

SPECIAL LAWS
OF
MINNESOTA.

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

CHAPTER I.

*An Act to facilitate the construction of the Southern
Minnesota Railroad, and to amend and continue cer-
tain acts in relation thereto.*

CHAPTER I.

- SECTION 1. In whom the rights, benefits and interests of said road vested.
2. Who to constitute a Board of Directors—elections for Directors to be held annually—vacancies how filled.
 3. Who may call first meeting of the Board.
 4. When company to acquire a title to right of way, etc.—privileges of said corporation—duty of the Governor on completion of every consecutive twenty miles of railroad.
 5. When exempt from assessment and taxation—installments when and how paid—penalty for perjury.
 6. When bonds to be cancelled.
 7. Rights, privileges, etc., upon what condition to be assigned to said company—proviso.
 8. Regulations for transportation of passengers and freight.
 9. May construct telegraph lines.
 10. All additional aid granted by Congress shall become vested in said company.
 11. Said company may issue stocks on any part of said railroad or branches.
 12. May consolidate the whole or any part of its line of road, or branches.
 13. Repeal of former act.
 14. Shall construct cattle guards and fences.
 15. Repeal of acts inconsistent with this chapter.
 16. When this chapter to take effect.

CHAPTER I.

- SECTION 1.** In whom the rights, benefits and interest of said road vested—who may call first meeting of the Board of Directors—who to constitute a Board of Directors.
2. When company to acquire right of way, etc.—privileges of said corporation—duty of the Governor on completion of every consecutive twenty miles of said road—shall construct cattle guards and fences.
 3. When exempt from assessment and taxation—installments when and how paid—penalty for perjury.
 4. When bonds to be cancelled.
 5. Rights, privileges, etc., upon what condition to be assigned.
 6. Regulations for transportation of passengers and freight.
 7. May construct telegraph line.
 8. All additional aid granted by Congress shall become vested in said Company.
 9. Said company may issue stock—in what sum.
 10. Repeal of acts inconsistent with this chapter.
 11. When act to take effect.

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

CHAPTER I.

SECTION. 1. That all the rights, benefits, privileges, property, franchises and interests of the Southern Minnesota 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 reason of any forfeiture 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, pertaining to the line of road from La Crescent up the Root River Valley to a point of junction with the Transit (now Winona and St. Peter,) at Rochester, and also pertaining to the line of road and branches prescribed in an act entitled an act to incorporate the Root River Valley and Southern Minnesota Railroad Company, approved March 2, A. D. 1855, and in the several acts amendatory thereof.

Provided, That the branch mentioned in said act, running through the southern tier of counties shall commence at or east of range ten; 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, A. D. 1857, entitled "An act making a grant of lands to

Rights, benefits,
property, etc., in
whom vested

the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroad 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 road, or line of the said Southern Minnesota Railroad hereinbefore specified, are hereby disposed of and conferred to and upon the said 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, an interest 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," approved March 2, A. D. 1855, 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 22, A. D. 1857, pertaining to the line of road from La Crescent up the Root River Valley, to a point of junction with the Transit (now Winona and St. Peter,) at Rochester, and pertaining to the line of roads and branches prescribed in said act of incorporation of the Root River Valley and Southern Minnesota Railroad Company, approved March 2d, A. D. 1855, and the several acts amendatory thereof, are hereby granted and transferred to T. B. Stoddard, C. D. Sherwood, Luke Miller, Daniel Cameron, Clark W. Thompson, William D. Hurlbert,

Rights, benefits,
property, etc., in
whom vested

Hiram Walker, William Meighen, B. D. Spragne, H. W. Holley, Thomas McRoberts and William Morin, and their associates and successors, with all the immunities, rights, property, benefits and privileges which the said Root River Valley and Southern Minnesota Railroad Company, or Southern Minnesota Railroad Company had or might or could have by reason of the passage of the said act, to said road or lands, 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. For the purpose of carrying out and effecting the objects of this act, the 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.

Who to constitute
a board of directors
—elections to be
held annually—va-
cancies how filled

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 not more than fourteen, nor less than nine persons, to be elected in accordance with the by-laws 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 may call first
meeting of the
board

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 meeting.

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 the said 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 grounds, 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, approved March 2, A. D. 1855. 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 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," approved May 22, A. D. 1857, within one year after the road is completed from La Crescent, via Target Lake and Chatfield, to a point of junction with the Winona and St. Peter, at Rochester. And upon the construction and completion of ten miles of said road, with the cars running 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 3, A. D. 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, the 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 conveyed to the said State or Territory of Minnesota, by an act of Congress, passed March 3, A. D. 1857, and entitled "an act making a grant of land

When to acquire title to road bed, right of way, etc.

Duty of Governor on completion of every twenty consecutive miles

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 Root River Valley and Southern Minnesota Railroad Company, or 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.

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 thirty miles of 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,

When exempt from
assessment and
taxation

Installments
when and how
made

and shall during the seven years next ensuing, 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 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 whatever. 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 the 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 of all demands, decrees and judgments against said company:

Penalty for perjury

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 ten miles of said railroad, the Governor of the State of Minnesota, shall cancel all the bonds issued by the Southern Minnesota Railroad Company to the State of Minnesota.

When bonds to be cancelled

Rights, privileges,
etc., upon what
conditions to be
assigned 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 Southern Minnesota Railroad Company shall build and construct ten miles of said road within two years from the 20th day of January, A. D. 1864, and thirty miles of said road within three years from said 20th day of January, A. D. 1864, and fully build, construct and complete, and fully equip said road from La Crescent up the Root River Valley, via Chatfield, to a junction with the Winona and St. Peter Road at Rochester, on the present located line thereof, except so far as it may be necessary to change the same for engineering purposes, in coming up the valley of the Root river; 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. *Provided*, That the portion of the line of road commencing at Saint Paul and Saint Anthony, via Minneapolis, to a convenient point of junction west of of the Mississippi; thence to the southern boundary of the State, in the direction of the mouth of the Big Sioux, is hereby reserved by the State, with all the lands, property, franchises and rights pertaining to the same, to vest in such corporation as may be authorized and empowered, under the laws of the State to construct the same, or any part thereof.

Provided

Regulations for
transportation of
passengers and
freight

SEC. 8. That the said Southern Minnesota Railroad Company 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 gov-

erned by the same rules in transporting passengers and freight on their several lines, delivered by the said Southern Minnesota Railroad.

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

SEC. 10. *And be it further enacted*, That if at any time the Congress of the United States should make a further grant of lands to the State of Minnesota, for the purpose of making good the quantity of lands to which the said line of road was entitled under the act of Congress, granting lands to the Territory (now State) of Minnesota, for railroad purposes, and which are now deficient, or should grant aid in lands or otherwise to aid in the construction of the line of road prescribed in said act of March 2, A. D. 1855, and the several acts amendatory thereof, or any of its branch railroads, provided for in this act, all such lands or aid so granted to the State, are hereby pledged, granted to and shall become vested in the Southern Minnesota Railroad Company, to be disposed of for the benefit of said company, according to the provisions of such act of Congress.

SEC. 11. *And be it further enacted*, That the Southern Minnesota Railroad Company shall have power to create and issue, in such manner and on such terms as it may deem expedient, special stock on any part of said railroad or branches; and to make such agreements as it may deem proper with the holders of any such special stock for the appropriation of the net earnings of any portion of the railroad which it may construct or otherwise acquire, to the payment of dividends on such special stock as may be issued in respect thereto; which appropriation, as made by such agreement, shall be effectual to secure to the said and future holders of such stock, the application of such net earnings, as in the said agreement, provided against any future act of the company, or any of its general liabilities.

And the said company may make such agreements as it may deem proper with the holders of any such special stock as to the administration of the portion of

said railroad, and the land grant appertaining thereto, to which said stock may pertain; and for the separate organization of the holders of such special stock for the purpose of that administration, and enabling them, or directors chosen by them, separately, or in conjunction with the other directors, to exercise, in respect to the portion of the road to which such special stock may pertain, all the powers of the company, subject to the provisions of such agreement, when made and entered into.

May consolidate its
line of road

SEC. 12. *Be it further enacted*, That the Southern Minnesota Railroad Company may consolidate the whole or any portion of its line of road or branches, and all the property, rights, powers, franchises, grants and effects pertaining to such line or branch railroad, with the rights, powers, franchises, grants and effects of any other railroad company either within or without this State, upon such terms and conditions as such company, or a majority of the directors of such respective companies may respectively agree; and the railroad company in which such division line or branch railroad shall become vested by such consolidation, shall thereafter hold and enjoy all rights, grants, powers and franchises in respect to such line or branch which the company possessed before the consolidation; but said Root River Valley and Southern Minnesota Railroad Company, shall remain vested with all its other rights, powers, privileges and franchises.

Repeal of former
act

SEC. 13. That section twelve of an act entitled an act to incorporate the Root River Valley and Southern Minnesota Railroad Company, approved March 2d, A. D. 1855, be and the same is hereby repealed.

Shall construct
cattle guards and
fences

SEC. 14. That said company shall construct and maintain all proper and necessary cattle guards, and farm crossings over the line of said road, and also within two years after the completion of their road through any improved land, shall build, keep, and maintain a legal fence on each side of their road, through such improved land.

Repeal of incon-
sistent acts

SEC. 15. All acts or parts of acts repugnant to or inconsistent with this chapter, are hereby repealed.

SEC. 16. This chapter one of this act shall take

effect and be in force from and after the passage of this act.

CHAPTER II.

SECTION 1. That all the rights, benefits, privileges, property, franchise and interests of the Southern Minnesota Railroad Company acquired by the State of Minnesota, by virtue of any acts, deeds, sale, foreclosure, agreement or thing by the said company hereinbefore done or suffered, or by reason of any forfeiture, 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, pertaining to the line of road from Saint Paul, and from Saint Anthony via Minncapolis to a point of junction at Shakopee City, in the county of Scott, and thence via Belle Plaine, Clarksville, Lesueur, Traverse de Sioux, Saint Peter, Kasota, Mankato and South Bend, to the southern boundary of the territory in the direction of the Big Sioux river, 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 3d, A. D. 1857, pertaining to said line of road 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," are hereby granted, vested in, and transferred as follows, to wit: All the rights, immunities, benefits, privileges, franchises, lands, interests and property aforesaid, appertaining, relating or applicable to that portion of said road last aforesaid, to Horace Thompson, D. W. Jagersoll, S. W. Farnham, Andrew G. Chatfield, Isaac Lincoln, F. A. Donahower, John J. Porter, P. Berkeley, H. C. Smith, John L. Meriam, F. R. E. Cornell, E. W. Cutter, Eli B. Ames, J. S. Letford, William Huey, B. R. Laird,

Rights, benefits,
property, etc., in
whom vested

and Isaac Marks, their associates and successors 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, which said persons, their associates and successors shall be known by the name of the Minnesota Valley Railroad Company, and by that name may sue and be sued, and have and exercise all the powers, rights and privileges appertaining to that portion of the road last hereinbefore designated, which heretofore pertained to the said Southern Minnesota Railroad Company, and the persons above named shall be directors of the said Minnesota Valley Railroad Company for one year and until others are appointed or elected in their places, and may adopt and use a common seal.

Who may call first meeting of the board

Any three of the board of directors of said company 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 meeting.

Who to constitute a board of directors

The board of directors of the said Minnesota Valley Railroad Company, shall consist of seventeen persons, a majority of whom shall be a quorum who shall have power to fill vacancies, and whose powers and duties shall commence immediately after the passage of this act. They may be residents of any State in the Union, and may be reduced to nine, by a vote of the stockholders, they may hold meetings at such time and place, either within or out of the State as they may elect.

When to acquire title to road bed, right of way, etc.

SEC. 2. *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 the said Minnesota Valley Railroad Company, until said company shall fully complete and put in running order ten miles of said railroad; but said person or persons 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 prop-

erty owned by individuals in the same way as now specified in the charter of the Root River Valley and Southern Minnesota R.R. Company, approved March 2d, A. D. 1855, as provided in the act of May 22, A. D. 1857. And upon the construction and completion of ten miles of said road, with the cars running 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 3, A. D. 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, the 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 conveyed to the said State or Territory of Minnesota, by an act of Congress passed March 3, A. D. 1857, and 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 said State," and which would have accrued to the Root River Valley and Southern Minnesota Railroad Company, applicable to the said Minnesota Valley Railroad, 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.

Duty of Governor
on completion of
every twenty con-
secutive miles

And further provided, That said company shall construct and maintain all proper and necessary cattle guards and farm crossings over the line of said road, and also within two years after the completion of their road through any improved land shall build, keep, and

Shall construct
cattle guards and
fences

maintain a legal fence on each side of their road through such improved land.

When exempt from
assessment and
taxation

SEC. 3. *And be it further enacted*, That the lands granted, or intended to be granted, by the provisions of this act, 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 company, the said railroad and its appurtenances and appurtenances, and all other property, estate and effects of said company, and 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 said company, and of the exemption contained in this section, the said company shall, during the first three years, after thirty miles of said railroad shall be completed and in operation, on or before the first day of March, in 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 thirty miles of the said railroad shall be completed and in operation, and shall, during the seven years next ensuing, 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 said seven years, 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 railroads; and the payment of such per centum annually, as aforesaid, shall be and is in full of all taxation and assessment whatever. 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 the treasurer and secretary of said company, and for the purpose of ascertaining the truth of such affi-

Installments
when and how
made

davits, and the correctness of such abstract, full power is hereby vested in the Governor of this State, or any other person appointed by law 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 person, 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 perjury

SEC. 4. *And be it further enacted*, That whenever the said company herein named, its successors or assigns, shall fully complete ten miles of said railroad, that the Governor of the State of Minnesota shall cancel all the bonds issued by the Southern Minnesota Railroad Company to the State of Minnesota.

When bonds to be cancelled

SEC. 5. *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 Minnesota Valley Railroad Company shall construct ten miles of its said road within two years from the twentieth day of January, A.D. 1864, and thirty miles of its said road within three years from said twentieth day of January, and construct and fully equip said road and all the other portions of said road, on the present located line thereof, except so far as it may be necessary to alter the same for engineering purposes. (*Provided*, That said road shall not be diverted from any of the points hereinbefore named,) within eight years from the third day of March, A.D. 1864, 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

Rights, privileges, etc., upon what conditions to be assigned to said company

Proviso

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.

Regulations for transportation of passengers and freight

SEC. 6. That the said railroad company 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 Minnesota Valley Railroad Company.

May construct telegraph lines

SEC. 7. The said railroad company may construct telegraph lines upon its road connecting with other telegraphic lines and charge fees for transmitting messages thereon.

All additional aid granted by Congress shall become vested in said company

SEC. 8. *And be it further enacted*, That if at any time the Congress of the United States should grant aid in lands or otherwise to aid in the construction of the railroad provided for in this chapter, all such lands or aid so granted to the State are hereby pledged, granted to and shall become vested in the aforesaid Minnesota Valley Railroad Company.

May issue stocks

SEC. 9. *And be it further enacted*, That the Minnesota Valley Railroad Company herein named may issue two millions five hundred thousand dollars of stock with privilege of increasing the same to five millions, and shall have power to create and issue in such manner and on such terms as it may deem expedient, one or more classes of preferred stock, or special stock, and to make such agreements as it may deem proper with the holders of any such special stock for the appropriation of the nett earnings of any portion of the railroads which it may construct or otherwise acquire to the payments of dividends on such special stock as may be issued in respect thereto, which appropriations, as made by such agreement, shall be effectual to secure

to the said and future holders of such stock the application of such nett earnings as in the said agreement may be provided against any future act of said company or any of its general liabilities. And the said company may make such arrangements as it may deem proper with the holders of any such special stock, as to the administration of the portion of said railroad and the land grant appertaining thereto, to which said stock may pertain; and for the separate organization of the holders of such special stock for the purpose of that administration, and enabling them, or directors chosen by them, separately or in conjunction with the other directors, to exercise, in respect to the portion of the road to which such special stock may pertain, all the powers of the company, subject to the provisions of such agreement, when made and entered into. The grants made in this act are upon the express condition that the grantees named in chapters one and two, by accepting their respective grants thereby ratify and confirm the same as made in this act.

SEC. 10. All acts or parts of acts repugnant to or inconsistent with this chapter, are hereby repealed. Repeal of inconsistent acts

SEC. 11. This act shall be in force from and after its passage.

Approved March 4, 1864.