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The Fireguard Question

By E. J. FREAM

It is gratifying to know that the representations of the farmers have borne a certain amount of weight when the new regulations relating to the plowing of fireguards was prepared by the Board of Railway Commissioners, and as can be observed from a perusal of the regulations as they now exist the farmer is in a far better position than he was last year.

The main part of the Order is as follows:—

2.—Every railway company subject to the legislative authority of the Parliament of Canada, operating a steam railway in the Province of Alberta or Saskatchewan, or both, shall, on or before the first day of August in each year, construct along each side of the right-of-way, in the said provinces, and not less than three hundred feet distant from the centre, a fire-guard consisting of a plowed strip of land of not less than sixteen feet in width.

3.—Every railway company shall, between the said first day of August and the first day of December, in each year, keep the said fireguards, and each parcel or section of land between them and the railway, free from dead or dry grass, weeds, or other unnecessary combustible matter.

4.—Wherever the owner or occupant of land objects to the construction of such fire-guards, on the ground that the said construction would involve unreasonable loss or damage to property, or where the owner or occupant refuses to allow the construction and maintenance of such guards before the terms and conditions are considered by the Board, pursuant to 8 and 9 Edward VII, chapter 32m section 10—the company in either case, shall AT ONCE refer the matter to the Board, giving full particulars thereof, and shall in the meantime refrain from proceeding with the work.

5.—No railway company shall permit its employees, agents or contractors to enter upon land under cultivation to construct fireguards until it has caused to be given to the owner or occupant of such land at least two weeks notice of its intention so to enter.

6.—If the agent, employee, or contractor of any railway company leaves gates open, or cuts or leaves fences down whereby stock or crops are injured, or does any other unnecessary damage to property in connection with the construction of fire-guards, every such agent, employee, or contractor, shall, in addition to any civil liability for damages, be subject to a penalty of \$25.00 for every such offence.

7.—Every railway company shall have the right to apply to the board to be relieved from the terms of this Order where the nature of the country would render it either impossible or useless to construct such guards.

8.—Every railway company disobeying

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or failing to comply with the provisions of these regulations, shall in addition to any pecuniary liability for damages be further liable to a penalty of one hundred dollars for every such disobedience or failure.

The above is the essence of the Order and on the whole the farmers may well be pleased with the advance which has been made in this direction. There is one point, however, which is not clear in regard to the plowing of fireguards. It is to be presumed that no railway company will now be able to enter upon fenced land for the purpose of plowing fireguards without first giving the owner or occupant of such land at least two weeks notice of its intention so to do. When this is done and the owner's objection has been entered, what arrangements will be made for compensation for damage done. It is quite possible for a strip of land aggregating in all the entire length of the farm and from 500 to 600 feet in width will be out of commission for seven months in the year, and besides this the farmer will have to lose another 32 feet in the shape of the plowed guard, and as the order now reads it is doubtful whether any kind of compensation can be collected by the farmer. Yet he is compelled to pay taxes, interest on indebtedness, etc., on a block of land which for considerably more than half the year is occupied by the railway company. The damage from prairie fire is not caused from the fires which spread out from occupied property, for in the bulk of cases these fires are caught before they have spread very far, but it is from fires which have started on unoccupied and unfenced lands, and yet it is doubtful at present, unless there is a chance for a strenuous opposition, where the owner or occupier of valuable lands gets off at. This is a point which should be considered by all, and at the same time, seeing that this new Order is now in force, every owner of land adjacent to a line of railway should become conversant with it.

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