

In case the state either by action or through the land commissioner, shall seize or take possession of any timber or other property taken from such lands, and shall proceed to sell the same, the expenses incurred in making such seizure and sale may be deducted from the proceeds thereof.

SEC. 41. The records kept in the office of the land commissioner, pursuant to this act, shall be taken and deemed notice of the facts therein set forth.

Records as notice.

SEC. 42. The word "timber," as used in this act, shall be construed to mean trees, logs, ties, posts, poles, paving blocks, lumber, lath and shingles.

Timber—definition.

SEC. 43. Sections eight (8), nine (9), twelve (12), fifteen (15), sixteen (16), thirty-one (31), forty-one (41), forty-two (42), forty-four (44), forty-seven (47), forty-eight (48), forty-nine (49), fifty (50), fifty-one (51), fifty-two (52), fifty-three (53) and fifty-four (54) of chapter thirty-eight (38), general statutes of eighteen hundred and seventy-eight (1878), any and all amendments thereto, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sections repealed.

SEC. 44. This act shall take effect and be in force from and after June first (1st) 1895.

Approved April 22nd 1895.

CHAPTER 164.

H. F. No. 20.

An act entitled "An act to appropriate moneys for the purpose of opening of closed water courses leading into the Red River and its tributaries, and for opening existing streams in the Red river valley in the counties of Wilkin, Clay, Norman, Polk, Marshall, Kittson, Grant, and Traverse, for the purpose of draining land owned by the state of Minnesota therein; and also for the purpose of reclaiming swamp lands granted to the state of Minnesota by act of congress approved September twenty-eighth (28th) A. D. one thousand eight hundred and fifty (1850)."

Drainage of state lands.

"Whereas, the State of Minnesota is the owner of large tracts of low, wet and marshy lands of great value in the counties of Wilkin, Clay, Norman, Polk, Marshall, Kittson, Grant and Traverse, which will be greatly increased in value by drainage, and,

Whereas, there was granted to the State of Minnesota by the United States of America, by act of congress, approved September twenty-eighth (28th), one thousand eight hundred and fifty (1850), upwards of

two hundred and seventy thousand seven hundred and forty (270,740) acres of swamp land situate in said counties of the value of upwards of one million five hundred thousand (1,500,000) dollars, which said land aggregating upwards of three-fourths ($\frac{3}{4}$) in value and acreage thereof has heretofore been appropriated and conveyed by said state."

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

Appropriation.

SECTION 1. That the sum of fifty thousand (50,000) dollars in addition to the sum appropriated by chapter two hundred and twenty-one (221) of the general laws of the state of Minnesota for the year one thousand eight hundred and ninety-three (1893), is hereby appropriated out of the general revenue fund to the counties of Wilkin, Clay, Norman, Polk, Marshall, Kittson, Grant and Traverse for the purpose provided in said chapter two hundred and twenty-one (221) of the general laws of the state of Minnesota for the year one thousand eight hundred and ninety-three (1893), and as hereafter provided. The moneys so appropriated shall not exceed in amount the sum of twenty-five thousand (25,000) dollars annually for the period of two (2) years from the first (1st) day of January, one thousand eight hundred and ninety-five (1895).

How expended.

SEC. 2. That the moneys hereby appropriated shall be expended by and under the direction of the board of audit provided for by said chapter two hundred and twenty-one (221) of the general laws of the state of Minnesota for the year one thousand eight hundred and ninety-three (1893).

Same.

SEC. 3. That said board is hereby authorized to determine in what manner the moneys provided for shall be expended, *provided* that such moneys shall only be expended for the purpose of opening closed water courses leading into the Red river and its tributaries, and for opening existing steams in the Red river valley in this state for drainage purposes, to reclaim swamp lands, granted to the state of Minnesota by act of congress approved September twenty-eighth (28th), one thousand eight hundred and fifty (1850), and lands owned by the state of Minnesota, and the further purpose of improving the public health, and such moneys shall be paid by the state treasurer upon a certificate of said board of audit or a majority of them.

Intent of this act.

SEC. 4. It is the intention of this act that it be supplementary to said chapter two hundred and twenty-one (221) of the general laws of the state of Minnesota for the year one thousand eight hundred and ninety-

three (1893), so that the total appropriation for the years one thousand eight hundred and ninety-five (1895) and one thousand eight hundred and ninety-six (1896) shall be the full sum of fifty thousand (50,000) dollars for each of said years.

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

Approved April 17th 1895.

CHAPTER 165.

S. F. No. 375.

An act to declare a forfeiture and determination of the rights of the Hastings Minnesota river and the Red river of the North Railway company, afterwards called the Hasting and Dakota Railway company, to any of the public lands within this state heretofore granted or reserved to aid in the construction of the line of road of said company.

Forfeiture of
R. R. lands.

95 C 165
83-M - 314
86-NW 410

Whereas, all the corporate rights, powers, privileges and immunities, heretofore granted by the state and the territory of Minnesota, to the Hastings Minnesota river and Red river of the North Railway company, afterwards named the Hastings & Dakota railway company, has been declared forfeited, by the supreme court of this state, by the judgment of said court, of date March 23rd 1887, for the non-user of its corporate franchise; and

Whereas, more than the three years allowed by law for the closing up of the affairs of corporations whose charter is adjudged forfeited, has elapsed, and no receiver has been appointed for said corporation under the laws of this state or otherwise; and

Whereas, one Russell Sage, claiming to be the trustee of said extinct corporation is claiming, and asserting a right to acquire certain of the lands in this state formerly covered by the indemnity grant to said railway company under a selection thereof made since to said corporation has entirely ceased to exist, and is demanding of the United States land department that said lands be certified to the state of Minnesota, and by said state conveyed to the said Sage as such so-called trustee, in pretended fulfillment of said grant; and

Whereas, the said lands, if freed from the asserted claim of said Russell Sage, are a part of the general public domain, and subject to disposition under the gov-