

SEC. 3. The Board may employ a suitable person to act as secretary, and to do such other work in the way of corresponding, distributing papers, pamphlets and maps, and writing articles as they may order. The salary of said secretary shall not exceed one thousand (1000) dollars per year.

May employ secretary.

SEC. 4. The sum of six thousand (6000) dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the use of said Board of Immigration, to be expended by them to carry out the objects of this act as provided in the foregoing sections.

Appropriation to board.

SEC. 5. Three members of the Board of Immigration shall constitute a quorum, and shall have authority to act on all questions brought before the Board.

SEC. 6. The money hereby appropriated shall remain in the treasury subject to the order of the Board.

SEC. 7. The members of the State Board of Immigration shall receive no compensation for their services, but shall be reimbursed to the amount of their actual expenses.

Compensation of members.

SEC. 8. It shall be the duty of said Board of Immigration to make reports of their labors and proceedings to the State Legislature.

SEC. 9. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 7, 1879.

CHAPTER 77.

AN ACT TO AUTHORIZE RAILROAD COMPANIES OR RECEIVERS THEREOF TO DETERMINE THE VALIDITY OF PROCEEDINGS APPROPRIATING LAND FOR RAILROAD PURPOSES AND TO MAKE COMPENSATION FOR SUCH LANDS.

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

SECTION 1. Whenever any person entitled to compensation for lands heretofore taken or attempted to be taken for railroad purposes, shall refuse or neglect to receive from the proper company or the receiver thereof or otherwise, the compensation awarded therefor by commissioners acting or assuming to act in that behalf, upon the ground of the irregularity or illegality of the appointment of the commissioner or of the

Compensation for lands taken.

award or of any of the proceedings or otherwise, the railroad company interested in the premises, or the receiver thereof, where no appeal from the award has been taken, may bring an action against such person for the purpose of determining the validity of such appointment, award and proceedings or either, and in such action the plaintiff may also allege that if the proceedings are held invalid, the plaintiff is ready and willing to pay to the defendant full compensation for the land so taken or sought to be taken to the extent of the defendants interested therein.

Privilege of company.

Determination and judgment of court.

SEC. 2. If the defendant in his answer disputes the validity of such proceedings, or of such appointment or award, the court shall first determine such issue and the nature of the defendant's title, and if the finding is adverse to the defendant, judgment shall be entered accordingly. If, however, it shall be determined that the defendant has an interest in or title to such property, and that such proceedings are invalid, the court shall so find and shall also determine and find for the defendant the full value of his interest in the land so taken or attempted to be taken at the time of such finding. *Provided*, however, that on any or all of the issues raised, either party shall be entitled to a jury trial; and *provided further*, that the plaintiff cannot recover costs or disbursements, and *provided, further*, that a judgment adverse to the defendants shall not preclude him from his rights in any award made by the commissioners.

Of verdict : judgment.

Action to be dismissed.

Effect of payment.

SEC. 3. Upon a finding or verdict in favor of the defendant, and determining the compensation due him for the taking and use of his land for railroad purposes, judgment shall be entered in substance as follows: That all the right, title and interest of the defendant in the land in controversy be taken and appropriated for the use of the railroad naming it by the plaintiff (if the company is plaintiff) or (if the receiver is plaintiff) by the plaintiff to the use of and for the benefit of the company. Upon the plaintiff paying to the defendant or into court for the benefit of the party entitled thereto, within sixty days from the judgment, the compensation adjudged with interest, costs and disbursements, and that upon failure to so make such payment, the action be dismissed. The effect of such payment shall be to vest in the railroad company, if the company is the plaintiff, or in the receiver for the company if the receiver is plaintiff, all the right, title and interest of the defendant in the lands so taken to the same use which the company could acquire by condemnation under their charter or the General Laws of this State, and the court may enter an order or final judgment to that effect when such payment is made.

Privilege of plaintiff.

SEC. 4. The plaintiff may at his option join as defendants all parties having any interest in or lien upon the property or making any claim thereto, and may also in the same complaint include two or more tracts of land owned or claimed by different parties, with the right, however, of the owners of different tracts to demand separate trials.

SEC. 5. The action given by this act shall in all respects except as herein otherwise provided, be governed by the same rules of practice and procedure as to service of summons, new trials, appeals or otherwise as other actions brought to determine conflicting claims to real property under the laws of this State. Rules of practice.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 11, 1879.

CHAPTER 78.

AN ACT RELATING TO RAILROADS ORGANIZED UNDER THE LAWS OF THE STATE OF ILLINOIS.

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

SECTION 1. That any railroad company heretofore organized under the laws of the State of Illinois is hereby authorized to extend and build its road into the State of Minnesota, from a point on the southern state line between ranges numbered seven and ten, to the north line of Fillmore County, and such railroad company shall have and possess all the powers, franchises, and privileges and be subject to the same liabilities of railroad companies organized and incorporated under the general laws of this State; provided, such non-resident company shall first file a duly certified copy of its articles of incorporation with the Secretary of this State, and shall comply with the laws of Minnesota as to filing and recording its articles of incorporation, and shall keep an office in this State in the same county in which its railroad is or is proposed to be built, and shall be liable to civil process, to be sued and to sue, as provided by law. And provided also that it is made a special and express condition hereof that if such company organized under the laws of Illinois shall avail itself of the provisions of this act, said company shall be and are hereby declared estopped and prevented from removing, and shall be deemed to have elected to waive any and all rights which said company may have under the laws of the United States to have any suit or proceeding to which such company is a party, removed from the State courts to the court of the United States. Extension of road

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

Approved March 11, 1879.