

ing at the word "provided" in line fourteen, so the same shall read as follows: Provided that when the territory of the district or districts to be affected by such formation, alteration or consolidation consists of parts of two or more counties the petition shall be in duplicate or more as the case may be and one presented to the commissioners of each of such counties who shall severally proceed to hear the petition in the manner directed. That to effect the formation, alteration or consolidation in such petitions desired shall require the concurrent action of the commissioners of each of such counties. The determination of such commissioners in each county shall be entered upon their records in the several counties by the several county auditors, who shall file the copies thereof with the clerks of the districts affected thereby in their respective counties, in the manner directed and also with the county auditors in each of the counties petitioned.

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

Approved March 6, 1879.

CHAPTER 44.

AN ACT AMENDING SECTION ONE (1) OF CHAPTER FIFTEEN (15) RELATING TO FUGITIVES FROM JUSTICE.

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

SECTION 1. That section one (1) of chapter fifteen (15) of the General Statutes of one thousand eight hundred and seventy-four (1874), relating to fugitives from justice be and the same is amended by adding to said section the following proviso, to wit: *Provided*, however, that the Governor when issuing his warrant shall deliver the same to the Sheriff or some other public officer of any county in this State, and such officer, upon receipt of such warrant, shall have power to arrest and detain in his custody the person whose surrender is demanded, but no such person arrested upon such warrant shall be delivered to the agent designated therein, or to any other person until the person so arrested and whose surrender is demanded shall be notified of the demand made for his surrender, and of the nature of the criminal charge made against him, and not until he has had an opportunity to apply for a writ of habeas corpus if he claims such right, of the officer making the arrest. When such writ is applied for, notice thereof and of the time and place of the hearing thereon shall be given to the Attorney General or other prosecuting officer of the judicial district in which the arrest is made. Any sheriff

Powers and
duties of
sheriff.

Habeas corpus

or other officer making such arrest who shall deliver over to the agent named in such warrant, or to any other person for extradition, the person so in his custody under such warrant, without having complied with the provisions of this act, shall upon conviction thereof be fined in any sum not exceeding one thousand dollars, or imprisoned in the common jail of the county not exceeding six months or be subject to both fine and imprisonment at the discretion of the court.

Penalty for
illegal
proceedings.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved February 28, 1879.

CHAPTER 45.

AN ACT TO AMEND CHAPTER SEVENTY-THREE (73) OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), ENTITLED "AN ACT TO GRANT THE RIGHT OF WAY TO RAILROAD COMPANIES OVER LANDS OWNED OR HELD BY THE STATE" SO AS TO INCLUDE DEPOT GROUNDS.

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

SECTION 1. That chapter seventy-three (73) of the General Laws of one thousand eight hundred and seventy-eight (1878) entitled "An act to grant the right of way to railroad companies over lands owned or held by the State be amended so as to read as follows:

Section 1. That a right of way and a quantity of land not exceeding twenty acres for depot and station grounds and water stations are hereby granted over and of, and from any swamp, school, internal improvement or agricultural college lands owned by the State to any railroad company proposing to construct or that has so constructed a railroad over or upon the same, on the conditions and terms hereinafter provided.

Amount of
grant.

Section 2. Such right of way may be fifty (50) feet in width on each side of the centre line of the main tracks, except where a greater width is necessary to protect the tracks against snow drifts, and in such case a width not exceeding one hundred and fifty (150) feet in addition may be taken, subject to the approval of the Governor as to the width to be taken.

Section 3. Any company desiring such right of way or depot, station grounds and water stations shall furnish to the Governor a plat, showing the line of the road and the right of way, and additional width requisite to protect the track against snow, and the depot, station grounds and water stations proposed to be taken, with a calculation of the acres contained therein, and on payment to the State Treasurer of the sum per acre equal to the appraised value of said land, if

Company to
furnish plat to
Governor.