

Every such company shall keep its right of way clear of combustible materials, except ties and other materials necessary for the maintenance and operation of the road, from April 15 to December 1.

No company shall permit any of its employees to leave a deposit of fire, live coals or ashes in the immediate vicinity of wood land or lands liable to be overrun by fire, and every engineer, conductor or trainman discovering fire adjacent to the track shall report the same promptly at the first telegraph or telephone station reached by him.

In dry seasons every such company shall give its employees particular instructions for the prevention and extinguishment of fires, and shall cause warning placards furnished by the forestry commissioner to be conspicuously posted at every station in the vicinity of forest and grass lands, and, when a fire occurs near the line of its road, shall concentrate such help and adopt such measures as shall be available for its extinguishment.

In dry seasons every such company shall employ at least one patrolman for each mile of its road through lands liable to be overrun by fire to discover and extinguish fires occurring near the line of the road, by which is meant a distance within which a fire could usually be set by sparks from a passing locomotive.

Any company violating any provision of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars and not exceeding one hundred dollars and costs of prosecution for each offense, and any railroad employee violating the same shall be guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail not exceeding ninety days.

Approved February 17, 1911.

CHAPTER 10—H. F. No. 45.

An Act to amend Chapter 306 of the General Laws of 1909, being an act relating to the powers, duties and compensation of judges of municipal courts and to the powers of the common council of cities of the fourth class in certain cases, and legalizing and confirming the organizing of municipal courts in cities of the fourth class.

Be it enacted by the Legislature of the State of Minnesota:

Salary of municipal judge; how fixed and paid.—Section 1. That section 1 of chapter 306 of the General Laws of 1909 be

and hereby is amended so as to read as follows: Whenever the common council of any city of the fourth class, where any municipal court heretofore has been or hereafter shall be organized, shall fail to fix the salary of the municipal judge, as provided for by law, or the mayor shall not approve the salary fixed by the council, such judge shall receive as his compensation until such salary shall be so fixed and approved the same fees as is provided for in section 32 of chapter 229 of the General Laws of the State of Minnesota for the year 1895, and shall, in addition to his duties as such judge, perform the duties incumbent on the clerk of such municipal court.

The common council in cities of the fourth class, having a population of less than five thousand inhabitants, which heretofore has been or hereafter may be incorporated under the laws of this state, and which have not organized a municipal court at the time of the passage of this act, may by resolution adopted by its common council or governing body and approved by its mayor, organize such a court under and by virtue of and with such jurisdiction and powers as are conferred by chapter 229 of the General Laws of Minnesota for 1895 and amendments thereto, and the judge of any court so organized shall, in addition to his duties as judge, perform the duties otherwise incumbent or imposed by law on the clerk of such municipal court.

In addition to the other powers now granted to the common council of any city of the fourth class by law, which powers are not abridged or impaired by anything herein contained, such common council shall have the power to fix the salary of any such judge, which salary may be fixed by resolution adopted by such council and approved by the mayor and shall not be diminished during his term.

Any municipal court to which the provisions of this act shall apply shall be governed as near as may be under and pursuant to the provisions of law applicable to municipal courts, and contained in the Revised Laws of Minnesota, 1905, and the jurisdiction thereof, the practice and procedure therein shall conform as near as may be to the provisions of law applicable to municipal courts contained in the Revised Laws of Minnesota, 1905, *provided*, however that any municipal court in any city of the fourth class may adopt and follow the practice and procedure prescribed by chapter 229 of the General Laws of Minnesota for 1895, and all proceedings orders and judgments of such municipal courts which have followed the procedure prescribed by chapter 229 of the General Laws of 1895, and which are otherwise jurisdictional are hereby legalized and validated.

Any common council of any city of the fourth class having a municipal court now organized, or which shall hereafter organize a municipal court to which the provisions of this act may

apply, shall have power to fix such reasonable sum, in lieu of all judges' and clerks' fees, to be charged to litigants in civil actions therein, and provide for the collection thereof and the payment of the sum so fixed into the city treasury of such city, and may provide for the collection of fees and the payment thereof into the city treasury, or shall have power to determine that the fees provided for in this act shall be in lieu of and in place of all salary, and shall have power to and may require in cases where salary is paid by the city that such judges collect such fees and pay same into the city treasury and be responsible for such collection.

When fees shall be taxed they shall be taxed and paid as in ordinary cases in courts of justices of the peace and shall be the same in amount as are provided in section 32 of chapter 229 of the Laws of 1895, as hereinbefore stated.

Approved February 17, 1911.

CHAPTER 11—H. F. No. 64.

An Act authorizing county boards of new counties to levy a special tax for county purposes.

Be it enacted by the Legislature of the State of Minnesota:

New counties—Tax levy.—Section 1. That whenever a new county shall have been or may hereafter be created and organized out of territory embraced within the boundaries of one or more organized counties in the state, the county board of said newly created county, may, immediately upon the organization thereof, or at any time within ninety days thereafter, levy a tax for county purposes for the current year, subject to the limitations now provided by law, and the county auditor of the county shall forthwith extend the same upon the tax books of his office, and the same shall be due and payable from and after thirty days from the date of the levy thereof and shall be paid and collected, as other taxes for county purposes are now paid and collected, and any and all tax levies made for county purposes by the county board of the county or counties out of which said new county is created and organized, during the year immediately preceding the organization of said new county, so far as the same shall affect the territory embraced within the boundary of said new county, are vacated and any extension thereof is hereby declared void.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 17, 1911.