

operated by said company, three cents per mile: Provided, that in the future, whenever the earnings of any company doing business in this State, as reported to the railroad and warehouse commission at the close of any year, shall increase so as to equal or exceed the sum of one thousand two hundred dollars per mile of road operated by said company, then in such case said company shall thereafter, upon the notification of the railroad and warehouse commission, be required to only receive as compensation for the transportation of any passenger, his or her ordinary baggage, not exceeding in weight one hundred fifty (150) pounds, a rate of only two cents per mile as hereinbefore provided. Provided further, that in computing the passenger earnings per mile of any company the earnings and the mileage of all branch roads owned, leased, controlled or occupied by such company, exclusive of all spurs and branches over which such company does not operate each way daily, except Sunday, at least one passenger train, or mixed train having at least two passenger coaches or one passenger coach and baggage car, shall be included in the computation, and the rate of fare shall be the same on all lines owned, leased, controlled or occupied by such company: Provided further, that no company shall charge, demand or receive any greater compensation per mile for transportation of children of the age of twelve years or under than one-half of the rate herein prescribed: Provided further, that any railroad company may charge a minimum fare of five cents for each passenger transported over its road, whenever cars are propelled or moved by motive power other than steam: The provisions of this section shall apply to all railroad companies operating lines of railroad in this State.

Approved February 14, 1917.

CHAPTER 24—H. F. No. 75.

An act to amend Section 4362 of the Revised Laws of Minnesota for 1905, as amended by Chapter 245 of the General Laws of 1913 and Chapter 31 of the General Laws of 1915, relating to judgment notwithstanding the verdict or disagreement.

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

Section 1. **Court permitted to direct verdict notwithstanding that Jury has disagreed and been discharged.**—That Section 4362 of the Revised Laws of Minnesota for 1905, as amended by Chapter 245 of the General Laws of 1913, and as again amended by Chapter 31 of the General Laws of 1915, be and the same is hereby amended so that said section shall read as follows:

Section 4362. When, at the close of the testimony, any

party to the action moves the court to direct a verdict in his favor, and such motion is denied, upon a subsequent motion that judgment be entered notwithstanding the verdict, *or notwithstanding the jury has disagreed and been discharged*, the court shall grant the same if the moving party was entitled to such directed verdict. An order for judgment notwithstanding the verdict may also be made on a motion in the alternative form asking therefor, or, if the same be denied, for a new trial. If the motion for judgment notwithstanding the verdict be denied, the supreme court, on appeal from the judgment, may order judgment to be entered, when it appears from the testimony that a verdict should have been so directed at the trial; and it may also so order, on appeal from the whole order denying such motion when made in the alternative form, whether a new trial was granted or denied by such order.

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

Approved February 15, 1917.

CHAPTER 25—S. F. No. 23.

An act to appropriate money to defray the cost of the publication of proposed amendments to the constitution, during the months of October and November, 1916.

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

Section 1. **\$45,589.20 appropriated for publication of synopsis of proposed amendments.**—That the sum of forty-five thousand five hundred eighty-nine dollars and twenty cents (\$45,589.20) be and is hereby appropriated out of any funds in the treasury not otherwise appropriated, for the payment of the publication of the proposed amendments to the constitution in various papers of the state.

Approved February 16, 1917.

CHAPTER 26—S. F. No. 293.

An act to amend Section 307, General Statutes 1913, relating to Nomination of Candidates for Special Elections, and providing for the nomination at a Primary Election of the candidates to be voted for at Special Elections in Cities of the First Class, not operating under a Home Rule Charter.

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

Section 1. **Provisions for nomination of candidates by primary election for special elections, in cities of first class.**—That Section 307 of the General Statutes of 1913 be and the same is hereby amended so as to read as follows: