

CHAPTER LXVI.

An Act to authorize the St. Charles and Chatfield Branch Railroad Company, incorporated February sixth, one thousand eight hundred and sixty-seven, to construct and operate a branch of their road to the southern boundary of the State of Minnesota.

March 7, 1870.

- SECTION 1. Authorized to construct and operate a branch line of railroad—corporate rights.
2. Commencement and terminus of said road.
 3. When books to be open for subscription to capital stock—where.
 4. Directors may make assessments upon stock when necessary—at what per cent.
 5. When main and branch lines to be located—when to be completed—right of way—proviso relating to school lands.
 - f. May take and hold additional lands as may be deemed requisite—compensation.
 7. Authorized to construct bridges over highways and across streams—may connect with or cross line of any other road.
 8. Manner of material used.
 9. Penalty for obstructing or injuring said railroad.
 10. Company may consolidate with other companies under certain conditions.
 11. Authorises company to borrow money.
 12. Compelled to build cattle-guards.
 13. Company to have power to enter and pass over any other railroad.
 14. Company may contract for the construction and extension of said road with any railroad chartered under the laws of Iowa.
 15. When act to take effect.

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

SECTION 1. That the St. Charles and Chatfield Branch Railroad Company and their associate successors and assigns, be and are hereby authorized to construct and operate a branch of their road from Chatfield, Minnesota, to the southern boundary of the state of Minnesota, west of range eleven, and shall be capable in law of taking, purchasing, holding, leasing, selling and conveying real estate and property, whether real or personal, or mixed, so far as the same may be necessary for the purpose hereinafter mentioned, and in their corporate name may sue and be

To construct a branch line—corporate rights.

sued, plead and be impleaded, and to have a common seal which they may alter or renew at pleasure, and may have and exercise all powers, rights, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act.

SEC. 2. The said corporation is hereby authorized and empowered to survey, locate, construct, complete, maintain, use and operate a railroad with one or more tracks or lines of rails from St. Charles, in the county of Winona, and state of Minnesota, on the most passable route to the southern boundary of the state, and on the route to Ackly, in the state of Iowa, together with all necessary stations, depots, turn-outs, engine or car houses and other appurtenances belonging to a railroad.

Commencement and terminus of said road.

SEC. 3. The board of directors named in the articles of incorporation of said railroad company, or a majority of them, shall meet at the town of Chatfield on the first Tuesday of June next between the hours of ten o'clock A. M. and four o'clock P. M., of same day, and open books of subscription to the capital stock of said company, and may keep the same open at such place and at such other place or places as they may select, until the whole amount of the capital stock of said corporation shall have been subscribed.

When and where books opened for subscription to capital stock.

SEC. 4. The board of directors may, at such time as they may deem necessary or proper, assess upon the stock subscribed an instalment of not less than five and not more than twenty per cent., and require payment of such instalment within a reasonable time, not less than thirty days from notice thereof, under the penalty of a forfeiture of the stock upon which such assessment was made.

May make assessments on stock when necessary—at what per cent.

SEC. 5. The said railroad company shall locate their main line of road from St. Charles to Chatfield within two years, and the branch road provided for in this act, from Chatfield to the southern boundary of the state of Minnesota within three years from the time this act shall take effect, and shall complete the same from St. Charles to the southern boundary of the state within ten years. The said corporation shall have the right of way upon, and may appropriate to its own use and control, for the purpose of said railroad and its appurtenances, land not exceeding two hundred feet in width throughout its entire length, and may by its engineers, agents and contractors, enter upon and take possession of, and use all and singular, any lands, timber, stream and materials of

When main and branch lines located—when completed—right of way—proviso relating to school lands.

any and every kind, for the purposes of making the survey and location of said railroad; and of all stations, depots, turn-outs, and other things necessary, proper or convenient for the same, and the full use and protection thereof of all appendages and appurtenances. All such lands within the limits of the line of said railroad, and which may now belong to this state, is hereby granted the said corporation for such purposes, to be by them held and possessed so long as the same shall be used for such purposes, and no longer; *Provided*, That in case any of the lands which have been reserved or shall hereafter be reserved or granted for the use of schools, shall be included within the limits of said line, the said corporation shall pay therefor, such sum not less than one dollar and twenty-five cents per acre, as the legislature of the state shall fix, which sum shall be paid to the governor thereof, and shall belong to the school fund of said state.

May take and hold additional lands—compensation.

SEC. 6. The said corporation may take and hold for the said purposes or any of them, such additional lands as may be requisite or convenient therefor; but unless such lands taken by said corporation for any of said purposes, shall be purchased of or voluntarily given by the owners thereof, full and proper compensation therefor shall be made by said corporation to the owner or owners thereof, which compensation shall be ascertained and determined as now provided by law.

May erect bridges over highways and streams—may connect with or cross lines of other roads.

SEC. 7. For the purpose of constructing and using said railroad the said corporation is authorized to construct the said railroad, and the necessary bridges across and over public highways and streams; *Provided*, That it be so done as not to obstruct highways. And the said corporation is hereby authorized to contract with any other railroad company or corporation, with whose road their road may come in contact, for the crossing or connection of such roads, and for the joint use thereof.

Kind of material used.

SEC. 8. Every track of said railroad shall be laid with rail of not less than sixty pounds per yard lineal, and all the engines, cars and other furniture, shall be well made, of good material and of approved form or kind, equal in quality to those of the best equipped and furnished railroads in the United States.

Penalty for obstructing or injuring said road.

SEC. 9. If any person shall wilfully obstruct or in any way injure, spoil or destroy the railroad, or any thing affixed or appurtenant thereto, and necessary or convenient for its free and safe use, or any of the materials for the

construction thereof, or any building, fixture, or other structure or carriage, engine or car, erected or kept for the use thereof, such person shall be deemed guilty of a misdemeanor, and liable to be indicted and punished therefor, and shall also be liable to pay the company thrice the amount of the damages occasioned thereby. And in case the death of any person shall be produced by or in consequence of any wilful or malicious obstruction or injury to the said railroad, or to any engine or car thereon, the person who shall so obstruct or injure the said railroad, or car, or engine thereon, shall be deemed guilty of murder in the first degree.

SEC. 10. The said railroad company shall have power to consolidate the capital stock with any other railroad company, upon such terms and conditions as the two companies may agree upon, and the board of directors of said corporations acting jointly together until the first election of said consolidated companies, when the stockholders of such consolidated company shall choose a board of directors not exceeding fifteen.

May consolidate with other companies on certain conditions. #

SEC. 11. The said company is hereby authorized to borrow money, to be expended on the construction of said railroad and its appendages, and to issue bonds for the payment thereof in the usual form. Such bonds not to exceed in the aggregate the whole amount expended in said road and its appendages, and may make and execute in their corporate name of said company, all necessary mortgages, writings, notes, bonds and other papers, for any liabilities that may be incurred in and about the location, construction and equipment of said road.

Authorized to borrow money.

SEC. 12. This company shall be obliged to build one culvert-bridge or cattle-gate on each and every farm over which it crosses, when the same shall be deemed necessary by the occupants of the lands.

To build cattle-guards

SEC. 13. This company shall have power to enter upon and pass over the railroad of any corporation whose railroad connects with that of this company, with their cars and engines, and any other company shall have like power to enter upon this railroad, whose railroad connects with this road, and pass over the same with their cars and engines; and such reciprocal use of said respective railroads shall be upon such terms and conditions as shall be agreed upon by the officers of the respective companies.

May enter and pass over any other road.

SEC. 14. The said corporation is authorized and empowered and it shall be lawful for the same to provide by

May contract for extension of road with any road chartered under the laws of Iowa.

contract for the construction and continuation of the road provided for in this act, with any railroad chartered or to be chartered under or by the laws of Iowa, from the point west of range eleven on the southern boundary of the state of Minnesota, where the road hereby authorized shall intersect the state line aforesaid, and in case of such contract, this corporation are hereby authorized to extend said railroad to said Ackly, in said state of Iowa.

When act to take effect.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved March 7, 1870.

CHAPTER LXVII.

An Act to amend Chapter Fifty-Two, of the Special Laws of one thousand eight hundred and sixty-nine, relative to the Brownsville, Caledonia and State Line Railroad Company.

March 3, 1870.

- SECTION 1. Amendment to Section One (1) of Chapter Fifty-Two (52), Special Laws of 1869.
Change of portion of directors of said road.
2. Amendment to Section Six (6) of said act. When and where corporators to meet for acceptance or rejection of said charter.
 3. When act to take effect.

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

Change of portion of directors of said road.

SECTION 1. That section one, of an act of the Legislature of the state of Minnesota, entitled "an act to facilitate the construction of a railroad from the village of Brownsville, in the county of Houston, by way of Caledonia, to Iowa State Line," approved March five, one thousand eight hundred and sixty-nine, be and the same is hereby amended by striking therefrom the names of Samuel Eakins, John Blake, Joseph Betts and D. W. Demmon, and inserting in the stead of said names, the