

CHAPTER LXVI.

March 2, 1871. *An Act granting certain lands to the St. Paul, Stillwater and Taylor's Falls Railroad Company.*

Preamble.

- SECTION 1. Grant of lands to the St. Paul, Stillwater and Taylor's Falls Railroad.
2. When entitled to a deed in fee simple to said lands.
 3. Entitled to hold, sell and mortgage said lands.
 4. Relinquishment of title to certain lands.
 5. Conditions upon which rights granted.
 6. Repeal of inconsistent acts.
 7. When act to take effect.

Preamble.

WHEREAS, The legislature of this state, by an act approved March fourth, one thousand eight hundred and sixty-seven, granted to the Stillwater and Saint Paul Railroad Company the lands pertaining to the portions of the line of railroad between Stillwater and Saint Paul provided for in the act of the congress of the United States 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, and granting public lands in alternate sections to the state of Alabama to aid in the construction of a certain railroad in said state," approved March third, one thousand eight hundred and fifty-seven, and of the acts amendatory thereof; and,

WHEREAS, Said Stillwater and Saint Paul Railroad Company have constructed a portion of its said line from Stillwater to a point thereon twelve (12) miles westwardly of Stillwater, and is willing to relinquish all claims to said grant except the lands pertaining to the said twelve miles so constructed; therefore,

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

SECTION 1. That so much of the lands granted by congress to the state of Minnesota by the act approved

March third, A. D. one thousand eight hundred and fifty-seven, and the act of March third, one thousand eight hundred and sixty-five, referred to in the preamble to this act to aid in the construction of a railroad from Stillwater, by way of St. Paul, as pertains to that portion of said line of road between St. Paul and Stillwater as remains undisposed of by the state after the Stillwater and St. Paul Railroad Company shall have reserved, set apart for or conveyed to it all of the ten sections per mile pertaining to the said twelve miles of road so constructed, are hereby granted to the St. Paul, Stillwater and Taylor's Falls Railroad Company, upon the conditions and subject to the provisions of said acts of congress and of this act.

Grant of lands for railroad purposes.

SEC. 2. That whenever the said St. Paul, Stillwater and Taylor's Falls Railroad Company shall have constructed its line of railroad from St. Paul to the city of Stillwater as a first-class railroad, with the cars running thereon, then the said company shall be entitled to a deed in fee simple, to be executed by the governor of this state, for the remaining lands pertaining to said road between Stillwater and St. Paul; *Provided, however,* That nothing in this act shall be construed to give said St. Paul, Stillwater and Taylor's Falls Railroad Company any right, title or interest whatever in or to the lands pertaining to the twelve miles of said line of railroad in said acts of congress of March third, one thousand eight hundred and fifty-seven, and of March third, one thousand eight hundred and sixty-five, mentioned, extending from Stillwater westwardly, and that the said lands so pertaining to said twelve (12) miles of said line shall be and continue to be vested in the Stillwater and St. Paul Railroad Company applicable to the twelve miles of said line of road constructed by said last named company.

When entitled to a deed in fee simple.

SEC. 3. The St. Paul, Stillwater and Taylor's Falls Railroad Company shall be entitled to hold, sell and mortgage said lands so granted to it, to the same extent and on the same terms as by law they might have been held, disposed of and encumbered by the St. Paul and Pacific Railroad Company had the road been built by said company.

May hold, sell and mortgage said lands.

SEC. 4. The Stillwater and St. Paul Railroad Company is hereby authorized, and shall relinquish to the St. Paul, Stillwater and Taylor's Falls Railroad Company all its right, title or claim to the lands herein granted to the last named company.

Relinquishment of title to said lands.

Conditions upon
which rights
granted.

SEC. 5. The rights and privileges granted by this act are made upon the condition that the said St. Paul, Stillwater and Taylor's Falls Railroad at its points of crossing other railroads in this state built or graded and in operation prior to its construction at such points of crossing, shall be so built as to cross the same at grade, and shall be to the expense of constructing its proper one-half of the necessary tracks for junction therewith, and also with other railroads already constructed, and also with other railroads which may be constructed after the construction of said St. Paul, Stillwater and Taylor's Falls Railroad, similar junction shall be made, and that the company now or hereafter owning or operating the said railroad shall transport freight from any and all stations on its line to said several points of junction or crossing, and shall also receive freight from said railroad at the several points of junction or crossing therewith for transportation, and transport the same to said stations at rates not exceeding the lowest local rates charged and collected on any portion of its line of railroad for corresponding distances for freights of the same classification or kind, which said rates shall not exceed the lowest average rates of the railroads of this state for the same distances, and shall also transport the cars of said connecting railroads on its railroad, and allow for mileage on the same the rates allowed by common usage for exchange of car service from time to time, and shall afford all usual facilities accorded by railroads interchanging business; and no discrimination or preference shall be made in favor or against any locality, person, or either of said connecting railroads; *Provided*, That said St. Paul, Stillwater and Taylor's Falls Railroad shall have and enjoy the same privileges hereinbefore granted in this section over and upon the railroads of other railroad companies connected with it, as are hereby granted to said companies, and that the provisions of this section, so far as they are applicable, shall be mutual and reciprocal between said St. Paul, Stillwater and Taylor's Falls Railroad Company and each of said connecting railroads.

Repeal of incon-
sistent acts.]

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

When act to take
effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 2, 1871.