

## CHAPTER IV.

*An Act to Facilitate the Construction of the Southern Minnesota Railroad, and to Amend and Continue certain acts in relation thereto.*

- SECTION 1. Transfer of the rights, benefits, privileges, property, etc., of said road—in whom vested—board of directors.
2. When company to acquire title to road-bed, right of way, etc.—privileges of said corporation—duty of Governor on completion of every consecutive twenty miles of said road.
3. When exempt from assessment and taxation.
4. When bonds to be delivered and transferred to said company.
5. Rights, privileges, franchises, etc., upon what conditions to be assigned to said company.
6. Company to give bonds to be deposited with the Treasurer—in what sum.
7. Upon failure to comply with provisions of preceding section, any other persons may be entitled to said property by compliance.
8. Rights of pre-emptors.
9. Act, when to take effect.

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

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 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 of 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, 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 liens or claims thereon by the State of Minnesota except as herein provided.

Transfer of property, etc., of said road

All the rights, privileges, franchises, lands, property and interests granted by the Territory of Minnesota to the Root River Valley and 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 com-

pany," 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, 1857, are hereby declared to be held in trust by the State of Minnesota, to be continued and granted to and vested in B. Mills, Elihu Hunt, Luke Miller, W. R. Robinson, A. G. Chatfield, Parker Paine, J. H. McKinney, Daniel W. Ingersoll and Henry T. Wells and their successors, with all the immunities, rights property, benefits and privileges which the said Southern Minnesota railroad company had, or might, or could have, by reason of the passage of the said acts or either or both of them, free and clear of all liens or claims of the State of Minnesota thereto, except such as are retained to the said State in or by said acts, or by the provisions of this Act.

In whom vested

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 section two of this Act, and be subject to all the conditions and provisions of the said acts, excepting as altered or changed by this Act.

The board of directors of the said Southern Minnesota railroad company shall consist of nine persons, who shall be elected by the stockholders annually.

Board of directors

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 bed, right of way, depot grounds, culverts, bridges, turn outs, switches, rights, privileges and franchises, and the track and line of 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

When to acquire title to road-bed, etc.

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. Privileges of said corporation

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 trusts 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 22d, 1857, within one year after the road is completed from LaCrescent to Rochester, and said company or corporation are also hereby empowered and authorized to survey, locate, and complete, and perpetually to have, use and maintain and operate their line of road from Mankato *via* South Bend to the southern boundary of the Territory in the direction of the Big Sioux river. And upon the construction and completion of each and every consecutive twenty miles of said railroad as aforesaid, then said 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 3d, 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 said Root River Valley and 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. Duty of Governor

SEC. 3. 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

When exempt  
from assessment  
and taxation

Southern Minnesota railroad, and who shall finish and complete said railroad herein mentioned, shall be and hereby are 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 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 this 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, 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 whatsoever.

To ascertain  
gross of said road

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 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 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 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.

SEC. 4. And be it further enacted, that whenever the said parties herein named, or said corporation herein mentioned, their successors or assigns, shall fully complete said railroad, that the Governor of the State of Minnesota shall deliver, transfer and assign the said company hereinbefore mentioned, all the bonds issued by the Southern Minnesota railroad company, to the State of Minnesota.

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 said Southern Minnesota railroad company shall build and construct ten miles of said railroad, within one year from the first day of January, 1861, and fifty miles of said road within two years from said first day of January, and fully build and construct and complete and fully equip said road from La Crescent *via* Chatfield to Rochester, and from Saint Paul and Saint Anthony *via* Minneapolis, to a point of junction at Shakopee, in the county of Scott, and thence on the present located line thereof to Mankato, within three years from the first day of January, 1861, and the whole of said line within ten years from the 3d day of March, 1857; 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.

To give bonds to  
be deposited with  
Treasurer—in  
what sum

SEC. 6. And be it further enacted, that as a condition precedent to the right of said persons or company hereinbefore mentioned, to receive the rights, privileges, franchises, road-bed, right of way, properties and immunities hereinbefore granted and assigned, and before any right or title whatever thereto, shall vest in said persons or company, said persons or company taking under this Act, shall be required as a guarantee of their good faith, to deposit with the Treasurer of the State of Minnesota, on or before the first day of July, A. D. 1861, ten thousand dollars in cash, or State or United States stocks at their current value in New York, which sum so deposited shall be absolutely forfeited to the State of Minnesota, upon the failure of said persons or company to complete ten miles of said railroad on or before the first day of January, A. D. 1862; *Provided*, That upon the construction of the said ten miles of railroad as aforesaid, said persons or company making such deposit as aforesaid, shall be and are hereby authorized to withdraw the said sum of money.

In case of failure  
to comply

SEC. 7. And be it further enacted, that upon the failure of said persons hereinbefore named to make the deposit provided for in the last section, any other persons or company shall be entitled to take and receive the privileges, properties, rights and franchises granted in and by this Act, upon making such deposit, and shall be subject to all the liabilities, conditions and forfeitures hereinbefore provided for.

Rights of pre-  
emptors

SEC. 8. And be it further enacted, that all persons, their heirs or legal representatives, who were entitled to the right of pre-emption under the laws of the United States to any of the lands granted to this State, by the act of Congress of March 3d, 1857, to aid in the construction of said road, at the time when the line of said road was definitely fixed and permanently located, and who have heretofore occupied the same in good faith, and shall have continued in the occupancy thereof at the time when the company organizing under this Act, shall become entitled to the fee thereof, shall be at liberty to

purchase the same of said company for the sum of one dollar and twenty-five cents per acre; *Provided*, That application therefor, and proof of the right to purchase, shall be made within six months after the fee of said lands shall be acquired by said company as aforesaid.

SEC. 9. Be it further enacted, that this Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

## CHAPTER V.

### *An Act to Facilitate the Construction of the Minnesota and Pacific Railroad.*

- SECTION 1. All lands, property, etc., belonging to said company prior to the foreclosure and sale by the Governor, are hereby restored to said company.
2. Commencement and completion of said road.
  3. Time when certain portion of road shall be completed—*forfeiture*.
  4. To pay to State Treasurer the costs and expenses of foreclosure and sale of said road.
  5. To have power to enter upon and pass over the road of any other company.
  6. Right of pre-emptors.
  7. May reduce the number of directors.
  8. Act, when to take effect.

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

SECTION 1. That the road, lands, property, rights, franchises, privileges and immunities belonging or appertaining to the Minnesota and Pacific railroad company prior to the sale and purchase thereof by the Governor on the 23d day of June, 1860, on behalf of the State, and now claimed or held by the State, and all bonds and securities of the said company held by the State shall be and are hereby released, discharged and restored to the said company free of all liens or claims thereon held by or on behalf of the State.

All lands, prop-  
erties, etc., re-  
stored to said  
company

SEC. 2. The provisions in this Act contained, are up-  
on condition that said company shall commence the con-  
struction of that portion of said road and branch extend-  
ing from Saint Paul to Saint Cloud and Sauk Rapids on  
or before the first day of July next, and to put the same

Commencement  
and completion  
of said road