

SEC. 2. That section three (3) of said chapter one hundred and seven (107), as amended by section three (3), chapter three (3), of the general laws of one thousand eight hundred and eighty-five (1885), be and is hereby amended by adding to the said section the following words: "and any such corporation having a larger deposit with the state auditor than one hundred thousand (100,000) dollars shall be allowed at any time hereafter to withdraw its deposits in excess of said sum, *provided*, its whole deposit shall at no time be less than one-eighth ($\frac{1}{8}$) of its capital stock."

When not to take effect.

SEC. 3. *This act shall take effect and be in force from and after its passage.*

Approved April 22, 1889.

CHAPTER 235.

[S. F. No. 327.]

AN ACT TO AUTHORIZE RAILROAD COMPANIES ORGANIZED UNDER THE LAWS OF OTHER STATES TO BUILD AND EXTEND THEIR LINE OR LINES OF RAILWAY INTO, THROUGH OR ACROSS THE STATE OF MINNESOTA, TO PROVIDE FOR THEIR INCORPORATION IN THIS STATE, AND TO DEFINE THE MEANING OF THE TERM GROSS EARNINGS AS APPLIED TO SUCH COMPANIES.

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

SECTION 1. That any railroad company organized under the laws of other states is hereby authorized, upon being incorporated in this state as hereinafter provided, to build and extend its road into, through, or across the state of Minnesota, and such railroad company shall have and possess all the powers, franchises, immunities and privileges, and be subject to the same liabilities as railroad companies organized and incorporated under the general laws of this state.

Provided, And this act is upon the express condition which is accepted by any company that avails itself of the provisions of this act, and which is in accord with the uniform practice of all railroad companies heretofore reporting "gross earnings" for taxation under the laws of this state, that the term "gross earnings" as used in sections one (1) and two (2) of chapter one hundred and eleven (111) of the general laws of one thousand eight hundred and seventy-three (1873), and in section one (1) of chapter eleven (11) of the general laws of one thousand eight hun-

Railway companies, organized under laws of other states, may build in or through this state.

dred and eighty-seven (1887), shall be construed to mean "all earnings on business beginning and ending within the state and a proportion based upon the proportion of the mileage within the state to the entire mileage over which such business is done, of earnings on all inter-state business passing through, into or out of the state, and shall include gross earnings of all express companies, fast freight lines, sleeping and parlor car companies, and other common carriers, corporations or persons doing business or transporting persons or property on and over the lines or right of way of any railroad company within this state by virtue of an agreement, contract or arrangement of any nature with such railroad company.

Gross earnings, defined.

Provided, Such railroad company shall first file in the office of the secretary of state of the state of Minnesota, a true copy of its articles of organization, or incorporation, duly certified as such by the secretary of state of the state of its original incorporation, and shall comply with the laws of the state of Minnesota as to filing and recording its said articles of organization or incorporation by causing a certified copy thereof to be recorded in the office of said secretary of state of the state of Minnesota, and a like certified copy of said articles to be recorded in the office of the register of deeds of the county where the principal place of business of said railroad company is to be located in this state, and shall keep an office in this state in the same county, or some one of the counties, in or through which its railroad is, or is proposed to be built, and shall be liable to civil process, to be sued and to sue as provided by law.

Articles of incorporation, where filed.

SEC. 2. That upon and from the filing of its said articles of incorporation as above provided, which shall be deemed to be an acceptance of the benefits of this act, the said corporation is hereby declared to be a legal domestic corporation of this state.

Effect of filing.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 28, 1889.