

SEC. 5. That the said Elam Greely shall be entitled to collect by law, a toll on all logs passing the dam: *Provided*, That such toll shall not exceed the sum of ten cents, for the first year, for every thousand feet of lumber in logs, and six and one fourth cents per thousand thereafter, taking the scale in common use on the St. Croix river, as a guide; such toll, in case of default of payment, to be collected under an action for debt.

SEC. 6. That said dam to be supplied with a chute, with such an inclination, that fish may pass freely up and down the river.

SEC. 7. That the sluices of said dam, shall remain open, (after all the logs to be sluiced that season, shall have been sluiced,) until such time as it may be found necessary to close them, in order to fill the dam preparatory to the next spring drive.

APPROVED the twentieth day of October, one thousand eight hundred and forty-nine.

Tolls—ten cents per thousand feet the first year, and six and one fourth cents per thousand thereafter, scale to measure and how toll collected.

Chute in dam of such inclination that fish may pass.

Sluices in dam to remain open, &c.

CHAP. XXXII.—An Act to incorporate the St. Paul and St. Anthony Plank Road Company.

November 1, 1849.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota*, That Franklin Steele, Henry H. Sibley, Isaac Young, David Lambert, Louis Roberts, William Henry Forbes, William H. Randall, C. K. Smith, and M. S. Wilkinson, are hereby appointed Commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the St. Paul and St. Anthony Plank Road Company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions, by publishing the same in all the newspapers printed in this Territory.

Commissioners appointed—books to be opened and thirty days notice thereof published in the newspapers of the Territory.

SEC. 2. The capital stock of said company shall be twenty-five thousand dollars, in shares of twenty-five dollars; and as soon as five thousand dollars of the capital stock shall be subscribed, and five dollars of each share shall have actually been paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by name and style of "The St. Paul and St. Anthony Plank Road Company," with perpetual succession; and by that name shall have all the privileges, franchises and immunities incidental to a corporation: they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal or mixed, as shall be necessary for the use of said road, and in their corporate name, may sue and be sued, may have a common seal, which they may alter or renew at pleasure; and generally may do all and singular, the matters and things which they are authorized by law to do for the interest and well being of said Company.

Capital Stock \$25,000, in shares of \$25,00.—when five thousand dollars are subscribed and five dollars on each share paid in, the company shall be organized.

SEC. 3. That the said Commissioners or a majority of them, after the said one thousand shares of stock shall have been taken or subscribed for as aforesaid, shall give at least twenty days notice in the newspapers hereinbefore mentioned, of the time and place of a meeting of the stockholders for the purpose of electing thirteen Directors, who shall elect one of their number President; and annually thereafter, the said stockholders shall meet on the first

Organization—Commissioners shall give 20 days notice of meeting of stockholders to elect Directors—annually to elect Directors on the first

Monday of May—  
proviso as to Pres-  
ident and election,  
vacancies, how fill-  
ed.

Monday in May, for the purpose of electing Directors as aforesaid, upon a like previous notice to be given by a majority of the Directors for the time being, in such newspapers as they may think proper: *Provided*, that previous to the first election, the Commissioners hereinbefore named, shall elect one of their number President, and they shall perform all the duties and be invested with all the powers of Directors: *Provided*, That if from any cause, an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid; that until such election, the Directors of the preceding year shall continue to act, and this Charter shall not be forfeited by reason of the irregularity or want of such election; and in case of any vacancy in the board of Directors, the same shall be filled by the other Directors or a majority of them.

Company affairs  
to be managed by  
Directors—how to  
vote—President ap-  
pointed—By-laws  
made. The holder  
of each share en-  
titled to a vote.

SEC. 4. The affairs of said Company shall be managed by a Board of thirteen Directors, who shall be stockholders, and be chosen annually by ballot by the stockholders of said Company, the votes to be given in person or by proxy duly authorized, which Directors shall appoint one of their number President, who shall serve until another is elected in his place. They shall make and establish such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of the United States and Territory of Minnesota, as may be necessary for the well ordering of the affairs of said Company; each share of stock shall be entitled to one vote, and in all cases of election for Directors, the thirteen stockholders having the greater (*greatest*) number of votes shall be declared duly elected.

Directors—nine  
to constitute a quo-  
rum—may appoint  
a President *pro*  
*tem*—Secretary,  
Treasurer, Engi-  
neer, &c., appoint-  
ed—compensation,  
forfeiture of shares  
regulate tolls, con-  
tracts, &c. Certifi-  
cates issued, stock  
transferable.

SEC. 5. Nine Directors shall be a quorum for the transaction of business, who, in the absence of the President, may appoint a President *pro tem*. The said Directors shall appoint a Secretary, Treasurer and such Engineers and other officers as they may find necessary; shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to decide the time and manner in which the said stockholders shall pay the money on their respective shares; and the stockholders shall forfeit to the use of the said Company, the share or shares of every person or persons failing to pay any instalment at a reasonable period, not less than thirty days after the time appointed for the payment thereof; they shall have power to regulate tolls, to make covenants, contracts and agreements with any person or persons or body politic whatsoever, as the execution and management of the road may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the Company. The Commissioners, until Directors are chosen, shall issue certificates to each stockholder for the number of shares he or she shall subscribe for, or hold in said corporation, signed by the President and countersigned by the Secretary, subject to all the payments due and to become due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided by the by-laws of said Company.

A double or sin-  
gle track located—  
toll houses, bridges  
&c., erected; meet-  
ings prescribed—

SEC. 6. The said Company shall have power to locate and construct a single or double track plank road from such eligible point in the Town of St. Paul, to such eligible point in the Town of St. Anthony, in the county of Ramsey, Minnesota Territory, as shall be determined upon by a vote of the stockholders having a majority of the

stock of said Company, and who shall be represented in person or by proxy, at a special meeting called for the purpose of fixing the location or termination of said road. And they shall have power to erect all such toll-houses, bridges and other works and appendages as may be necessary for the convenience of said Company in the use of said road. The Directors shall exercise all powers conferred on them by law, and meet at such times and places as they may prescribe in the by-laws to be enacted by them. They may appoint and remove all officers at pleasure, prescribe the meeting of the stockholders, and declare and pay the dividends, or so much of the surplus profits of the Company as they shall deem advisable, which may accrue on the shares of the said stock to the stockholders of said Company on the first Monday of May and the first Monday of November of each year.

SEC. 7. It shall be lawful for said Company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said Plank Road, doing thereto no unnecessary damage, and when said route shall be determined by the said Company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject however, to the payment of such compensation as the Company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided for.

SEC. 8. When the said Corporation cannot agree with the owner or owners of any land, gravel, stone or other material required for the construction of said road, for the purchase thereof, or the compensation to be paid therefor, or where by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then in any such case it shall be lawful for any Justice of the Peace, in the county in which the property may be, to issue his warrant, directed to the Sheriff or any Constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county not interested in said property, to meet at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five, nor more than ten days from the date of said warrant; and if at the time and place named, any of the persons so summoned, do not attend, the said Sheriff or Constable shall immediately summons as many as may be necessary with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said Company, and the owner or owners of the property to be valued, their agent or attorney or either of them, and if they are not present in person or by attorney, the Sheriff or Constable shall, for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest for damages, and before they act as such, the said Sheriff or Constable, shall administer to each of them an oath or affirmation that he will faithfully and impartially value the land or material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of their skill and judgment; whereupon, the said jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties,

appoint and remove all officers—  
declare dividends—  
on first Monday of  
May and first Monday  
of November.

Road, route of—  
may enter upon  
any lands, &c., and  
pay compensation  
for.

Justice to issue  
warrant for jury—

how the jury con-  
stituted, to assess  
damages that may  
be sustained by  
reason of road pas-  
sing through lands,  
oath of jury—view  
and hear evidence,  
and written out  
and signed by jury  
and shall and trans-  
mitted to Court—

valuation and payment of costs tendered and effect of;

absence of owner and notice.

Shares—personal property, and liable to execution.

Toll gates erected and tolls collected when five miles finished, and rate of tolls—persons going to military parades, funerals, and public worship exempt from tolls.

Road—persons injuring, liable to damages in action of debt and subject to indictment, fine and imprisonment.

Capital stock may be increased.

which the said jurors shall reduce to writing, which shall be signed by all, or a majority of said jurors, and by the Sheriff or other officer in attendance, and the said officer within five days thereafter, shall transmit the same to the Clerk of the District Court of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation when had, together with the costs of such inquisition, tendered to the owner or owners, or deposited with the said court, shall entitle the said Company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof in fee simple: *Provided*, That it shall not be lawful for any such jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representative, unless it be made appear by affidavit, that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are absent from the county; and if such owner or owners are under age or non compos mentis, the service of notice upon the guardian or trustee (if any there be) or their absence from the county, shall be required to be established by affidavit to the said jurors, before they proceed to make such valuation.

SEC. 9. The shares of the stock of the Corporation shall be deemed personal property, and every person becoming a shareholder, by transfer, purchase, or otherwise, of shares of said stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares, and the said share or shares shall be liable to be taken in execution for the payment of the debts of their owner.

SEC. 10. The Directors may erect toll gates, and exact toll from persons travelling on their road, whenever five consecutive miles are finished, or when the whole road is completed, not exceeding one and a half cent a mile, for every vehicle, sled, sleigh or carriage drawn by not more than two animals, and if drawn by more than two animals, one cent a mile for every additional animal; and for every vehicle, sled, sleigh, or carriage drawn by one animal, one cent a mile; and for every horse and rider or led animal, one cent a mile; for a score of sheep or swine, three cents a mile; and for every score of neat cattle, four cents a mile: *Provided*, That persons going to and from military parade at which they are required by law to attend, and persons going to and from funerals and public worship, shall be exempt from toll.

SEC. 11. If any person shall wilfully and knowingly obstruct, break, injure, or destroy the Plank Road to be so constructed by said Company, or any part thereof, or any work, building, or fixture to be attached to or in use upon the same, belonging to the said Company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said Company, by an action of debt in any court having competent jurisdiction, in the county wherein the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

SEC. 12. The Directors of said Company may at any annual or special meeting of the stockholders, with the consent of a ma-

majority of amount in such stockholders, provide for such increase of the capital stock of said Company as may be found necessary to complete such road, in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

SEC. 13. Said Company shall on or before the first day of January, 1851, have one third of said road completed, and shall have the entire road finished on or before the first day of January, 1852.

SEC. 14. This Charter shall not prevent the Legislative Assembly from granting a charter or charters to any other company or companies, for any road or roads, that may be necessary to cross or intersect the track of the aforesaid St. Paul and St. Anthony Plank Road Company; and such company or companies as may be chartered, shall have the right to cross or intersect said road, at any point or points without charge: *Provided*, No damage shall be done to said road.

SEC. 15. When any suit or legal proceeding shall be instituted against said Company, every process or notice shall be deemed to have been legally served, if the same shall have been served upon any officer or agent of said Company.

SEC. 16. The Legislative Assembly may at any time repeal or amend this act.

APPROVED, the first day of November, one thousand eight hundred and forty-nine.

Road when finished.

Legislature may grant charters to cross or intersect the road.

Process may be served on any officer of said company.

Repealing section.

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CHAP. XXXIII.—An Act for the relief of John Morgan.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota*, That there be paid to John Morgan, Sheriff of St. Croix county, the sum of five hundred dollars, being the amount due him for services rendered in taking the first census of the said Territory in pursuance of the instructions of the Governor, and by authority of the Organic Act of said Territory, and that the said Secretary of the Territory be, and he is hereby authorized and required to pay the same out of any money in the treasury not otherwise appropriated.

APPROVED, the eleventh day of October, one thousand eight hundred and forty-nine.

October 11, 1849.

Census first—John Morgan to be paid \$500 by Secretary.

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CHAP. XXXIV.—An Act for the relief of B. W. Lott and P. P. Bishop.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota*, That there be paid out of the sum appropriated by Congress for defraying the expenses of the Legislative Assembly of this Territory for the present year: To B. W. Lott, forty-five dollars; to P. P. Bishop, forty-five dollars, for services rendered at Wabashaw, as per resolution of this House, September sixth, one thousand eight hundred and forty-nine, in the contested case between Messrs. Wells and White: and that the Secretary of the Territory be and he is hereby authorized and required to pay the same.

APPROVED, the twentieth day of October, one thousand eight hundred and forty-nine.

October 20, 1849.

For services at Wabashaw, forty-five dollars to B. W. Lott, and the same sum to P. P. Bishop; authorized to be paid out of the appropriation by Congress, by the Secretary.