

CHAPTER LIII.

An Act to incorporate the St. Paul Gas Light Company.

- SECTION 1. The names and powers of Incorporators.
 2. Capital Stock.
 3. Directors.
 4. Names of first Directors.
 5. Powers of said Corporation.
 6. Subscriptions to capital stock, when paid.
 7. Penalty for injuries.
 8. When organized.
 9. When to be put in operation,
 10. When the city may purchase.
 11. City failing to purchase, time may be extended.
 12. Corporations may subscribe for shares of stock.
 13. Bonds and notes taken for stock.
 14. Said Company may furnish gas as most beneficial.
 15. How long the charter may remain good.
 16. When to be in force.

Be it enacted by the Legislative Assembly of the Territory of Minnesota :

SECTION 1. That Joseph Hoy, Alexander Ramsey, William L. Banning, Edmund Rice and Charles H. Oakes, and their present and future associates, shall be, and are hereby created, constituted and declared to be a body politic and corporate, by the name of the St. Paul Gas Light Company, with full power and authority at any time hereafter to manufacture, make and sell gas, to be made of coal or other material, to be used for the purpose of lighting the City of St. Paul, and the streets, avenues, lanes, alleys and squares thereof, and any building, manufactories or houses therein contained and situate, and to have the exclusive right to lay pipes for the purpose of conducting the gas in any of the streets, avenues, lanes, alleys and squares of the said city, and to adopt any other necessary means to furnish gas to any inhabitants of said city.

Capital stock. SEC. 2. That the capital stock of this corporation shall not exceed two hundred thousand dollars, and that a share in the same shall be fifty dollars ; and books of subscription to the said capital stock, or to such portion thereof as from time to time, may, by the Directors for the time being, be deemed proper and necessary, shall be opened by the appointment or under the direction of the Directors hereinafter named, subject to such rules, limitations and conditions as by them shall be prescribed, and the stock of the said Corporation shall be deemed and considered personal property.

Directors. SEC. 3. The stock, property and affairs of the said Corporation shall be managed and conducted by, or under the direction of five Directors being stockholders ; that the said Directors shall hold their offices for one year, except as provided by section four in this act, and shall be elected at such time and place within the city of St. Paul as a majority of the Directors, for the time being shall appoint, and that notice of such election shall be given in at least two of the public newspapers printed in the city of St. Paul, at least fourteen days previous to the time of holding such election; and every such election shall be by ballot, and by such of the stockholders

who shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to one vote for each share of the stock which he or she may have held in his or her own name for at least fourteen days before the time of voting; and the persons having the greatest number of votes shall be the Directors, and if it shall happen that two or more persons shall have an equal number of votes, the Directors in office at the time of such election shall by a plurality of votes given by ballot, determine which of the persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number chosen; and the Directors so chosen shall, as soon as may be thereafter, proceed by ballot, to elect one of their number President; and if any Director shall cease to be a stockholder, or shall resign, his office shall be vacant; and whenever any vacancy shall happen, the same shall be filled by the remaining Directors by a plurality, for the unexpired term, except as provided in section fourth of this act.

SEC. 4. That Joseph Hoy, Alexander Ramsey, William L. Banning, Edmund Rice and Charles H. Oakes shall be the the first Directors of the said Company, who shall hold their offices until one year after the said Company shall be organized and in practical operation, and until others are chosen in their places, and they shall proceed to choose their President at such time and place as they, or a majority of them, shall determine. Any of the above named Directors, on resigning, may designate the person or persons to fill the vacancy, provided, that the person or persons so designated are stockholders of said Company, for the unexpired term; vacancies by death shall be filled by the remaining Directors, by a plurality, for the unexpired term.

First Directors

SEC. 5. The Corporation formed under this act, shall, in addition to the powers hereinbefore conferred, have power, first, to purchase and hold real estate, second to erect and maintain all necessary and convenient buildings, fixtures and machinery for the aforesaid purposes, or incident or necessary thereto.

Powers.

SEC. 6. It shall and may be lawful for the Directors, or a majority of them, to require payment of the subscription to the capital stock of said corporation, at such times and in such proportion as they, or a majority of them, shall deem fit, under the penalty of forfeiting any previous payment or payments thereon, and that previous notice of the instalments required to be paid after the first, and of the time when the same are to be paid shall be published at least fourteen days, in two of the public newspapers printed in the city of St. Paul, provided, no such forfeiture shall be made, until the company shall be organized and in practical operation.

Subscriptions

SEC. 7. If any person or persons wilfully do, or cause to be done, any act or acts whatever, whereby the works of the said corporation, or any pipe, conduit, plug, cock, reservoir, or any engine, machine, structure or any matter or thing appertaining to the same, shall be stopped, obstructed or impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said corporation treble the amount of the damage sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit, in any court having cognizance thereof.

Injuries.

SEC. 8. The said Company shall be deemed to be organized when the President shall be elected, and shall be deemed to be in practical operation from the time the contract to build the work is made.

When organized.

SEC. 9. That it shall be the duty of the St. Paul Gas Light Company

To be in operation.

to prosecute the works necessary to the lighting the whole city of St. Paul and suburbs with gas, and to lay their pipes in every and all directions, whenever the Board of Directors shall be satisfied that the expenses thereon shall be counterbalanced by the income accruing from the sales of gas. It shall also be their duty to put the gas works into successful operation as soon as practicable: Provided, that whenever the corporation of the city of St. Paul shall, by resolution of the Board of Aldermen, direct lamps to be erected and lighted in the streets of the city, the Company shall make contract therefor, and furnish and provide, lay, set up and keep in good repair, at their own proper expense and charge, the street posts and lamps, and their pipes and meters, all to be of the best quality of work and material now in use. In consideration whereof, the said corporation of the city shall pay quarterly to the St. Paul Gas Light Company, an interest of eight per cent. per annum on the amount of the sum of the original cost of said street lamps and lamp posts, gas meters and gas pipes and the cost of laying and erecting the same. But said Company shall not be bound to lay every pipe in such places where the proceeds from the sale of gas light would not be sufficient to defray the expenses of furnishing the same.

City may purchase.

SEC. 10. That if after the expiration of twenty years from and after the first day of January, 1857, the corporation of the city of St. Paul should resolve to purchase the said gas works from the St. Paul Gas Light Company, which they hereby have a right to do, the price shall be fixed by arbitrators, one or more to be chosen by the President and Directors of the Company, and an equal number by the Board of Aldermen of said city; said arbitrators shall not be stockholders in said company nor members of said Board of Aldermen. They shall take into consideration the value of the gas works, and the lands, grounds, building, utensils, rights and interests, and everything thereunto appertaining; and if they agree and so report in writing, their award shall be binding on the parties; but if they should not agree, then the said arbitrators shall elect some creditable and disinterested person umpire between them; whose decision and award, in writing, reported to the parties above, shall be binding and conclusive, any law to the contrary notwithstanding. To the amount so agreed upon shall be added seven per centum advanced on said valuation, which amount with the seven per centum on the same, shall be paid by the corporation of the said city to the said company in full consideration for their works, lands, ground, buildings, interests, rights and utensils, &c., belonging to the said gas works.

Time extended.

SEC. 11. That in the event the said city shall decline to purchase at the end of twenty years, as provided in the preceding section, then the company shall in like manner at the end of twenty years from and after the first day of January, A.D., 1877, and provided the Board of Aldermen then resolve to purchase the same, sell and convey the city all their estates, interest, and titles, to the said gas works in manner as is before provided in section ten, except that to the amount of valuation then so to be agreed upon, shall be added only five per centum advanced, which amount with the said five per centum on the same, shall be paid by the city to the company, in full of all consideration for the said gas works, and their appurtenances; Provided, however, that the corporation of the city of St. Paul shall notify the President and Directors of the company of their intention to purchase at either of the times prescribed, at least six months previous to the expiration of the said terms of twenty and years, respectively,

and a failure to notify as herein provided, shall be deemed a refusal on the part of the city to purchase the interests of said company.

SEC. 12. The corporation of the city of St. Paul and other corporations and companies, are hereby authorized and empowered to subscribe for any number of shares of stock in this company, and to provide for the payment of the same as may be agreed upon with the Board of Directors or their agents, and may purchase stock of any holders thereof and sell the same; and they may vote in corporate capacities by such representatives as they may prescribe by their regulations, ordinances or by-laws, and the votes of all such representatives shall be given as those of any other stockholder; subject, however, to the regulations of the company in all respects not inconsistent with the true intent and meaning of this section.

May subscribe
for stock.

SEC. 13. The Board of Directors are hereby authorized to receive from any company, any bonds, notes, or other securities, in payment of, or as security for, stock purchased or subscribed, and upon such terms as may be agreed upon, or in such manner, on such conditions and in such instalments as they may think to the interest of the company; and they may receive, on deposit or loan, and upon such terms as the parties interested may agree upon, any funds, the temporary or permanent use of which may be offered them, and the use of which may be beneficial to the company.

Bonds and notes.

SEC. 14. The corporation of the city of St. Paul and the Board of Directors of the St. Paul Gas Light Company may contract for and make regulations relating to the lighting of said city with gas, in such manner as may be agreed upon, and they may make generally such contracts in relation to the business of the company as may be beneficial to them and the public.

How to furnish
gas.

SEC. 15. This act shall be in force for the term of twenty-five years from and after the first day of January, in the year of our Lord one thousand eight hundred and fifty-seven, unless the company hereby incorporated shall sell and convey within the said term of twenty years, their gas works, lands, rights and privileges, as herein provided, to the city of St. Paul; in which event said gas works, and all rights, powers and privileges hereby granted shall be invested in the Mayor, Aldermen and citizens of St. Paul, or their corporate capacity; and the said city shall have all the powers and be invested with all the rights and privileges of the individual stockholders, and also of all such as are invested in the President and Directors of said company by virtue of this act; but should the said city not resolve to purchase at either of the times provided herein, then this act shall be in full force for an additional term of ten years from and after the last date mentioned for such sale and purchase and no longer; provided, that this act shall be void unless said company shall construct and lay at least one and a half miles of main pipe, and shall be ready to furnish gas and fixtures to the city and citizens of St. Paul, so far as they can be conveniently supplied from said main pipes, within eighteen months from the passage hereof.

Conditions of
this act.

SEC. 16. This act shall be in force from and after its passage, and shall be deemed a public act, and be favorably construed for the purposes herein expressed and declared in all courts and places.

To be in force.

CHARLES GARDNER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

APPROVED—March first, one thousand eight hundred and fifty-six.

W. A. GORMAN.

LAWS OF MINNESOTA.

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

J. TRAVIS ROSSER,
Secretary of Minnesota Territory.

CHAPTER LIV.

An Act entitled "an act to authorize School District No. 1, in T. 30, N. R. 20, W., to levy a Special Tax, and for other purposes.

SECTION 1. Power to levy a specialtax.
2. Per cent. for collecting.

Be it enacted by the Legislative Assembly of the Territory of Minnesota :

SECTION 1. Be it enacted by the Council and House of Representatives of the Territory of Minnesota, that the inhabitants entitled to vote in School District number one, township thirty, north of range twenty west, when lawfully assembled in any district meeting, shall have power by a majority of the votes of those present to levy a special district tax, not exceeding the sum of three thousand dollars on the taxable property in the district, as the meeting shall deem sufficient for the purpose of building and completing a suitable building or buildings, for school house or houses in said district.

How Collected. SEC. 2. That the said tax shall be assessed and collected with an addition of five per centum on the same, which shall be allowed to the clerk of said district for collecting the same, in all respects in the manner provided in chapter twenty-nine of the Revised Statutes of this Territory.

CHARLES GARDNER,
Speaker of the House of Representatives.
JOHN B. BRISBIN,
President of the Council.

APPROVED—March first, one thousand eight hundred and fifty-six.

W. A. GORMAN.

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

J. TRAVIS ROSSER,
Secretary of Minnesota Territory.