

Before the new line is operated as a public road, the commission shall inspect the same or cause it to be inspected and furnish the company with a certificate showing the compliance with the foregoing conditions, that the road has been inspected and found to be in a safe condition for operation.

Provided, however, that whenever it is found desirable to operate any portion of any new railroad built or any new branch or extension, or otherwise, before completion of the same, the commission may on application authorize the operation of such portion thereof pending the completion of the entire road under such terms and conditions as the commission may impose in the interests of the public.

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

Approved April 20, 1907.

CHAPTER 261—H. F. No. 754.

An Act to amend sections 2038, 2039, and 2040, Revised Laws of 1905, relating to the abandonment of railroads.

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

Annotated in bill.—Section 1. That section 2038, Revised Laws 1905, be and the same is hereby amended so as to read as follows:

Sec. 2038. Abandonment of road.—No company operating any line of railroad in the State of Minnesota shall abandon the same or any portion thereof, nor shall it abandon any siding, sidetrack, spur or other railway track of any kind which has once been opened and used for business, nor shall it close for traffic thereon except as provided in section 2039 as the same is hereinafter amended. Any company violating any provision of this section shall forfeit to the state not less than two hundred dollars nor more than one thousand dollars for each day such violation continues.

Sec. 2. That section 2039, Revised Laws of 1905, be and the same is hereby amended so as to read as follows:

Sec. 2039. Procedure for Abandonment.—Any such company desiring to abandon or close for traffic any portion

of its line, siding, sidetrack, spur or other railway track, shall first make application to the commission in writing. Before passing upon such application the commission shall fix a time and place for hearing and require such notice thereof to be given as it deems reasonable. Upon the hearing, the commission shall ascertain the facts and make findings thereon, and if such facts satisfy the commission that the proposed abandonment or closing for traffic will not result in substantial injury to the public, they may allow the same, otherwise, it shall be denied, or, if the facts warrant it, the application may be granted in a modified form.

Sec. 3. *That section 2040 of the Revised Laws of 1905, be and the same is hereby amended so as to read as follows:*

Sec. 2040. *Action Against Company*--Whenever any such railway company has abandoned, taken up, or ceased to operate, or has closed for traffic any portion of its line for thirty days without having complied with the requirements of section 2039, any town, municipality, corporation or individual which has issued bonds or given promissory notes or other thing of value to such railway company as an inducement or aid to or in the construction of the line ceased to be operated or closed for traffic as aforesaid, may recover the same, or the value thereof, in an action against said company in the district court of any county wherein such road or any portion thereof has been abandoned or closed for traffic, or the operation of which has ceased as aforesaid.

The foregoing provisions shall not apply to logging or ore roads constructed and used exclusively for logging or mining purposes, nor shall it apply to any railroad which is not a common carrier.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 19, 1907.