

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 All acts repugnant to or inconsistent with this act are repealed.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,

Passed March 10th 1862

Rights, benefits,
property, &c.—to
whom transferred

property, franchises and interests of the Minnesota and Pacific railroad company, acquired by the State of Minnesota, by virtue of any acts, deeds, agreement or thing by the said company heretofore done or suffered, or by virtue of any law of the State, or the constitution thereof, or of the former territory of Minnesota, or by reason of any sale of the same or any part thereof by the Governor of the State, on the twenty-third day of June, eighteen hundred and sixty, and bid in and purchased for the benefit of the State, be, and the same are hereby granted and transferred to Dwight Woodbury, Henry T. Welles, R. R. Nelson, Edmund Rice, Edwin A. C. Hatch, James E. Thompson, Leander Gorton, Richard Chute and William Lee, their associates and successors, for the purpose and on the terms and conditions hereinafter in this act provided, free and clear of all claims or liens thereon, and free from all liens and claims by or to the State of Minnesota, except as hereinafter provided.

Board of incor-
porators—who to
be board of di-
rectors

SEC. 2. All the rights, privileges, franchises, lands, property and interests granted by the territory of Minnesota to the Minnesota and Pacific railroad company, by the act of said territory, approved May twenty-second, one thousand eight hundred and fifty-seven, entitled "an act to execute the trust created by an act of congress, entitled 'an act making a grant of land to the territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain railroad in said State,'" approved March third, eighteen hundred and fifty-seven, are hereby continued and granted to, and vested in the said Dwight Woodbury, Henry T. Welles, R. R. Nelson, Edmund Rice, Edwin A. C. Hatch, James E. Thompson, Leander Gorton, Richard Chute, and William Lee, and their associates and successors, with all the immunities, rights, property, benefits and privileges which the said the Minnesota and Pacific railroad company had or might or could have by reason of the passage of said act, free and clear of all claim and liens thereon, and free from all liens and claims of the State of Minnesota against the same, except such as are retained by the provisions of this act, and the said persons hereinbefore named, and their associates and successors, shall hereafter be known as The Saint Paul and Pacific railroad

company, and by that name may sue and be sued, and have and exercise all the powers, rights and privileges which heretofore pertained to the said the Minnesota and Pacific railroad company, by the act hereinbefore referred to, or by any other act or law; and that the persons hereinbefore named shall be the directors of the said The Saint Paul and Pacific railroad company for one year, and until others are elected or appointed in their places.

SEC. 3. The provisions in this act contained, are upon condition that the said The Saint Paul and Pacific railroad company shall complete and put into operation and fully equip for business, that portion of the main line of said road extending from Saint Paul to Saint Anthony, on or before the first day of September next, and that portion of the branch line of said road extending from Saint Anthony to Anoka, by the first day of January, eighteen hundred and sixty-four, and to Saint Cloud by the first day of January, eighteen hundred and sixty-five, and those portions of the main line of said road extending from Stillwater to Saint Paul, and from Saint Anthony by the way of Minneapolis, westwardly, to the west line of range thirty, within one year from the expiration of the time last aforesaid, and to Little Falls, by the first day of January, eighteen hundred and sixty-six, and thereafter to continue to construct and put into operation, fully equipped for business, the said road or branch, at the rate of thirty miles annually, and all of said road and branch on or before the third day of March, eighteen hundred and sixty-seven; *Provided*, That as evidence of the good faith and ability of said company to construct the portion of said road between Saint Anthony and Anoka within the time named herein, said company shall deposit with the Governor of the State, on or before the first day of January, eighteen hundred and sixty-three, in money or bonds of the United States, or of this State, or some State of the Union in good credit, the sum of ten thousand dollars, to remain in the hands of the Governor until the first day of January, eighteen hundred and sixty-four, or until said road shall be completed to Anoka, as provided by this act; when such deposit shall be returned by the Governor to said company or to the party who shall have made such deposit, on surrender of the receipt given therefor; but if said road from Saint Anthony to Anoka shall not be completed, and the cars running thereon by

Forfeiture of
road, property,
&c.—when

the time last named, said deposit shall become absolutely the property of the State, and shall be disposed of as the legislature shall direct.

Board of directors

SEC. 4. The board of directors of The Saint Paul and Pacific railroad company shall consist of seven persons, who shall be elected by the stockholders annually, four of whom at least shall be citizens of the United States, and any loyal citizen thereof shall be eligible to the office of director and a majority shall constitute a quorum; and meetings of said board may be held within or without this State; *Provided*, That in the election of directors, and at all other elections or meetings of said company, a majority of votes shall govern, each share of full paid stock shall entitle the holder thereof to one vote, and upon any shares of stock not fully paid up, the holder shall be entitled to one vote, and no more, for each hundred dollars actually paid, but no stock shall be voted upon, upon which there shall be then due any unpaid installment by assessment.

When property to become forfeited to the State,

SEC. 5. In case the said The Saint Paul and Pacific railroad company shall fail to construct, put into operation, and fully equip for business, that portion of the said road extending from Saint Paul to Saint Anthony, on or before the first day of January next, all the rights, benefits, privileges, lands, property and franchises conferred upon said company by virtue of this act, or any law of the state or territory of Minnesota, heretofore passed, shall thereupon become forfeited to the State absolutely, without any judicial or legal proceedings, or any further act or ceremony whatever; and in case the said company shall fail to construct the other and further portions of said road and branch, as provided by this act, and at or within the time or times herein specified, or shall fail to make the deposit required to be made, by the proviso to section three of this act, by the time named therein, all the lands, property, privileges, rights, and franchises of the said company pertaining to the unbuilt portions of said road and branch, shall thereupon become forfeited to the State absolutely, and without any further act or ceremony whatever, or any judicial or legal proceedings therefor, in which case the said State shall hold the same without merger or extinguishment, to be used, granted, and disposed of for the purpose of aiding in the construction of said road as aforesaid; and in either case, or in

any forfeiture whatever, under the provisions of this act, the State shall hold and be possessed of all such lands, and property and franchises so forfeited, without merger or extinguishment, to be used, granted or disposed of for the purpose of aiding and facilitating the construction of said road and branch.

SEC. 6. For the purpose of aiding in the construction of The Saint Paul and Pacific railroad, and the branch thereof, all the interest of the State, present and prospective, in and to any and all the lands granted by congress to the territory of Minnesota for the purpose of aiding in the construction of a road from Stillwater, by way of Saint Paul and Saint Anthony, to a point between the foot of Big Stone Lake and the mouth of the Big Sioux Wood river, with a branch *via* Saint Cloud and Crow Wing, to the navigable waters of the Red River of the North, agreeably to the terms of an act of congress which was approved March 3d, 1857, together with all and singular the rights, privileges and immunities conferred and intended to be conferred by said act of congress, and hereby granted to said The Saint Paul and Pacific railroad company, conditioned that said land shall be applied to the construction and equipment of said roads and for no other purpose whatever. Whenever said company shall actually complete that portion of the road between Saint Paul and Saint Anthony, so that regular trains of cars are running thereon, and not before, the Governor shall certify the same to the secretary of the Interior, and thereupon the title to one hundred and twenty sections of land shall vest in said company. And when twenty continuous miles of said road shall be completed and regular trains running thereon, the title to a further quantity of one hundred and twenty sections of land shall vest in said company. And whenever said company shall actually complete twenty continuous miles of said road from Minneapolis westwardly so as to admit of the running of regular trains of cars on the same, the Governor shall certify the same to the secretary of the Interior, and thereupon a further quantity of one hundred and twenty sections of said land shall vest in said company; and so on as often as any further twenty continuous miles of said road shall be completed so as to admit of the regular running of trains of cars thereon, the Governor shall in like manner certify the same to the secre-

Duty of Governor
on completion of
every twenty
continuous miles
of road

tary of the Interior, and a further quantity of one hundred and twenty sections of said land shall vest in said company; and it shall be the duty of the Governor, whenever said road shall be completed between Saint Paul and Saint Anthony, in his official capacity, and on behalf of the State, to convey to said company one hundred and twenty sections of land; and whenever any further twenty continuous miles of said road or its branches shall be completed and in operation, the Governor shall in like manner convey a further quantity of one hundred and twenty sections of land, and so on as often as any further twenty continuous miles of said road or its branches shall be completed, shall in like manner convey to said company a further quantity of one hundred and twenty sections of land, until there shall be conveyed to said company all the lands to which they shall be entitled according to the terms and provisions aforesaid. *Provided*, That upon the written authority of said company, filed with the State treasurer, said lands, when the company is entitled thereto, may be conveyed by the State directly to the assigns of said company.

Construction of
fence—how gov-
erned

SEC. 7. Section nineteen of chapter three of the act to which this act is amendatory, is hereby amended, so far as it relates to The Saint Paul and Pacific railroad company, so as to read as follows:

Whenever, after cars commence running on said road or branch, any owner or occupant of lands adjoining the same shall enclose his or her lands by constructing a fence on the line of said railroad, said company shall construct and maintain one half of the same as a partition fence, the other half to be erected and maintained by the owner or occupant of such adjoining land; and all fences erected on the line of said road, which may form part of any adjoining enclosure, shall be regarded as a partition fence, subject to the laws now or hereafter in force, regulating such fences between individuals. Said company shall construct and maintain suitable cattle guards at all public road crossings, except street crossings in towns and cities, and at the request of the respective owners through whose lands the said road passes, shall make and maintain such reasonable farm crossings as shall be necessary to accommodate said land owners, and the said company shall be liable for all damages sustained by any person by reason of any neglect on the part of said company to com-

ply with the provisions of this section, unless the same shall arise from the carelessness, negligence or misconduct of the person, his agents or servants, who may suffer such damage.

So much of section twenty-four, chapter one, and section nineteen of chapter three of the act to which this act is amendatory, so far as they relate to the fencing and cattle guards, affecting the said the Saint Paul and Pacific railroad company, is hereby repealed. 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, modify or change the provisions of this section to require the entire construction and maintenance by the company of all such fences along the lines of their said road and branches, and prescribe such rules and regulations concerning the same as in their judgment shall seem best.

SEC. 8. That all persons or their assigns or legal representatives who in good faith settled upon any of the lands hereby granted to the said The Saint Paul and Pacific railroad company, at or prior to the time when the line of said road and branch was definitely fixed and located, with a view to pre-empt, and who have continued to occupy the same, shall be at liberty to purchase such land at two dollars and fifty cents per acre, if within the six mile limits of the line of said road, and if without such limits, at 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.

Rights of pre-emptors

SEC. 9. It shall not be lawful for said company to issue capital stock, or make any mortgage or lien on said road bed, superstructure, rolling stock, or other property connected with said road, or make any sale of, or create or give any lien or mortgage on any lands granted to construct said road, for any debt, liability or obligation of the Minnesota and Pacific railroad company, or for any debt, liability or obligation hereafter to be incurred by the said Saint Paul and Pacific railroad company, except for the *bona fide* purpose of constructing, completing and equipping said road or branch, until after it shall have been completed for the running of cars thereon to a point opposite Saint Cloud, in the said branch, and to the west side of range thirty-one on the main line of said road; *Provided*, That no lien, mortgage or other incumbrance

Mortgage may be given on road bed and other property—for what purpose

shall be made on any of the uncompleted roads or lands, after the completion of the road to Saint Cloud, except for the *bona fide* purpose of constructing said uncompleted roads.

Duty of Governor on completion of certain portions of said road

SEC. 10. If at any time on or before the first day of September next, said road between Saint Paul and Saint Anthony shall be completed for the running of cars thereon, it shall be the duty of the Governor at any time after such completion as aforesaid, on the presentation and surrender of the receipt given therefor, to return to the holder of such receipt, the bonds and scrip with the accrued interest on the same which were deposited with the Governor in June, one thousand eight hundred and sixty-one, on behalf of the Minnesota and Pacific railroad company, under the provisions of the act approved March eighth, one thousand eight hundred and sixty-one.

Regulations for transportation of passengers and freight

SEC. 11. The Saint Paul and Pacific railroad company 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 built in the same manner and at no greater rates than for the time being shall be charged by said Saint Paul and Pacific railroad company 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 over their said lines, delivered to them by said Saint Paul and Pacific railroad company.

When no executions to be issued

SEC. 12. That no execution issued or to be issued upon any judgment now or hereafter to be rendered against the Minnesota and Pacific railroad company, on any liability incurred prior to January 1, 1862, shall be levied upon any of the lands, property or franchises by this act granted to the said Saint Paul and Pacific railroad company, unless specially directed to make such levy by decree or judgment of the court, nor shall any injunction to stay or impede the construction of the railroad to be constructed or completed under the provisions of this act by said Saint Paul and Pacific railroad company, be allowed or issued except upon complaint filed, and adequate security by injunction bond given, nor until after the service of the notice of the application therefor upon the said company, at least sixty days prior to the time of such application, which application must be heard at some general term of the court in the proper county. Such appli-

cation shall be heard upon the complaint and answer, and determined thereon, according to the practice and course of decision of courts in like cases.

SEC. 13. All acts and parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed. This act to take effect and be in force from and after its passage.

Repeal of acts
inconsistent with
this act

Approved March 10th, 1862.

CHAPTER XXI.

An Act to Change the West Boundary Line of Brown County, and to establish the County of Redwood.

- SECTION 1. Boundary line of Brown County.
 2. What to constitute the county of Redwood.
 3. Duty of officers of Brown County.
 4. Who to canvass votes on proposed change of boundary line.
 5. Repeal of acts inconsistent with this act.
 6. Act, when to take effect.

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

SECTION 1. The boundary lines of Brown county shall hereafter be as follows: Beginning at the intersection of the Minnesota river, and the range line between ranges twenty-nine (29) and thirty (30); thence south on said line, to the township line between townships one hundred and seven (107) and one hundred and eight (108); thence west on said line, to the range line between ranges thirty-three (33) and thirty-four (34); thence north on said line, to the middle of the Minnesota river; thence south-easterly along the middle of the main channel of the Minnesota river to the place of beginning.

Boundary line of
Brown county