

## CHAPTER LII.

AN ACT TO CONFIRM CERTAIN MORTGAGES MADE BY THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD COMPANY, AND TO DECLARE THE LANDS ACQUIRED BY SAID COMPANY FOR RIGHT OF WAY TO HAVE BEEN TAKEN AND HELD FOR PUBLIC USE, AND IN RELATION TO THE FRANCHISES AND PROPERTY OF SAID COMPANY.

WHEREAS, The legislature of this state did pass an act entitled "An act to amend an act entitled an act to incorporate the Nebraska & Lake Superior railroad company, approved March eighth, A. D. eighteen hundred and sixty-one, under the provisions of which a company has been organized as a corporation, and is a corporation *de facto*, and has under the authority of said act and the acts amendatory thereof, located, constructed and equipped a line of railroad extending from St. Paul to Lake Superior, and have under such legislation, by condemnation or otherwise, acquired the right of way for said railroad ;

AND WHEREAS, Said organization has heretofore on the first day of January A. D. eighteen hundred and sixty-nine, made its trust deed or mortgage of that date, with intent to secure the principal and interest of the bonds in said deed named ; the proceeds of which said bonds, together with the proceeds of certain other bonds, commonly called income bonds, named in and intended to be secured by a deed of trust subordinate to said first mortgage, which said deed of trust bears date October seventeenth, A. D. eighteen hundred and seventy-two, have been used in the construction and equipment of said line of railroad, which said several deeds of trust so made are of record in the office of the secretary of state of this state, reference to which is made for greater certainty ;

AND WHEREAS, It was the intent of said organization to create a mortgage lien upon its lands, franchises, railroad and property acquired and to be acquired, to secure the several classes of bonds in said trust deeds named ;

AND WHEREAS, An agreement has been made between the bondholders and the trustees in said several mortgages provided, and the stockholders of said company, in and by which a majority of the capital stock of said company has been assigned and transferred by the owners thereof to Stephen A. Caldwell and George Philler, of Philadelphia, Pennsylvania, the present trustees under said deed of January first, eighteen hundred and sixty-nine, so as to enable said trustees, as such, in case of default in the payment of interest upon the bonded debt, and during such default, to control the selection of officers and agents, and to manage through said assigned stock the said railroad, so as to secure the application of the net earnings of said railroad, so far as necessary to the payment of the interest cou-

pons upon said indebtedness, without the delay and expense of a foreclosure ;

AND WHEREAS, Doubts have been raised as to whether the said act of March eighth, eighteen hundred and sixty-one, transferred to and vested in said organization so formed under it, the corporate franchises to be a corporation and other rights, powers and privileges in said act named and intended, so as to enable said organization to vest in said trustees any valid lien upon or interest in said lands, franchises, railroad and property in said several deeds named and intended ;

AND WHEREAS, It is desirable that no injustice may be done to said company so having constructed said line of railroad, and that the parties so holding said bonds should have, so far as the same can be lawfully confirmed, the benefit of the said security intended by said company, and to the end that the said rights of way and property necessary for public use so condemned or acquired, should be so held ; therefore—

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

SECTION 1. That in case the said Lake Superior and Mississippi Railroad company so organized and acting as a corporation under the said legislative act of March eight, eighteen hundred and sixty-one, and the acts amendatory thereof, shall be finally adjudged not to possess the corporate powers and franchises in said legislative acts intended, or if the majority of the stockholders of said company shall at any time elect so to do, or in case a majority in interest of the owners of said line of railroad extending from St. Paul to Duluth on Lake Superior, shall at any time elect to form a corporation for the operation and management of the same under the general laws of this state ; such corporation so formed shall have all the powers, privileges, franchises, rights and property confirmed or intended to be confirmed upon said Lake Superior and Mississippi Railroad Company by the said act of March eight, eighteen hundred and sixty-one, and the several acts amendatory thereof, so far as the same do not conflict with the general laws or with the constitution of this state.

SEC. 2. That wherever the said company organized and acting as a corporation under the said name and style of the Lake Superior and Mississippi Railroad Company, has heretofore obtained the right of way for said railroad and has made compensation therefor or paid the same into court, in accordance with the laws of this state in that behalf enacted, under which said company was so acting, and in all cases where such right of way has been obtained by conveyance, contract, grant or purchase from the owners thereof, the same shall be and is confirmed ; and all such lands and property acquired and held for right of way and other necessary railroad purposes, shall be deemed to be taken and held for public use, and shall [so] continue to be held so long as the same shall be necessary for public use, and that all proceedings now pending for the condemnation of property for public use for said line of railroad may be prosecuted and made to conform as near as may be to the provisions of the

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.

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### 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