

SEC. 2. That the town or city officers of any town or city so voting at the annual town meeting, shall apply the money so raised to road and bridge purposes by a contract system, as far as practicable to the interests of the town, such as in their judgment may be best suited to the interest of the town and the building and repairs of the roads and bridges in such town.

SEC. 3. Any person in such town so voting shall commute his poll tax, by paying one dollar (\$1) for each day he is assessed.

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

Approved March 1, 1877.

CHAPTER 201.

AN ACT TO PROVIDE FOR THE COMPLETION OF THE LINES OF RAILROAD COMMONLY KNOWN AS THE ST. PAUL AND PACIFIC EXTENSION LINES.

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

SECTION 1. That the rights, privileges, franchises, grants of land, and property heretofore held by the St. Paul and Pacific Railroad Company, appertaining to the uncompleted portions of that line of railroad extending from Watab to Brainerd, are hereby declared forfeited to the State, without merger or extinguishment, but are hereby preserved, continued, and conferred upon the terms and conditions as in this act provided.

SEC. 2. If, prior to the first (1st) day of May, A. D. one thousand eight hundred and seventy-seven (1877), there shall be organized under the laws of this State, a company or corporation, to consist of not less than five (5) persons, who shall be the holders of a majority of the fifteen million dollars (\$15,000,000) of bonds commonly called and known as the "Extension Line Bonds," issued by the First Division of the St. Paul and Pacific Railroad Company, in the years one thousand eight hundred and seventy-one (1871) and one thousand eight hundred and seventy-two (1872), and the fact of such organization shall be certified to by the Governor, Attorney-General, and Railroad Commissioner of this State as complete and regular in all respects, then the said company, which, for the purposes of this act, may be designated as the "Bond Company," upon filing with the Secretary of State their articles of incorporation, coupled with a notice or declaration of intention on their part to construct, complete, equip, and put

in running order, the said line of road mentioned in section one (1) of this act, shall be deemed to be competent for the purposes of this act, and to have accepted of its provisions and to have become bound in all respects thereby.

SEC. 3. At the time of the filing of the said notice or declaration of intention, the said company filing the same shall deposit money or bonds as hereinafter provided, with the State Treasurer, and shall thereupon acquire the right to complete the road specified in the said notice, and upon the completion by said company of such road, or any part thereof, not less than ten (10) continuous miles in length, and in compliance with the provisions of this act, the said company shall immediately become invested with all the rights, privileges, franchises, lands, property and immunities appertaining to the road so completed, subject, however, to all the provisions of this act.

SEC. 4. If the said "Bond Company" shall so propose to complete and equip the said line of railroad extending from Watab to Brainerd, it shall, at the time of the filing of said notice with the Secretary of State as aforesaid, deposit the sum of fifteen thousand dollars (\$15,000) in money or in negotiable bonds, equivalent in value thereto, with the State Treasurer, as a guaranty for the faithful performance of its proposed completion of such railroad, which said money or bonds shall be returned to the company depositing the same, upon presentation to the State Treasurer of the certificate of the Governor to the effect that such company has completed and equipped the said line of railroad within the time and in the manner specified in this act; but in default of such completion and equipment, the said money or bonds shall, without further act or ceremony, be forfeited to the State, to be thereafter used to aid in the construction of the said line of railroad. The said company shall commence work in good faith upon the said line of road within thirty (30) days after the filing of the said notice, or as soon thereafter as the state of weather shall permit, and shall complete and equip all of the said line of road within one (1) year from the filing of such notice.

SEC. 5. In case such a corporation as that herein designated the "Bond Company," shall not be duly and sufficiently organized for the purposes of this act, on or before May first (1), A. D. one thousand eight hundred and seventy-seven (1877), or such a company being duly and sufficiently organized for the purposes of this act, on or before the date last aforesaid, if such company shall fail to file the notice or make the deposit hereinbefore required, or shall fail to comply with any of the terms, conditions or provisions within the time and in the manner as hereinbefore provided or prescribed in respect to the construction and completion of said line of railroad, then, and in that case, any company or corporation now organized, or that may hereafter organize, having authority from this State to build, maintain and operate a line of railroad within or through the State, may succeed to and acquire the right to complete, own, maintain and operate the uncompleted portions of said line of railroad mentioned in the first (1st) section of this

act, by filing with the Governor a written notice of its desire and intention, under and subject to the provisions of this act, to complete, equip, maintain and operate the then uncompleted portions of said line of railroad; and shall also, at the same time, as a guaranty for the performance of its said undertaking, make a deposit with the State Treasurer of bonds or money of a like amount and character as is hereinbefore provided and prescribed with respect to the said "Bond Company." Work shall be commenced thereon within thirty (30) days after the filing of such notice, or as soon thereafter as the state of weather shall permit, and prosecuted to completion within one (1) year from the filing of such notice; and upon so complying and producing the certificate of the Governor to that effect to the State Treasurer, said company shall be entitled to withdraw its said indemnity deposit in respect to said line. But upon default to commence work, or to prosecute the same to completion within the time aforesaid, said company shall forfeit all right to complete, maintain, or operate the part or portion of said line remaining uncompleted at the time of such default, and shall also forfeit its said indemnity deposit to the State, without any further act or ceremony, to be thereafter used to aid in the completion of said line.

SEC. 6. The time for the completion of the uncompleted portions of the line of railroad extending from St. Cloud to St. Vincent, commonly known as the "St. Vincent Branch of the St. Paul and Pacific Extension Lines," is hereby extended as follows:

From Melrose to Sauk Centre, until July one (1), A. D. one thousand eight hundred and seventy-eight (1878);

From Sauk Centre to Alexandria, until January one (1), A. D. one thousand eight hundred and seventy-nine (1879);

From Alexandria to Fergus Falls, and from Crookston to St. Vincent, until January one (1), A. D. one thousand eight hundred and eighty (1880);

From Fergus Falls to Glyndon, until January one (1), A. D. one thousand eight hundred and eighty-one (1881).

*Provided, however,* that such extensions of time are made subject to all the provisions of this and of the succeeding sections of this act.

In case the St. Paul and Pacific Railroad Company, its successors or assigns, should fail to complete any of the said portions of the said line of railroad within the times therefor limited in this section, in that case the portions of said line of railroad then remaining uncompleted, together with the land grant, rights, franchises, immunities, and property appertaining thereto, shall at once be and become absolutely forfeited to the State of Minnesota, without any act or ceremony whatsoever; and it shall be the duty of the Governor forthwith, upon such failure, to enter upon and take possession, for and in the name of the State, all and singular the portions of road so remaining uncompleted, and all and singular the land grant, rights, franchises, immunities and property appertaining thereto; and upon such forfeiture, all and singular the lines of road, land grant, rights, franchises, immunities and property so forfeited, shall be held by the State, without merger or ex-

tinguishment, to be used and re-granted for the construction of said line of road.

In case any forfeiture of any portion of the said line of road should occur under the provisions of this section, then, and in that case, any company or corporation now organized, or that may hereafter organize, having authority from this State to build, maintain and operate a line of railroad within or through this State, may succeed to and acquire the right to complete, own, maintain and operate the uncompleted portions of said line of railroad mentioned in this section, by filing with the Governor a written notice of its desire and intention, under and subject to the provisions of this act, to complete, equip, maintain, and operate the then uncompleted portions of said line of railroad. Work shall be commenced thereon within thirty (30) days after the filing of such notice, or as soon thereafter as the state of weather shall permit, and be prosecuted to completion at the rate of not less than sixty (60) miles per year, until all the same has been completed. But, upon default to commence work, or to prosecute the same to completion within the time aforesaid, such company shall forfeit all right to complete, maintain, or operate the portion of said line remaining uncompleted at the time of such default, without further act or ceremony, to be used and granted for the construction of such line of road.

SEC. 7. If any company shall make default in its undertaking to complete either of said lines of road, or any section or division thereof, under the provisions of this act, any other company may comply with the provisions of this act, and shall thereupon acquire the right to complete, own, maintain, and operate the then remaining uncompleted portions of said line of road, in respect to which default has been made, but subject to the same terms and conditions as to forfeiture as is hereinbefore in this section provided; and any company so undertaking shall be entitled to any indemnity deposit which shall have been forfeited, and subject to be used to aid in the completion of the line of road, section or division thereof, so undertaken by said company.

Any company acting under and pursuant to the provisions of this act, shall become entitled to, and invested with, all and singular the rights, privileges, immunities, franchises, lands, and property appertaining to the portion of road it shall complete, which were formerly held by, or which formerly belonged to, the St. Paul & Pacific Railroad Company, or which were formerly granted to the St. Paul & Pacific Railroad Company, and shall be entitled to the same whenever and as often as any continuous ten (10) miles of road are completed; subject, however, to the exceptions, limitations, terms, and conditions hereinafter mentioned.

SEC. 8. None of the lands outside the "ten (10) mile limits," so called, commonly designated "indemnity lands," shall accrue to any company on account of the construction of any portion of the said line of road extending from St. Cloud to St. Vincent, until there shall first have been reserved therefrom a sufficient quan-

tity to make up ten (10) full sections for each mile of said line lying between such "portion" thereof and Melrose.

SEC. 9. One-half ( $\frac{1}{2}$ ) of all the land up to two hundred thousand (200,000) acres in quantity, which shall be first acquired on account of the construction of the present uncompleted line of railroad from Watab to Brainerd, or any part thereof; and one-half ( $\frac{1}{2}$ ) of all the lands up to four hundred thousand (400,000) acres, which shall be first acquired on account of the construction of the present uncompleted line of railroad from Crookston to St. Vincent, or any part thereof, by virtue of any grant of lands which has been or which hereafter shall be made to aid in the construction of said lines of railroad shall be reserved and retained by the State, to be used by it for the payment of the claims incurred for work and material furnished in the construction of said lines of railroad; statements of which claims were filed in the State Auditor's office in pursuance of an act of Legislature approved February twenty-one (21), A. D. one thousand eight hundred and seventy-four (1874), entitled "An act to secure the payment of certain debts contracted in the construction of certain lines of road of the St. Paul & Pacific Railroad Company." If any of the lands so reserved shall remain undisposed of by the State, after the payment of the claims of the said claimants, such residue shall be conveyed by the Governor to the company which shall have completed the portions of railroad to which the lands comprising such residue shall appertain. The land so reserved shall be applied to the purposes for which such reservation is made in manner following: the Governor, Attorney General and Railroad Commissioner, or any two of them, shall, as soon as may conveniently be after the passage of this act, examine into the claims, statements of which have been filed in the State Auditor's office as hereinbefore mentioned, and adjust and ascertain the amount remaining owing and unpaid to the parties respectively who have filed such claims, for work or materials, or for both, furnished in the construction of said "Extension Lines" of railroad; and they shall file in the State Auditor's office a compiled statement of the amounts so ascertained by them to be owing and unpaid upon said claims, to the said parties respectively. In ascertaining the amounts so owing to said claimants, the said officers shall be empowered to examine witnesses under oath; and the concurrence of any two of said officers shall be sufficient for the determination of the amount remaining owing on any such claim. If it shall be made to appear to said officers that the work or materials embraced in any such claim were furnished by the claimant under a contract with any other of said claimants, such fact shall be set forth in such statement. Whenever, after the amounts remaining unpaid upon said claims shall have been ascertained as herein provided, and any of the lands reserved as herein provided shall have been patented or otherwise conveyed by the United States to this State, such lands, or so much thereof as may be necessary for such purpose, shall be sold by the Governor at public auction; and the net proceeds of all such sales be forthwith distributed ratably by the Governor among

said claimants, in proportion to the amounts found to remain due and owing upon their respective claims as herein provided; such notice of the time and place of such sale being first given as the Governor shall consider best calculated to inform the public thereof. Such sales shall take place from time to time, as portions of the lands reserved, as herein provided, shall be patented, or otherwise conveyed by the United States to the State, until the net proceeds of such sales shall have become sufficient to pay said claims in full; or until all such lands shall have been all sold. At any such sale the owner or holder of any such claim may become a purchaser; and he shall be entitled to be credited upon the sum for which such purchase shall be by him made, with an amount which shall bear the same proportion to the amount ascertained to be owing upon his claim as herein provided, as the total net proceeds of the sale at which such purchase is made, shall bear to the total amount ascertained to be owing upon all said claims in the aggregate, as hereinbefore provided. Upon the price of any purchase of such lands at such sale being paid or settled as herein provided, the Governor shall execute to such purchaser, his heirs or assigns, a patent for the lands so purchased; which patent shall vest in the patentee, his heirs and assigns, the title in fee simple to the lands therein described. In case it shall be ascertained by the Governor, Attorney General and Railroad Commissioner, as herein provided, that the work or materials for which any of the aforesaid claims have been filed were furnished under a contract with any other of said claimants, in that case the Governor shall so distribute the proceeds of such sales as to prevent payment being more than once made for the same work or materials.

If, at any time, any of said claimants shall receive any payments upon his or their claims from any source other than the proceeds of said lands, such payment shall be deducted from the amount of such claim, and such claimant shall be entitled to share in the proceeds of said lands, only on account of the residue of his claim, remaining after such reduction shall have been made. The lands reserved as herein provided shall be selected by the Governor, and shall be a fair average of the lands acquired from the United States on account of the construction of said uncompleted portions of road. Such selections shall be made from time to time, as the lands are acquired from the United States, until three hundred thousand (300,000) acres in all shall have been so selected and set apart.

SEC. 10. The Saint Paul and Pacific Railroad Company, or any company or corporation taking the benefits of this act, shall not in any manner, directly or indirectly, acquire or become seized of any right, title, interest, claim, or demand in or to any piece or parcel of land lying and being within the granted or indemnity limits of said branch lines of road, to which legal and full title has not been perfected in said St. Paul and Pacific Railroad Company, or their successors or assigns, upon which any person or persons have in good faith settled and made or acquired valuable improvements thereon, on or before the passage of this act, or upon any of said

lands upon which has been filed any valid pre-emption or homestead filing or entry—not to exceed one hundred and sixty (160) acres to any one actual settler; and the Governor of this State shall deed and relinquish to the United States all pieces or parcels of said lands so settled upon by any and all actual settlers as aforesaid, to the end that all such actual settlers may acquire title to the lands upon which they actually reside, from the United States, as homesteads or otherwise, and upon the acceptance of the provisions of this act by said company, it shall be deemed by the Governor of this State as a relinquishment by said company of all such lands so occupied by such actual settlers; and in deeding to the United States such lands, the Governor shall receive as *prima facie* evidence of actual settlement on said lands, the testimony and evidence, or copies thereof, heretofore, or which may be hereafter taken in cases before the local United States land offices, and decided in favor of such settlers.

SEC. 11. Freight and passengers shall at all times be carried over all parts of said lines of railroad on equal and reasonable terms, which shall be subject to regulation and revision by the Legislature, or under its authority, and without unjust discrimination in favor of or against any persons or places. And any person or corporation shall be entitled to have its own cars, either freight or passenger, and either laden or unladen, hauled over any and all parts of said lines of railroad, upon such terms as shall afford a reasonable compensation for the use of said road, and for motive power, if the latter be furnished by the company operating said lines of railroad.

SEC. 12. Chapter one hundred and seventeen (117) of the Special Laws of the year one thousand eight hundred and seventy-six (1876), being an act relative to the construction of a railroad between Breckenridge and Glyndon, and approved March sixth (6th), A. D. one thousand eight hundred and seventy-six (1876); and chapter one hundred and five (105) of the Special Laws of one thousand eight hundred and seventy-four (1874); and chapter forty-nine (49) of the Special Laws of one thousand eight hundred and seventy-five (1875), are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved March 1, 1877.