminal motive, would be as severely punished as under the Indian law.

our own Indian Penal Code, sec. 187.) Article 151 prohibits the establishment of lime or plaster of Paris kilns, brick or tile kilns, without special permission, within one kilomètre of the forest, on penalty of a fine of 100 to 500 francs, and the demolition of the structure.

Since this page was in print, a law has been passed in France for the special protection of certain forests in the Dep. des Alpes Maritimes, from fire. Reference must be made to the *Revue des Eaux et Forêts*, Vol. XIX., p. 136.

German law.

In Prussia¹ no fire may be lighted inside a forest or in dangerous places, within five "ruthen" (the *ruth* = a pole or $5\frac{1}{2}$ yards) of the forest boundary.

Tobacco smoking off the public and authorised roads, is not allowed in pine forests between 1st April and 1st October. A prohibition also exists² against the use of pipes without covers (which prevent burning particles from falling), also against shooting with paper gun-wads which may be smouldering and fall among dry grass. The provisions apply to private as well as public forests: These provisions may be usefully noted for Indian practice.

In Saxony, smoking cigars, and pipes without covers, in forests, is forbidden;³ and the use of flaming matches, as well as kindling fire in any dangerous place, is forbidden. The police are bound to make these prohibitions generally known by issuing notices, advertising in the local newspapers, &c.

As usual, fire may not be kindled at all, inside a forest, nor in dangerous proximity to it (*in gefahrbringender Nähe*); the law also prohibits the leaving unextinguished of any fire which may have been lawfully kindled.

The assistance of the whole of the residents of the nearest township or village, as well as that of all Forest Officials and those employed under the Game Laws, may be demanded: and persons so called on are to bring spades, axes, ladders, &c., which may be necessary for the work of extinguishing the fire, and may also be called on, after the fire is out, to organise a watch for a time to see that the fire is really out and does not break out again.

The Bavarian law contains generally similar provisions.⁴ Fire may not be kindled in a forest nor within 300 Bavarian feet from it, without precautions to prevent it spreading to the forest itself. Forest

¹ *Röine*, p. 761.

² *Id.*, p. 800. See also Eding, p. 172.

³ Qvenzel, pp. 100-108.

⁴ *Dorf Feuer-Ordnung*, Cap. III, § 20 and IV, § 1.

⁵ Law of 1862, Art. 45 *et seq.*

Officers have a power similar to that in the Indian Act, of prohibiting the carrying or kindling of fire in any shape, in exceptionally dry weather.

The duty of extinguishing fires when done with, is also imposed.

Austrian law.

The Austrian law¹ forbids lighting fires in the forest or on the borders (*am Rande*). Anyone who sees a fire left burning is bound to put it out. Passengers going along roads, if they see a forest fire, are bound to give information at the nearest house, and the householder is then bound to convey information to the nearest Forest Officer, or if there is none, to the nearest local officials. The officials can demand help as under the Saxon law, and are specially empowered (which is useful) to "take the command" and *issue orders as to what each person is to do* in effecting the suppression of the fire.

Italian law.

The Italian law refers the regulation of all matters connected with protection from fire, to *rules* to be made by the Forest Committees and submitted to the Provincial Council.² When those are agreed on, penalties for their breach may be provided by higher authority.

These rules do not contemplate the actual crime of setting fire to the forest; they merely contain protective and general provisions such as those I have been describing. Actual mischief by fire is prosecuted as a criminal offence under the Penal Code. The rules may regulate the kindling of fire, the burning of weeds or stubble in fields, and so forth, on land contiguous to a forest.

They may also regulate the establishment of lime-kilns, brick-kilns, and kilns for tile burning; also the manufacture of pitch, rosin, lamp-black, pyroligneous acid (made from wood chips), potash, &c., and all other factories and furnaces for which "a copious consumption of wood may be necessary."³

¹ Law of 1852, Arts. 44, 45, 46.

² Law of June, 1877, Art. 45.

³ The construction of *charcoal* pits or kilns (the word used is *abi*, which means a threshing-floor, a barn, or in fact any place of the kind set apart for some special work) and the sheds (*capanne*) for sheltering the workmen are specially mentioned under a separate head.