

CHAPTER 138.

[H. F. No. 462.]

225-138

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AN ACT TO PROVIDE FOR THE TAXATION OF TELEPHONE COMPANIES.

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

SECTION 1. Each and every telephone company, corporation, association, partnership or person, owning or operating, or which shall hereafter own or operate within this state for hire or compensation, any telephone or telephone line or lines, the rate and manner of the taxation of which for any purpose has not been fixed or prescribed by special charter granting such franchise, shall, on or before the first (1st) day of February, one thousand eight hundred and eighty-eight (1888), and annually thereafter, on or before the first (1st) day of February in each year, pay into the treasury of this state two (2) per centum of the gross earnings of said company, corporation, association, partnership or person, earned upon the business done wholly in the state during the year ending upon the first (1st) day of July, immediately preceding the day upon which payment shall be made as aforesaid, which payment shall be made in lieu of, and in full payment of all taxes, and assessments of every description levied upon, or payable by said company, corporation, association, partnership or person, by virtue of any law of this state, upon all personal property, rights, privileges, immunities or franchises, owned and used by said company, corporation, association, partnership or person, in the operation and management of its, their or his business within this state:

Taxation of
telephone
companies.

Provided, however, that any and all sums of money which may be paid out by said company, corporation, association, partnership or person, as royalties upon patented articles used in said business shall be deducted from the said gross receipts, and the two (2) per centum shall be levied only upon the balance of said gross receipts, after the said amount so paid as royalties, shall have been deducted.

SEC. 2. For the purpose of ascertaining the gross earnings aforesaid, each and every such telephone company, corporation, association, partnership or person doing business in this state as aforesaid, shall on or before the first day of September, in the year of Our Lord, one thousand eight hundred and eighty-seven (1887), and annually thereafter, on or before the first (1st) day of September of each and every year, make and transmit to the state auditor of the state of Minnesota in his office at the capitol at St. Paul, a full and true report and statement under oath of the

Report to state
auditor.

proper officers of said company, corporation, association, partnership or of said person, of their said business as it existed on the first day of July, immediately preceeding the making of such report, specifying:

Gross receipts.

First, the gross receipts on all business done wholly within this state during the year ending immediately preceeding said first day of July.

Royalties.

Second, all sums of money paid out during said year as royalties upon all patented articles or instruments used by said company, corporation, association, partnership or person.

Books, etc.,
subject to
examination
by state
auditor.

SEC. 3. The property, books, records, [accounts], papers and proceedings so far as they relate to the condition, operation or management of said telephone companies, corporations, associations, partnerships or persons, shall at all times during business hours be subject to the examination and inspection of the said state auditor, and he shall have power to examine under oath or affirmation, each and all directors, officers, managers, agents and employes, of any such telephone company, corporation, association, partnership or other persons, concerning any matter relating to the subject of such report.

Penalty for
neglect or
refusal to
comply with
this act.

SEC. 4. Every telephone company, association, corporation, partnership or person, or any of their, its, or his officers or managing agents who shall wilfully neglect or refuse to make or furnish any report required in this act at the time herein required, or who shall wilfully or unlawfully hinder, delay or obstruct said state auditor in the discharge of his duties hereby imposed upon him, shall forfeit and pay a sum of not less than two hundred (\$200) dollars, nor more than five hundred (\$500) dollars for such offense to be recovered in a civil action upon complaint of said state auditor, and in his name for the use and benefit of the state of Minnesota. And every such telephone company, corporation, association, partnership or person, and every officer, and managing agent thereof whose duty it may be to make such report shall be liable to a like penalty for every period of ten (10) days it, he or they, shall wilfully neglect or refuse to make such report, and any person who shall in any affidavit, report, statement or examination provided for or required in this act, intentionally or knowingly swear falsely to any matter to which the same or either of them relate, shall be deemed to have committed the crime of perjury, and be punished accordingly.

Duties of state
auditor.

SEC. 5. The state auditor shall on or before the first day of January of each year immediately following the filing of such report or statement hereinbefore mentioned, make and file with the state treasurer a report showing the amount of taxes as payment due and payable from each and every such company, association, corporation, partnership or per-

son owning or operating any telephone or telephone lines within this state.

SEC. 6. For the purpose of securing to the state the payment of the aforesaid taxes or sums, the state shall have a lien upon each and all of the telephone lines and instruments for or on account of the operation of which such tax, sum or per centum shall become payable, which said liens hereby created shall have and take precedence of any or all other liens, demands, decrees and judgments upon or against said property, or against the party by which said tax, sum or per centum shall be payable, and which lien hereby created may be enforced by the sale of any such property to which said lien may attach, by the state treasurer in the manner prescribed by section one hundred and thirty-one (131) of chapter eleven (11) of the general statutes of eighteen hundred and seventy-eight (1878), relating to telegraphs, and telegraph companies, or by other process of law.

Lien upon all
lines for taxes.

SEC. 7. All acts or parts of acts inconsistent with the foregoing are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved March 3, 1887.

CHAPTER 139.

[H. F. No. 9.]

AN ACT TO PROVIDE FOR THE TAXATION OF TELEGRAPH COMPANIES.

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

SECTION 1. That each and every telegraph company, corporation, association, partnership, or person owning or operating, or which shall hereafter own or operate within this state, for hire or compensation, any telegraph or telegraph line, the rate and manner of taxation of which for any purpose has not been fixed and prescribed by special charter granting such franchise, shall on or before the first (1st) day of February, one thousand eight hundred and eighty-eight (1888), and annually thereafter, on or before the first (1st) day of February in each year, pay into the treasury of this state two (2) per centum of the gross earnings of said company, corporation, association, partnership or person, earned upon business done wholly within this

Taxation of
telegraph
companies.