

CHAPTER CI.

February 29,
1872.

An Act to revive and continue An Act and the Corporation created by said act entitled "An Act" to incorporate the Winona and LaCrosse Railroad Company, approved February twenty fifth, one thousand eight hundred and fifty six, and to amend said act.

- SECTION 1. Names of stockholders and corporate rights.
2. Location of the road to be built.
 3. Relating to the acceptance of this charter and the opening of subscription books.
 4. Relating to the time within which location shall be made and work commenced.
 5. Repeal of section 11.
 6. Amending section 15, relating to a connection with other railroads.
 7. Term of office of the first directors.
 8. Meetings of the board of directors.
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 10. Authorized to borrow money and issue bonds.
 11. Changing the name of company in original act.
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 13. Relating to a per centum in lieu of taxation.
 14. Repeal of inconsistent acts.
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Be it enacted by the Legislature of the State of Minnesota:

That the act entitled "An Act to incorporate the Winona and La Crosse Railroad Company," approved February twenty fifth, one thousand eight hundred and fifty six, and the corporation thereby created, be and the same are hereby revived, continued and in full force and effect as to all the provisions thereof, except as hereinafter altered, amended or repealed.

Names of
stockholders—
corporate
rights.

SECTION 1. Section one of said act is amended so as to read as follows: That William Windom, Thomas Simpson, William H. Yale, J. C. Easton, John Robson, William Mitchell, Henry W. Lamberton, Mathew G. Norton, Earl S. Youmans, Royal Dione, Thomas Wilson, Myron K. Drew, E. D. Williams, George P. Wilson, Thomas Abbott and Ignatius F. O'Fenall, and all such persons as shall

hereafter become stockholders in the company hereby incorporated, shall be and hereby are made a body politic and corporate by the name and style of, "the Winona and South Western Railway Company," and by and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against in law and equity, in any and all courts and places whatsoever as fully as natural persons, and the said corporation may make and use a common seal and alter or renew the same at pleasure, and by their corporate style and name be capable of contracting and being contracted with and of acquiring by purchase, gift, grant, devise or otherwise, and of holding and conveying all such estate and property, real and personal as may be necessary or convenient to carry into effect the objects and purposes of the said corporation.

SEC. 2. Section two of said act is amended so as to read as follows: The said corporation is hereby authorized and empowered, and it is hereby declared that the objects and purposes thereof are to survey, locate, construct, complete, maintain, use and operate and at their pleasure to alter the line thereof, a railway with all necessary and convenient tracts, side tracts, turnouts, switches and other appurtenances for operating the same, from the City of Winona in the county of Winona, and state of Minnesota, to the north boundary line of the state of Iowa, east of range fourteen and west of the fifth principal meridian, with the right and privilege of extending their railway from Winona by the most feasible route to St. Paul and Minneapolis.

Location of
road.

SEC. 3. Section sixth of said act is amended so as to read as follows: The incorporators named in the first section of this act, or a majority thereof, shall on or before the first day of May next, by an instrument in writing executed in the form prescribed by law for the execution of deeds of real estate, acknowledge the acceptance of this charter and file such instrument in the office of secretary of state, or in default thereof shall be deemed to have refused this charter and shall forfeit all rights under the provisions of this act. If they accept this charter, they shall appoint three or more of their number, and such other person or persons as they may deem proper, as agents or commissioners to receive subscriptions to the stock of this corporation, and direct the times and places when and where the books for receiving such subscriptions shall be opened, and such books may be opened by different agents or commissioners at different places at the same time. Every person who shall subscribe for any stock of this corporation, shall at the time of subscribing for

Acceptance of
charter—sub-
scription books

the same, pay to the agents or commissioners two per cent. on the amount of stock so subscribed.

Time of loca-
tion and com-
mencement of
work.

SEC. 4. Section nine of said act, is amended so as to read as follows: The said corporation shall locate at least ten miles of said road and commence work thereon within two years from the time this act shall take effect, and fully complete and equip said road within four years from the passage of this act.

Repeal of sec-
tion 11.

SEC. 5. Section eleven of said act, is hereby repealed.

Amendment to
section 15.

SEC. 6. Section fifteen of said act, is amended so as to read as follows: The corporation hereby created is hereby authorized and empowered and it shall be lawful for the same to provide by contract or agreement, for a connection of the railway mentioned and provided for in this act, with any railroad in the state of Iowa, terminating at the north boundary line of said state; upon such terms and conditions and in such manner as the board of directors of the corporation provided for in this act, may deem practicable or advisable.

First board of
directors--term
of office.

SEC. 7. The persons named in the first section of this act shall constitute a board of directors of said company until the first Monday in June, one thousand eight hundred and seventy three, and until their successors shall be elected and enter upon their duties as directors according to the provisions of section seven of said original act. The number of directors shall not exceed fifteen, or be less than seven, a majority of whom shall be a quorum for the transaction of business.

Meetings of the
board.

SEC. 8. Any five of the board of directors above named are hereby authorized to call the first meeting of such board, by giving each of the other members ten day's notice in writing through the post office or otherwise, of the time and place of meeting.

Passengers and
freight.

SEC. 9. Said corporation shall carry passengers and transport freight over any railway constructed, under the provisions of this act, at just and reasonable rates.

Authority to
borrow money
and issue
bonds.

SEC. 10. The said company by its directors, may borrow money upon the faith and credit of said company, upon such rates of interest as may be agreed upon, not to exceed twelve per centum per annum, and may issue the bonds or other evidence of debt of the company, with or without interest coupons attached, in such sums and payable at such time and place as may be agreed upon, and to secure the payment thereof may mortgage its road, rights, franchises and any and all other property of the company.

SEC. 11. Whenever in said original act, the word "terri-

tory" is used, the word state shall be inserted in place thereof, and wherever the words "Winona and LaCrosse Railroad" are used, the words Winona and South Western Railway shall be inserted in place thereof.

Change of
name.

SEC. 12. In all cases of appeal from any report or part or portion of a report of the commissioners, as provided for in section five (5) of said original act, the amount to be deposited in court may be fixed by a judge of the district court, and such matter may be brought on for hearing at any time on giving ten day's notice of the time and place of such hearing.

Appeals.

SEC. 13. That in consideration of an annual payment of a per centum as provided in this section, by this corporation, the railway its appurtenance and appendages, and all other property, estates and effects of said corporation which it has heretofore or may hereafter acquire, purchase, hold, possess, enjoy or use for, in or about the construction, equipment, renewal, repair, maintaining or operating its railway, as also the stock and capital of said company, shall be, and hereby are forever exempt from all taxation, and in consideration of the grants made to said corporation, and of the exemption contained in this section, the said company during the first three years from and after the first twenty miles of said road is constructed 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 railway, and shall during the seven years next ensuing after the expiration of the three years aforesaid, pay into the treasury of the state, on or before the first day of March of each and every year, two per cent. on the gross earnings of said railway, and shall from and after ten years from the date of the construction of the first twenty miles of said railway, 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 railway, and the payment of such per centum annually as aforesaid, shall be, and is in full of all taxation 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 or auditor of this state, or other proper officer prescribed by law on or before the first day of February of 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 abstracts, full power is hereby vested

Payment of per
centum.

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 willfully 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 railway 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.

Repeal of inconsistent acts when act to take effect.

SEC. 14. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER VII.

February 26,
1872.

An Act to Amend the Charter of the Minnesota and North-Western Railroad Company.

SECTION 1. Name of the company changed.

2. When act to take effect.

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

Change of name.

SECTION 1. The name of the Minnesota and North-Western railroad company, created, organized and existing by and under the act entitled "An act to incorporate the Minnesota and North-Western Railroad Company," approved March fourth (4), one thousand eight hundred and fifty-four (1854), and acts amendatory thereof, may be changed by resolution