

~~BE~~ APPROVED—February twenty-seven, one thousand eight hundred and fifty-seven.

W. A. GORMAN.

SECRETARY'S OFFICE, Minnesota, }

SAINT PAUL, March 10, 1857. }

I certify the above to be a true copy of the original on file in this office.

J. J. McCULLOUGH,  
Acting Secretary.

## CHAPTER LVIII.

### *An Act to Incorporate the Mississippi River Improvement and Manufacturing Company.*

- SECTION 1 Incorporation, powers and duties.  
 2 Improvement of the Mississippi.  
 3 Empowered to erect mills, &c.  
 4 Improvement to be made only on Company's Lands.  
 5 Location of dams across the Mississippi.  
 6 Lock to be constructed for the passage of boats.  
 7 Sluice or slides for lumber and rafts.  
 8 Authorized to flow lands, under certain conditions.  
 9 Commissioners to assess damage—manner of procedure.  
 10 To be commenced within one year.  
 11 Capital Stock, with power to increase.  
 12 Officers, and their duties.  
 13 Authority to open books, by public notice given.  
 14 Election of officers.  
 15 Board of Directors to make By-Laws.  
 16 Alteration or amendment.  
 17 To continue in force fifteen years.

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

SECTION 1. That B. B. Meeker, John Rollins, D. E. Moulton, J. B. Bassett, W. C. Keith, C. W. Petit, Cyrus Beede, R. J. Mendenall, D. B. Dorman, S. W. Farnham, D. A. Secombe, C. W. Parker, J. M. Winslow, Calvin A. Tuttle, R. W. Cummings, William J. Parsons, James Sally, Edwin Hedderly, William D. Garland, Wiles White, D. Morrison, S. Denoye, Isaac Atwater, Edward Murphy, R. Russell and David Stanchfield, and their associates, successors and assigns be, and they hereby are constituted a body corporate and politic, with perpetual succession, for the purposes hereinafter mentioned, under the name and style "Mississippi River Improvement and Manufacturing Company," and by that name they and their successors shall be and are hereby made capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, prosecute and defend in any court of law or otherwise in this

Name

Powers

Territory or elsewhere; and to purchase or hold any estate real or personal, and the same to grant, bargain, sell, convey, lease, mortgage or otherwise dispose of for the benefit of said Company, so far as may be necessary for the purposes hereinafter mentioned; to have and keep a common seal and the same to alter at pleasure; and enjoy all and singular the privileges and franchises incident to a corporation, *Provided, however,* That if the said Mississippi Bridge Company shall have constructed any bridge or pier on the works that is contrary to the Constitution of the United States, or of the ordinance of 1787 then this corporation shall not be liable for damage done to said works.

SEC. 2. The said corporation is hereby authorized and empowered, for the purpose of improving the navigation of the Mississippi river below and near the Falls of St. Anthony, in this Territory, to construct and maintain across the said river at point hereinafter specified, a Dam, together with a Lock or Locks, of such height as are sufficient to cause slack-water navigation from the said dam to the point below said Falls, known as the Board Landing; also, to construct and maintain below the said dam, and within the limits hereinafter specified, one or more wing dams, as the same may be necessary, and such other structures as may be necessary for carrying out the object of the said dam. *Provided,* That any damages or liabilities which shall be done to or imposed upon the incorporation known as the Minnesota Bridge Company, owning the Bridge located above the proposed dam, by reason of the exercise of the power herein granted shall be had and exercised by this incorporation.

Construct dam  
and locks

SEC. 3. The said corporation is also hereby authorized and empowered, for the purpose of manufacturing in any or all of its branches, to use the water power which may be created or improved by the erection of said dam, so far as such use shall be compatible with fully carrying out the purpose mentioned in the last section; and may erect, construct and maintain mills, buildings, booms, canals and other structures as the same may be necessary for the said manufacturing purpose.

Water power

Erect mills

SEC. 4. The said corporation is hereby authorized and empowered to exercise the powers and franchises mentioned and granted in the last two sections, only upon, or in the said river opposite to lands owned or possessed by the said corporation, excepting as is hereinafter specifically allowed.

To build on  
Company's  
land

SEC. 5. The said dam, wing dam or dams and other structures provided for in the last two sections, may be located at such points in and on the said river, within the limits of sections 30, 31 and 32 in Township 29 North of Range 23 West, as said corporation shall designate for them respectively, in conformity with the provisions of the last section.

Location of  
dam

SEC. 6. The said Corporation shall construct and maintain in the said dam a lock of sufficient width and suitable in every respect to permit the passage through the said dam of

Construct dam

any boat or vessel which may wish to navigate the said river at the said point; and shall at all times during the season of navigation on the said river at the said point, furnish and maintain a sufficient force of men, and shall pass all such boats or vessels through the said lock, without any unreasonable or unnecessary detention, without any charge, toll or expense to the said boats or vessels.

**Construct Dam** SEC. 7. The said Corporation shall construct and maintain at and below the said dam a sluice, or slide or slides, of sufficient width, and suitable in every respect to allow the passage over the said dam of all lumber, whether in logs or in rafts, in safety; and shall allow the passage thereof free of any expense or toll to the owner or owners thereof.

**Flow Land** SEC. 8. The said Corporation is hereby authorized and empowered, so far only as shall be necessary to carry out the purposes mentioned in section two, to flow the land of any person or persons other than members of the said Corporation: *Provided*, That if any person or persons shall feel aggrieved by reason of the said flowing, he or they, upon application to the Board of Commissioners hereinafter mentioned and appointed, may have an assessment of damages, to be made in accordance with and subject to the provisions contained in the next section.

**Commissioners** SEC. 9. William R. Marshall, Alex. Ramsey and B. F. Hoyt, of Saint Paul, are hereby appointed a Board of Commissioners, to hear all applications for an assessment of damages provided for in the last section, and to make the said assessment. The said Board, upon request in writing made to them by any person feeling himself aggrieved on account of the exercise of any of the powers herein granted to said corporation, shall within twenty days after such request convene at a suitable place in St. Anthony or Minneapolis, at the time and place of such meeting, not less than five days' notice shall be given to such persons and the said corporation, and the said Board of Commissioners shall then and there proceed to hear the allegations and proofs of the said parties, in such manner as the said Board shall prescribe, and for that purpose shall have authority to administer oaths in due form of law, and upon hearing the same said Board shall proceed forthwith to make a report in writing of their award of compensation, under their hands and seals, and the said Board shall forthwith file the same with the clerk of the District Court for the second judicial district, which report shall be confirmed at the next motion day of said court. After the filing thereof, if no sufficient cause to the contrary be shown, and when confirmed, shall be recorded by the said court, and shall in all respects have the force and effect of a judgment, but if set aside, the court may direct another assessment to be had in the manner above described, and such assessments of damages aforementioned, shall describe the property taken and the boundaries thereof, and such award of the Board when paid or tendered to the owner or owners of said pro-

**Grievances**

**Compensation**

**Recorded**

party, or his or her or their legal representatives, or paid into said court, shall entitle the said corporation to the estate, use and interest thus valued, as fully as if it had been conveyed by the owners thereof. The said Board before entering upon the discharge of their duties abovementioned, shall be sworn by some person duly authorized to administer oaths in this territory, that they will justly and truly to the best of their ability, hear and determine the matter submitted to them in regard to the assessment of damages as herein provided. The said Commissioners each shall be allowed as compensation five dollars per day for every day necessarily expended in and about making such assessment, as also their reasonable necessary expenses, which shall be paid in the first instance by the party calling for such assessment. And the said Board shall not be required to file their award until the said sum and expenses are paid. The corporation may tender a sum to any person feeling himself aggrieved on account of any action had by said corporation as compensation for his damages, and in case the said commissioners shall award a greater sum than said tender, or in case they shall award any sum and find that no tender has been made, then the said Board shall in their award declare that said corporation shall pay said cost, and if they shall award no greater sum than the tender, or that no damage has been sustained, then the said corporation shall not be required to pay the costs of said assessment: *Provided*, Said Commissioners, or either of them, shall refuse or in any manner fail to serve, the judge of the second judicial district is hereby authorized to fill such vacancy.

Oath

Proviso

SEC. 10. The said dam and lock shall be commenced within one year, and completed within two years from the time of the passage of this act, unless the completion of the same shall be prevented reasonably by the state or condition of the water in said river, and if so, then within a reasonable time after the expiration of the said two years, but not to exceed three years: and if at any time after the completion of the said dam and lock, the same or either of them shall from any cause become out of repair, the said corporation shall be required to repair the same with all reasonable diligence, and default thereof this charter and all right under the same shall be forfeited.

Commence and complete dam

SEC. 11. The capital stock of the said corporation shall be two hundred thousand dollars, and be divided into shares of one hundred dollars each, with the right to increase the said capital stock to one million dollars; and the said corporation may receive in lieu of money towards the capital stock aforesaid, a deed or deeds of such lands and privileges as may be necessary to the said corporation for carrying on the purposes aforementioned, at a price or prices to be agreed upon by and between the said corporation, and the owner or owners of said lands and privileges.

Capital Stock

SEC. 12. The officers of the said corporation shall be a Presi- Officers

dent, five Directors, a Treasurer and a Secretary, whose duties shall be prescribed by the by-laws of said Corporation; but the said Corporation may increase the number of Directors at pleasure; and the said officers shall hold their respective offices for the term of one year, and until their successors shall have been elected and qualified.

**Open Books**

SEC. 13. That the persons named in the first section of this act, or a majority of them, are hereby authorized to open books for receiving the subscriptions to the capital stock of the said Corporation, which books may be opened at such place as the Corporation may designate in St. Anthony and Minneapolis, at any time after the passage of this act, by giving notice of twenty days in two of the newspapers published in said St. Anthony and Minneapolis, of the time and place, when and where said books will be opened, and which said books shall be kept open thirty days, or until the sum of one hundred thousand dollars of the said capital stock shall have been subscribed.

**Place of meeting**

SEC. 14. As soon as the aforesaid sum of one hundred thousand dollars shall have been subscribed, and ten per cent. of the said amount shall have been paid in, in cash, at the banking house of Marshall & Co., in St Paul, the persons above named, or a majority of them, may, by a like notice as above prescribed, call a meeting of the stockholders at the place in St. Anthony and Minneapolis, to choose the officers of the said Corporation, who shall be chosen by the stockholders by ballot, each share of the capital stock entitling the owner thereof to one vote, either in person or by proxy, and a majority of all the votes cast being necessary for an election.

**Call meeting****Prescribe by-laws**

SEC. 15. And when a majority in value of the then stockholders being present, the said officers shall have been elected at the said meeting, the said Corporation shall be deemed to be organized for the purpose of transacting business; and the Board of Directors may at the same or an adjourned meeting prescribe by-laws, the time and place of holding their annual meeting; and may from time to time make such other by-laws as may be necessary for the government of the said corporation, and for carrying out the objects of this charter: *Provided*, The said by-laws shall not conflict with the Constitution or laws of the United States, or the laws of this Territory.

**Legislature may amend**

SEC. 16. This act may be altered or amended by any future legislature, but not so as to interfere in any manner with vested rights of the said Corporation.

**Take effect**

SEC. 17. This act shall continue in force for a period of fifteen years from the date of its passage.

J. W. FURBER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

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

W. A. GORMAN:

SECRETARY'S OFFICE, Minnesota, }  
SAINT PAUL, March 10, 1857. }

I certify the above to be a true copy of the original on file in this office.

J. J. McCULLOUGH,  
Acting Secretary.

## CHAPTER LIX.

*An Act to Incorporate Lake University in the County of Freeborn, Minnesota Territory.*

SECTION 1	Incorporation and name.	
2	Object to be Education of Youth.	
3	Proceeds to remain perpetual Fund for School purposes.	Corporators.
4	Trustees—to erect buildings, &c.	
5	Trustees to Elect Officers—Classes—First Annual Meeting—vacancies	
6	Trustees may purchase Real Estate, &c.	
7	Meetings—How called.	
8	Officers of the Board.	
9	President—His Duty.	
10	Secretary—His Duty.	Name
11	Treasurer—His Duty.	
12	Treasurer to give Bond.	
13	Corporators to be first Board of Trustees.	
14	Legislature may alter or amend this act.	
15	Take effect.	

SECTION 1. That there be established at the town of Albert Object  
Lea, an institution by the name of Lake University, and that  
Thomas C. Throne, Asa W. White, Wm. Maren, J. C. Bare,  
James M. Drake, Geo. P. Hoops, E. C. Stacy, Edward P. Skin-  
ner, William Andrews, L. P. Wedge, Jacob Lybrand, and Fund  
George S. Ruble, and their associates and successors in office,  
be a body corporate, to be known by the name and style of  
the Trustees of Lake University, with the right as such and  
by such name of suing and being sued, of contracting and Proviso  
being contracted with, of purchasing and holding land, and  
of making and using a common seal, and altering the same  
at pleasure.

SEC. 2. The object of this institution shall be to promote  
the education of youth.

Erect buildings

SEC. 3. The proceeds of all donations of whatever nature  
and from whatever source, shall be and remain a perpetual  
fund, except as hereinafter provided, and called Lake Uni-  
versity Fund, the interest of which shall be appropriated for  
the support of said schools: *Provided however*, That when a  
donor, at the time of making his donation to said institute,  
shall designate the particular object for which he makes said