

CHAPTER LXX.

An Act to authorize the Burlington, Cedar Rapids and Minnesota Railway, to extend their line of Railroad into Minnesota.

March 6, 1871.

- SECTION 1. Authorized to extend and build its road into this State—powers and liabilities of said road—what per cent. of gross earnings to be paid into the treasury of this State—payment, how secured.
2. Conditions upon which right is granted.
 3. When act to take effect.

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

SECTION. 1. That the Burlington, Cedar Rapids and Minnesota Railway Company, heretofore organized under the laws of the state of Iowa, is hereby authorized to extend and build its road into the state of Minnesota. Any such railroad company shall have and possess all the powers, franchises and privileges, and be subject to the same liabilities of railroad companies organized and incorporated under the laws of this state; *Provided*, Such non-resident companies shall first file a true copy of its articles of incorporation with the secretary of this state, and shall comply with the laws of Minnesota, as to filing and recording its articles of incorporation, and shall keep an office in this state in some county in which its railroad is or is proposed to be built, and shall be liable to civil process, to be sued, and to sue, as provided by law; *Provided further*, That the said company shall 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 assessments 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

Authorized to extend line of road—per cent. of gross earnings to be paid into treasury of State

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 the 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 abstract, full power is hereby vested 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 wilfully 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; *Provided also*, That the gross earnings of said railroad company, on which a per centage is to be paid to the state, shall include only the earnings of that portion of the said railroad constructed and operated by said company within the limits of this state; *Provided also*, That said railway shall cross the state line dividing Iowa from Minnesota in Faribault county, Minnesota, and shall run thence to some point on the main line of the St. Paul and Pacific railroad in or west of Meeker county in this state.

Payment, how secured.

Conditions upon which right is granted.

SEC. 2. The rights and privileges granted by this act, are made upon the condition that the said Burlington, Cedar Rapids and Minnesota Railway, at its points of crossing other railroads in this state, built or graded and in operation prior to its construction at such points of crossing, shall be so built as to cross the same at grade, and shall be to the expense of constructing its proper one half of the necessary tracks for junction therewith, and also with other railroads already constructed, and also with other railroads which may be constructed, after the construction of said Burlington, Cedar Rapids and Minnesota Railway, similar junction shall be made, and that the company now or hereafter owning or operating the said railroad, shall transport freight from any and all stations on its line to said several points of junction or crossing, and shall also receive freight from said railroads

at the several points of junction or crossing therewith, for transportation and transport the same to said stations, at rates not exceeding the lowest rates charged and collected on any portion of its line of railroad, for corresponding distances for freights of the same classification or kind, which said rates shall not exceed the lowest average rates of the railroads of this state for the same distances, and shall also transport the cars of said connecting railroads over its railroad, and allow for mileage on the same the rates allowed by common usage for exchange of car service from time to time, and shall afford all usual facilities accorded by railroads interchanging business, and no discrimination or preference shall be made in favor of or against any locality, person or either of said connecting railroads; *Provided*, That said Burlington, Cedar Rapids and Minnesota Railway, shall have and enjoy the same privileges hereinbefore granted in this section over and upon the railroads of other railroad companies connecting with it, as are hereby granted to said companies, and that the provisions of this section so far as they are applicable shall be mutual and reciprocal between said Burlington, Cedar Rapids and Minnesota Railway, and each of said connecting railroads.

SEC. 3. This act shall take effect from and after its passage. When act to take effect.

Approved March 6, 1871.