

SECTION 2. This act shall be in force from and after its passage.

Approved March 3, 1874.

CHAPTER 126.

[Published March 11, 1874.]

AN ACT to confer certain lands upon the North Wisconsin Railway Company, and the Chicago and Northern Pacific Air Line Railway Company, and to execute the trusts assumed by the state of Wisconsin by its acceptance of the grants of land made by congress by acts approved June 3, 1856 and May 5, 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Land granted to North Wisconsin Railway Company.

SECTION 1. There is hereby granted to the North Wisconsin Railway Company all the right, title and interest which the state of Wisconsin now has or may hereafter acquire in and to the lands granted to said state by acts of congress approved June 3, 1856, and May 5, 1864, to aid in the construction of a railroad from the Saint Croix river or lake, between townships twenty-five and thirty-one, to the west end of lake Superior and Bayfield, except those herein granted to the Chicago and Northern Pacific Air Line Railway Company, this grant being for the purpose of enabling the said North Wisconsin Railway Company to complete the railroad heretofore partially constructed by them from the St. Croix river or lake aforesaid, to Bayfield, the said grant being, however, upon the express condition that the said company shall immediately proceed with the construction of said road from the Saint Croix river or lake to Bayfield, and shall construct so much thereof the first year as shall, with that already constructed, make forty miles, and not less than twenty miles each year thereafter until the entire road is completed.

Condition of the grant.

To build rail road from Hudson, via River Falls to Prescott.

SECTION 2. The said North Wisconsin Railway Company shall, within seven years from the passage of this act, complete said road in accordance with the requirements of said acts of congress, and shall build and complete said road from Hudson, by the way of River Falls to Prescott, or some point on the Mississippi river, in Pierce county, Wisconsin, within seven years from the date of the acceptance of the said grant

by the said company, as herein provided, and shall perpetually maintain a freight and passenger depot not more than three-fourths of a mile from the present corporate limits of the city of Hudson.

SECTION 3. The governor is hereby authorized and directed, upon presentation to him of satisfactory proof that the first forty continuous miles of said road have been completed in accordance with said acts of congress and with this act, to issue and deliver, or cause to be issued and delivered to said company, patents in due form from the said state, for five hundred and twenty sections of land, and thereafter, upon the completion of any twenty continuous miles, he shall issue and deliver, or cause to be issued and delivered to said company patents in due form for two hundred sections of said land.

Governor to issue patents for land.

SECTION 4. The said North Wisconsin Railway Company shall, within sixty days from and after the passage of this act, file with the secretary of state a resolution duly adopted by its board of directors, accepting this grant upon the terms and conditions herein contained, and shall also within said sixty days execute to the state of Wisconsin and deposit with the state treasurer a bond or undertaking, with two or more sureties, to be approved by the governor, to pay to said state as liquidated damages, the sum of five thousand dollars for each mile of said first forty miles which shall not be completed at the expiration of one year from the passage of this act; and further, to pay to said state as liquidated damages, the sum of five thousand dollars for each mile of the remainder of the said road which shall not be constructed in accordance with this act: *provided, however*, that except as to said first forty miles, the said bond or undertaking shall be of no force or effect until congress shall have passed an act renewing said grants, or extending the time for the construction of said railroad, or until it shall have been decided by the supreme court of the United States that the present title of the state is absolute and indefeasible. And upon the failure of said company to file said resolution and to give said security, within the time hereinbefore limited, this act shall be of no force or effect whatever, so far as it grants to the said North Wisconsin Railway Company any interest in or right to said grants.

Acceptance of grant, bonds to be given, etc.

Penalty for forfeiture of undertaking.

SECTION 5. If the said North Wisconsin Railway Company shall fail to file said resolution and to give said security as provided in the preceding said section, it shall be the duty of the governor, as the agent of the state, to proclaim a forfeiture by said company of all

North Wisconsin R. Co. failing to accept grant, other companies entitled to same privileges.

rights and privileges under this act, and thereupon any other railway company that shall first, after said proclamation of forfeiture hereinbefore referred to, file with the secretary of state a resolution of its board of directors accepting said grant upon the terms and conditions of said acts of congress and of this act, and shall deposit with the state treasurer, security as hereinbefore provided for the North Wisconsin Railway Company, approved by the governor, to construct said road in accordance with said acts of congress and with this act, shall succeed to the rights and privileges herein conditionally granted to the said North Wisconsin Railway Company, as fully as though this act had in the first instance applied to said company.

Moneys collected from trespassers on said lands.

SECTION 6. Upon the presentation to the state treasurer of satisfactory proof that said North Wisconsin Railway Company has completed forty continuous miles of said road, it shall be the duty of the state treasurer and he is hereby directed and required to pay over to said company so much of the money in the state treasury collected from trespassers on any of said lands embraced in said grant as shall be apportioned to it as herein provided: *provided*, that none of said money shall be so paid over until congress shall have renewed or extended said grant, or the title to said grant shall have become vested in the state.

Duties and obligations of the company.

SECTION 7. It shall be the duty of said railway company to make and have junctions and running connections with all railroads that may or shall cross the same or in any other way connect therewith, and said railway company shall receive grain in bulk or other freight for transportation to any place within this state, and shall receive and transport the grain and other freight so received, and shall transport all passengers that may be transferred to said railroad from roads crossing the same, or which may connect therewith in any other manner, at the same rates that said railway company may charge for grain, freight or passengers received and transported wholly on the line of said road: *provided*, that the said North Wisconsin Railway Company shall have the right to enforce reciprocal obligations on all other roads crossing the same or connecting in any other manner therewith, as to the rates for transporting grain, freight or passengers transferred or received by said road so crossing or connecting, as aforesaid, from said North Wisconsin Railway Company.

Lands granted to the Chicago & Northern

SECTION 8. There is hereby granted to the Chicago and Northern Pacific Air Line Railway Company all

the right, title and interest which the state of Wisconsin now has or may hereafter acquire in or to that portion of the lands granted to said state by said two acts of congress, as is or can be made applicable to the construction of that part of the railway of said company lying between the point of intersection of the branches of said grants, as fixed by the surveys and maps on file in the land office at Washington, and the west end of lake Superior. This grant is made upon the express condition that said company shall construct, complete and put in operation that part of its said railway above mentioned as soon as a railway shall be constructed and put in operation from the city of Hudson to said point of intersection, and within five years from its acceptance of said lands as herein provided, and shall also construct and put in operation the railway of said company from Genoa northerly at the rate of twenty miles per year.

Pacific Air Line
Railway.

Conditions of
the grant.

SECTION 9. The governor is hereby authorized and directed upon the presentation to him of satisfactory proof that twenty continuous miles of that part of the railway of said company first above mentioned have been completed in accordance with said acts of congress and this act, to issue and deliver or cause to be issued and delivered to said company patents in due form from said state for two hundred sections of said land, and thereafter upon the completion of twenty continuous miles of said railway, he shall issue or cause to be issued and delivered to said company patents for two hundred sections of said lands, and on the completion of that part of the railway of said company lying between said point of intersection and the west end of lake Superior, he shall issue and deliver or cause to be issued and delivered to said company patents for the residue of said lands hereby granted to said company.

Governor to issue
patents for
the land.

SECTION 10. The moneys in the state treasury collected from trespasses on the lands included in the grants to aid in the construction of a railroad from Saint Croix lake or river to the west end of lake Superior and to Bayfield, and all moneys that may hereafter be collected by the state from trespassers on said lands shall be apportioned by the state treasurer between the said Chicago and Northern Pacific Air Line Railway Company and the company or companies to whom the residue of the said lands shall be granted, in proportion to the number of acres granted to each, and upon the presentation to the state treasurer of satisfactory proof that the said Chicago and Northern Pacific Air Line Railway Company has completed twenty miles of its rail-

Moneys for
trespasses on
said lands, how
disposed of.

way between said point of intersection and the west end of lake Superior, as required by this act, it shall be the duty of such treasurer, and he is hereby directed to pay over to said company so much of said moneys collected from trespassers as shall be apportioned to it.

SECTION 11. All lands conveyed to said Chicago and Northern Pacific Air Line Railway Company by the state, in pursuance of this act shall be subject to taxation from the date of the conveyance thereof, by the state.

Shall file acceptance, give bonds etc.

SECTION 12. The said Chicago and Northern Pacific Air Line Railway Company shall within sixty days from and after the passage of this act, file with the secretary of state a resolution duly adopted by the board of directors, accepting this grant upon the terms and conditions herein contained, and shall also, within said sixty days give to the state of Wisconsin such security for the completion of that portion of its railway lying between said point of intersection and the west end of Lake Superior, in accordance with the provisions of said acts of congress and this act, as shall be required by the governor: *provided, however,* that said security shall be of no force or effect until congress shall have passed an act renewing said grants or extending the time for the construction of said road, or until it shall have been decided by the supreme court of the United States that the present title of the state is absolute and indefeasible; and upon the failure of said company to file said resolution and to give the said security within the time hereinbefore limited, this act shall be of no effect so far as it grants to said company any interest in or right to said lands.

Penalty for forfeiture of undertaking.

SECTION 13. If said Chicago and Northern Pacific Air Line Railway Company shall fail to file said resolution and to give said security, as provided in the preceding section, then said lands shall vest in the North Wisconsin Railway Company, upon that company filing with the secretary of state a resolution of its board of directors, and executing and delivering to the state treasurer a bond, as required by section four of this act; and in case the said North Wisconsin Railway Company shall fail to file such resolution and to execute and deliver such bond within twenty days after the forfeiture of its rights to said lands [by] the said Chicago and Northern Pacific Air Line Railway Company, then it shall be the duty of the governor, as the agent of the state, to proclaim a forfeiture by said company of all its rights and privileges under this act, and thereupon any other railway company that shall first,

Any other company may accept.

after said proclamation, file with the secretary of state a resolution of its board of directors accepting said grant upon the terms and conditions of said acts of congress and of this act, and shall deposit with the state treasurer security, to be approved by the governor, to construct said road in accordance with the provisions of said acts of congress and of this act, shall succeed to the rights and privileges herein conditionally granted to said Chicago and Northern Pacific Air Line Railway Company, as fully as though this act had in the first instance applied to said company.

SECTION 14. Any person who, prior to the first day of January, 1874, may have settled upon any quarter, or a subdivision less than a quarter section of said lands and improved the same as a farm, and who has since continued to reside thereon and occupy the same as his home, may on proving such settlement, improvement and continued residence, acquire the title to the same by paying to the state treasurer of Wisconsin, for the use of said North Wisconsin Railway Company, the sum of two dollars and fifty cents per acre for such land, such proof and payment to be made within one year from the passage of this act.

Protection to
settlers.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1874.

CHAPTER 127.

[Published March 11, 1874.]

AN ACT to incorporate the city of Menasha.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. All that section of country situated in the county of Winnebago and embraced within the following described limits and boundaries, to wit: Lots three (3) and four (4), in section thirteen (13), all of section fourteen (14), all of section fifteen (15), all of section sixteen (16), east of low water mark on the west shore of lake Butte des Morts, all of the north half of section twenty-one (21), east of low water mark

City bounda-
ries.