

SEC. 4. Said commissioners shall cause accurate plats of the survey and location of said road to be made, particularly describing the route thereof by courses and distances, one of which shall be filed in the office of the county auditor of each of said counties.

SEC. 5. At each angle in said road there shall be a good and substantial stake set and marked with the number from the point of starting.

SEC. 6. The expense of locating said road shall be paid by the respective counties in which said road may pass, in proportion to the distance it may run in each county.

SEC. 7. The said commissioners shall at the time of locating said road appraise the damages or compensation to be paid to each person through whose land the same may pass, and shall file in the office of the county auditor of each county a statement of such appraisal of damages for lands therein taken for said road, at the time when they file the survey and plats of the same in the office of the county auditor, and upon the filing of said survey, plats and appraisal in the office of the said county auditor, the said road shall be deemed established, and said damages or compensation shall be deemed secured, and the amount of such appraisal in each county shall be levied upon the taxable property of said county, and be entered and extended upon the tax roll thereafter to be made, and the amount of each appraisal shall be paid to the person or persons entitled thereto.

SEC. 8. Any person deeming himself or herself aggrieved by such appraisal of his or her compensation, may appeal therefrom to the district court of the county in which such lands are situated, by serving a notice of such appeal upon the county attorney of said county, and serving a copy thereof upon two of the commissioners appointed by this act, and filing in the office of the county auditor of said county a copy of said notice of appeal, with proof of service thereof on the county attorney and said commissioners, the county auditor within ten days after filing the notice of appeal in his office; *Provided*, That all appeals shall be taken within thirty days after the filing of the appraisal in the office of the county auditor.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 1, 1876.

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## CHAPTER CXV.

### AN ACT TO EXTEND THE TIME FOR THE COMPLETION OF THE UNFINISHED LINE OF RAILROAD OF THE HASTINGS AND DAKOTA RAILROAD COMPANY.

WHEREAS, The said railroad company hath failed and neglected to construct and put in operation that portion of its line of railroad extending from Glencoe, in the county of McLeod, to the western

boundary of the state, at a point between the head of Big Stone Lake and the third standard parallel, according to the terms and conditions of the several acts of the Legislature of the state of Minnesota, granting the right to said railroad company to construct said line of railroad, and granting to said company lands to aid in such construction; and,

WHEREAS, An early and immediate completion of said line of railroad is urgently demanded and needed by the people of this state, and especially by the people residing in the territory adjacent to said line of railroad; and,

WHEREAS, Said railroad company has expressed willingness and claims ability to complete, finish, and put in operation, said line of railroad within a reasonable time, provided further time is given for purpose, therefore:

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

SECTION 1. That the time for the grading, completion, and putting in operation by the Hastings and Dakota Railroad Company, of its line of railroad from Hastings, by way of Glencoe, in the county of McLeod, to the western boundary of the state, at some point between the head of Big Stone Lake and the third standard parallel, be and the same hereby is revived and extended for the term of five years from the time of the passage of this act, upon the following terms and conditions, that is to say; The said railroad company shall construct and put in operation from Glencoe, in a westerly direction, thirty-five miles of railroad on or before the first day of December, A. D. 1876, and thirty-five miles additional on or before the first day of December, A. D. 1877, and twenty-five miles additional on or before the first day of December, A. D. 1878, and thereafter twenty-five miles each year, until said line of railroad shall be fully completed; and the said company, on completing said line of railroad within the time and in the manner aforesaid, shall have and be entitled to receive any and all lands granted or to be granted by the United States of America, to the state of Minnesota to aid in the construction of said line of railroad, and shall have and be entitled to all and singular the same lands, rights, privileges and franchises as if said line of railroad had been constructed and put in operation within the time heretofore limited by law for that purpose; *Provided, however,* That the several extensions of time in this act granted for the further construction of the said road is upon the express condition that said railroad company shall have relinquished to the United States, the right and title of said railroad company in and to any and all lands occupied by actual settlers residing thereon and claiming the same in good faith under legal homestead or pre-emption filings, made prior to the passage of this act, and who have in good faith complied with the requirements of the homestead or pre-emption laws as to settlement and cultivation, and to all lands occupied by actual settlers who in good faith settled before government survey and who have since that time continued to reside thereon or improve the same, and who have not been permitted to make homestead or pre-emption filings thereon.

SEC. 2. Any failure or neglect of said railroad company to construct and put in operation any portion of said line of railroad, within

the time or times in this act limited, shall, of itself, without any further legislative act or judicial decree, operate to forfeit to and vest in the state of Minnesota, absolutely, all the lands, property and franchises pertaining to the unbuilt portions of said line of railroad, and in case of such forfeiture the state shall hold and be possessed of all such lands, property and franchises so forfeited without merger or extinguishment, to be used, granted or disposed of for the purpose of aiding and facilitating the construction of the unfinished portion of such line of railroad.

SEC. 3. The said railroad company shall, within sixty days after the passage of this act, accept the same, and such acceptance shall be by resolution adopted by the board of directors of said company, a copy of which resolution duly certified by the secretary of said company, shall within the sixty days mentioned, be filed in the office of the secretary of state, and without such acceptance the said railroad company shall not be entitled to any of the benefits or provisions of this act, but the lands, franchises and property of said company shall thereupon be forfeited as provided in this act.

SEC. 4. Said railroad company, its successors or assigns shall, at all times transport over its line of railroad, passengers and freight at just and reasonable rates, and shall make no unjust or unreasonable discrimination respecting the same.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 28th, 1876.

## CHAPTER CXVI.

AN ACT TO LEGALIZE CERTAIN ACTS OF THE CITY COUNCIL OF THE CITY OF WINONA, AND TO REPAY MONEY SUBSCRIBED FOR THE BENEFIT OF THE GREEN BAY AND LAKE PEPIN RAILROAD COMPANY, NOW THE GREEN BAY AND MINNESOTA RAILROAD COMPANY.

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

SECTION 1. *Whereas*, The city council of the city of Winona, to secure the terminus at Winona, of a railroad from Green Bay in the state of Wisconsin, did on the fourteenth day of March, eighteen hundred and seventy-three adopt the following resolutions:

*Be it resolved*, by the city council of the city of Winona, that fifty thousand dollars, or so much thereof as may be practicable, shall be raised for the purpose of securing the terminus of the Green Bay and Lake Pepin Railroad, at the city of Winona, under and pursuant to the recommendation of the committee appointed by the city council to confer upon said matter, on the twelfth day of March, eighteen hundred and seventy-three;