

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

forthwith cause swamp land certificates to be issued to the president and directors of said railroad company for the number of acres to which they shall be entitled under this act, for the number of miles so completed as provided in section one; *Provided*, That within twelve months from the passage of this act, the company aforesaid shall cause a survey of the line of said road to be made, and file a map of the same with the secretary of state; *And provided further*, That at least twenty miles of said road shall be built within two years from the date of this act, and the whole completed within five years; *And further provided*, That none of the lands hereby granted shall be subject to taxation until the expiration of five years from the issuance of the patent by the state, unless previously sold or disposed of by said railroad company.

SEC. 3. That after the filing of the map showing the line of road as provided in the last preceding section, all of the swamp lands belonging to the state for ten miles on each side of the line of said road shall be withdrawn from sale for the purposes contemplated in this act.

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

Approved March 9, 1875.

CHAPTER LV.

AN ACT TO AUTHORIZE THE BROWNSVILLE AND ROOT RIVER INTERNAL IMPROVEMENT COMPANY TO USE THE WATER OF ROOT RIVER, IN THE COUNTY OF HOUSTON.

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

SECTION 1. The Brownsville and Root River Internal Improvement Company is hereby authorized and empowered to divert and take by canal, or otherwise, so much of the waters of said Root river as may be deemed necessary by said company, for the uses and purposes of said company, to be taken from said Root river, at any point below the village of Hokah, in the county of Houston, and to use and discharge the same into the Mississippi river at any point north of the south line of the town of Brownsville, in said county, and that the right hereby granted to take, have and use said water, shall continue during the existence of said company.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 19, 1875.