

SPECIAL LAWS

OF

MINNESOTA.

PASSED AND APPROVED AT THE FIFTH SESSION OF THE STATE LEGISLATURE, COMMENCING JANUARY SIXTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE, AND TERMINATING MARCH SIXTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE.

CHAPTER I.

An Act to Facilitate the Construction of the Root River Valley and Southern Minnesota Railroad, and to amend and continue certain acts in relation thereto.

- SECTION 1. In whom the rights, benefits, and interest of said road vested.
2. Who to constitute a Board of Directors.
3. Who may call meetings of the Board.
4. When company to acquire title to right of way, &c.—privileges of said corporation—duty of Governor on completion of every consecutive twenty miles of said road.
5. When exempt from assessment and taxation—installments, when and how paid—penalty for perjury.
6. When bonds to be delivered and transferred to said company.
7. Rights, privileges, franchises, &c.—upon what condition to be assigned to said company.
8. Regulations for transportation of passengers and freight.
9. May construct telegraph lines.
10. Construction of fences—how governed.
11. Repeal of acts inconsistent with this act.
12. When act 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 Root River Valley and Southern Minnesota Railroad Company, acquired by the State of Minnesota, by virtue of any acts, deeds, sale, foreclosure, agreement or thing, by the said

Rights, benefits,
proper y, &c.—
in whom vested

Rights, benefits
and interests of
said road—in
whom vested

Company hereinbefore done or suffered, or by reason of any forfeitures, or by virtue of any law of the State, or any foreclosure by the Governor of the State, acting for and in behalf of the State, or by reason of a sale of the same, or any part thereof, by the Governor of the State of Minnesota, and bid in and purchased by the Governor of the State of Minnesota, for the benefit of the State of Minnesota; and all the lands interests, rights, powers, and privileges, granted to, and conferred upon the Territory of Minnesota, in and by virtue of an act of Congress, approved March 3, 1857, 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, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain Railroad in said State," applicable to the said roads, or lines of the said Root River Valley and Southern Minnesota Railroad, are hereby disposed of and conferred to and upon the said Root River Valley and Southern Minnesota Railroad Company, subject to the provisions of the act of Congress aforesaid, be and the same are hereby held in trust, to be continued, granted, and transferred for the purpose, and on the terms and conditions hereinafter in this act provided, free and clear of all claims and liens thereon, and free from all liens and claims of the State of Minnesota, against the same, except such as are retained by the provisions of this act; and all the rights, privileges, franchises, lands, property, and interests, granted by the Territory of Minnesota to the Root River Valley and Southern Minnesota Railroad Company or Southern Minnesota Railroad Company, by the several acts of the Legislature of said Territory, the one entitled "an act to incorporate the Root River Valley and Southern Minnesota Railroad Company," and of the several acts amendatory thereof, 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 granting certain lands to Railroad companies therein named,'" approved May 22nd, 1857, are hereby declared to be held in trust by the State of Minnesota to be con-

tinned and granted to and vested in T. B. Stoddard, A. G. Chatfield, Charles See, Luke Miller, Hiram Walker, Augustus Haven, Thomas McRoberts, Parker Paine, Richard Chute, and Charles D. Sherwood, who are created a body corporate, under the name and style of the Root River Valley and Southern Minnesota Railroad Company, and their successors, with all the immunities, rights, property, benefits, and privileges which the said Root River Valley and Southern Minnesota Railroad Company had, or might or could have by reason of the passage of the said acts, free and clear of all claim and liens thereon, and free from all liens and claims of the State of Minnesota against the same, except such as are retained by the provisions of this act. For the purpose of carrying out and effecting the objects of this act, the Root River Valley and Southern Minnesota 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 this section, and be subject to all the conditions and provisions of the said act, excepting as altered or changed by this act.

Sec. 2. The persons named as grantees in the first section of this act, shall constitute a Board of Directors, a majority of whom shall be a quorum; who shall serve for one year, and until their successors are chosen and qualified. The Board of Directors of said Company shall thereafter consist of seven persons, to be elected by the Stockholders; but the number may be increased to nine members by a vote of said Company. Elections for Directors shall be held annually, at such time and place as may be fixed by the by-laws of said Company. All vacancies may be filled by the remaining members of the Board.

Who to constitute a Board of Directors

Sec. 3. Any three of the Board of Directors are hereby authorized to call the first meeting, by giving each of the other members of the Board, ten days' notice through the Post Office, of the time and place of meetings.

Who may call meetings of the Board

Sec. 4. *And be it further enacted*, That it is hereby made a condition of the grants herein made, that said person or persons, or corporation, shall not acquire the 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 Root River

When to acquire title to road-bed, right of way, &c.

Valley and Southern Minnesota Railroad Company, until said Company shall fully complete and put in running order, ten miles of said railroad; but said person or persons, or corporation, may have the privilege of entering into and upon said railroad track, right of way and depot ground, for the purpose of constructing said railroad, and may have the privilege of acquiring the right of way over the property owned by individuals in the same way as now specified in the charter of the Root River Valley and Southern Minnesota Railroad Company, or Southern Minnesota Railroad Company. And said Company are hereby authorized and required to construct a railroad with one or more tracks, from a point of junction with the Root River line, at or near Hokah, to the village of Brownsville, in the county of Houston, as provided in an act to execute the trusts 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," approved May 22d, 1857, within one year after the road is completed from La Crescent, via Chatfield, to its junction with the Transit at Rochester, and said company or corporation are also hereby empowered and authorized, to survey, locate and complete, and perpetually to have, use, and maintain and operate the line of road from Mankato, via South Bend, to the southern boundary of the State, in the direction of the Big Sioux river; and upon the construction and completion of ten continuous miles of said road, commencing at La Crescent, with the running of cars thereon, the Governor shall certify the same to the Secretary of the Interior, and thereupon and not before, the said Company may demand and be entitled to receive from said Governor in the name of the State, a deed in fee simple, of the one hundred and twenty sections of land which the State may then be entitled to, under the provisions of the act of Congress hereinbefore referred to, approved March 3d, 1857, for the purpose of aiding in the construction of said road, and upon the construction and completion of each and every consecutive twenty miles of said railroad, then said Governor of said State of Minnesota, acting for and in behalf of said State, shall execute in the name of the State of Minnesota, under the great seal thereof, a full and absolute title in fee simple, to all the lands appertaining thereto, which were

Duty of Governor on completion of every ten consecutive miles of road

conveyed to the said State or Territory of Minnesota, by an act of Congress passed March 3d, 1857, and 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, 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 which would have accrued to the said Root River Valley and Southern Minnesota 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 person or persons shall have the absolute, full, and complete title to the said lands in fee simple.

When to have
absolute title to
said lands

Sec. 5. *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 Southern Minnesota Railroad, and who shall finish and complete said railroad herein mentioned, shall be and are hereby exempted from all assessments and from all taxation whatsoever, until the same shall have been sold and conveyed by the said Company; 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 hereby created, 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 the 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 next ensuing, after the

When exempt
from assessment
and taxation

Installments
when and how
made

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 and every year, pay into the Treasury of this State, three per cent. of the gross earnings of said Railroad, 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 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 is declared to have committed perjury. 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 per-
jury

SEC. 6. *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 Southern Minnesota Railroad Company to the State of Minnesota.

When bonds to
be delivered and
transferred to
said company?

SEC. 7. *And be it further enacted*, That the rights, privileges, franchises, road bed, right of way, properties, and immunities hereinbefore granted and assigned, are

so granted, transferred, and assigned, upon this express condition that the said Root River Valley and Southern Minnesota Railroad Company, or Southern Minnesota Railroad Company, shall build and construct ten miles of said Railroad within one year from the first day of January, 1863, and thirty miles of said road within two years from said first day of January, and fully build and construct and complete, and fully equip said road from La Crescent via Chatfield, to its junction with the Transit at Rochester, on the present located line of said road, except so far as it may be necessary to change the same for engineering purposes, in coming up the Root River valley, and in making a connection with the Transit, and from St. Paul and St. Anthony, via Minneapolis, to a point of junction at Shakopee, in the county of Scott, and thence on the present located line thereof, to Mankato, within three years from the first day of January, 1863, and the whole of said line within ten years from the 3d day of March, 1857; 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 other act or ceremony 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.

Rights, privileges, franchises, &c., upon what conditions to be assigned to said company

SEC. 8. That the said Root River Valley and Southern Minnesota Railroad shall transport by all regular trains, all passengers and freights delivered to the same by every 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 Root River Valley and Southern Minnesota Railroad.

Regulations for transportation of passengers and freight

SEC. 9. The Root River Valley and Southern Minnesota Railroad may construct telegraphic lines upon its road, connecting with other telegraphic lines, and charge fees for transmitting messages thereon.

May construct telegraph lines

Construction of
fences—how gov-
erned

SEC. 10. That whenever the owner or occupant of any land, through which said road shall pass, or adjoining the line of said road, shall enclose with a fence, his or her lands, bounded in part by said road, said Company shall construct and maintain its portion of the same, in the same manner that individuals are or may be required by law to erect and maintain partition fences, and all fences erected on the line of said road by said Company, or by the owners or occupants of lands along the line thereof, shall be considered partition fences, and be in all respects governed by the laws in force regulating the same. Said Company shall construct such necessary farm crossings over the line of their said road as may be required by the owners of the land divided by said road. At any time after the expiration of ten years from and after the passage of this act, the Legislature shall have full power to alter the provisions of this section, and to make such further and other rules and regulations respecting the construction and maintenance of farm and cattle guards by said Company as they may deem best.

Repeal of incon-
sistent acts

SEC. 11. All acts or parts of acts repugnant to or inconsistent with this act are hereby repealed.

SEC. 12. This act shall be in force from and after its passage.

Approved, February 28, 1863.