

ited with the county treasurer, subject to the order of the board of county commissioners.

Unpaid taxes—
disposition of
when collected

SEC. 6. All taxes belonging to said township, due and unpaid on the first day of April next, shall when collected, enure to the benefit of that portion of the original township wherein they were assessed, and shall be disposed of precisely in the same manner as in the case of other moneys hereinbefore directed; *Provided*, That the collecting officer shall not account for any sums thus collected, in county or city orders, but that said sums shall be kept separate and distinct; *and provided further*, That the money so collected shall not be used by the city council or board of county commissioners, for any purpose whatever, except for the repair of the embankments and bridges within the original limits of said township.

SEC. 7. This act shall be in force and take effect from and after its passage.

Approved March 6th, 1862.

CHAPTER XVII.

An Act to Facilitate the Construction of the Minneapolis and Cedar Valley Railroad, and to amend and continue certain acts in relation thereto.

- SECTION 1. Board of incorporators—corporate rights granted by this act.
2. Power of incorporation—board of directors to be elected by the stockholders annually.
 3. Authorized to re-organise under the original charter—nothing shall be construed to impair the validity of foreclosure and sale.
 4. The trustees of first mortgage bonds authorized to foreclose and sell said road.
 5. When incorporation to acquire absolute title—duty of Governor when road completed.
 6. Lands, when not to be exempt from taxation—installments when and how made—penalty for perjury.
 7. Duty of Governor when road shall be fully completed.
 8. Forfeiture of road, properties, &c.—when.
 9. Forfeiture upon failure to comply with the provisions of the preceding section.
 10. When entire line to be completed.
 11. Regulations for transportation of passengers and freight.
 12. Rights of pre-emptors.
 13. Repeal of former acts.
 14. Act, when to take effect.

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

SECTION 1. That all the rights, benefits, privileges,

property, franchises and interests of the Minneapolis and Cedar Valley railroad company, acquired by the State of Minnesota, by virtue of any acts, deeds, sale, foreclosure, agreement or thing, by the said company heretofore done or suffered, or by virtue of any law of the State or any foreclosure and sale of the same by the trustees of the first mortgage bond holders of such road, on the sixteenth day of August, A. D. 1860, and bid in and purchased by the Governor of the State of Minnesota, for the benefit of said State, or by virtue of any forfeiture accruing from a failure to comply with the conditions imposed by any provisions of the constitution of said State, or of any law of the State or the former territory of Minnesota, or which have accrued to the said State under and by virtue of any of the provisions of the act entitled "an act to facilitate the construction of the Minneapolis and Cedar Valley railroad, and to amend and continue certain acts in relation thereto," approved March 8th, A. D., 1861, by reason of a failure on the part of the corporators or grantees therein named, or of any other persons or company to comply with the provisions of said last-named act, be and the same are hereby continued, granted and transferred to Alexander Chambers, Sylvester Smith, Wm. H. Dike, Charles A. Wheaton, Franklin Steele, Henry Chaffee, Thomas A. Harrison, Eli B. Ames and John M. Gilman, William G. LeDuc and Rufus J. Baldwin, for the purpose and on the terms and conditions hereinafter in this act provided, free and clear of all liens or claims thereon by or to the State of Minnesota, and free and clear from any and all claims or liens whatever thereon except as herein provided.

Board of Incorporators—corporate rights granted

SEC. 2. All the rights, privileges, franchises, lands, property and interests heretofore granted by the territory of Minnesota, to the Minneapolis and Cedar Valley railroad company, by the two several acts of the legislature of said territory, the one entitled "an act to incorporate the Minneapolis and Cedar Valley railroad company," approved March 1st, 1856, and an act entitled "an act to execute the trust created by the act of congress, entitled 'an act making a grant of land to the territory of Minnesota in alternate sections to aid in the construction of certain railroads in said territory, and granting public lands in alternate sections to the State of Alabama to aid in the construction of certain railroads in said State, and

Power of incorporation

granting certain lands to railroad companies therein named," approved May 22, 1857, are hereby continued and granted to and vested in the said Alexander Chambers, Sylvester Smith, Wm. H. Dyke, Charles A. Wheaton, Franklin Steele, Henry Chaffee, Thomas A. Harrison, Eli B. Ames and John M. Gilman, William G. Le Duc and Rufus J. Baldwin, and their associates and successors, with all the immunities, rights, property, benefits and privileges which the said Minneapolis and Cedar Valley railroad company had, or might, or could have by reason of the passage of the said acts, or either or both of them free and clear of all liens or claims of the State of Minnesota thereto, except such as are retained to the said State in or by said acts, or by the provisions of this act, and the said persons herein named, and their associates and successors, shall hereafter be known as the Minneapolis, Faribault and Cedar Valley railroad company, and that the persons hereinbefore referred to, and hereinbefore named, shall be the directors of said company for one year, and until others are elected and appointed in their place, a majority of whom shall have power to fill any vacancy that may occur in said board prior to such first election.

Board of directors—vacancies how filled

For the purpose of carrying out and effecting the objects of this act, the said Minneapolis, Faribault and Cedar Valley railroad company, and their successors and assigns, shall have and be possessed of all the powers, immunities, rights, franchises and privileges, contained in and provided for in the said two acts referred to in section two, of this act, and be subject to all the conditions and provisions of the said acts, excepting as altered or changed by this act.

The board of directors of the said Minneapolis, Faribault and Cedar Valley railroad company shall consist of eleven persons, who shall be elected by the stockholders annually.

SEC. 3. And be it further enacted, that for the purpose of quieting any outstanding claims, the Minneapolis and Cedar Valley railroad company is hereby authorized to release to the persons hereinbefore mentioned, and their associates, or upon their default to comply with the provisions of this act, to such other persons and their associates, or such other company as may comply with the provisions of this act, any right or title which it may

claim to have in, and to all the rights, privileges, franchises, right of way, road-beds, depot grounds, culverts, bridges, turn-outs, and property of every character and kind belonging to, or in and manner appertaining to said line of railroad, and such persons to whom such release shall be executed, are hereby authorized and empowered to re-organize under the original charter of said Minneapolis and Cedar Valley railroad company, and under the name of the Minneapolis, Faribault and Cedar Valley railroad company, which said company so re-organized shall have all the powers, privileges, franchises, rights and immunities of every character and kind, which were possessed by the said Minneapolis and Cedar Valley railroad company; *Provided*, That nothing in this act contained, shall be construed as impairing the validity of the fore-close and sale of rights, properties and franchises of said company, on behalf of the State, on the 16th day of August, 1860, or as recognizing in any manner any title to such rights, properties and franchises in such Minneapolis and Cedar Valley railroad company; *and provided further*, That the acceptance of the grants in this act contained, shall be deemed a waiver of all errors and irregularities, if any, in such foreclosure and sale, by said Minneapolis, Faribault and Cedar Valley railroad company, or any other persons or corporation taking under the provisions of this act, as against the State of Minnesota.

Authorized to re-organize under original charter

Nothing construed to impair validity of sale

Sec. 4. And be it further enacted, that if it should be deemed advisable by the parties herein named to correct any defects in the foreclosure and sale of said Minneapolis and Cedar Valley railroad company, made by the trustees of the first mortgage bondholders, on the 16th day of August, 1860, that William R. Marshall and John G. Forbes, who are the trustees of the first mortgage bondholders of the Minneapolis and Cedar Valley railroad company, are hereby authorized and empowered to advertise, foreclose and sell said Minneapolis and Cedar Valley railroad in accordance with the provisions of the trust deed, together with all the privileges, immunities, right of way, road bed, and all the property of the said Minneapolis and Cedar Valley railroad company, which it had or has if any, under and by virtue of the said trust deed made and executed by the said Minneapolis and Cedar Valley railroad company to said William R. Marshall and John G. Forbes as trustees aforesaid, as security

Trustees of first mortgage bonds authorized to foreclose and sell said road when deemed advisable

for the first mortgage bonds issued by said company, which said bonds were issued and delivered by the said company to the State of Minnesota, and which are now held by said State of Minnesota as security for the payment of the bonds and interest due and to become due on certain bonds issued by said State of Minnesota to said railroad company, and upon the sale of the same, the purchaser or purchasers and their associates shall have the right to re-organize under said charter of said Minneapolis and Cedar Valley railroad company, and have and use and exercise all the powers, privileges, rights and franchises of said original company, and shall have power to construct and complete said railroad and its branch roads to St. Paul and Hastings, as provided in the charter of the Minneapolis and Cedar Valley railroad company, and the act entitled "an act to execute the trust created by an act of Congress entitled an 'act making a grant of land to the territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said territory, and granting lands in alternate sections to the State of Alabama, to aid in the construction of a certain railroad in said State, and granting certain lands to railroad companies therein named.' "

Sec. 5. And be it further enacted, that it is hereby made a condition of the grants herein made, and the privileges and benefits herein conferred, that the absolute title to the road beds, right of way, depot grounds, culverts, bridges, turn-outs, switches, rights, privileges and franchises, and the track and line of said Minneapolis and Cedar Valley railroad company shall not vest in the said Minneapolis, Faribault or Cedar Valley railroad company, or the person or persons, or the purchaser or purchasers or corporation herein named or referred to until they shall have fully constructed and put in running order ten miles of said railroad, but said person or persons, purchaser or purchasers, or corporation shall have the privilege of entering into and upon said railroad track, right of way and depot grounds for the purpose of constructing said railroad, and shall have the privilege of acquiring the right of way over the property owned by individuals, in the same way as prescribed in the said charter of the said Minneapolis and Cedar Valley railroad company.

And be it further enacted, that it shall be a condition

When to acquire
absolute title--
duty of Govern-
nor when road
completed

of the grants and benefits conferred by this act that no title to the lands granted by an act entitled "an act to execute the trusts created by the act of congress, entitled 'an act making a grant of lands to the territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said territory of Minnesota, and granting public lands in alternate sections to the State of Alabama to aid in the construction of a certain railroad in said State, and granting certain lands to railroad companies therein named,' " approved May 22, 1857, or any other act of the legislature of the territory or State of Minnesota shall vest in the persons, purchasers, or company availing themselves of, and taking under the provisions of this act, except in the manner and at the time or times, and upon the conditions following, to wit:

Said persons or company, taking under the provisions of this act, shall construct and fully complete said railroad ready for business, and so that cars can be run continuously over the same from the Iowa line west of range sixteen, (16) *via* Faribault to Minneapolis, on the present located line of said road, except so far as it may be necessary to change the same for engineering purposes in crossing the Minnesota river, by the first day of January, A. D., 1866; and upon the construction and completion of fifty continuous miles of said railroad the Governor of the State shall certify the same to the secretary of the Interior, and shall execute in the name of the State of Minnesota, under the great seal thereof, a deed in fee simple to said persons or company in and to so many and such portions of the lands appertaining to the completed portion of said road, and not exceeding one hundred and twenty sections, as the State may then be entitled to under and by virtue of the act of congress entitled "an act making a grant of land to the territory of Minnesota in alternate sections, to aid in the construction of certain railroads in said territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain railroad in that State;" and whenever the entire road is completed as aforesaid, from the Iowa line *via* Faribault to Minneapolis so that cars can be run continuously over the same, the governor shall so certify to the secretary of the Interior, and shall execute as aforesaid a deed to said persons or company in and to all the lands to which the said State shall then be enti-

Title in fee
simple

tled to under said act for the construction of the said road and which would have accrued to the said Minneapolis and Cedar Valley railroad company, or to which it would under any law of the territory or State of Minnesota, or in any way or manner be entitled, and upon the execution of said deed, the said company or the said persons shall have the absolute, full and complete title to the said lands in fee simple.

Lands when not
to be exempt
from taxation

SEC. 6. And be it further enacted, that the land granted or intended to be granted by the provisions of this act, to this corporation or to the persons herein named, or to the persons who shall be the purchasers of said Minneapolis and Cedar Valley railroad, and who shall finish and complete said railroad herein mentioned, shall be and hereby are exempted from all assessments and from all taxation whatsoever, until the same shall have been sold and conveyed by the said company, or until said company shall contract to sell the said lands; and in consideration of an annual payment of a per centum (as provided in this section,) by said corporation as aforesaid, the railroad, its appurtenances and appendages, and all other property, estate and effects of said corporation, which by the provisions of this act contained, said corporation is to acquire, purchase, hold, possess, enjoy or use, for, in or about the construction, equipment, renewal, repair, maintaining or operating its railroad, as also the stock and capital of said company, shall be and hereby are forever exempt from all taxation and from all assessments; and in consideration of the grants made to, and the privileges and franchises conferred upon the company organizing under this act, and of the exemption contained in this section, the said company shall during the first three years after said railroad shall be completed and in operation, on or before the first day of March, of each and every year, pay into the treasury of this State, one per cent. on the gross earnings of said railroad, the first payment to be made on the first day of March next, after the said railroad shall be completed and in operation, and shall during the seven years after the expiration of the three years aforesaid, pay into the treasury of this State, on or before the first day of March of each and every year, two per cent. on the gross earnings of said railroad, and shall from and after the expiration of ten years from the completion of said railroad, on or before the first day of March of each

Installments
when and how
made

and every year, pay into the treasury of this State, three per cent. of the gross earnings of said railroads, and the payment of such per centum annually as aforesaid, shall be and is in full of all taxation and assessment whatsoever.

And for the purpose of ascertaining the gross earnings aforesaid, an accurate account of such earnings shall be kept by said company, an abstract whereof shall be furnished by said company to the treasurer of this State, on or before the first day of February in each year, the truth of which abstract, shall be verified by the affidavits of treasurer and secretary of said company, and for the purpose of ascertaining the truth of such affidavits, and the correctness of such abstract, full power is hereby vested in the Governor of this State, or any other person appointed by law prescribed, to examine under oath, the officers and employees of said company, or other persons, and if any person so examined by the Governor, or other authorized persons, shall knowingly or willingly swear falsely, concerning the matter aforesaid, every such person shall be deemed guilty of perjury, and be subject to the pains and penalties thereof. And for securing to the State the payment of the aforesaid per centum, it is hereby declared that the State shall have a lien upon the railroad of said company, and upon all the property, estate and effects of said company whatever, real, personal or mixed, and the lien hereby secured to the State, shall take and have precedence of all demands, decrees and judgments against said company.

Penalty for false
swearing

SEC. 7. And be it further enacted, that whenever the said parties herein named, or said corporation herein mentioned, their successors or assigns, shall fully complete said railroad, that the Governor of the State of Minnesota, shall deliver, transfer and assign to said company hereinbefore mentioned, all the bonds issued by the Minneapolis and Cedar Valley railroad company, to and now held by the State.

Duty of Governor
when road fully
completed

SEC. 8. And be it further enacted, that the rights, privileges, franchises, and immunities, road-bed, right of way and properties and benefits hereinbefore granted, conferred, transferred and assigned, are so granted, conferred, transferred and assigned upon the further express condition, to wit: that if at any time hereafter, any duly organized railroad company, or any nine or more persons other than those hereinbefore named in the first and

second sections of this act, shall file with the Governor of this State, a written proposition to the effect that they are willing to take and receive the privileges, properties, rights, immunities and franchises granted in and by this act, and upon and subject to the terms, conditions and forfeitures herein provided for, and to fully construct and complete said line of railroad, and the branch to West St. Paul, in the manner and at the time and times required in sections five and ten of this act, and shall, at the same time, as a guarantee of good faith, deposit with the Governor, ten thousand dollars in cash, or in State or United States stocks, at their current value in New York; and the said Governor, whose duty it shall be, shall thereupon notify the said persons or grantees hereinbefore named, of the filing of such proposition, and the making of such deposit, by serving a written notice thereof, upon either of said persons, or in case they have become organized, upon the president of the company; then and thereupon the said persons or company so notified, shall, within sixty days thereafter, make a like deposit with said Governor, upon like conditions, and become bound to complete said road and branch in the same manner and times as provided in said sections five and ten of this act, in default of which the Governor shall cause a statement to be filed in his office, reciting the facts showing such default, and declaring the same to have occurred, whereupon such persons or company so in default shall forfeit absolutely, and without any further act or legal proceedings therefor, all the benefits, privileges, immunities, rights, franchises and properties whatever conferred and granted by this act, or any act or acts to which this is amendatory, or in case they shall have built and constructed any portion of said road, not less than ten miles, all the unbuilt portions thereof, together with the rights, privileges, franchises, road-beds and properties appertaining thereto, and the same shall thereupon, without any further proceedings or legislation therefor, be and become transferred to and vested in the said persons, their associates and successors, or company, who shall have filed said proposition, and made the deposit aforesaid upon the same conditions and subject to the same forfeitures as are provided in this act, and they shall possess and enjoy the same, and be entitled to receive all the benefits herein conferred, as fully and to the same extent as the said

Forfeiture of
road, property,
&c.—when

persons named in the first and second sections of this act might or could have possessed and enjoyed. *Provided*, That the said persons so taking under the provisions of this act and their associates, shall organize under the name of the Minneapolis, Faribault and Cedar Valley railroad company, the first board of directors of which shall consist of the first nine persons subscribing to the proposition filed by them as aforesaid with the Governor, who shall remain such directors for one year, or until others are chosen.

SEC. 9. The deposit provided for and made under the next preceding section shall be absolutely forfeited to the State of Minnesota upon the failure of the persons or company making the same, to complete ten continuous miles of said road within six months after making such deposit, but the same shall be returned to them upon such completion within six months as aforesaid, and in case any parties making the said proposition and deposit shall be prevented from taking the benefits and franchises conferred by this act, by reason of other parties making a similar deposit, as provided in said section eight, then the same shall be immediately returned to them.

Forfeiture upon failure to comply with provisions of preceding section

SEC. 10. As a further condition upon which the corporation organized or taking under the provisions of this act, shall be entitled to the benefits thereof, the said corporation shall, within six months after the making of the deposit by them as hereinbefore provided, build, and construct, ready for the cars, ten continuous miles of said road on the present located line thereof, and shall further build and construct, during each and every year thereafter, thirty additional miles of said road. *Provided*, That the entire line of said road shall be fully built, constructed and equipped by the first day of January, A. D., 1866, together with the branch from Mendota to the south bank of the Mississippi river, at West Saint Paul, on the route of the Root River Valley and Southern Minnesota railroad company; *Provided*, That part of said road shall not have been sooner built by the last named company, or any company succeeding to its rights. And upon the failure to keep and perform either or any of the conditions in this section contained, all the unbuilt portions of said road, with the properties, rights and franchises appertaining thereto, shall be absolutely forfeited, and shall revert to the State without any further act or ceremony

When entire line to be completed

whatever, in which case the State shall hold and possess the same in the like character she now holds them, without any merger or extinguishment to be used, granted and disposed of for the purpose of aiding the construction of said road.

SEC. 11. The said Minneapolis, Faribault and Cedar Valley railroad shall transport by all regular trains all passengers and freight delivered to the same by any connecting line of railroad now or hereafter to be constructed on the same terms and at no greater rate than for the time being shall be charged for the same service to persons living on the line of said road; *Provided*, That any such connecting line shall be governed by the same rules in transporting passengers and freight on their several lines delivered by the said Minneapolis, Faribault and Cedar Valley railroad.

SEC. 12. And be it further enacted, that all persons, their heirs or legal representatives, or assigns, who were entitled to the right of pre-emption under the laws of the United States to any of the lands granted to this State, by the act of Congress of March 3d, 1857, to aid in the construction of said road, at the time when the line of said road was definitely fixed and located, and who have heretofore occupied the same in good faith, and shall have continued in the occupancy thereof at the time when the company organizing under this act, shall become entitled to the fee thereof, shall be at liberty to purchase the same of said company at two dollars and fifty cents per acre, if within the six mile limits of the line of said road; and if without such limits, at one dollar and twenty-five cents per acre; *Provided*, That application therefor, and proof of the right to purchase, shall be made within six months after the fee of said lands shall be acquired by said company as aforesaid.

SEC. 13. Section eight of chapter two, of the special laws of 1861, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 14. This act shall take effect from and after its passage.

Approved March 10, 1862.

Regulations for
transportation
of passengers
and freight

Rights of pre-
emptors

Repeal of former
acts