

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:

Sec. 2891. A right of way over any swamp, school, internal improvement, agricultural college, or university lands, now belonging or which may hereafter belong to the state, is hereby granted to any railroad company which has located and constructed, or shall hereafter locate and construct, its line of railway over any such lands, to the extent of a strip of land one hundred (100) feet in width; that is fifty (50) feet on each side of the center line of its main track; and there is further granted such additional width, not exceeding a total width in the entire grant of two hundred feet at points where it is thought that such additional width is necessary for the construction or operation of any such railroad, *provided*, that where such additional width may be found necessary for station purposes, such right of way may have a total width of not more than three hundred feet for a distance of not more than three thousand feet.

Sec. 2892. Whenever any railroad company desiring a right of way over any such state lands or additional grounds thereon, shall furnish to the governor a plat showing the line of its road, right of way, or additional grounds, necessary for the construction or operation of any such railroad or necessary for station purposes, with the number of acres required, and shall pay to the state treasurer the appraised value per acre of such ground, and when not appraised, such rate per acre as the governor and state auditor shall determine to be a fair appraisal, and not less than that fixed by the state constitution, the governor shall execute and deliver to such railroad company an instrument in writing conveying the use of such rights of way, and the use of such lands, so long as the same shall be occupied for railroad purposes.

And every such deed shall reserve to the state of Minnesota all the ore and minerals of whatever nature in the strip so granted, with the right to mine and remove the same, but such ore or other minerals shall not be mined or removed in such a manner as to interfere with or endanger in any manner the railway or other structures for which said strip of land was granted or the legitimate use of said land for railway purposes;

Provided, that if merchantable ore or other minerals shall be discovered in said strip and it shall become necessary in order to mine and remove such ore or other minerals to destroy the support thereof or interfere with the operation of the railway thereon, the state of Minnesota or its successor in interest shall grant to such railway company a new right-of-way for its railway upon a line to be located by the railway company, and approved by the governor and state auditor and thereupon such railway company shall within six months remove its railway or other structures from said strip of land to said new right-of-way and shall quitclaim and convey the said strip of land to the state of Minnesota or its successor in interest.

And every grant of such new right-of-way shall contain a similar condition with reference to the shifting of the railway track and to the rights of the state of Minnesota or its successor in interest to mine and remove the ore or other minerals from such new right-of-way.

No title in any land shall vest in any railroad company under this or the preceding section until the governor shall deliver to the railroad company the deed in this section provided for.

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

Approved April 24, 1909.

CHAPTER 495—H. F. No. 133.

An Act to provide for turning over to the superintendent of banks securities deposited by trust companies with the state treasurer and the records and papers relating thereto.

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

Trust company securities to be turned over to superintendent of banks.—Section 1. All moneys, mortgages, certificates, bonds, notes and other securities in the hands of the state treasurer heretofore deposited with him by trust companies, as required by law, and all receipts, statements, records and papers relating thereto shall be transferred and delivered to the superintendent of banks of Minnesota immediately upon the passage of this act, and it shall be the duty of said superintendent of banks to receive and safely keep the same.

Sec. 2. The state treasurer is hereby authorized and directed to make all assignments and conveyances to the superintendent of banks which may be necessary to complete the transfer of the securities as contemplated by this act.

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

Approved April 24, 1909.