

not paid or proceedings thereunder stayed, and at the annual town meeting mentioned in said section 697 the town board does not add the amount of such judgment to the tax levy as therein provided, the court shall thereupon on motion on behalf of the plaintiff, and in such original action, and upon proof of such failure, order the county auditor of the county wherein such town against which judgment was rendered is situated, to enter the amount of such judgment as a tax against the taxable property of such town liable therefor and it shall thereupon become and be the duty of such county auditor to forthwith assess, enter, and spread the same as a tax against such taxable property, and enter the same as such tax on the next succeeding tax duplicates of his said county and the same shall be levied and collected as other taxes and shall with interest when and as the same is collected be paid over by the said county treasurer to the town treasurer of such town obtaining such judgment.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 24, 1909.

CHAPTER 493—H. F. No. 1194.

An Act fixing the charges to be paid to the railroads for transporting the Minnesota National Guard or the Minnesota Naval Militia or Reserve and their baggage; the terms of transporting the same and prescribing a penalty for the violation of said act.

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

Rate of one cent.—Section 1. That whenever it shall be necessary for any or all of the officers or men of the Minnesota National Guard or the Minnesota naval militia or reserve to travel upon any railroad in the state under orders from competent authority to perform military duty, such railroads shall furnish transportation at the rate of one cent per mile for the whole distance to be traveled upon such railroad or railroads within the limits of this state, for each officer or enlisted man so carried including the usual amount of baggage; and all station or ticket agents or conductors shall sell first class tickets or furnish first class passage at the rate named, upon being notified that such officer or officers or enlisted men are traveling upon military duty. Such notification must be issued by the adjutant general, and may be by telegraph or by filing a copy of the order issued by the adjutant general for such transportation with the station or ticket agent or conductor. This rate shall apply to officers or men traveling under orders, either single or in companies, so that

whenever one or more members of the guard shall present an order for transportation issued by the adjutant general, it shall be honored by the ticket agent or by the conductor and received in lieu of fare, and when presented by the railroad companies to the adjutant general, shall be audited to be paid at once at the fixed rate.

Misdemeanor; Penalty.—Sec. 2. Any railroad agent or officer thereof, or any person whose duty it is to transport or carry passengers or baggage thereon, who shall willfully refuse to transport or furnish the means for transporting any of the troops of this state and their said baggage, when ordered out by the governor, on the terms prescribed by this act, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be fined in the sum of not less than fifty dollars nor more than five hundred dollars for each offense. And any railroad company who shall refuse to transport said troops and baggage as aforesaid, or refuse to permit its agents or employees to transport the same or furnish means of transporting them, shall be liable to the state of Minnesota in a penal sum of five hundred dollars for each violation of the law, to be recovered in a civil action in the name of the state of Minnesota, and to be prosecuted by the attorney general or county attorney of the proper county. Should any county attorney, upon proper complaint made and verified, neglect, decline or refuse to prosecute any person or persons violating the provisions of said act, any court, judge or justice of the peace having jurisdiction of the offense may appoint an attorney-at-law to conduct said prosecution, who shall receive a fee of not less than ten nor more than fifty dollars in each case where conviction shall be had, said fee to be fixed by the court and taxed as costs in said action; but in no event shall the county be liable for said fee.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 24, 1909.

CHAPTER 494—H. F. No. 66.

An Act to amend chapter 58 of the Revised Laws of Minnesota for the year 1905, relating to corporations.

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

Railroad companies given right to condemn strip of 200 feet for right of way—Securing from state—Mineral rights reserved—Conditions.—Section 1. That sections 2891 and 2892 of the Revised Laws of Minnesota for the year 1905 be and the same are hereby amended so as to read as follows: