

GENERAL LAWS

OF THE

STATE OF MINNESOTA

PASSED DURING THE

THIRTY-FOURTH SESSION

OF THE

STATE LEGISLATURE

COMMENCING JANUARY THIRD, ONE THOUSAND NINE
HUNDRED AND FIVE.

OFFICIAL PUBLICATION BY SECRETARY OF STATE.

MINNEAPOLIS:
HARRISON & SMITH CO.
1905.

AMENDMENTS

TO THE CONSTITUTION OF THE STATE OF
MINNESOTA, ADOPTED IN THE YEAR 1904,

AND

PROPOSITION TO INCREASE GROSS EARN-
INGS TAX OF RAILROAD COMPANIES.

An act proposing an amendment to section six (6), of article eight (8), of the Constitution of the State of Minnesota, relating to school funds, education and science.

Proposed
constitu-
tional
amendment.

Be it enacted by the Legislature of the State of Minne-
sota:

SECTION 1. The following amendment to section six (6), of article eight (8), of the Constitution of the State of Minnesota, is hereby proposed to the people of the State of Minnesota for their approval or rejection, that is to say, said action shall be amended to read as follows:

Sec. 6 of
art. 8 of
const.

Section 6. The permanent school and university fund of this state may be invested in the bonds of any county, school district, city, town or village of this state, but no such investment shall be made until approved by the board of commissioners designated by law to regulate the investment of the permanent school fund and the permanent university fund of this state; nor shall such loan or investment be made when the bonds to be issued or purchased would make the entire bonded indebtedness exceed fifteen (15) per cent of the assessed valuation of the taxable real property of the county, school district, city, town or village issuing such bonds; nor shall such loans or indebtedness be made at a lower rate of interest than three (3) per cent per annum, nor for a shorter period than five (5) years, nor for a longer period than twenty (20) years, and no change of the town, school district, city, village, or of county lines shall relieve the

Investment
of perma-
nent school
and univer-
sity funds.

Approval.

Bonded in-
debtedness
not to ex-
ceed 15 per
cent, draw
not less
than 3 per
cent, run
not less
than 5 nor
more than
20 years.

real property in such town, school district, county, village or city in this state at the time of the issuing of such bonds from any liability for taxation to pay such bonds.

Voted upon at the general election held November eight (8), nineteen hundred and four (1904), and adopted by a vote of 190,718 in favor of said amendment, and a vote of 39,334 against the same.

Proclamation of the vote issued by the governor January 6th, 1905.

Constitution,
Sec. 7, Art. 1.

An act proposing an amendment of section seven (7) of article one (1) of the Constitution of the State of Minnesota relating to criminal prosecutions and the rights of the accused.

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

SECTION 1. The following amendment to section seven (7) of article one (1) of the constitution of the State of Minnesota is hereby proposed to the people of the State of Minnesota for their approval or rejection; that is to say, that section seven (7) of article one (1) shall be amended to read as follows:

Rights of
accused.

Section 7. No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require.

When bail-
able.

Voted upon at the general election held November eight (8), nineteen hundred and four (1904), and adopted by a vote of 164,555 in favor of said amendment, and a vote of 52,152 against the same.

Proclamation of the vote issued by the governor January 6th, 1905.

An act providing for the taxation of railroad properties, the collection of such taxes and repealing acts inconsistent therewith.

Taxation of
railroad
properties.

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

SECTION 1. Every railroad company owning or operating any line of railway situated within, or partly within, this state, shall during the year 1905, and annually thereafter pay into the treasury of this state in lieu of all taxes and assessments upon all property within this state, owned or operated for railway purposes by such company, including equipment, appurtenances, appendages and franchises thereof, a sum of money equal to four (4) per cent of the gross earnings derived from the operation of such line of railway within this state; and the annual payment of such sum shall be in full and in lieu of all other taxes and assessments upon the property and franchises so taxed. The lands acquired by public grant shall be and remain exempt from taxation until sold or contracted to be sold, or conveyed, as provided in the respective acts whereby such grants were made or recognized.

Four per
cent of
gross
earnings.

Land
grants, ex-
empt, until
sold or con-
tracted
to be.

SEC. 2. The term "the gross earnings derived from the operation of such line of railway within this state," as used in section 1 of this act is hereby declared and 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 interstate business passing through, into or out of the state.

Gross
earnings
defined.

SEC. 3. All acts and parts of acts not inconsistent herewith regulating the payment, collection, time of payment, enforcement or reports involving the amount of taxes upon the gross earnings of railroad companies within this state, or providing penalties for the non-payment of such taxes, are hereby made applicable to this act so far as may be; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4. Upon failure to pay the amount of such taxes legally due upon the date heretofore provided by law for the payment thereof, in addition to existing remedies, collection may be enforced in a civil action brought in the name of the State of Minnesota in the district court of any county.

Enforced
payments.

Contesting
validity of
this act.

SEC. 5. Before any railroad company shall be heard to contest or continue to contest the validity of this act or any part thereof, such railroad company shall as a condition precedent thereto, pay into the treasury of the State of Minnesota, the amount of taxes due or payable from such railroad company under the existing tax laws of this state applicable to such company.

Voted upon at the general election held November eight (8), nineteen hundred and four (1904), and adopted by vote of 240,578 in favor of said proposition, and a vote of 30,518 against the same.

Proclamation issued by the governor January 6th, 1905.