

Sec. 19. In case the persons incorporated by this act shall fail or neglect to accept the provisions of the same, and comply with its conditions within the time and in the manner herein prescribed, then the same may be accepted by any other company which shall be approved of by the Governor, Auditor, and Treasurer of this Territory, who upon complying with the terms and conditions of this act, shall be vested with all the rights, powers and immunities conferred upon the corporators herein named, and shall be subject to all the liabilities in the said act set forth in as full, ample and complete a manner as if their names were inserted as corporators in this act.

Non-acceptance  
of charter.

N. C. D. TAYLOR,  
*Speaker of the House of Representatives.*  
S. B. OLMSTEAD,  
*President of the Council.*

APPROVED—March fourth, one thousand eight hundred and fifty-four.

W. A. GORMAN.

SECRETARY'S OFFICE,  
Saint Paul, March 30th, 1854. }

I hereby certify the foregoing to be a correct copy of the original act on file in this office.

J. TRAVIS ROSSEB,

*Secretary of the Territory of Minnesota.*

## CHAPTER 48.

*An act to incorporate the Minneapolis and Lake Minnetonka Plank Road Company.*

March 3, 1854.

### SECTION

1. Corporators' names and powers.
2. Route of road—how determined.
3. Capital Stock.
4. Directors—their qualifications.
5. Powers to make by-laws.
6. Who shall receive subscriptions.

### SECTION

7. Powers of the company.
8. To take possession of lands.
9. Toll gates—by whom erected.
10. Penalty for injury to the road.
11. Debts and liabilities.
12. Violation of charter.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota, That Joel Bassett, Francis Morrison, Simeon Stevens, Calvin Tuttle, V. P. Spafford, E. Case, L. C. Barber and David Gorham, and such other persons as shall associate with them, and become stockholders pursuant to the provisions of this act, shall be and hereby are created and made a body corporate and politic, in fact and in name, by the name of "The President and Directors of the Minneapolis and Lake Minnetonka Road Company," and by that name they and their successors shall have perpetual*

Corporators'  
names—their pow-  
ers.

succession, and shall be persons in law capable of suing and be sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all matters appertaining to said company.

Route of road—  
how determined.

SEC. 2. The said company, shall have power to construct a plank road from the mouth of Bassett's Creek, in Minneapolis, to the Mill near the outlet of Minnetonka Lake, and the route of said road between the points above named shall be determined by the directors of said company, when elected by the stockholders and duly organized, and they shall have power in their discretion to construct said road along and upon any road or highway now or hereafter to be laid out, opened or established by the proper authorities, and of such width, and in such manner as the said directors shall determine, and there shall be suitable tracks, side cuts, or turn outs upon the same, made of planks, charcoal, stone or timber, or a part of each, or of any other hard material, securely laid, so as to form a smooth and even surface.

Capital stock.

SEC. 3. The capital stock of said company shall not exceed the sum of fifty thousand dollars, to be divided into shares of twenty-five dollars each, and shall be transferable in such manner as shall be prescribed in and by the by-laws of said company, and each stockholder shall be entitled to one vote for each and every share of stock held by them, by proxy or in person.

Directors—  
their qualifica-  
tions.

SEC. 4. The business and the concerns of said company shall be managed and conducted by nine directors, who shall be stockholders, and shall be elected annually, on the first Wednesday in December, at such place as a majority of the Directors shall appoint, and shall hold their office for one year and until others are chosen. And the said directors shall choose one of their number to be president, and a majority of said directors shall be a quorum for the transaction of business.

Powers to make  
by-laws.

SEC. 5. The said directors or a majority of them shall have power to make such by-laws, rules, and regulations as to them shall appear necessary and proper for the management of the concerns of said company, not inconsistent with the laws of the Territory or future State of Minnesota, and also to appoint such agents and officers, as may be necessary to carry out the objects of the corporation.

Who shall re-  
ceive subscrip-  
tions.

SEC. 6. The persons named in the first section of this act, or any two of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such times and places as a majority of them may deem expedient, and whenever ten thousand dollars of such capital stock shall be subscribed for and distributed, and five per cent. paid thereon, said commissioners shall call a meeting of the stockholders of said company by giving two weeks' public notice of the same in one or more newspapers published in this Territory, for the purpose of electing the directors of said company, who shall hold the office until the first annual election thereafter, and the directors shall be authorized to call in and require the payment of the balance of the stock subscribed for, in five per cent. instalments, as they progress in the construction of said road and as the interests of the company may require.

Powers of Com-  
pany.

SEC. 7. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said road, doing no unnecessary damage nor locating any such route through any

orchard or garden, nor through any building, or any fixtures or erections for the purpose of trade or manufactures, without permission from the owners thereof; and when said route shall be determined by the said company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, at any time to enter upon, take possession of and use such lands, to the width of four rods, and also to take from any lands adjoining said road, gravel, stone or earth, for the purpose of constructing or repairing said road; 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.

SEC. 8. Whenever it shall be necessary for the said company to enter upon and occupy, for the purpose of making said road, any land upon which the same may be located, and the owner or owners of said lands shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for any injury that may be done to such land by such entry and occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside within the county where the land lies. The expenses incurred by said appraisers shall be defrayed by the said company, but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after the requisition for that purpose upon him made, or if any such owner shall be under legal disability or out of the Territory, then it shall be lawful for the clerk of the district court of the county in which such land lies, on application of either party, and at the cost and charges of said company, to appoint three disinterested persons of said county, to view and examine said lands, and estimate the injury or damage, if any in their judgment will be sustained as aforesaid by reason of the location of said road, and report the same under oath or affirmation to the district court of said county, which report being confirmed by the said court, the judgment shall be entered thereon. The said viewers shall be entitled to two dollars per day each for their services, to be paid by the said company, in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of said land, or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered: *Provided*, That in case the owner of such land shall be under any legal disability, the cost of assessment shall be paid by said company: and it shall be the duty of the appraisers in estimating such damages, to take into consideration the advantages that may accrue to the owners of said lands from the construction of said road: *Provided, further*, that either party may appeal to the said court within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court. *And provided, also*, that upon payment, or tender of payment of the sum specified in the report of said viewers or appraisers, to the owners of said lands, or a deposit of the same for their benefit, with the clerk of the district court of the county in which the land is situated, the said company may immediately take and use the same without awaiting the issue of said appeal.

To take possession of lands.

SEC. 9. The said directors may place toll-gates at any place on

Toll gates—by  
whom erected.

said road where they may determine: *Provided*, that no full toll-gate shall embrace less than ten miles in length of said road; half toll-gates, half that length or five miles; and in proportion as aforesaid until said gates shall take in the whole length of said road.—Whenever ten consecutive miles of said road shall be completed, it shall be lawful for the said directors to cause a toll-gate to be erected, or when five miles shall be constructed, a half toll-gate, discretionary with the said directors, at which gates said company may demand and receive for full toll-gates toll not exceeding two cents per mile for every vehicle, sled, sleigh or carriage of any description drawn by two animals; and every vehicle drawn by more than two animals, one-half per cent a mile for every additional animal: for every horse and rider, or for every vehicle drawn by one animal, one cent per mile; for every horse, mule or neat cattle, and half score of sheep or swine, one half cent per mile. No toll shall be exacted of any person while going to or returning from any religious meeting on Sunday, or from any person liable to military duty while actually going to or returning from any military parade or review at which their attendance shall be by law required. And the toll-gatherer at any of said gates erected on said road in pursuance of this act, may detain and prevent from passing such gate any vehicle, carriage or animal subject to toll until the toll thereon be paid.

Penalty for injury to said road.

SEC. 10. Any person who shall wilfully break or throw down any gate on said road which may have been erected in pursuance of this act, or shall do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll shall with his or her team, vehicle, carriage or animal turn out of said road, or pass around such gate for the purpose of avoiding such toll, and return again on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, to be recovered by said company in the name of the president and directors of the Minneapolis and Lake Minnetonka Road Company, in action of trespass or trespass on the case, according to law.

Debts and liabilities.

SEC. 11. The debts and liabilities of said corporation shall not exceed in amount at any one time fifty per cent. of its capital actually paid in, and if debts and liabilities shall at any time be incurred to a greater amount than by this section is provided for, the directors of said company shall be jointly and severally individually liable for such excess in addition to their other liabilities at law as provided for in this act.

Violation of charter.

SEC. 12. If said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government of said company in relation to said road and the use of the same.

N. C. D. TAYLOR,  
*Speaker of the House of Representatives.*

S. B. OLMSTEAD,  
*President of the Council.*

APPROVED—March third, one thousand eight hundred and fifty-four.

W. A. GORMAN.

SECRETARY'S OFFICE,  
St. Paul, March 30th, 1854. }

I hereby certify the foregoing to be a correct copy of the original act on file in this office.

J. TRAVIS ROSSER,

*Secretary of Minnesota Territory.*

## CHAPTER 49.

*An Act to incorporate the St. Paul and Little Canada Plank Road Company.*

March 4, 1854.

### SECTION

1. Corporate name and powers.
2. Capital stock.
3. Notice of meeting.
4. Affairs—how managed.
5. Number to constitute a quorum.
6. Powers of company.
7. To take possession of lands.
8. Owners—how paid.
9. Stock personal property.

### SECTION

10. Toll-gates—by whom created.
11. Penalty for injury to the road.
12. Tolls to be paid.
13. Increase of stock.
14. Violation of charter.
15. When to commence road.
16. How to be construed.
17. May be altered or amended.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota, That Louis Roberts, Abram Lambert, Joseph Le Mai, Francis Gervais, Vetal Guerin, Charles Bazill, and H. I. Vance be, and they 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 Little Canada Plank Road Company, hereby incorporated; and they may cause books to be opened at such times and places as they shall 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 one or more newspapers printed in this Territory.*

*Corporate name and powers.*

Sec. 2. The capital stock of said company shall be fifteen thousand dollars, in shares of ten dollars each; and as soon as one thousand dollars of the capital stock shall be subscribed, and one dollar on each share actually 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 erected a body corporate and politic, by the name and style of "The St. Paul and Little Canada Plank Road Company," with perpetual succession; and by that name, shall be capable in Law of purchasing, holding, selling, leasing, and conveying estate, real, personal or mixed; 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 are authorized by law for the interest and well being of said company.

*Capital Stock.*