

CHAPTER 234.

AN ACT TO EXTEND THE TIME FOR THE COMPLETION OF THE UNFINISHED LINE OF RAILROAD OF THE HASTINGS & DAKOTA RAILROAD COMPANY.

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

SECTION 1. That the time for the grading, completion and putting in operation, by the Hastings & Dakota Railroad Company, of its line of railroad from Hastings by the way of Glencoe, in the county of McLeod, to the western boundary of the State, at some point between the head of Big Stone lake and the third standard parallel, be, and the same is hereby revived and extended for the term of four (4) years from the time of the passage of this act, upon the following terms and conditions, that is to say:

The said railroad company shall construct and put in operation from Glencoe in a westerly direction seventy (70) miles of railroad on or before the first (1st) day of December, A. D. eighteen hundred and seventy-eight (1878). Thirty (30) miles of which shall be graded and the track laid thereon by the fifteenth (15th) day of August, eighteen hundred and seventy-eight (1878), and thirty (30) miles additional on or before the first (1st) day of December A. D. eighteen hundred and seventy-nine (1879), and thereafter twenty-five (25) miles each year until said line of railroad shall be fully completed; and the said company on completing said line of railroad, within the time and in the manner aforesaid, shall have and be entitled to receive any and all lands granted or to be granted by the United States of America to the State of Minnesota to aid in the construction of said line of railroad, and shall have and be entitled to all and singular, the said lands, rights, privileges and franchises, as if said line of railroad had been constructed and put in operation within the time heretofore limited by law for that purpose.

Provided, That all persons, their heirs, or legal representatives, who were actual settlers upon any of the lands included in the said grant at the time when the rights of the said company attached thereto, to-wit: March seventh (7th), one thousand eight hundred and sixty-seven (1867), and who shall have continued in the occupancy thereof until the present time, shall, when the said company shall become entitled to the fee thereof, be at liberty to purchase the same of said company for the sum of one dollar and twenty-five cents (\$1.25) per acre, upon the same terms and conditions as to time and manner of payment, as are given to other purchasers of the lands included in said grant, and provided further,

that application therefor and proof of the right to purchase, shall be made within six (6) months after the fee of said lands shall have been acquired of said company as aforesaid, and actual notice given to the settlers by publication by said company. *And provided further*, that all persons who shall have settled upon any of the odd numbered sections of said lands prior to the survey thereof by the United States, and shall have continued to reside thereon up to the time of the passage of this act, shall be entitled to a deed thereof from said company when said company shall have acquired the title thereto, by making proof of such settlement and occupancy and paying a like entry fee as is required for such entry and proofs at the United States land offices.

SEC. 2. Any failure or neglect of said railroad company to construct and put in operation any portion of said line of railroad within 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 portion 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. All lands to be acquired by said company by the construction of said railroad and which shall not be reserved for their own purposes, on which improvements have been made by actual settlers, shall be appraised and the price fixed at which they shall be sold without including in such appraisal, the value of the improvements which may have been made by such settlers; and such lands shall not be appraised at a greater value than unimproved lands of like quality, adjacent thereto; and any such settler shall have a prior right to purchase such lands as he may have occupied and improved, at such appraisal, by giving notice in writing to the land commissioner, or other proper officer of said company, of his intention to purchase said land within six (6) months after the company shall have acquired the title thereof.

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, which shall be subject to regulation and revision by the Legislature; and shall make no unjust or unreasonable discrimination in favor of or against any person, place or connecting railroad.

SEC. 5. That whenever any lands heretofore or hereafter granted to the Hastings and Dakota Railroad Company to aid in the construction and completion of its line of road, shall be contracted to be sold, conveyed or leased by said company, the same shall be placed upon the tax list by the proper officer for taxation, as other real estate for the year succeeding that in which such contract for a sale, conveyance or lease thereof, shall have been made, but in enforcing a collection of the taxes thereon, the title or interest of the said company, or of any trustee or mortgagee thereof, shall be

in no wise impaired or affected thereby; but the improvements thereon, and all the interests of the purchaser or lessee therein may and shall in case of default of the payment of taxes upon such land, be sold to satisfy the same, and it shall be the duties of the proper officers to assess and collect such taxes in accordance with the general laws relating to the assessment and collection of taxes.

SEC. 6. The said railroad company shall within sixty (60) 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 (60) 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. 7. In case any forfeiture of any portion of the said line of railroad, or of any part of said land grant should occur under the provisions of this act, then, 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, 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 the weather shall permit, and be prosecuted to completion at the rate of not less than fifty (50) miles per year, until all of the same shall be completed. But upon default to commence the 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. 8 This act shall take effect and be in force from and after its passage.

Approved Feb. 8, 1878.