

portion of the said swamp lands have been sold or otherwise disposed of, within the said seven miles, by the United States, the amount shall be made up of other swamp lands belonging to the State outside of said seven miles. And if it shall be found that within the said seven miles on each side of said line there shall not be an amount of swamp lands belonging to the State, to at least seven full sections per mile, then the said company shall have the right to select from the swamp lands belonging to the State outside of said line and between the Mississippi River, Lake Superior and Rainy Lake, other lands in an amount in all equal to seven full sections for each and every mile of such completed railroad, branch or continuation.

Deficiency how
made up

SEC. 19. This Act shall take effect from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER II.

An Act to Facilitate the Construction of the Minneapolis and Cedar Valley Railroad, and to Amend and Continue certain acts in relation thereto.

- SECTION 1. Board of incorporators—corporate rights granted by this Act.
2. Authorized to re-organize under the original charter—nothing shall be construed to impair the validity of sale and foreclosure of rights, etc., on 16th day of August 1860.
3. Trustees of first mortgage bonds authorized to foreclose and sell said road—when deemed advisable.
4. When incorporation to acquire absolute title—duty of Governor when road completed.
5. Lands, when not to be exempt from taxation—installments, when and how made—penalty for false swearing.
6. Duty of Governor when road shall be fully completed.
7. Forfeiture of road, properties, etc.,—when.
8. To have power to enter upon and pass over the railroad of any other company.
9. Forfeiture, upon the failure of said person or company to complete twenty miles on or before first day of January 1862.
10. Upon failure to comply with provisions of preceding section, any other persons shall be entitled to said property, etc., by compliance.
11. Rights of pre-emptors.
12. Act, when to take effect.

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

SECTION 1. That all the rights, benefits, privileges,

Board of incor-
porators—corpo-
rate rights grant-
ed

property, franchises, and interests of the Minneapolis and Cedar Valley 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, or by the trustees of the first mortgage bond holders of such road, on the 16th day of August, 1860, 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 continued, granted, and transferred to Erastus Corning, Dean Richmond, James F. Joy, James W. Brooks, Walter L. Newberry, Elliott Anthony, William Osborne, Roswell B. Mason, Platt Smith, William H. Dike, J. W. North, Thomas A. Harrison, John Jay Knox, John Abbott and William G. LeDuc, 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.

All the rights, privileges, franchises, lands, property, and interests granted by the Territory of Minnesota to the Minneapolis and Cedar Valley railroad company by the two several acts of the legislature of said Territory, the one entitled "an act to incorporate the Minneapolis and Cedar Valley railroad company," approved March 1st, 1856, 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 22d, 1857, are hereby continued and granted to, and vested in the said Erastus Corning, Dean Richmond, James F. Joy, James W. Brooks, Walter L. Newberry, William Osborne, Roswell B. Mason, Platt Smith, Elliott Anthony, William H. Dike, J. W. North, Thomas A. Harrison, John Jay Knox, John Abbott, and William G. LeDuc, and their associates and successors, with all the immunities, rights, property, benefits, and

privileges which the said Minneapolis and Cedar Valley railroad 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; and the said persons herein named, and their associates and successors shall hereafter be known as the Minneapolis, Faribault and Cedar Valley railroad company, and that the persons hereinbefore referred to, and hereinbefore named, shall be the directors of said company for one year, and until others are elected and appointed in their place, a majority of whom shall have power to fill any vacancy that may occur in said board prior to such first election.

Board of Directors—vacancies how filled

For the purpose of carrying out and effecting the objects of this Act, the said Minneapolis, Faribault and Cedar Valley 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 Minneapolis, Faribault and Cedar Valley railroad company shall consist of fifteen persons, who shall be elected by the stockholders annually.

SEC. 2. And be it further enacted, that for the purpose of quieting any outstanding claims, the Minneapolis and Cedar Valley railroad company is hereby authorized to release to such persons hereinbefore mentioned, and their associates, any right or title which it may claim to have in and to all the rights, privileges, franchises, right of way, road beds, depot grounds, culverts, bridges, turn outs, and property of every character and kind, belonging to, or in any manner appertaining to said line of railroad, and said person or persons to whom such release shall be executed, are hereby authorized and empowered to re-organize under the original charter of said Minneapolis and Cedar Valley railroad company, and under the name of the Minneapolis, Faribault and Cedar Valley railroad company, which said company shall have all the powers, privileges, franchises, rights, and immunities of every character and kind which were possessed by

Authorized to re-organize under the original charter

Nothing construed to impair the validity of sale on 16th August, 1860

the said Minneapolis and Cedar Valley railroad company, *Provided*, That nothing in this Act contained shall be construed as impairing the validity of the sale and foreclosure of rights, properties and franchises of said company on behalf of the State on the 16th day of August, 1860, or as recognizing in any manner any title to such rights, properties and franchises in such Minneapolis and Cedar Valley railroad company, and *Provided further*, That the acceptance of the grants in this Act contained shall be deemed a waiver of all errors and irregularities, if any, in such foreclosure and sale, by said Minneapolis, Faribault and Cedar Valley railroad company, or any other persons or corporation taking under the provisions of this Act, as against the State of Minnesota.

Trustees of first mortgage bonds authorized to foreclose and sell said road—when deemed advisable

SEC. 3. And be it further enacted, that if it should be deemed advisable by the parties herein named to correct any defects in the sale and foreclosure of said Minneapolis and Cedar Valley railroad company, made by the trustees of the first mortgage bondholders, on the 16th day of August, 1860, that William R. Marshall and John G. Forbes, who are the trustees of the first mortgage bondholders of the Minneapolis and Cedar Valley railroad company, are hereby authorized and empowered to advertise, foreclose and sell said Minneapolis and Cedar Valley railroad in accordance with the provisions of the trust deed, together with all the privileges, immunities, right of way, road bed, and all the property of the said Minneapolis and Cedar Valley railroad company, which it had or has, if any, under and by virtue of the said trust deed, made and executed by the said Minneapolis and Cedar Valley railroad company to said William R. Marshall and John G. Forbes as trustees aforesaid, as security for the first mortgage bonds issued by said company, which said bonds were issued and delivered by the said company to the State of Minnesota, and which are now held by said State of Minnesota as security for the payment of the bonds and interest due and to become due on certain bonds issued by said State of Minnesota to said railroad company, and upon the sale of the same, the purchaser or purchasers and their associates shall have the right to re-organize under said charter of said Minneapolis and Cedar Valley railroad company, and have and use and exercise all the powers, privileges, rights and franchises of said original company, and shall

have power to construct and complete said railroad and its branch roads to Saint Paul and Hastings, as provided in the charter of the Minneapolis and Cedar Valley railroad company, and the act entitled "an act to execute the trust 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, and granting lands in alternate sections to the State of Alabama, to aid in the construction of a certain railroad in said State, and granting certain lands to railroad companies therein named.'"

SEC. 4. 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 absolute 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 Minneapolis and Cedar Valley railroad company, until such purchasers shall fully complete and put in running order twenty-five 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 acquiring the right of way over the property owned by individuals in the same way as now specified in the charter of the Minneapolis and Cedar Valley railroad company.

When to acquire
absolute title—
duty of Governor
when road com-
pleted

And be it further enacted, that it shall be a condition that no title to the lands granted by the act entitled "an act to execute the trust created by the act of Congress entitled 'an act making a grant of lands to the Territory of Minnesota in alternate sections, to aid in the construction of certain railroads in said Territory of Minnesota, 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 granting certain lands to railroad companies therein named,' approved May 22d, 1857," or any other act of the legislature of the Territory of Minnesota, or of the legislature of the State of Minnesota, shall vest in said purchaser or purchasers or corporation, or said persons herein named or said corporation, until such person or persons or corporation shall construct and fully complete said railroad from the Iowa line, west of range sixteen (16) *via* Faribault to Minneapolis, on the

Title in fee simple

present located line of said road, except and so far as it may be necessary to change the same for engineering purposes in crossing the Minnesota River at Mendota, so that cars can be run continuously over the same. And upon the construction and completion of said railroad, then the 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 which were conveyed to the said State or Territory of Minnesota by an act of Congress approved 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 Minneapolis and Cedar Valley 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.

Lands when not to be exempt from taxation

Sec. 5. 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 Minneapolis and Cedar Valley 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, or until said company shall contract to sell the said lands; 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 in this Act contained, said corporation is to acquire, purchase, hold, possess, enjoy or use, for, in or about, 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 privi-

leges and franchises conferred upon the company organizing under this Act, 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 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.

Installments,
when and how
made

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 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 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.

Penalty for false
swearing

SEC. 6. And be it further enacted, that whenever the

Duty of Governor when road shall be fully completed

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 to said company hereinbefore mentioned, all the bonds issued to, and which are now held by the State, by the Minneapolis and Cedar Valley railroad company.

Forfeiture of road, property, etc.—when

SEC. 7. 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 the express condition that said Minneapolis, Faribault and Cedar Valley railroad company shall build and construct twenty 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, complete and equip said road within three years from the first day of January, 1861, (including the branch from Mendota to the South bank of the Mississippi River at Saint Paul, on the route of the Root River Valley and Southern Minnesota railroad company, *Provided*, That part of said road shall not have been sooner built by the last named company, or any company succeeding to its rights). 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, or disposed of for the purpose of aiding the construction of said road.

May pass over the road of any other company

SEC. 8. The said Minneapolis, Faribault and Cedar Valley railroad company shall have full power to enter upon and pass over the railroad of any other company, whose railroad connects with or intersects and crosses that of this company, with their cars and engines, for the transportation of passengers and property, and any other company whose railroad connects, intersects or crosses that of this company, shall have like power to enter upon said railroad and pass over the same with their cars and engines, and said reciprocal use of said respective roads, shall be upon such terms and conditions as may be agreed

upon by said respective companies, and in case said respective companies cannot agree upon said terms and conditions, then either party may apply to the Governor of this State, on ten days notice, who shall appoint three competent and disinterested persons to decide upon such terms and conditions, and the compensation for such use, and the award of such persons shall be final and conclusive for the period of three years, when either party may request and have a new agreement, or appointment of persons to determine upon the same as aforesaid.

SEC. 9. 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 guaranty 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 in 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 twenty miles of said railroad on or before the first day of January, A. D. 1862, *Provided*, That upon the construction of twenty miles of railroad as aforesaid, such persons or company making such deposit as aforesaid, shall be and are hereby authorized to withdraw the said sum of money, or said stocks, and, *Provided further*, That said persons or company shall pay to the Governor, to be by him deposited with the State Treasurer for the use of the State, the actual cost and expenses incurred by the State in the foreclosure and sale of the said Minneapolis and Cedar Valley railroad hereinbefore referred to.

SEC. 10. 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, except that said last mentioned persons or company shall not be required to complete

more than ten miles of said road before the first day of January, A. D. 1862.

Rights of pre-
emptors

SEC. 11. 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 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. 12. Be it further enacted that this Act shall take effect and be in force from and after its passage.

Approved March 5th, A. D. 1861.

CHAPTER III.

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

- SECTION 1. Transfer of the rights, benefits, privileges, property, etc.—to whom.
 2. Powers of incorporation.
 3. When said road to be completed.
 4. May have power to make and execute any mortgage or trust deed—for what purpose.
 5. Board of directors, how elected.
 6. Rights of pre-emptors.
 7. May transport and carry passengers, freight, etc.—terms for transportation, how decided.
 8. Forfeiture of road, property, etc.—when.
 9. May have the right to erect and use an electric telegraph.
 10. Bond to be executed and deposited with the Governor—in what sum—for what purpose.
 11. When said company to acquire absolute title to road-bed, right of way, etc.
 12. Act, when to take effect.

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

SECTION 1. That all the rights, benefits, privileges,