

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. 9. Be it further enacted, that this Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

## CHAPTER V.

### *An Act to Facilitate the Construction of the Minnesota and Pacific Railroad.*

- SECTION 1. All lands, property, etc., belonging to said company prior to the foreclosure and sale by the Governor, are hereby restored to said company.
2. Commencement and completion of said road.
  3. Time when certain portion of road shall be completed—*forfeiture*.
  4. To pay to State Treasurer the costs and expenses of foreclosure and sale of said road.
  5. To have power to enter upon and pass over the road of any other company.
  6. Right of pre-emptors.
  7. May reduce the number of directors.
  8. Act, when to take effect.

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

SECTION 1. That the road, lands, property, rights, franchises, privileges and immunities belonging or appertaining to the Minnesota and Pacific railroad company prior to the sale and purchase thereof by the Governor on the 23d day of June, 1860, on behalf of the State, and now claimed or held by the State, and all bonds and securities of the said company held by the State shall be and are hereby released, discharged and restored to the said company free of all liens or claims thereon held by or on behalf of the State.

All lands, prop-  
erties, etc., re-  
stored to said  
company

SEC. 2. The provisions in this Act contained, are up-  
on condition that said company shall commence the con-  
struction of that portion of said road and branch extend-  
ing from Saint Paul to Saint Cloud and Sauk Rapids on  
or before the first day of July next, and to put the same

Commencement  
and completion  
of said road

into operation fully equipped for business within eighteen months thereafter, and to construct and put into operation and fully equip for business those portions of the main line of said road extending from St. Anthony *via* Minneapolis, westwardly to the west line of range thirty, and from Stillwater to St. Paul within fifteen months from the expiration of the time last aforesaid, and thereafter to continue to construct and put in operation and fully equip 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 3d day of March, 1870.

Forfeiture for  
non-completion  
of said road

SEC. 3. The said company shall as a further consideration of this Act, construct and put into operation and fully equip for business that portion of the main line extending from St. Paul to St. Anthony on or before the first day of January next, 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 and further portions of said road and branch as aforesaid at the time or times aforesaid, 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 portions of said road and branch, 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, 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.

To pay costs and  
expenses of sale  
and foreclosure  
of said road

SEC. 4. And be it further enacted that as a condition precedent to the right of said company to the rights, privileges, franchises, road beds right of way, properties and immunities hereinbefore granted and assigned or restored, and before any right or title whatever thereto shall vest in said company, said company shall pay to the State Treasurer the amount of legal costs and expenses incurred by the State in the foreclosure and sale of the said Minnesota and Pacific railroad, said expenses to be certified to by the Governor, and shall be required as a guaranty of their good faith, to deposit with the Governor of Minnesota, 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 New York city, which sum so deposited shall be absolutely forfeited to the State of Minnesota on failure of said company to construct said road from St. Paul to St. Anthony on or before the first day of January, 1862: *Provided*, That upon the construction thereof, said company so making such deposit shall be and are hereby authorized, to withdraw said sum of money or stocks so deposited as aforesaid.

SEC. 5. This company shall have the power to enter upon and pass over the railroad of any other company, whose railroad connects with that of this company, with their cars and engines, and any other company whose railroad connects with that of this company, shall have like power to enter upon the railroad and pass over the same with their cars and engines, and such reciprocal use of said respective roads, shall be upon such terms and conditions as shall be agreed upon by the said respective companies, and in case the two companies cannot agree upon said terms and conditions, then either party may, upon ten days notice, apply to the Governor of the State, who shall appoint three competent and disinterested persons to determine said terms and conditions, whose decision shall be final and conclusive for the period of three years, when and at the end of each three years, then either company may require a new appointment of persons in the manner aforesaid to re-adjust said terms and conditions.

SEC. 6. 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, for railroad purposes, at the time when the line of said road was definitely fixed and located, and which by this Act are restored to said company, and who have heretofore occupied the same in good faith, and shall have continued in the occupancy thereof at the time when the said company 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. 7.** The stockholders of said company may, by a  
 May reduce the number of directors  
 vote of the majority thereof in interest, reduce the number of directors to seven, a majority of whom shall constitute a quorum.

**SEC. 8.** This Act shall take effect and be in force  
 Act, when to take effect  
 from and after its passage.

Approved March 8th, A. D., 1861.

## CHAPTER VI.

### *An Act to locate a State Road from North Minneapolis to Kandiyohi in Kandiyohi county.*

- SECTION 1.** Commissioners appointed.  
 2. Meeting of commissioners—time when.  
 3. May appoint substitutes.  
 4. Expenses, how paid.  
 5. Plat of road to be filed with Register of deeds—when.  
 6. Act, when to take effect.

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

**SECTION 1.** That Isaac I. Lewis, Eli F. Lewis and V. P. Kennedy be and are hereby appointed commissioners to locate, mark, survey, and establish a State road from North Minneapolis, by the way of Watertown, Winstead, Greenleaf, and Acton to Kandiyohi, in Kandiyohi county.  
 Commissioners appointed

**SEC. 2.** The said commissioners, or a majority of them, shall meet at the house of William H. Greenleaf, in the town of Greenleaf, on the second Monday in April next, and then proceed to locate and survey said road.  
 Meeting of Commissioners—time when

**SEC. 3.** In case a majority of the above named commissioners should fail to convene on the day as provided in section two, it shall be the duty of the commissioner that may be in attendance on the day so specified to appoint substitutes.  
 May appoint substitutes

**SEC. 4.** The expenses incurred in the establishing and surveying of said road shall be paid by the several counties through which the road may pass.  
 Expenses, how paid

**SEC. 5.** The map or plat, or survey of said road shall be filed by the commissioners in the offices of the several