

the same of said company, if within six miles of the line of said road, for the sum of two dollars and fifty cents per acre, and it outside of said limits, for the sum of one dollar and twenty-five cents per acre; *Provided*, That application therefor, and proof of the right to purchase, shall be made within six months after the fee of said lands shall be acquired by said company as aforesaid.

SEC. 8. Be it further enacted, that this act shall take effect and be in force from and after its passage.

Approved March 10th, 1862.

## CHAPTER XIX.

### *An Act to Facilitate the Construction of a Railroad from Winona westerly, by the way of St. Peter.*

- SECTION 1. Transfer of the rights, privileges, property, &c., of said road—to whom.  
 2. Who to constitute board of directors—vacancies how filled.  
 3. Amendment to former act.  
 4. Constructing of fences—how governed.  
 5. Duty of Governor whenever any ten miles of continuous road shall be completed.  
 6. For what purpose may property be mortgaged.  
 7. May construct a telegraph line upon its road.  
 8. Forfeiture of road, property, &c—when.  
 9. Rights of pre-emptors.  
 10. Regulations for transportation of passengers and freight.  
 11. Repeal of acts inconsistent with this act—when to take effect.

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

SECTION 1. That all the rights, benefits, privileges, property, franchises and interests of the Transit railroad company, acquired by the State of Minnesota, by virtue of any acts, deeds, agreement or things, by the said State or company, heretofore done or suffered, or by virtue of any laws of the State or former territory of Minnesota, or by reason of the sale of said road, or any part thereof, by the Governor of said State, or by reason of any pro-

Board of incorporators—corporate rights granted

vision of the constitution of said State, be, and the same are hereby granted, transferred and continued to William Lamb, S. S. L'Homedieu, John W. Kirk, Herman Gebhart, and H. C. Stimson, for the purpose, and on the terms and conditions hereafter in this act provided, free and clear of all claims or liens thereon, and free and discharged from all claims of the State of Minnesota against the same, except as hereinafter provided. And the said persons, by the name and style of the Winona and Saint Peter railroad company, are hereby invested with the right to enter upon, use and enjoy all and singular the road, property, franchises and immunities heretofore possessed by, or granted to the Transit railroad company, by an act approved March 3d, 1855, and by an act approved May 22d, 1857, and all other acts granting privileges to said company, and all the corporate rights and franchises of said Transit railroad company are hereby vested in and continued to the said William Lamb, S. S. L'Homedieu, John W. Kirk, Herman Gebhart and H. C. Stimson, their associates, successors and assigns, by the name and style of the Winona and St. Peter railroad company.

Board of directors—vacancies  
how filled

SEC. 2. The persons named in the first section of this act shall constitute a board of directors, a majority of whom shall be a quorum, who shall serve for one year, and until their successors are chosen and qualified. The board of directors of said company shall thereafter consist of five persons to be elected by the stockholders; but the number may be increased to nine members by a vote of said company. Elections for directors shall be held annually, at such time and place as may be fixed by the by-laws of said company. All vacancies may be filled by the remaining members of the board.

Amendment to  
former act

SEC. 3. That section eleven of the act incorporating the Transit railroad company, approved March 3, 1855, be amended by substituting therefor, as follows: The track of said road shall be laid with T rail, and the engines and cars shall be of approved quality, suited to the business of said road.

SEC. 4. That whenever the owner or occupant of any land through which said road shall pass, or adjoining the line of said road, shall enclose with a fence his or her lands, bounded in part by said road, said company shall construct and maintain its portion of the same, in the

same manner that individuals are, or may be required by law to erect and maintain partition fences, and all fences erected on the line of said road by said company, or by the owners or occupants of lands along the line thereof, shall be considered partition fences, and be in all respects governed by the laws in force regulating the same. Said company shall construct such necessary farm crossings over the line of their said road as may be required by the owners of the land divided by said road. At any time after the expiration of ten years from and after the passage of this act, the legislature shall have full power to alter the provisions of this section, and to make such further and other rules and regulations respecting the construction and maintenance of farm and cattle guards by said company as they may deem best.

Constructing of  
fences—how gov-  
erned

SEC. 5. Whenever any continuous ten miles of said road shall be completed, with the running of regular trains of cars on the same, it shall be the duty of the Governor to certify the same to the secretary of the Interior, and thereupon, and not before, said company may demand and shall be entitled to receive from the Governor, acting in the name and for the State, a deed in fee simple for one hundred and twenty sections of land, which by the act of congress is authorized to be sold after the location and before the completion of twenty miles of road; and whenever twenty continuous miles of said road shall be completed, with regular trains of cars running, the Governor shall certify the same to the secretary of the Interior, and thereupon it shall be the duty of the Governor to execute to said company a deed in fee simple for a further quantity of one hundred and twenty sections of lands, and in like manner, and whenever, as often as a further distance of twenty miles shall be so completed, the Governor shall certify the same to the secretary of the Interior, and in like manner convey to said company another quantity of one hundred and twenty sections of land.

Duty of Governor  
upon completion  
of ten continuous  
miles of said road

SEC. 6. Said company shall not, until after said road is completed from Winona to St. Peter, make any mortgage upon said road or franchises, or any of said lands, for any purpose other than constructing, equipping and completing said road.

Property may be  
mortgaged

SEC. 7. Said company may construct a telegraphic line upon its road, connect with other telegraphic lines, and charge fees for transmitting messages thereon.

May construct  
telegraph line

SEC. 8. It is hereby stipulated as a further condition on which the grant of privileges to said company is made, that said company shall complete the construction and equipment of ten miles of said road, commencing at Winona, so that the same shall be ready for business by the first day of January, 1863; and as a further condition of the grants herein contained, said company shall, within two years from the last named date, complete and equip said road ready for business, from Winona to Rochester, and within each succeeding year, after the last named date, complete not less than thirty miles of said road, until the whole is completed; *Provided*, That when said road shall be completed to a point twenty (20) miles distant from the Minnesota river, the said company shall commence the grading of the road at St. Peter, in Nicollet county and continue working towards said point of completion until the road is finished. And if said company shall fail to complete ten miles, and to complete said road to Rochester, within the time herein specified, and to complete each year thereafter, thirty miles of said road as hereinbefore provided, upon such respective default, then all the rights, privileges and franchises hereby granted, pertaining to such portion of said road as shall not then be completed, shall revert to, and vest in the State, without merger or extinguishment, but the rights, privileges, franchises, and lands pertaining to such portion of said road as shall be completed as herein provided, shall continue in and remain with said company, unaffected by any forfeiture, provided by this section of this act.

SEC. 9. That any person or persons, or his, her, or their heirs or representatives, who was or were entitled to the right of pre-emption under the laws of congress to any of the lands granted by the act of congress, "approved March 2d, 1857," and by this act granted to the Winona and St. Peter railroad company, and who have not purchased the same from the United States, and were entitled to do so when the line of route of said road was definitely fixed, and shall have continued in the actual occupancy thereof to the time the Winona and St. Peter railroad company shall become entitled to the same, under the provisions of this act and of the said act of congress, shall be entitled to purchase the same of said company at and for a price or sum not exceeding two dollars and fifty cents per acre, if within the six mile limit, and not exceeding one dollar and twenty-five cents per acre

Forfeiture of  
road, property,  
&c—when

*See Winona & St. Peter Railroad Act*

Rights of pre-  
emptors

if outside of the six mile limit; *Provided*, That application for the same, and a tender of the sum required, shall be made to said company within six months from the time said company is entitled to the said lands.

SEC. 10. The Winona and Saint Peter railroad shall transport by all regular trains, all passengers and freight delivered to the same by any connecting line of railroad, now or hereafter to be constructed, on the same terms, and at no greater rates, than for the time being shall be charged by said Winona and Saint Peter railroad for the same service to persons living on the line of said road; *Provided*, That any such connecting line shall be governed by the same rules in transporting passengers and freight on their several lines, delivered by said Winona and Saint Peter railroad company.

Regulations for  
transportation of  
passengers and  
freight

SEC. 11. All acts repugnant to or inconsistent with this act are repealed. This act shall be in force from and after its passage.

Approved March 10th, 1862.

## CHAPTER XX.

*An Act to Facilitate the Construction of the Minnesota and Pacific Railroad, and to amend and continue the act of incorporation, relating thereto.*

- SECTION 1: Transfer of all the rights, benefits, property, &c.—to whom.
2. Board of incorporators—who to be board of directors.
  3. Commencement and completion of said road—forfeiture for non-completion of said road.
  4. Directors—number of—how chosen.
  5. When property to become forfeited to the State.
  6. Duty of Governor upon completion of every continuous twenty miles of said road.
  7. Amendment to section 10. Construction of fences—how governed.
  8. Rights of pre-emptors.
  9. For what purpose may mortgage or lien be given on road bed or other property.
  10. Duty of Governor on completion of said road from St. Paul to St. Anthony.
  11. Regulations for transportation of passengers and freight.
  12. No execution issued or to be issued against said company, prior to January 1, 1862, shall be levied upon any of the lands, &c.
  13. Repeal of acts inconsistent with this act—when to take effect.

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

SECTION 1. That all the rights, benefits, privileges,