

## CHAPTER XXII.

March 4, 1871. *An Act to provide for the appointment of a Railroad Commissioner, and prescribing his duties.*

- SECTION 1.** Governor to appoint Railroad Commissioner—term of office—qualification—vacancy how filled.
2. Salary of Railroad Commissioner—what to be deemed a felony—punishment for said offence.
  3. Duty of Commissioner.
  4. To inquire into the cause of failure of any proper railroad connection and to report to the Legislature—when.
  5. To examine and report the existing pecuniary condition and financial management of each road—number of acres of land owned—number and price per acre sold—amount of receipts and expenditures, etc.
  6. Directors of such corporations to make annual returns under oath—penalty for refusing or neglecting to do so.
  7. Penalty for making false returns.
  8. To report whether any railroad corporation has exceeded its legal powers, or incurred a forfeiture of its franchises.
  9. Penalty for wilfully hindering said Commissioner in the execution of his duties—further powers of Commissioner.
  10. Report to be printed at the expense of the State—duty of State Auditor.
  11. Salary of Commissioner, how paid.
  12. In case of accident, corporation to give notice to Commissioner—duty of Commissioner.
  13. Duty of Attorney General.
  14. When act to take effect.

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

**SECTION 1.** That one competent person who is not a stockholder, officer, trustee, assignee, or lessee, or employee of any railroad company or corporation, shall be appointed by the governor, by and with the advice and consent of the senate, who shall be styled the railroad commissioner, who shall be sworn to the faithful discharge of his duties. He shall hold his office for two years, and execute the duties thereof as herein provided, until his successor is appointed and qualified; and in case of a

Commissioner  
appointed—term  
of office—qualifi-  
cation—vacancy  
how filled.

vacancy by death, removal, resignation or otherwise, the governor shall fill the same by appointment.

SEC. 2. Said commissioner shall be entitled to the annual salary of three thousand dollars, and his necessary expenses, including clerk hire, office rent, &c., not exceeding one thousand dollars, while engaged in the duties of his office, which shall be paid by the treasurer of the state in the same manner as other state officers are paid; and if such commissioner shall directly or indirectly receive any compensation or pay for any services or extra service, or for neglect of service, other than is provided in this act, he shall be deemed guilty of a felony, and, on conviction thereof, shall be subject to a fine not exceeding the sum of ten thousand dollars, or imprisonment in the state prison for a term not exceeding ten years, or both, in the discretion of the court.

Salary of commissioner—what deemed a felony—punishment.

SEC. 3. The commissioner shall inquire into and report annually any neglect or infringement of the laws for the regulation of railroads in this state, by officers, employees, or agents of such roads, to the legislature the first week of its session; and shall also, from time to time, carefully examine and inspect the condition of each railroad in this state, and learn its state of repair and sufficiency, and that of its carriages, engines, furniture and equipage, and the manner of its conduct and management for the public safety, and shall also report the same to the legislature, during the first week of its session.

Duty of commissioner.

SEC. 4. In case there shall be a failure of any proper railroad connections in this state, in the opinion of the railroad commissioner, he shall inquire into the cause or causes of the same, and shall report wherein such failure consists and the reason of such failure, to the then next session of the legislature, the first week of their session.

When to report to Legislature—what report to contain.

SEC. 5. Said commissioner shall examine and report annually to the legislature, the first week of its session, the existing pecuniary condition and financial management of each and every railroad in this state for the current year, showing the true pecuniary condition of said road. Such report shall include the number of acres of land owned by each railroad in this state, from what source received, the value at which the same are held by the company owning them; the amount and description of land sold during the current year, and the price per acre for which the lands were sold. Such report shall also include the amount of receipts and expenditures of

To examine into pecuniary condition and financial management, etc.

said road for the year, and from what sources said receipts were derived, and for what said expenditures were made. Also the outstanding debts and liabilities against such road, and the nature thereof; all debts and claims due said road and the probable availability thereof, the number, position and compensation of all persons employed by said road, and the nature of their services, (except such men as are employed in the construction of said road,) together with the condition of said road and its equipments and property as herein provided.

Railroad directors to make annual report under oath—penalty for refusal.

SEC. 6. To enable said commission to perform said service and make said report, the directors, assignees, trustees, or other officers and persons in the management of each railroad, shall annually make known to the said commissioner, under oath, such returns, and in such form and at such time as he shall prescribe, and make known to them and each and every person so required who shall refuse or neglect to make such return shall be deemed guilty of a felony.

Penalty for making false returns.

SEC. 7. If any person, in making any such return to said commissioner as herein provided, or in furnishing information, or making statement to him on oath when by said commissioner required, shall be deemed guilty of perjury and punished accordingly.

When corporation liable to forfeit franchises.

SEC. 8. Said commissioner shall report annually to the legislature the first week of its session, whether any railroad corporation has within the year previous exceeded its legal powers, or in any way incurred a forfeiture of its franchises, that proceedings may be taken therefor. And he shall also at the same time report what further legal provisions should, in his opinion, be adopted in relation to railroads, if any.

Penalty for willfully hindering commissioner in the execution of his duties—farther powers.

SEC. 9. Every person who shall willfully obstruct, hinder, and impede said commissioner in the execution of the duties of his office, shall be subject to conviction and punishment therefor in the same way as is provided by law for the punishment of hindering and impeding officers, judicial or executive, in the execution of their offices under the authority of the laws of this state, and shall, on conviction thereof, be subject to fine and imprisonment as hereinbefore provided in the second section of this act, and the said commissioner shall have power for the purposes aforesaid, to examine any of the books, papers, or documents of the corporation, or its directors, treasurer, or officers, and those of the assignees or trus-

tees, or persons in the direction or control of said road, and also under oath to examine any of said persons or their employees or other persons. He is empowered to issue subpoenas and administer oaths in the same manner and with the same power to enforce obedience thereto, in the performance of his said duties, as belong and pertain to courts of law in this state; and any person refusing access by said commissioner to such papers, or any director, assignee, lessee, or other officer, clerk or employee of said road who shall obstruct said access, or refuse to furnish any information required by said commissioner in discharge of his duty, shall be deemed guilty of a felony, and shall be liable, on conviction, to fine and imprisonment, as provided in the second section of this act.

SEC. 10. The said commissioner may cause his reports to be printed at the expense of the state, the claim for which may be audited by the state auditor.

Report to be printed—duty of State Auditor.

SEC. 11. The amount of the salary and expenses of said commissioner shall be audited and allowed on proper vouchers by the state auditor, and be paid by the treasurer of the state.

Salary of commissioner, how paid.

SEC. 12. Upon the occurrence of any accident upon a railroad which shall result in personal injury or loss of life, the corporation operating the road upon which said accident shall occur, shall give immediate notice to the commissioner whose duty it shall be to investigate the same.

Corporation to give notice in case of accident—duty of commissioner.

SEC. 13. It shall be the duty of the attorney general to aid, when called upon by the said commissioner, in any investigation or matter needing legal advice or investigation.

Duty of Attorney General.

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

When act to take effect.

Approved March 4, 1871.