

present at any meeting of the directors, or stockholders, a secretary pro tem, shall be chosen, who shall perform the duties of secretary at such meeting.

Lien on logs.

Sec. 14th, Of said act is amended by adding at the close thereof, the words following, to-wit: And said company shall have a lien upon all logs which may remain in, or have been turned out of said boom for all charges thereupon due them, and the boom-master may at any time take possession of logs of any mark, the charges upon which the said company have not been paid, and sell enough of such logs to pay all such charges, first giving ten days public notice thereof.

CHAPTER LVIII,

A Bill to amend an act entitled "An act to incorporate the Minnesota and North-Western Railroad Company.

- SECTION 1. Amendment to the eighth section of the charter of the Minnesota and North-Western Railroad Company.
2. Power granted the Governor of the Territory or State to examine the books of the company.
 3. The sixteenth section of the act to incorporate the Minnesota and North-Western Railroad Company repealed, and a report in writing required to be made to the Governor verifying the amount expended annually.
 4. Forfeiture in case of a failure to construct the road within three years.
 5. Contracts, obligations, &c., against the company binding upon it.
 6. Consequences of a failure to comply with the provisions of this Act.
 7. Enactment of the original charter subject to the within amendments.
 8. This act declared a public act.
 9. The Legislature may amend, repeal or modify upon the expiration of twenty years.

Be it enacted by the Legislative Assembly of the Territory of Minnesota:

Amendments to
section eight.

SECTION. 1. That the eighth section of the act entitled "an act to incorporate the Minnesota and North Western Rail Road Company," be, and

the same is hereby amended, by striking out so much of the said section as follows the words "Provided also" and inserting in the place thereof the words following, that is to say, that whenever and so soon as the net earnings of the said road received by the said company, shall have exceeded twenty per cent or one fifth of the amount of the Capitol actually expended by the said Company in payments for lands and rights of way, and in constructing and furnishing the said road and appurtenances the said Company shall, forever thereafter, pay semi-annually to the Treasurer of the Territory, or future State of Minnesota, seven per cent of the net earnings of the said Rail Road, which shall have accrued and been received by the said company within the six months next preceeding the times of the said respective payments, the first of said payments to be made at the expiration of six months from and after the said twenty per cent in net earnings shall have been received by the said Company. And for the purpose of ascertaining the proceeds, receipts and income of the said road, an accurate account shall be kept by the said Company, which account shall, every six months, and at the time of the making of the said payments to the Treasurer, be furnished to the Governor of the said Territory or State by the said Company, duly verified by the affidavits of its President and Treasurer.

Sec. 2. The Governor of said Territory or State, or any other person duly appointed by law, shall have power to examine the books and papers of the said corporations, and to examine, under oath, the officers, agents and employees of the said Company, and other persons, for the purpose of testing the accuracy of the said account, so as aforesaid to be furnished by the said Company, and if any person so examined by the Governor, or other authority, shall knowingly or wilfully swear falsely, or if the officers making such affidavits, or the verifications mentioned in the second section of this Act, shall knowingly and wilfully swear falsely, every such person shall be subject to the pains and penalties of perjury. The lands granted to the said Company by the act to which this is amendatory, shall be exempt from taxation under the Laws of the Territory and future State of Minnesota, untill Patents shall have been duly issued therefor upon the completion of each twenty miles of the said road as contemplated in and by the act of Congress entitled an act to aid the Territory of Minnesota in the construction of a Rail Road therein approved June 29th 1854.

Right of the Governor to examine the books.

Sec. 3. The sixteenth section of the act to incorporate the Minnesota and North Western Rail Road Company is hereby repealed. The said Company shall render to the Governor of the Territory or State of Minnesota, on or before the first day of January in each and every year, a statement in writing verified by the oath of the President and Treasurer of the said Rail Road Company exhibiting the amount of Capitol actually expended by the said Company in the construction of the said Road and the machinery therefor, and appertences thereunto belonging, with the amount of their receipts and expenditures during the year. The said Company shall construct and complete at least fifty miles of the track of the said Rail Road between the point where it crosses the Mississippi River and the northern terminus of the said road, within three years from the passage of this act, and the whole of the remainder of the said Rail Road from the said northern terminus to the line of the State of Iowa shall be constructed and wholly completed by the said Company within six years from and after the passage of this act. The whole of the track of the

Sixteenth section repealed.

said Rail Road shall be laid with a rail not less than sixty pounds per yard, and the engines and rolling stock thereof shall be made in all respects equal to those on the best description of roads in the United States. Within twenty-two months from and after the passage of this act, or in case the route of the said Rail Road between St. Paul and the Iowa line shall be sooner located and the timber cut off, then within thirty days after such timber shall have been cut off, the said Company shall construct, complete and keep in operation, a line of Telegraph from Dubuque to St. Paul and St. Anthony. The route or line of said Road shall pass to a point not exceeding one and one fourth of a mile from that portion of the Lake St. Croix adjoining the eastern limits of the city of Stillwater in said Territory and also to and through the town of St. Anthony Falls, anything contained in the act to which this is amendatory to the contrary notwithstanding.

Forfeiture in certain cases.

SEC. 4. In case the said Company shall fail to construct and complete the said fifty miles of Rail Road between the northern terminus thereof and the point where said road crosses the Mississippi River within three years from the passage of this act, or to construct and complete the whole of the remainder of the said Rail Road within three years hereafter, or to construct and put in operation the said line of Telegraph, within the time limited by this act, then, and in either of the said cases, this act, and the said act to which this is amendatory, and all grants contained in the said acts, or either of them, shall cease and be void and all the lands granted to the said Company and then belonging to it, together with all its chartered rights and privileges, shall revert to the Territory of Minnesota.

Contracts and obligations.

SEC. 5. All contracts, obligations, bonds, certificates and agreements which shall be entered into or executed in the name and behalf of the said Company, by its proper officers or agents, or any of them within the scope of the general or special powers conferred by the directors upon such officers or agents, shall be obligatory upon the said Company, although, except in the case of Bonds and Contracts in relation to Real Estate, such instruments may not be verified by the common seal of the said Company, nor specially authorized by such directors.

Failures to comply.

SEC. 6. In case the said Company, its officers, agents and servants, or any or either of them, refuse to do or perform any duty required by this act, or the said act of incorporation as hereby amended, the said Company, its said officers, agents and servants may, upon information filed by the Atty. General of the said Territory or State of Minnesota, or by any other officer designated by law for that purpose, be compelled by mandamus or by the decree or judgement of any court having competent jurisdiction to do and perform such duty, and may also be required and compelled to respond to such damages as the said Territory or State shall be found to have sustained in consequence of such failure or omission.

Original charter enacted.

SEC. 7. The act entitled, "an act to incorporate the Minnesota and North Western Rail Road Company" is hereby re-enacted, subject to the amendments and provisions herein contained.

Act a public act.

SEC. 8. This act shall be deemed a public act and shall be in force from and after its passage.

SEC. 9. Legislature of the Territory or future State of Minnesota may repeal, amend or modify this act and the act to which this is amendatory from and after the expiration of twenty years from the date of the passage of this act. *Provided*, that compensation be made to said Company for all damages sustained thereby. Power reserved.

J. S. NORRIS,
Speaker of House of Representatives.
A. B. OLMSTEAD,
President of Council.

I hereby certify that the above bill passed the house of Representatives by a two-thirds vote, Feb. 16th 1855.

JAMES C. SHEPLEY,
Chief Clerk House Representatives.

I hereby certify that the above bill passed the Council by a two-thirds vote, Feb. 17th 1855.

ANDREW JACKSON MORGAN,
Secretary of the Council.

I hereby certify the foregoing to be a correct copy of the original bill on file in this office.

J. TRAVIS ROSSER,
Secretary of Minnesota Territory.

CHAPTER LIX.

A Bill to amend an act granting Daniel F. Brawley the right to establish and maintain a Ferry across the Mississippi river.

- SECTION 1. The ferry charter granted to Daniel F. Brawley extended.
2. Kind of boat to be kept, and under what restraints.
 3. Increase of bond required.
 4. The right to alter, amend or repeal reserved.

Be it enacted by the Legislative Assembly of Minnesota Territory:

SECTION. 1. That the term of time granted to Daniel F. Brawley in the act to which this is amendatory, for establishing and maintaining a Ferry across the Mississippi river, shall be, and the same is hereby extended for Charter extended