

the time or times in this act limited, shall, of itself, without any further legislative act or judicial decree, operate to forfeit to and vest in the state of Minnesota, absolutely, all the lands, property and franchises pertaining to the unbuilt portions of said line of railroad, and in case of such forfeiture the state shall hold and be possessed of all such lands, property and franchises so forfeited without merger or extinguishment, to be used, granted or disposed of for the purpose of aiding and facilitating the construction of the unfinished portion of such line of railroad.

SEC. 3. The said railroad company shall, within sixty days after the passage of this act, accept the same, and such acceptance shall be by resolution adopted by the board of directors of said company, a copy of which resolution duly certified by the secretary of said company, shall within the sixty days mentioned, be filed in the office of the secretary of state, and without such acceptance the said railroad company shall not be entitled to any of the benefits or provisions of this act, but the lands, franchises and property of said company shall thereupon be forfeited as provided in this act.

SEC. 4. Said railroad company, its successors or assigns shall, at all times transport over its line of railroad, passengers and freight at just and reasonable rates, and shall make no unjust or unreasonable discrimination respecting the same.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 28th, 1876.

## CHAPTER CXVI.

AN ACT TO LEGALIZE CERTAIN ACTS OF THE CITY COUNCIL OF THE CITY OF WINONA, AND TO REPAY MONEY SUBSCRIBED FOR THE BENEFIT OF THE GREEN BAY AND LAKE PEPIN RAILROAD COMPANY, NOW THE GREEN BAY AND MINNESOTA RAILROAD COMPANY.

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

SECTION 1. *Whereas*, The city council of the city of Winona, to secure the terminus at Winona, of a railroad from Green Bay in the state of Wisconsin, did on the fourteenth day of March, eighteen hundred and seventy-three adopt the following resolutions:

*Be it resolved*, by the city council of the city of Winona, that fifty thousand dollars, or so much thereof as may be practicable, shall be raised for the purpose of securing the terminus of the Green Bay and Lake Pepin Railroad, at the city of Winona, under and pursuant to the recommendation of the committee appointed by the city council to confer upon said matter, on the twelfth day of March, eighteen hundred and seventy-three;

*And it is further resolved,* That the said city of Winona hereby pledges its faith to repay to each and every person, his heirs or assigns, all sums of money which said person or persons shall advance for that purpose, with interest on the sums so advanced not to exceed the rate of ten per cent. per annum. *Provided always,* That the obligation so made and taken, shall in no event bind the city to such repayment, unless the proper legal authority for such repayment be obtained.

*Resolved,* That the recorder be authorized, and is hereby required to have prepared and to issue and deliver under his hand as recorder, and the seal of said city, to each person advancing money for the above purpose, a certificate for all sums so advanced by each person respectively, bearing interest as aforesaid;

*Resolved,* That as soon as practicable, proper legislation, authorizing and legalizing the present action of the city council, so far as such legislation may be necessary, or any other needed legislation shall be obtained.

*And whereas,* Sundry sums have been subscribed and paid, under and pursuant to said resolutions, and other sums have been subscribed but not yet paid, it is hereby provided and declared, that said resolutions of said city council, and set forth herein, and the act of said city council in adopting the same, are hereby legalized and made valid, and that the city council of the city of Winona be and the same is hereby authorized and required to issue the bonds of said city, in the amount of not to exceed thirty-five thousand dollars, of denominations not less than one hundred dollars, nor more than one thousand dollars each, payable as said city council shall determine, not over fifteen years from the date thereof, bearing interest at seven per cent. per annum, payable semi-annually and at such place as said council shall designate, said bonds to be signed by the mayor and recorder of said city, and shall be under the corporate seal of said city, and shall show upon their face the object for which they were issued.

SEC. 2. Said city council shall deliver said bonds to said subscribers, their heirs or assigns who have paid or shall hereafter pay their subscriptions, made under and pursuant to said resolutions of said city council to each subscriber, the amount he has paid or shall hereafter pay on account of said subscription, not exceeding in all, the aggregate of thirty-five thousand dollars and that on delivery of said bonds, the city shall take from parties receiving the same, the stock of the Green Bay and Minnesota Railroad Company, which shall have been issued to said Subscribers.

SEC. 3. Before said bonds are issued, the question of issuing them shall be submitted to the legal voters of said city, at the general election to be held in and for the said city in the month of April, 1876. That the voters at said election shall use ballots on which shall be written or printed, or partly written and partly printed the words "For indemnifying subscribers," or the words "Against indemnifying subscribers" as the voters shall choose, which said ballots shall be deposited in ballot boxes separate and apart from the ballot boxes used for other votes, and no votes shall be counted for or against the issuance of said bonds, except said ballots are deposited in said boxes so set apart for the reception of said votes; and it shall be the duty of the judges of said election to keep a separate record of the names of each

voter who shall vote for or against the issuance of said bonds. If at said election a majority of the votes cast on the question of said issue of bonds shall have upon them the words "For indemnifying subscribers," then said city council shall issue said bonds, but if more than one-half of said ballots shall have upon them the words "Against indemnifying subscribers," then the city council shall not issue said bonds and no liability shall attach to said city by reason of the passage of said resolution by the said city council, nor by reason of the passage of this act.

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

Approved March 3d, 1876.

## CHAPTER CXVII.

AN ACT TO PREVENT A DIVERSION BY THE ST. PAUL AND PACIFIC RAILROAD COMPANY, OF LANDS GRANTED BY CONGRESS TO THE STATE OF MINNESOTA, AND BY THE STATE TO SAID COMPANY TO AID IN THE CONSTRUCTION OF A RAILROAD RUNNING FROM ST. CLOUD TO THE NAVIGABLE WATERS OF THE RED RIVER OF THE NORTH, BY SAID COMPANY, CONVERTING THAT PART OF SAID RAILROAD RUNNING NORTH FROM GLYNDON INTO A CONTINUATION OF THE MAIN LINE OF THE FIRST DIVISION OF THE ST. PAUL AND PACIFIC RAILROAD, AND ABANDONING THAT PART OF SAID RAILROAD RUNNING FROM MELROSE TO GLYNDON.

WHEREAS, Congress of the United States granted certain lands to the late territory and to the present state of Minnesota, to aid in the construction of a line of railroad extending from St. Cloud to St. Vincent, on the navigable waters of the Red River of the North; and,

WHEREAS, The state of Minnesota, at the solicitation of the St. Paul and Pacific Railroad Company, and upon its promise that it would construct said line of railroad throughout its entire length, granted said lands to the St. Paul and Pacific Railroad Company, upon the condition that it would construct the said line of road; and,

WHEREAS, Upon the faith of the undertaking by said company to construct said line of road, a large population has settled along the line of said road between St. Cloud and Glyndon, which population will be left without convenient railroad communications if said line of railroad between said last named two points is not constructed; and

WHEREAS, The possibility of procuring any company to construct that part of said road between St. Cloud and Glyndon must depend upon such company having the advantage of owning and controlling said line of road throughout its entire length; and

WHEREAS, The St. Paul and Pacific Railroad Company threaten to violate their obligation to the state to build the whole of said line of