

## CHAPTER XXX..

*A Bill for an Act to Incorporate the Farribault and Cannon City Gravel and Plank Road Company.*

- SECTION 1 Incorporators—Power to open books of subscription.  
 2 Power of the Corporation.  
 3 Capital Stock—Voting.  
 4 First meeting to elect Directors.  
 5 Officers of the Board.  
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 7 Authority to survey and locate upon lands.  
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 10 Certificates of stock to be issued.  
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 15 Debts and liabilities of the Company.  
 16 Increase of the Capital Stock.  
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 18 Act to be favorably construed, and to be a public act.  
 19 Provides for amendment or alteration.

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

*Incorporators*

SECTION 1. That James B. Cooper, Norbert Parquin, Oscar F. Perkins, Julius A. Stark, C. Smith House, Alex. B. Davis and Edward J. Crump, be and they are hereby appointed commissioners, under the direction of a majority whom subscriptions may be received to the capital stock of the Farribault and Cannon City Gravel and Plank Road Company, 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 subscriptions by publishing the same in a newspaper in the County of Rice.

*Purpose*

SEC. 2. All persons who shall become stockholders pursuant to the provisions of this act are hereby created a body corporate in law by the name and style of the Farribault and Cannon City Gravel and Plank Road Company, for the purpose of constructing a Gravel and Plank Road from the east end of the bridge to cross Straight River on the east side, and near to North Farribault in the County of Rice to the town of Cannon City, in the same County, which company shall have power to sue and be sued in all courts, to receive by gift or purchase, and hold all such real or personal estate as may be necessary for the construction and management of said road, and the same to sell and convey or lease, to contract or be contracted with, in all matters pertaining to the objects of said road, to have and to use a common seal,

and pass all by-laws necessary for the government of said company.

SEC. 3. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty-five dollars each, and shall be assignable and transferable in such manner as shall be perscribed in the by-laws of said company. And the officers of said company shall act in all things under the direction of the board of directors, who shall be stockholders and be chosen by ballot by the stockholders in person or by their proxies duly authorized, and in all elections and in the discussion of all questions acted upon at any meeting of the stockholders each share of stock shall be entitled to one vote, and a majority of the votes cast shall govern, excepting in elections, when the seven persons having the greatest number of votes cast shall be declared duly elected.

Capital stock

SEC. 4. Whenever five thousand dollars of the capital stock of said company shall have been subscribed and twenty per cent. paid thereon, the said commissioners or a majority of them, shall give at least ten days notice in one or more newspapers printed in the county of Rice, of the time and place of the meeting of the stockholders, for the purpose of electing seven directors, who shall hold their offices for one year, and until their successors are elected; and thereafter the annual election for said directors shall be holden on the first Tuesday in January, in each year: *Provided*, That whenever there shall be a vacancy in said board of directors the said directors then holding, or a majority of them shall have power to fill the same: *And Provided further*, That in case of a failure to hold said annual meeting and to elect directors aforesaid this charter shall not be forfeited, but a special meeting may at any time thereafter be called for the purpose of electing directors by giving like notice as is required to be given for the first election under this charter, and the directors so chosen at such special meeting, shall proceed in the discharge of their duties in the same manner as if they had been elected at a regular meeting, and shall hold their offices until the next annual meeting and until their successors shall be elected.

Election of Directors

SEC. 5. The board of directors shall organize by choosing one of their number President, and by appointing a Secretary, and Treasurer, and when so organized, shall have the right to locate and construct a single or double track Gravel or Plank Road between the points mentioned in the second section of this act, or any part of the distance; the track of the said road shall be constructed of timber and plank, the particular manner of building said road to be determined by the board of directors.

Officers

SEC. 6. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any highway, they shall have power to contract with the Supervisors of the road districts in which

Location of road

said road may be, for the right to use such highway for the purposes of said road, and the Supervisors of such districts are hereby authorized to grant to said company the right to use any highway in their district as aforesaid on such terms as they may agree upon.

Enter upon  
lands

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 said road, doing thereto no unnecessary damage; 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 shall be ascertained in the manner hereinafter directed and provided in the case of lands.

Manner of arbit-  
ration

Sec. 8. Whenever it shall be necessary for said company to enter upon and occupy, for the purpose of making said road, any land upon which said road may be located, and the owner or owners thereof 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 lands 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 such appraisers shall be defrayed by the 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 to join in such appointments within twenty days after the requisition for that purpose upon him made, or if such owner shall be under legal disability or out of the Territory, then it shall be lawful for the Judge of the District Court of the district in which such land lies, on application of either, and at the cost and charge of said company, to appoint three disinterested persons of said county to view and examine said land, and estimate the injury and damage, if any, in their judgment will be sustained as aforesaid, by reason and construction of said road, and report the same under oath or affirmation to the District Court of said county, which report being confirmed by said court, judgment shall be (mutual) (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 tendered, *Provided*, That in case the

owner of such land be under any legal disability, the cost of such 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 owner of said lands, from the construction of said road ; *Provided further*, That either party may appeal to 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 further, 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 for 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 waiting the issue of said appeal.

SEC. 9. The directors of said company may appoint a Secretary, and such other officers as they may find necessary, and shall have full power to decide the time and manner and proportion in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company any share or shares held by any person failing to pay any instalment so required to be paid after advertisement of the same for a period of not less than sixty days in one or more newspapers as hereinbefore provided. *Provided*, That no instalment called in at any one-time shall exceed five dollars per share, and that no instalment shall be called by the directors without giving at least thirty days notice thereof in the newspapers as aforesaid.

Forfeiture of  
stock

SEC. 10. The directors elected as aforesaid shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for or hold in said company, signed by the President and countersigned by the Secretary and sealed with the common seal ; subject, however, to all the payments due and to become due thereon ; which stock may be transferred in person or by attorney, executors, administrators, guardian or trustees, under such regulations as may be provided in the by-laws of the company.

Certificate

SEC. 11. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year ; and special meetings of the stockholders may be called by order of the directors or by any number of stockholders holding one-fourth in amount in the capital stock of the company on like notice as is required for annual meetings, but no business shall be transacted at such special meeting unless a majority in value of all the stockholders be then and there present.

Annual exhibit

SEC. 12. On the completion of said road, or any portion of the track not less than one mile, the company may erect one or more toll gates at a distance of not less than one mile apart, and may demand and receive such tolls as from

Toll gates and  
rates of toll

time to time they think reasonable, not exceeding ten cents per mile for any vehicle drawn by two animals, and five cents per mile for every additional animal; for every vehicle drawn by one animal five cents per mile; for every horse and rider or led horse, five cents per mile; for every twenty sheep or swine, and for every twenty neat cattle, five cents per mile; *Provided*, it shall be the duty of said company, during the month of January in each year after the completion of such portion of the road as will authorize them to erect one or more toll gates to make a report to the Legislature, setting forth particularly the amount of capital invested, the length of the road in operation, the expenses paid and tolls collected the preceding year, and generally such information in regard to the affairs of the company as the Legislature may require, which report shall be verified by oath or affirmation of the President or Secretary of the company.

Injury to road  
Penalty

SEC. 13. If any person shall wilfully and knowingly obstruct or break, injure or destroy the road so to be constructed by said company, or any part thereof, or any work or fixtures attached or in use upon the same belonging to 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 in any court having competent jurisdiction in the county wherein the offence shall have been committed, and every such person or persons so offending shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by confinement in the Territorial Prison, for not less than one year, or by fine not exceeding five hundred dollars.

SEC. 14. The property of every individual which may be invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: *Provided*, That all debts due said company shall be first paid.

Debts and liabilities

SEC. 15. The debts and liabilities of said company shall not exceed in amount at any one time fifty per cent. on the capital actually paid in; and if debts and liabilities shall at any time be increased to a greater amount than is by this section provided for, the directors of said company shall be jointly and severally liable for such excess, in addition to their other liabilities, in law as provided for in this act.

Increase of  
capital stock

SEC. 16. The Directors of said company at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

Road to be  
built within  
3 years

SEC. 17. If said company shall not within three years from the passage of this act, construct, finish and put in operation a single or double track of said road from near the

east side of the town of North Faribault to Cannon City aforesaid, then the rights, privileges and powers of the said corporation under this act shall be null and void.

SEC. 18. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the Territory shall be received as evidence thereof. Public act

SEC. 19. This act may be altered or amended by any future Legislature of the Territory of Minnesota, and shall be in force and take effect from and after its publication.

J. W. FURBER,  
Speaker of the House of Representatives.

JOHN B. BRISBIN,  
President of the Council.

APPROVED—May nineteenth, 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 on file in this office.

CHAS. L. CHASE,  
Secretary of Minnesota Territory.

## CHAPTER XXXI.

### *A Bill to incorporate the Western Land Association.*

SECTION 1 Incorporators and powers of incorporation.

2 Officers, and how elected.

3 First meeting, how called, and the purpose.

4 Non-election of officers no dissolution of Corporation.

5 Provides for the appointment of an agent with power of attorney.

6 Capital, and of what it may consist.

7 Stock not to be taxed against Corporation.

8 Liability of stockholders for debt.

9 Authority to erect mills, machinery, &c.

10 Property invested liable for debts of owner.

11 Authority to borrow money.

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

SECTION 1. That Eugene Dean, John C. Meloy, Phillip Reilly, M. Marsh and John J. McVay, their associates, successors and assigns, are hereby created a body politic and Incorporation-Powers