

this section however, shall be construed as prohibiting the removal of such sand, gravel, top-soil, subsoil or peat as may be incidental to the erection of structures on such repurchased lands or to the grading of such lands whenever such removal or grading shall result in enhancing the value thereof.

Sec. 10. Provisions severable.—If any section or part of this act shall be declared to be unconstitutional or invalid for any reason, the remainder of this act shall not be affected thereby.

Approved March 5, 1941.

CHAPTER 44—H. F. No. 560

An act relating to armories; amending Mason's Supplement 1940, Section 2517-14.

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

Section 1. Law amended.—Mason's Supplement 1940, Section 2517-14, is hereby amended to read as follows:

"2517-14. Subdivision 1. Corporation created—commission.—For the purpose of constructing armories as provided by Section 12 of this act, there shall be created a corporation to be known as the "Minnesota State Armory Building Commission." The persons holding the following offices and their respective successors in office shall be, ex officio, the members and governing body of such corporation, namely: The adjutant general and the general officers of the line of the national guard of the state. The adjutant general shall be chairman of such commission. Such commission shall elect a secretary and treasurer from the members thereof other than the adjutant general. The officers of such commission shall have like powers and duties as are vested in or imposed upon the corresponding officers of the commission referred to in Section 2 of this act.

Subdivision 2. Upon the filing with the secretary of state of a certificate by the adjutant general reciting the existence in any such municipality of the conditions specified in Section 12 of this act, naming the persons authorized to compose such commission and corporation as provided in this section, and declaring them to be constituted a commission and corporation hereunder, such persons shall forthwith

become and be such commission and corporation without further proceeding. In case of a vacancy in the membership of such commission and corporation, the remaining members, provided there be not less than two, shall have power to act and to elect such temporary acting officers as may be necessary during the existence of the vacancy. In case at any time there shall not be at least two qualified officers of the national guard in addition to the adjutant general eligible to serve ex officio as members of such commission as provided by *Subdivision 1* of this Section, the adjutant general may appoint a member or members of such commission from the colonels of the line of the national guard of the state so as to provide not more than two members of such commission in addition to himself. The membership of the member last so appointed shall automatically terminate upon the appointment and qualification of an officer of the national guard eligible to serve ex officio as a member of such commission as provided by *Subdivision 1* of this section, providing the total membership of such commission be not thereby reduced to less than three. All officers of the national guard eligible to be members of such commission as provided by *Subdivision 1* of this section shall automatically become such members forthwith upon their appointment and qualification as such officers. In case of a vacancy in the office of adjutant general, or in case of the incapacity of the adjutant general to act as a member and chairman of such commission, the officer who is appointed or authorized according to law to exercise the powers of the adjutant general for the time being shall, during the existence of such vacancy or incapacity, act as a member and chairman of such commission and have all the powers and duties herein vested in or imposed upon the adjutant general as a member and chairman of such commission. The adjutant general shall certify to the secretary of state all changes in the membership of the commission, but failure on his part so to do shall not affect the authority of any new member of the commission or the validity of any act of the commission after accession of a new member.

Subdivision 3. In case at any time all or all but one of the line officers of the national guard who are members of the commission or who are eligible to serve as such are in active service outside the state, or where for any other reason there are not at least two qualified line officers of the national guard available within the state to serve as members of the commission, the adjutant general, or in case of his incapacity or of a vacancy in that office, the officer who is appointed or authorized according to law to exercise the powers of the adjutant

general for the time being, shall become trustee of the commission and shall have all the powers and perform all the duties of the commission and its officers so long as such conditions exist. Upon the occurrence of such conditions the officer becoming trustee shall file with the secretary of state a certificate reciting the circumstances and declaring that he assumes office as such trustee, and thereupon he shall be deemed to have qualified as such, with all the authority hereby conferred. Any change in such office shall be likewise certified by the officer succeeding as trustee. Upon the termination of such conditions the adjutant general or his authorized substitute shall certify the circumstances in like manner, with the names of the officers then authorized by law to compose the commission, and thereupon such officers shall constitute the commission, and the authority of the trustee shall terminate.

Approved March 5, 1941.

CHAPTER 45—S. F. No. 382

An act to amend Laws of 1929, Chapter 19, relating to exemption from attendance in court or before any commission or officer or referee thereof of members, officers or attorneys employed in the Legislature.

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

Section 1. Law amended.—Attorneys employed by Legislature exempted from attendance in Court.—That Laws of 1929, Chapter 19, be and the same is hereby amended to read as follows:

“No member or officer of, or any attorney employed by the Legislature shall be compelled to attend as a witness in any Court of this State during the session of the Legislature; unless the Court in which the action is pending upon sufficient showing shall otherwise order with the consent of the presiding officer of the body of which such witness is an employe or the consent of the body of which such witness is a member. No cause or proceeding, civil or criminal, in Court or before any Commission or officer or referee thereof or motion or hearing therein, in which a member or officer of, or any attorney employed by the Legislature is a party, attorney or witness shall be tried or heard during such session of the Legislature, but shall be continued until the Legislature shall have adjourned. Such member or officer of, or