

DEED

404-1

1897 DECEMBER 2, 1897 GRAND, WIS.

See Act Entitled "The Act"

No. 3068.

Winona and St. Peter Railroad Company

Filed for Record the 21<sup>st</sup> day of Dec.

John W. ...

A. D. 1897 at ...

W. H. Harrington, Register of Deeds

LAND DEPARTMENT OF THE WINONA AND ST. PETER RAILROAD COMPANY.

This Indenture, made on thirteenth day of June 1897, between the WINONA AND ST. PETER RAILROAD COMPANY, party of the first part, and John W. ...

of the County of Winona and State of Minnesota, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of One Hundred Dollars (\$100.00) to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, conveyed, sold, released and conveyed, and done by these presents, grant, bargain, sell, release and convey unto the said party of the second part, one acre and thirteen hundredths (13/100) of land, situate, lying and being in the County of Lyon, in the State of Minnesota, more and described as follows, to wit:

The fifth (5th) quarter of Section 34 in Township One hundred and thirteen (13) North Range 20th East

That of the Fifth (5th) Primary Division, including, according to the United States Survey thereof one hundred fifty acres and 7/100 of an acre, more or less, covering, however, unto the said WINONA AND ST. PETER RAILROAD COMPANY, its successors and assigns, from the operation and effect of this conveyance, all that portion of the said land above described (if any more there be), which lies within five feet on each side of, parallel with, and fifty feet distant from the center line of the main track of the railroad of said Railroad Company, party of the first part, as said railroad is now located and constructed in said County and State, and any greater width, not exceeding one hundred feet in width on each side of the center line of said main track of said railroad, when necessary hereinafter to include all rails, embankments and ditches, and other works of said Railroad Company, necessary to secure and protect the main line of railroad, and subject above-mentioned legal description.

The provisions of this deed shall be construed to be subject to the provisions of the Act...

~~This agreement made in fulfillment of said contract and said provisions hereby made by said parties and the same shall be subject to the rights of said parties and of all persons lawfully claiming or claiming through or under~~

TO HAVE AND TO HOLD the same, together with all and singular the benefits and appurtenances thereto belonging or in anywise appertaining, unto the said part of the second part, heirs and assigns, forever. And the said party of the first part doth hereby, for itself and its executors, and each and every of them, COVENANT AND AGREE to and with the said part of the second part, heirs and assigns, in the manner and form following, that it is: say:

That the premises hereby conveyed are part and parcel of the Lands Granted by Acts of Congress in the State of Minnesota, for the purpose of aiding in the construction of a railroad from Winona via Saint Peter, to a point on the Big Stone River South of the Forty Fifth Parallel of North Latitude, and by said State Granted to the said party of the first part; that the same are free and clear of and from all incumbrances and liens, debts, dues, committed or accrued by the said party of the first part; that the same are free and clear of and from the possession of the said part of the second part, against all and every person or persons claiming by, through or under it, the said party of the first part will forever WARRANT AND DEFEND, except and against incumbrances and claims or debts for taxes or assessments otherwise imposed, and also except all those incumbrances and claims or debts for taxes or assessments otherwise imposed, and also except the rights of said parties and of all persons lawfully claiming by, through or under

BY WITNES WHEREOF, The said Winona and St. Peter Railroad Company hath hereunto caused its corporate seal to be affixed, and these presents to be signed by its President, and attested by its Secretary, the day and year first above written.

Signed, Sealed and Delivered in Presence of

WINONA AND ST. PETER RAILROAD COMPANY.

John King  
J. E. Buckner  
COUNTERSIGNED: W. M. Kistner

By W. M. Hughtitt President  
J. B. Redfield Secretary  
APPROVED: S. C. L. Land Commissioner

STATE OF ILLINOIS,  
DUKE COUNTY.

W. M. Hughtitt is my personally known, who being by me duly sworn, did say that he is the President of the Winona and St. Peter Railroad Company, and that the seal affixed to the within instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said instrument is the free act and deed of said corporation.

WITNES my hand and seal of office, the day and year last above written.  
Frank P. Leonard  
County Clerk of Duke County

Frank P. Leonard  
County Clerk of Duke County

Jan 11/87  
4141