

more than ten miles of said road before the first day of January, A. D. 1862.

Rights of pre-emptors

SEC. 11. And be it further enacted that all persons, their heirs or legal representatives, who were entitled to the right of pre-emption under the laws of the United States to any of the lands granted to this State by the act of Congress of March 3d, 1857, to aid in the construction of said road, at the time when the line of said road was definitely fixed and located, and who have heretofore occupied the same in good faith, and shall have continued in the occupancy thereof at the time when the company organizing under this Act shall become entitled to the fee thereof, shall be at liberty to purchase the same of said company 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. 12. Be it further enacted that this Act shall take effect and be in force from and after its passage.

Approved March 5th, A. D. 1861.

CHAPTER III.

An Act to Facilitate the Construction of the Transit Railroad, and to Amend and Continue certain acts in relation thereto.

- SECTION 1. Transfer of the rights, benefits, privileges, property, etc.—to whom.
2. Powers of incorporation.
3. When said road to be completed.
4. May have power to make and execute any mortgage or trust deed—for what purpose.
5. Board of directors, how elected.
6. Rights of pre-emptors.
7. May transport and carry passengers, freight, etc.—terms for transportation, how decided.
8. Forfeiture of road, property, etc.—when.
9. May have the right to erect and use an electric telegraph.
10. Bond to be executed and deposited with the Governor—in what sum—for what purpose.
11. When said company to acquire absolute title to road-bed, right of way, etc.
12. 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 thing by the said company heretofore done or suffered, or by virtue of any law of the State or former Territory of Minnesota, or by reason of a sale of the same, or of any part thereof, by the Governor of the State of Minnesota, on the 22d day of June, 1860, and bid in and purchased for the benefit of the State, be and the same are hereby granted and transferred to Orville Clark, Abraham Wing, John W. Kirk, Robert Higham, W. H. Smith, Nelson P. Stewart, and B. W. Perkins, for the purpose and on the terms and conditions hereafter in this Act provided, free and clear of all liens or claims thereon by or to the State of Minnesota, except as herein provided.

Sec. 2. All the rights, privileges, franchises, lands, property and interests granted by the Territory of Minnesota to the Transit railroad company, by the two several acts of the legislature of the said territory, the one entitled "a bill to incorporate the Transit railroad company," approved March 3d, 1855, and chapter two of the act 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, and granting certain land to railroad companies therein named," approved May 22, 1857, are hereby continued and granted to and vested in the said Orville Clark, Abraham Wing, John W. Kirk, Robert Higham, W. A. Smith, Nelson P. Stewart, and B. W. Perkins, and their associates and successors, with all the immunities, rights, property, benefits and privileges which the said Transit railroad company had, or might or could have by reason of the passage of said acts, or either or both of them, free and clear of all liens or claims of the State of Minnesota thereto, excepting such as are retained to the said State in or by said acts. And the said persons hereinbefore named and their associates and successors, shall hereafter be known as the Winona, St. Peter and Missouri River 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 Transit railroad company by the acts hereinbefore referred to, and that the persons hereinbefore named shall be the directors of said company for one year, and until others are elected or appointed in their place.

From Winona to
Rochester

From Rochester
to Owatonna

When to be com-
pleted to the
point of junction

SEC. 3. The provisions in this Act contained, are upon condition that the said Winona, St. Peter and Missouri River railroad company shall, within eighteen months from the passage of this Act, make, construct, complete and put in operation a first class railroad from the city of Winona, in the county of Winona, to the city of Rochester, in the county of Olmsted, with a sufficient number of engines and passenger and freight cars thereon to accommodate all the business of the people over said railroad; and shall continue and complete in like manner a further section of said road from Rochester westward to Owatonna, in the county of Steele, where the line of the Minneapolis and Cedar Valley railroad shall intersect or cross the line of said Winona, St. Peter and Missouri River railroad, within three months from the time the Minneapolis and Cedar Valley railroad shall be completed and cars running thereon to the said point of junction; *Provided*, That the time of completing the said Winona, St. Peter and Missouri River railroad to the said point of junction shall not be more than twenty-four months from the passage of this Act; and *provided*, That the whole line of said railroad, from Winona to the village of St. Peter, on the Minnesota River, shall in like manner be completed within three years from the passage of this Act, with a sufficient number of engines, passenger and freight cars thereon, to accommodate all the business of the people over the entire line of said road; *Provided*, That when and at such time as the said road shall be completed to Owatonna, the said corporators shall commence the grading of said road at St. Peter on the west side of the Minnesota River, and continue working easterly on the line of said road, until the whole shall be completed within the time and between the points named in the bill. Said Winona, St. Peter and Missouri River railroad company, shall further, within five years from the passage of this Act, make, construct, complete and put in operation, a first class railroad from the village of St. Peter to the town of New Ulm, in the county of Brown, with a sufficient number of engines, and passenger and freight cars thereon, to accommodate all the business of the people over said railroad.

SEC. 4. For the purpose of carrying out and effecting the objects of this Act, the said Winona, St. Peter and Missouri River railroad company, and their successors, shall have and be possessed of all the powers, immunities, franchises, rights and privileges contained in, and provided for in the said two acts referred to in section two of this Act, and be subject to all the conditions and provisions of the said acts, excepting as altered or changed by this Act and subject to the same, shall have power to make and execute any mortgage or trust deed or deeds of their property, rights and franchises, to secure the payment of the principal and interest of any money borrowed or received by them, and of any indebtedness incurred or to be incurred by them.

May execute mortgage or trust deed—for what purpose

SEC. 5. The board of directors of the said Winona, St. Peter and Missouri River railroad company shall consist of seven persons, who shall be elected by the stockholders annually, four of whom shall form a quorum, and shall exercise such duties and powers as shall be provided in the by-laws of said company, and so much of the seventh section of the said act entitled a bill to incorporate the Transit railroad company, approved March 3d, 1855, as is inconsistent with this Act, is hereby repealed.

Board of directors, how elected

SEC. 6. That any person or persons, or his, her, or their heirs, or representatives, who was or were entitled to the rights of pre-emption under the laws of Congress to any of the lands granted to this State at the time the same was so granted by the said act of Congress, approved on the 2d day of March, 1857 aforesaid, and by this Act granted to the said Winona, St. Peter and Missouri River railroad company, and who have not purchased the same from the United States, and were entitled, when the line of route of said road was definitely fixed, and shall have continued in the actual occupancy thereof to the time the said Winona, St. Peter and Missouri River 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 to be paid or secured to the satisfaction of the said company, not exceeding one dollar and twenty-five cents per acre, provided application for the same, and the right to purchase as aforesaid shall be made and duly proved to said company within six months from the time said company shall be entitled to the same.

Rights of pre-emptors

May transport
and carry pas-
sengers, freight,
etc.—terms for
transportation,
how decided

SEC. 7. And it is further enacted, that the said Winona, St. Peter and Missouri River railroad company shall have a full right to transport and carry, and to have transported and carried, all persons, goods, wares and merchandize, property and freight over any and all parts or portions of any and every railroad within this State, which may be hereafter built or constructed, and which shall connect with or cross the said Winona, St. Peter, and Missouri River railroad at any point between the city St. Peter and the city of Winona, running from the line of said Winona, St. Peter and Missouri River railroad, northerly to Mendota, Minneapolis, St. Paul, or to either of them or to any intermediate point, on such terms and conditions as shall be agreed upon by the companies owning or operating the said respective lines, and in case said companies shall not be able to agree in reference to said terms, conditions and compensation, either parties may apply to the Governor of this State, on ten days notice, for the appointment of three disinterested and competent persons, to decide upon such terms, conditions of such use and the compensation to be paid therefor, and the award of the persons so appointed shall be final and conclusive for the period of three years, when either company may require a new appointment of persons for the purpose of settling upon such terms and conditions as aforesaid, and all charters or privileges hereafter granted by the State of Minnesota to operate or run any road connecting with or crossing the said Winona, St. Peter and Missouri River railroad, shall be subject to the rights and privileges in this section granted, whether expressed in such grant or otherwise. And every such connecting road shall have the same rights and privileges to transport and carry, to have transported and carried, all persons, goods, wares, merchandize, property and freight over any and all parts or portions of the said Winona, St. Peter and Missouri River railroad, from its point of junction either way, as are herein given to the said Winona, St. Peter and Missouri River railroad, and on like terms and conditions to be agreed upon and determined in like manner.

SEC. 8. The Said Winona, St. Peter and Missouri River railroad company shall, as a further condition of this Act, construct, complete, and have in full operation for the transporting of passengers and freight over the same, at least ten miles of their said road from Winona westerly,

on or before the first day of January, 1862, in default of which, all the rights and benefits conferred upon said company by virtue of this Act, shall be forfeited to the State absolutely, and without any further act or ceremony whatever. And in case the said company shall fail to construct the other or further portion or portions of said road as aforesaid, at the time or times aforesaid, then the said company shall forfeit to the State absolutely, and without any further act or ceremony whatever, all the lands, property, and franchises pertaining to the unbuilt portion of said road, 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 land, 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 such line of road.

When road may
be forfeited

SEC. 9. And the said Winona, St. Peter and Missouri River railroad company shall and may have the right to construct, make and use an electric telegraph over the entire line of the road in this Act authorized to be built; and may take, demand and receive the usual fees and charges for transmitting messages over the same, and shall have full right to connect said line with any other line or lines of telegraphs in this State, and by agreement may connect with any lines of telegraphs in other states and territories.

Right to erect
electric telegraph

SEC. 10. And be it further enacted, that as a condition precedent to the right of said persons or companies hereinafter mentioned to receive the rights, privileges and franchises, road-bed, right of way, properties and immunities heretofore granted and assigned, and before any right or title whatever thereto, shall vest in said persons or company, said persons or company taking under this Act shall, as a guarantee of their good faith, deposit with the Governor of this State on or before the first day of July, 1861, ten thousand dollars in cash, or State or United States stocks, at their current value in the city of New York, which sum so deposited shall be absolutely forfeited to this State, on failure of said persons or company to complete ten miles of said railroad on or before the first day of January, 1862. *Provided*, That upon the construction of the said ten miles of said road as aforesaid, said persons or company making such deposit as aforesaid, shall be and are hereby authorized to withdraw said sum of money or

Bond to be de-
posited with Gov-
ernor—in what
sum and for what
purpose

stocks so deposited, upon paying to the State Treasurer the amount of legal cost and expenses incurred by the State in the foreclosure and sale of the said Transit railroad company, said expenses to be certified to by the Governor, *Provided*, That upon the failure of said persons hereinbefore named to make the deposits provided for in this section, any other person or company shall be entitled to take and receive the privileges, properties, rights, and franchises, granted in and by this Act, upon making such deposits, and shall be subject to all the liabilities, conditions and forfeitures hereinbefore provided for.

When company
to acquire absolute
title to road-
bed, etc.

SEC. 11. And be it further enacted, that it is hereby made a condition of the grants herein made, that said person or persons or corporation shall not acquire the absolute title of the said road bed, right of way, depot grounds, culverts, bridges, turn outs, switches, rights, privileges, and franchises and the track and line of said Transit railroad company until said Winona, St. Peter and Missouri River railroad company shall fully complete and put in running order ten miles of said railroad, but said person or persons or corporation may have the privilege of entering into and upon said railroad track, right of way and depot grounds for the purpose of constructing said railroad, and may have the privilege of acquiring the right of way over the property owned by individuals in the same way as now specified in the charter of the Transit railroad company.

SEC. 12. *This Act shall take effect and be in force from and after its passage.*

Approved March 8th, A. D. 1861.