

fied by the Board of Railroad and Warehouse Commissioners of the state, in their discretion.

When act to
take effect.

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

Approved March 7th, 1887.

CHAPTER 19.

[S. F. No. 445].

AN ACT TO TRANSFER CERTAIN LANDS ORIGINALLY GRANTED TO THE MINNEAPOLIS & ST. CLOUD RAILROAD COMPANY, AND SUBSEQUENTLY TO THE ST. CLOUD, MANKATO & AUSTIN RAILROAD COMPANY; TO THE DULUTH, ST. CLOUD, MANKATO & SOUTHERN RAILROAD COMPANY, AND PRESCRIBING THE METHODS AND TERMS OF SUCH TRANSFER.

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

Transfer of
lands.

SECTION 1. That all that part of the lands not already earned, originally granted to the Minneapolis & St. Cloud Railroad Company by virtue of an act of the Legislature of the State of Minnesota, entitled, "An act granting swamp lands to aid the Minneapolis & St. Cloud Railroad Company in building branches to connect with the Lake Superior & Mississippi Railroad, and the Winona & St. Peter Railroad, or any other railroad in Southern Minnesota," approved February eleventh (11), one thousand eight hundred and sixty-five (1865). Which lands herein intended, are the same lands which were granted to the said Minneapolis & St. Cloud Railroad Company, to aid in the construction of a southerly branch of said Minneapolis & St. Cloud Railroad, as designated in Section two (2) of the act of one thousand eight hundred and sixty-five (1865) above referred to; being the same lands that are also further designated in an act of the Legislature of this state, entitled, "An act to amend an act entitled an act granting swamp lands to aid the Minneapolis & St. Cloud Railroad Company in building branches [to connect] with the Lake Superior & Mississippi Railroad and the Winona & St. Peter Railroad or any other railroad in Southern Minnesota, approved February eleventh (11), one thousand eight hundred and sixty-five (1865)," which last act was passed at the extra session of said Legislature in one thousand eight hundred and eighty-one (1881), and approved November eighteenth (18th),

one thousand eight hundred and eighty-one (1881), that all of the unearned lands of that portion of said lands granted to aid in the construction of a southerly branch of said Minneapolis & St. Cloud Railroad are designated in the acts aforesaid, and all unearned lands granted to the St. Cloud, Mankato & Austin Railroad Company by virtue of the acts aforesaid or any laws of this state and now held by said last named company by virtue of an act of Legislature of this state, entitled, "An act to amend an act entitled 'An act granting swamp lands to aid the Minneapolis & St. Cloud Railroad Company in building branches to connect with the Lake Superior & Mississippi Railroad and the Winona & St. Peter Railroad or any other railroad in Southern Minnesota, approved February eleventh (11th) in the year of our Lord, one thousand eight hundred and sixty-five (1865) as amended" approved March tenth (10th), one thousand eight hundred and eighty-five (1885), that all of the aforesaid lands be and the same hereby are in case of forfeiture by the St. Cloud, Mankato & Austin Railroad Company transferred to and vested in the Duluth, St. Cloud, Mankato & Southern Railroad Company, its successors, or assigns (which said company is a corporation organized and incorporated under the laws of this state) to aid in the construction of its said line of railroad as described in its articles of incorporation, and in case of such forfeiture the said Duluth, St. Cloud, Mankato & Southern Railroad Company shall be entitled to the same number of sections of swamp land for each mile of its road in the counties through which its said road shall run, and also in the same way and manner and upon the terms and conditions hereinafter specified to make selections from other swamp lands in this state the same as the Minneapolis & St. Cloud Railroad Company had or the St. Cloud, Mankato & Austin Railroad Company now have, by virtue of section two (2) and three (3) of chapter three (3) of said special laws of one thousand eight hundred and sixty-five (1865) as amended by section two (2) of chapter sixty-five (65) of the special laws of extra session of Legislature of this state, one thousand eight hundred and eighty-one (1881), as amended by chapter eighty-one (81) of special laws of eighteen hundred and eighty-five (1885) above referred to, provided that the Duluth, St. Cloud, Mankato & Southern Railroad Company shall, in no event be entitled to receive a greater number of acres under the provisions of this act than the so called 'Southerly branch of the said Minneapolis & St. Cloud Railroad Company, or the St. Cloud, Mankato & Austin Railroad Company would be entitled to receive under and by virtue of the several acts hereinbefore mentioned, including lands already earned by said last named company. *Provided*, however, nothing herein contained shall be con-

Shall not be
exempt from
taxation.

strued as exempting any of the lands from taxation embraced within the provisions of this act but any and each tract of said lands shall at once become taxable as soon as such tract is earned by said Duluth, St. Cloud, Mankato & Southern Railroad Company under the provisions of this act. *Provided* further that said line of railroad shall run through the village of Gaylord in the County of Sibley and State of Minnesota.

SEC. 2. That at any time after such forfeiture of said lands by the St. Cloud, Mankato & Austin Railroad Company, when the governor of this state shall be notified by the Duluth, St. Cloud, Mankato & Southern Railroad Company that it has completed and equipped for the transportation of freight and passengers any twenty (20) consecutive miles of its said road, it shall be his duty to have the same examined by sworn commissioners and on their certificates of the completion of each consecutive twenty (20) miles of said railroad in a good and substantial manner as contemplated by the acts of incorporation of said company, the governor shall notify the secretary of state of this fact who shall then cause swamp land certificates to be issued to the Duluth, St. Cloud, Mankato & Southern Railroad Company for the number of acres of swamp lands which said company shall be entitled to under this act. *Provided*, That on or before the first (1st) day of March, eighteen hundred and eighty-nine (1889), the said Duluth, St. Cloud, Mankato & Southern Railroad Company shall cause a survey of the line of its said road to be made and a map thereof to be filed with the secretary of state, and *provided*, further, that said Duluth, St. Cloud, Mankato & Southern Railroad shall be completed within five (5) years from and after the expiration of the said grant to the St. Cloud, Mankato & Austin Railroad Company. That is to say from and after the twenty-fifth (25th) day of December, one thousand eight hundred and eighty-seven (1887).

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 8th, 1887.

Road to be examined by sworn commissioners before land certificates are issued.

When act to take effect.