

general laws, and due compensation assessed and paid as is in such cases provided.

Sec 3. That all actions and proceedings to test the validity of any condemnation proceedings had as hereinbefore referred to, or to recover possession of property so condemned, shall be commenced within six months from the time of the passage of this act or be forever barred.

Sec. 4. That all grants, privileges, property, rights and interests intended to be granted and confirmed by this state, by the said act approved March eighth, eighteen hundred and sixty-one, and the several acts amendatory thereof, upon said company so organized thereunder, and by said company mortgaged or conveyed by said trust deed of January first, eighteen hundred and sixty-nine, the same shall be and are confirmed to said trustees and their successors in said trust, for the uses and purposes in said deed of trust named, so far as the same are held by this state, and may or can be so confirmed or ratified, and that the said agreement so made relative to the assignment of said stock interests to said trustees be and the same is legalized and confirmed.

Sec. 5. This act to take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER LIII.

AN ACT TO VEST IN CERTAIN PERSONS IN TRUST LANDS HERETOFORE INTENDED TO BE GRANTED IN AID OF THE CONSTRUCTION OF THE LINE OF RAILROAD COMMONLY CALLED THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD, AND TO CONFIRM THE TITLE OF SETTLERS AND OTHER PURCHASERS OF PORTIONS OF SAID LANDS, AND TO PROVIDE FOR THE SALE OF THE SAME AND APPLICATION OF THE PROCEEDS.

WHEREAS, The legislature of this state heretofore passed an act entitled "An act to amend an act entitled an act to incorporate the Nebraska and Lake Superior Railroad Company, approved March eight, A. D. eighteen hundred and sixty-one, in and by which act certain swamp lands are granted in aid of the construction of the line of railroad from and between St. Paul and Lake Superior, intending to vest the title to said lands for the purposes aforesaid in the company in said act designated as the Lake Superior and Mississippi Railroad Company;

AND WHEREAS, The congress of the United States also passed an act making a grant of lands to this state in aid of the construction of said line of railroad, entitled "An act making a grant of lands to the state of Minnesota to aid in the construction of the railroad from

St. Paul to Lake Superior," approved May fifth, A. D. eighteen hundred and sixty-four ;

AND WHEREAS, The legislature of this state, in order to execute the trusts in said act of congress, provided and make the said lands so granted available for the purposes by congress intended, did on the twenty-third day of February, A. D. eighteen hundred and sixty-five, pass an act, approved of that date, entitled " An act to execute the trusts created by the act of congress entitled ' An act making a grant of lands to the state of Minnesota to aid in the construction of the railroad from St. Paul to Lake Superior,' approved May fifth, A. D. eighteen hundred and sixty-four, and to grant the said lands to the Lake Superior and Mississippi Railroad Company to aid in the construction of its railroad, and to amend and continue certain acts in relation to said railroad company ;"

AND WHEREAS, [The] persons procuring the organization of said company, so styled the Lake Superior and Mississippi Railroad Company and their associates heretofore on the faith of said legislation, and in order to procure the funds necessary to the construction of said line of railroad, on the first day of January, A. D. eighteen hundred and sixty-nine, made in the name and in behalf of said Lake Superior and Mississippi Railroad Company its trust deed or mortgage of that date, to secure the payment of four thousand of its first mortgage bonds, so called, each for the payment of one thousand dollars and of that denomination, and one thousand of said bonds of the denomination of five hundred dollars, amounting in the aggregate to four million five hundred thousand dollars, the payment of which said bonds was secured or intended to be secured by said trust deed upon the said state and congressional lands and property of said company, all of which bonds have been sold and negotiated and the proceeds thereof expended in the construction of said line of railroad ;

AND WHEREAS, The said company not having the means to complete and equip said entire line of railroad, in order to raise the additional money necessary in that behalf, made and executed their second mortgage bonds (otherwise called) income bonds to the amount and of the denomination of one thousand dollars each, amounting in the aggregate to three million two hundred thousand dollars, which said bonds were secured, or intended to be, by a mortgage to J. Edgar Thomson and W. G. Moorhead, trustees upon the said state and congressional lands and property aforesaid subject to the prior lien of said first mortgage, which said trust deed bears date October seventeenth, A. D. eighteen hundred and seventy-two. That all said bonds are outstanding and unpaid, and in the hands of purchasers thereof for value ;

AND WHEREAS, The said company, in pursuance of said legislation granted, and of the provisions of said trust deeds, has made, in conjunction with said trustees, sales of certain tracts and parcels of said lands to actual settlers and others, who have in good faith purchased, improved, and in whole or part paid therefor, the proceeds of such sales having been applied in part payment of necessary expenses incurred in listing and protecting said lands, and in part satisfaction of interest due upon said mortgage indebtedness ;

AND WHEREAS, The said company, by means of the execution of said trust deeds, and the sale of said bonds and other funds paid in or provided, has fully completed and equipped said line of railroad extending from St. Paul to Lake Superior, a distance of one hundred and fifty-six miles, as, and the same is, a first-class railroad, supplied with rights of way, buildings, station houses, shops, engines, cars, machinery, and the appurtenances, as in said legislative acts intended;

AND WHEREAS, It is now claimed that said legislative act of March eighth, A. D. one thousand eight hundred and sixty-one, did not confer upon or continue in said Lake Superior and Mississippi railroad company the corporate powers and franchises necessary to constitute said organization a corporation so as to be capable of exercising the powers and franchises in said legislative acts intended, and that by reason thereof, it is claimed that the title to said lands granted and held in trust for the purposes of aiding in the construction of said line of railroad, has not in fact so vested in said company as to enable it to convey to said trustees or purchasers the title as in said trust deeds and contracts of sale intended. And in order that all contracts of sale and conveyances to settlers so made may be confirmed, and the said parties so holding said bonds may not be deprived of their security intended by the state, and by the provisions of said trust deeds upon and to the said lands and property;

AND WHEREAS, The said organization known as the Lake Superior & Mississippi Railroad Company, is desirous that the said holders of said bonds shall not be deprived of the mortgage security intended and that all such sales to settlers and mortgage liens may be confirmed, and to that end that said lands be granted to Stephen A. Caldwell and George Philler, of the city of Philadelphia, and state of Pennsylvania, trustees in said trust deed named, in trust for the purpose of performing and carrying out the provisions of all contracts of sale heretofore made of portions of said lands, and to confirm the same by deed or otherwise, so as to vest the title in such purchasers as in their several contracts of purchase provided, and to sell and dispose of and convey said lands so granted in aid of the construction of said railroad, for the exclusive use and benefit of the holders of said first mortgage and income bonds, as provided and intended by said several trust deeds; the residue, if any, of such proceeds after paying the principal and interest of said bonds to be held in trust, to be paid to the state of Minnesota in trust for such parties or association, as the legislature of said state may determine.

Now, therefore, in order to secure the equitable and just claims of all the parties entitled, as aforesaid,

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

SECTION 1. That all and singular the lands and property granted or intended to be granted by the state of Minnesota to aid in the construction of the line of railroad called the Lake Superior & Mississippi Railroad, by the act of the legislature of this state, entitled An act to amend an act to incorporate the Nebraska & Lake Superior Railroad Company, approved March eighth, A. D. eighteen hundred

and sixty-one, not embraced within the road bed and right of way of said railroad, and not pertaining to the branch line provided for in said act from said main line to Taylor's Falls, or the navigable waters of the St. Croix, which said lands are more particularly named in sections eighteen and nineteen of said act, the same comprising the lands listed, selected and designated as provided in section six of the act of February twenty-third, A. D. eighteen hundred and sixty-five, referred to in the preamble of this act, and other lands not yet so selected, reference to which lists on file in the office of the auditor of state is made for greater certainty, which said lands, together with the lands and property (not within the limits of the road bed or right of way of said railroad) granted by the United States to this state, by virtue of the act of Congress entitled an act making a grant of land to the state of Minnesota to aid in the construction of the railroad from St. Paul to Lake Superior, approved May fifth, A. D. eighteen hundred and sixty-four, be and the same are hereby granted to and vested in and transferred to Stephen A. Caldwell and George Philler, of the city of Philadelphia, the persons now constituted trustees under said first mortgage trust deed; to have and to hold the same to said Caldwell and Philler, their heirs and successors in trust, to be held and disposed of upon the trusts, conditions and subject to the provisions of this act, that is to say, that all and singular the lands so granted and intended to be disposed of in aid of the construction of said line of railroad heretofore referred to, both swamp and congressional, not constituting any part of the road bed or lands required for railroad purposes, or pertaining to said Taylor's Falls branch line, shall and may be sold and disposed of by said trustees and their successors in said trust, under and in pursuance of the provisions of said trust deed heretofore referred to, bearing date January first, A. D. eighteen hundred and sixty-nine, and be conveyed from time to time, as sales of said lands may be made at the prices and for the consideration provided in the approved lists now made or that may be hereafter made as provided for in such deed of trust which, together with such sums as may be realized by sale of stumpage on said lands, are to be held and applied and be the primary fund for payment of said indebtedness, to all intents and purposes, as in said trust deed provided, in satisfaction of said first mortgage indebtedness, and the residue of such proceeds to apply so far as necessary, in satisfaction of the interest and principal of said income bonds, and the surplus, if any, to pay over to the treasurer of this state in trust for the parties entitled thereto, the proceeds of all such sales to stand pledged to the payment of said mortgage indebtedness according to the priority of the same.

SEC. 2. That said trustees shall, upon the request of any purchaser or purchasers of any tract or parcel of land heretofore contracted to be sold by said railroad company, or by the trustees in said trust deed named, execute and deliver deeds of confirmation so as to secure to all persons interested who have made *bona fide* purchases of any of said lands, the estate or title in such contracts intended to be secured.

SEC. 3. That all conveyances of any of said lands in this act referred to, to the said the Lake Superior and Mississippi railroad

company, by the governor of this state, shall enure to the said Stephen A. Caldwell and George Philler, and their successors in said trust, and be and remain as operative to pass the title there-to as though the same had been made directly by the authority of this state to said trustees.

SEC. 4. This act to take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER LIV.

AN ACT GRANTING CERTAIN SWAMP LANDS TO THE DULUTH AND IRON RANGE RAILROAD COMPANY.

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

SECTION 1. That for the purpose of aiding the Duluth and Iron Range Railroad Company, a corporation organized under and by virtue of laws of Minnesota, to construct a railroad from Duluth, by the shortest and most feasible route, to the northeast corner of township number sixty north, of range number twelve west, on the Missabee iron range; there is hereby granted to the said corporation or its assigns an amount of swamp lands belonging or hereafter to accrue to the state under the act of congress of March twelfth, eighteen hundred and sixty, equal to ten sections per mile for each mile of said road that may be completed, to be selected within ten miles on each side on the line of said road; and in case there shall not be sufficient amount of said swamp lands unsold or unappropriated within each ten mile section of said road as completed, then said company shall have the privilege of locating the deficiency on any of the swamp lands belonging or to accrue to the state, not otherwise previously disposed of, within the counties of St. Louis, Lake and Cook, and no other counties in the state; *Provided*, That the gauge of said railroad shall not be less than three feet, with iron or steel rails of not less than twenty-five pounds to the yard; *And provided further*, That no lands shall enure to the said company under this act, until all grants swamp lands previously made by the state shall be fully satisfied or have become forfeited by loss of time, or by failure to fulfill the conditions annexed to the said respective grants or otherwise.

Sec. 2. That when the governor of the state shall be duly notified (by the company aforesaid,) of the completion of each and every ten miles of said road, it shall be his duty to have the same examined by sworn commissioners, and on their certificate of the completion of each consecutive ten miles in a good and substantial manner as contemplated by this act, he shall notify the secretary of state, who shall