

Lands taken  
for public  
use.

eral companies for right of way and depot grounds shall be deemed to be taken for public use.

J. W. FURBER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,  
President of the Council.

APPROVED—May twenty-second, one thousand eight hundred and fifty-seven.

S. MEDARY.

SECRETARY'S OFFICE, Minnesota, }  
SAINT PAUL, July 22nd, 1857. }

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

CHAS. L. CHASE,

Secretary of Minnesota Territory.

## CHAPTER II.

### *An Act to Incorporate the Minnesota Central Railroad Company.*

- SECTION 1 Incorporation—Privileges and Franchise.  
2 Capital Stock and Shares.  
3 Objects and Powers of the Incorporation.  
4 Rights of Way—Acquirement of Lands.  
5 May take additional Lands—Procedure.  
6 First Meeting of Corporators—Acceptance of Charter.  
7 Election of Directors and Officers.  
8 Assessments upon Stock.  
9 Location of Road and Commencement of work.  
10 Bridges may be constructed.  
11 Rail to be used—Quality.  
12 Obstruction—Injuries—Penalties.  
13 Badge to be worn.  
14 Engines to have Bell or Whistle.  
15 A Public Act.

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

SECTION 1. That Thomas J. Smith, Alexander Ramsey, Charles McClure, Amos Cogswell, Norris Hobart, Wm. Lauver, W. W. Sweeney, John McClure, N. P. Willis, Leman Bates, Andrew Cotur, Wm. Folander, and Jas. Akers, and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be and are hereby made a body politic and corporate by the name and style of "The Minnesota Central Railroad Company," and by and under that

Incorporators

Name

name and style shall be capable of suing and being sued, implead and being impleaded, defending and being defended against in law and in equity, and in all courts and places whatsoever, as fully as natural persons; and the said corporation may make and use a common seal and alter or renew the same at pleasure, and by their corporate name and style shall be capable of contracting and being contracted with, and of acquiring by purchase, gift, grant, devise, or otherwise, and of holding and conveying all such estate and property, real and personal, as may be necessary or convenient to carry into effect the objects and purposes of this act and of the said corporation.

What may be done in their corporate capacity.

SEC. 2. The capital stock of said company shall be five millions of dollars and shall be divided into shares of one hundred dollars each, and shall be transferable in such manner as the corporation by its regulations or by-laws shall prescribe.

Capital stock--  
Transferred

SEC. 3. The said corporation is hereby authorized and empowered, and it is hereby declared that the objects and purposes thereof are to survey, locate, construct, complete, maintain, use and operate; at their pleasure to alter the line thereof without changing the terminus on the Mississippi river, a Railroad with one or more tracks or lines of rails from the village of Red Wing, in the County of Goodhue, and Territory of Minnesota, by a most feasible and practicable route to the line of said Territory, in the direction of the Great Bend of the Missouri River, together with all proper stations, depots, turnouts, engines, cars and other appurtenances and furniture of a railroad, and to form such junctions and make such other arrangements as may be agreed upon, not inconsistent with the charters of any other Railroad Company in said Territory or connecting with said Territory.

Authority to  
locate and  
build road.

SEC. 4. The said corporation shall have the right of way upon and may appropriate to its own use and control for the purpose of the said Railroad and its appurtenances, land not exceeding two hundred feet in width throughout its entire length and may by its engineers, agents and contractors, enter upon, take possession of, and use all and singular any lands, streams, timber and materials of any and every kind for the purposes of making the survey and location of said Railroad, and all stations, depots, turnouts and other appurtenances thereto, and for the purposes of constructing the said Railroad, and all bridges, depots, stations, turnouts and other things necessary, proper, or convenient for the same and the full use and protection thereof, and of all its appurtenances and appurtenances, all such lands within the limits of the line of the said Railroad, and which may now belong to this Territory or hereafter be acquired thereby or by the State in which the said line may be, is hereby granted to the said corporation for such purposes, to be by them held and possessed so long as the same shall be, and for such purposes and no longer; provided that in case any of the lands

Right of way.

How lands  
may be  
purchased

which have been reserved or shall be hereafter reserved or granted for the use of schools, shall be included within the limits of the said line of said railroad, the said corporation shall pay therefor such sum not less than one dollar and twenty-five cents per acre as the Legislature of the Territory or such other State shall fix, which sums shall be paid to the Governor thereof, and shall belong to the school fund of said Territory or State.

Sec. 5. The said corporation may take and hold for the said purposes or any of them, such additional lands as may be requisite or convenient therefor; but unless lands taken by the said corporation for any of said purposes shall be purchased of, or voluntarily given by the owner or owners thereof, full and proper compensation therefor shall be made by the said corporation to the owner or owners thereof, which compensation shall be ascertained and determined in the manner following:

The said corporation may present to a court in the county in which the lands or real estate proposed to be taken shall be situate, having jurisdiction competent to entertain, adjudicate and determine questions of title to real estate, a petition signed by some authorized agent or attorney thereof, describing with reasonable certainty and accuracy by map, plat, or otherwise the lands or real estate so proposed or required to be taken and setting forth the name of each and every owner, incumbrancer, or other person interested in the same or any part thereof, so far as the same can be ascertained by the legal records affecting the same, and by view of the premises, or other inquiry touching the occupation thereof, and praying the appointment of three competent disinterested persons as commissioners to ascertain and determine the compensation to be made to said owner or owners respectively, and to all tenants, incumbrancers and others interested for the taking or injuriously affecting such land or real estate. A copy of such petition with a notice of the time and place, when and where the same will be presented to the court, shall be served on each and every person named therein as owner, incumbrancer, tenant or otherwise interested therein, at least ten days previous to the time designated in such notice for the presentation of such petition. Such service shall be made by delivering such copy of petition and notice to each of the persons so named therein if a resident of this Territory, or in case of the absence of such person by leaving such copy of petition and notice at his or her usual place of abode, with some person of sufficient age and understanding to comprehend the object thereof, which shall be communicated to such person with a request to deliver the same to the individual for whom it is thus left at the earliest opportunity. In case there shall be persons named in said petition who are not residents of this Territory, upon whom service cannot be had in the manner above prescribed, a notice stating briefly

Manner of procedure to take Lands, where owners refuse to sell

Petition the Court

the objects of the petition and a description of the lands proposed to be taken, and the time and place of the presenting the petition to the court and directed to such person or persons shall be published in the newspaper published nearest the location of such lands, and in a newspaper published at the seat of Government of the Territory or State in which the lands shall be situated, once in each week for six successive weeks previous to the time designated for presenting such petition. The court to whom such petition shall be presented, shall not make any order for the appointment of commissioners to ascertain and determine the compensation to be paid to any owner or person interested who shall not appear in person or by attorney, except upon proof by affidavit to the satisfaction of the court of the service of the petition and notice in the manner hereinbefore prescribed. The court may, upon the application of the said corporation or of any owner or party interested for reasonable cause, adjourn the proceedings from time to time and may order new or further notice to be given to any party whose interest may be affected thereby, when the court shall have proof satisfactory that all parties interested in any parcel of land have been duly served with the petition and notice in the manner herein prescribed, and of the nature and extent of the interest or estate of each and every party in the same, the court may make an order to be recorded in the minutes thereof, appointing three disinterested competent persons commissioners to ascertain and determine the amount to be paid by the said corporation to each of such persons as compensation for his interest or estate in such parcel or parcels of lands and specifying the time and place of the first meeting of such commissioners.

Public notice to non-residents

Commissioners to be appointed only on affidavit of service of petition and public notice

Three persons Commissioners.

The said corporations shall, without delay procure and deliver to each of such commissioners a copy of such order. Before the said commissioners shall enter upon the discharge of their duties, they shall respectively take and subscribe an oath that they will faithfully and impartially and without fear, favor or reward, or the hopes of promise of reward, discharge their duties as commissioners, to ascertain and determine the compensation to be paid by the company, (here insert the names of the persons, &c.,) for lands or interest to be taken for the use of said company. Such oath may be taken before any officer authorized by law to administer oaths. Whenever the place of any commissioner shall become vacant, the court may, upon such notice to the parties as he may prescribe and by like order supply the place by appointment of another person as commissioner, who shall in like manner be served with a copy of the order of appointment and take a like oath. The commissioners shall meet at the time and place specified in the order appointing them and in the order supplying any such vacancy in such commission. When met and all present they may proceed to the hearing of the proofs and allegations of the

Duties of the Commissioners

Time of meeting

parties present or reasonably notified by the company to be present, and if requested by either party shall personally view the premises for which compensation is to be made.

**May adjourn** The commissioners may, as the exigencies of the case, or the convenience of the parties or themselves may require, adjourn from time to time and to such place as may, in their judgment be most conducive to the purposes of their investigation. No proceedings shall be had by said commissioners unless a majority of them are present, and any decision or report by a majority of them shall be valid. The commissioners shall keep minutes in writing of all their proceedings in which they shall enter the time and place of their meetings and adjournments, the names of parties appearing before them and whether in person or by attorney the substance of the testimony of witnesses sworn and examined before them, and all disputed questions which shall be submitted to them with their decision thereon, in estimating damages or compensation to be paid to any claimants to lands or interests in lands so proposed to be taken. The said commissioners shall take into consideration the benefits to accrue to the claimant by the construction of the said railroad, and allow such benefits as an offset against the damages which such claimant may sustain thereby and report only the balance of damages which shall remain after applying such benefits, but no balance shall in any case be reported in favor of said company. They shall make and sign a report which shall contain a description by metes and bounds, survey, map or plat of each separate parcel of land proposed to be taken by said company for its use and the compensation which shall be paid by said company to each person whose interests are to be effected thereby.

**Keep minutes**

**Benefits to land to be an offset to damages**

They shall, as soon as their report shall be made, attach thereto their minutes and oaths of office and file the same in the office of the clerk of the court appointing the said commissioners, and notify the parties interested in such report that the same is made and filed. In case the said company or any person interested in such report shall deem the same unjust in any manner affecting the amount of the compensation to be paid, either party may appeal therefrom at any time within twenty days after service of notice of filing said report. The party appealing shall file a notice of such appeal with the clerk of the court with whom the report shall have been filed, stating the grounds of the appeal and serve a copy thereof on the opposite party within the time above prescribed for taking the appeal and also give bond in such penalty as the Judge of the same court shall prescribe conditioned to prosecute the appeal without delay, to abide the order of the court in the premises and to pay the costs of the appeal; if he shall fail to sustain the grounds of error or injustice prescribed in his notice of appeal upon the filing of the notice and bond for appeal with proof by affidavit of service of such appeal as

**File their report**

**Appeal—How made**

above prescribed, all further proceedings on the report shall be stayed until the further order of the courts, and the cause upon such appeal shall be entered, proceeded in, and determined in the same manner as cases on appeal from courts of Justices of the Peace, and in case the appeal shall involve the determination of any question of fact the same shall be tried by a jury unless waived by the parties. The report of the commissioners shall be final and conclusive, unless appealed from in the manner above prescribed whenever the company shall take appeal from any report of commissioners, such appeal shall not stay the work on the road or other structure on the premises or lands involved in the appeal; *Provided*, the company shall deposit in court the amount awarded or assigned by the report or part or portion of the report appealed from, to abide the order to be made by the court on the appeal. An appeal from any report, or part or portion of report of commissioners by or on the part of any person interested in any parcel of land or real estate, proposed to be taken by the company shall stay all work on the road or other structure on the premises in question, unless the company shall deposit in court the amount of money claimed by such appellant, before the commissioners to abide the order of the court on said appeal. Whenever any report or part of report of commissioners shall have become final, and whenever any appeal from such report or part of report shall have been finally determined, the said corporation shall upon the payment to each party interested, the sum thereby determined to be due to him, her, or them, as compensation for property taken, or deposit the same in the court for his, her, or their use become invested and seized of the title to the lands or real estate for which such payment or deposit shall have been made and be entitled to the full, free and perfect use and occupation of the same for the purposes aforesaid, which are for all the objects of this act hereby declared to be public purposes. The said commissioners shall be entitled to receive three dollars per day for their services, and their compensation and all fees of officers previous to, and including the filing of the report of the commissioners shall be paid by the said company.

Per delm. of  
Commission-  
ers

In case the title thus acquired to any lands by the said company, as aforesaid, shall prove defective, they are hereby authorized to take the proceedings prescribed in this section to procure the title from the real owner.

Defective title

Sec. 6. The corporators, or a majority of them, named in the first section of this act shall meet at Red Wing aforesaid on the first Monday of August next, to determine whether they will accept or reject this charter. If a majority thereof shall not meet then and there he or they who may be present may adjourn to some future day, and notify the absentees of such adjournment. Whenever a majority of such persons shall have met they shall by resolution determine to accept or reject the charter, and notify the Sec-

First meeting  
of corpora-  
tors

**Subscriptions** retary of the Territory thereof. If they shall determine to accept this charter they shall appoint three or more of their number and such other person or persons as they may deem proper as agents or commissioners to receive subscriptions to the capital stock of this corporation and direct the times and places when and where the books for receiving such subscriptions. Every person who shall subscribe for any stock of this corporation shall at the time of subscribing pay to the agents or commissioners, two per cent. on the amount of stock so subscribed by them respectively.

**Election of Directors and officers** **Sec. 7.** Whenever one hundred thousand dollars shall have been subscribed to the stock of this corporation as aforesaid, the stockholders shall meet in person or by proxy at such time and place as the holders of a majority of the stock prescribe and proceed to elect twelve Directors from among the stockholders, each share of stock being entitled to one vote by the holder thereof, which shall be cast in person or by proxy. The Directors shall elect one of their number to be President of the Board of Directors, who shall preside at all meetings of the Board at which he may be present. The Directors shall also elect one of their number Vice President who shall preside in the absence of the President. The Directors shall also elect some competent person as Secretary. They shall also elect a Treasurer who shall give bond with security for the safe keeping and payment of all moneys of the company as the Directors shall require. All covenants and conveyances of real estate made by the company shall be signed and acknowledged by the President or Vice President, attested by the Secretary—sealed with the seal of the company.

**Quorum** At any meeting of the Directors, seven shall form a quorum for the transaction of business, and all the affairs and business of the said company shall be conducted by or under the directions of the Board of Directors and they are authorized for the purposes specified in this act to make and establish such regulations and by-laws and to do all things necessary to be done not inconsistent with the Constitution and laws of the United States, or the laws of this Territory or of this act as may be necessary to effect the objects of said corporation.

**Assessments** **Sec. 8.** The Board of Directors may at such times as they may deem necessary and proper, assess upon the stock subscribed an instalment of not less than two nor more than twenty-five per cent. and require payment of such instalments within a reasonable time, not less than thirty days from the notice thereof, under a penalty of a forfeiture of the stock upon which the assessment was made.

**Location of Road** **Sec. 9.** The said corporation shall locate at least twenty-five miles of the said railroad and commence work thereon within three years from the time this act shall take effect and shall fully complete and equip at least one track from

Red Wing with suitable and safe switches and turnouts fifty miles within ten years of the same time.

SEC. 10. For the purpose of constructing and using the said railroad the said corporation is authorized to construct <sup>Bridges</sup> the said railroad and the necessary bridges across and over public highways and navigable streams; *Provided*, That it be so done as not to obstruct the highways or impede the navigation of any navigable stream, and the said corporation is hereby authorized to contract with any other Railroad Company or corporation, with whose road their railroad may come in contact for the crossing said road or for a connection with such road and for a joint use thereon.

SEC. 11. Every track of said railroad shall be laid with H or T, or continuous rail of not less than sixty pounds per yard lineal, and all the engines, cars and other furniture <sup>Quality of Rail</sup> shall be well made, of good material and of approved form or kind equal to those of the best equipped and furnished railroads in the western states.

SEC. 12. If any person shall wilfully obstruct or in any way injure, spoil or destroy said railroad or any part thereof or anything affixed or appurtenant thereto, and necessary or convenient for its firm and safe use or any of the materials for the construction thereof, or any building, fixture, or structure kept or used for the use thereof, such person shall be deemed guilty of a misdemeanor and liable to indictment and punishment therefor. And he or they shall also be liable to pay to the company thrice the amount of damages occasioned thereby. And in case the death of any person shall be produced by or in consequence of any wilful or malicious obstruction or injury to said railroad or any engine or car thereon, the person so obstructing or injuring the said road, car or engine, shall be deemed guilty of murder in the first degree. <sup>Obstructions—Penalty</sup>

SEC. 13. Every conductor, baggage master, or agent, or servant of the said company, and who shall be engaged in the ticket office or on the cars on the said railroad shall wear upon his hat or cap a plain badge which shall indicate his office or station, and no conductor or collector shall demand, or be entitled to receive any fare or toll from any freight or passenger, or exercise any control or direction in his station, or be authorized or allowed to interfere with any passengers baggage or freight without wearing such badge. <sup>Badge of Conductors</sup>

SEC. 14. The locomotive engine on said railroad shall be furnished with a good and sufficient alarm bell or whistle, which shall be fully sounded at least eighty rods distant from every highway crossing while the engine either with or without the train of cars shall be passing over said road, and for every violation of this section the said company shall forfeit and pay to whomsoever shall prosecute for the same, the sum of ten dollars. <sup>Alarm whistle</sup>

SEC. 15. This Act is hereby declared to be a public act, <sup>Public act</sup> and may be amended by any subsequent Legislative Assem-



bly in any manner so as not to destroy or impair the vested rights of said corporation.

J. W. FURBER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

APPROVED—May twenty-third, one thousand eight hundred and fifty-seven.

S. MEDARY.

SECRETARY'S OFFICE, Minnesota, }  
SAINT PAUL, July 22, 1857. }

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

CHAS. L. CHASE,

Secretary of Minnesota Territory.

### CHAPTER III.

#### *An Act to Incorporate certain Towns in this Territory.*

SECTION	1	Corporate limits of the Town of	Mountain Pass.
2	do	do	Medary.
3	do	do	Breckenridge.
4	do	do	Sioux Falls City.
5	do	do	Shayenne City.
6	do	do	Janesville.
7	do	do	Canwell City.
8	do	do	Elk City.
9	do	do	New Auburn.
10	do	do	Crow Wing City.
11	do	do	Glastenbury.
12	do	do	Crow Wing West.
13	do	do	Saxton.
14	do	do	Beaver Bay.
15	do	do	Sankagun City.
16	do	do	Cakagun.
17	do	do	Otter Tail City.
18	do	do	Oneota.
19	do	do	Bellville.
20	do	do	Burlington.
21	do	do	Glencoe.
22	do	do	Lynd.
23	do	do	Encampment Island.
24	do	do	Hiawatha.
25	do	do	Brisbin.
26	do	do	Lancaster.
27	do	do	Sarsfield.
28	do	do	Gallitzin.
29	do	do	Rothscopp.
30	do	do	Dayton, Waterville & Portland.
31	do	do	Marengo.
32	do	do	Trenton.
33	do	do	Napoleon.
34	do	do	Pokegamon.