

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.

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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-

ernment homestead laws to actual settlers now located thereon or to locate thereon, therefore

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

Forfeiture and
surrender of
Hastings &
Dakota Ry.
lands.

SECTION 1. That all the rights, powers or privileges heretofore granted by any law of the territory or state of Minnesota to the said Hastings & Dakota Railway Company, by its present or former name, to select or acquire title to any of the public lands within this state is hereby declared to be forfeited and terminated, and all the claims of the state of Minnesota, either for its own or the benefit of said railway company to the lands set apart by the provisions of chapter 148, of volume fourteen, United States Statutes at Large, approved July 4th 1866, is relinquished and surrendered to the United States.

Conveyances
annulled.

SEC. 2. The conveyance by the governor of this state of the lands above referred to, to the said Hastings and Dakota Railway Company or to the said Russell Sage is hereby prohibited, and declared to be unlawful.

Governor to
deed to U. S.

SEC. 3. The governor of the state is hereby directed to execute for and on behalf of the state of Minnesota to the United States a full relinquishment and surrender of all claims by or through this state to any and all lands within this state, covered or affected by any of the grants above referred to and directing the restoration of said lands to the public domain, and shall file the same forthwith with the secretary of the interior at Washington.

Exception.

Provided, that nothing in this act contained shall in any manner affect, invalidate or impair the title to any of the lands embraced within said grant, heretofore conveyed to this state by the United States and by this state conveyed to the said Hastings & Dakota Railway Company or its assigns, under the provisions of the grant aforesaid.

Provided further, that nothing in this act contained shall in any manner affect, invalidate or impair either the right of possession or the title to any land embraced within said grant which has been or is used as part and parcel of the right of way strip, or as depot grounds formerly of the Hastings & Dakota Railway Company and now held owned and operated by the Chicago Milwaukee & St. Paul Railway Company, as part and parcel of the Hastings & Dakota division of the company last mentioned.

SEC. 4. All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved April 18th, 1895.

CHAPTER 166.

H. F. No. 82.

An act declaring a forfeiture of state swamp lands granted to a branch of the Minneapolis and St. Cloud Railroad company, and transfer the same to the state.

Forfeiture of
R. R. lands.

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

SECTION 1. That whereas, by a proviso contained in section four (4) of chapter three (3) of the special laws of eighteen hundred and sixty-five (1865) of an act entitled An act granting swamp lands to aid the Minneapolis and St. Cloud Railroad company in building branches to connect with the Lake Superior and Mississippi railroad and the Winona and St. Peter railroad or any other railroad in Southern Minnesota, approved February eleventh (11th) eighteen hundred and sixty-five (1865), it was declared, that if said company shall not within five (5) years construct and equip for business with cars running thereon at least ten (10) miles of said road or either of its branches, and the residue within seven (7) years from the passage of this act, then and in that case, all the lands hereby granted, pertaining to the unbuilt portions of said road, or either of its branches, shall be forfeited to the state, and, whereas, by a proviso contained in section four (4) of chapter fifty-six (56), of special laws of eighteen hundred and sixty-nine (1869) of an act entitled, An act granting swamp lands to aid the Minneapolis and St. Cloud Railroad company in building branches to connect with the Lake Superior and Mississippi railroad and the Winona and St. Peter railroad, or any other railroad in Southern Minnesota, approved March fifth (5th) eighteen hundred and sixty-nine (1869), it was declared that if the said company shall not construct and equip for business, with cars running thereon, at least ten (10) miles of the said road, within three (3) years from the first (1st) day of December, A. D. one thousand eight hundred and sixty-nine (1869), and the residue within six (6) years from the last date aforesaid, then and in that case all the lands hereby granted, pertaining to the unbuilt portion of said road shall be forfeited to the state, and, whereas, by the provisions of section one (1) chapter three hundred and twenty-

Preamble.

Same.