

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 LVI.

### *An Act to authorize the Minnesota-Improvement Company to build a certain Railroad.*

- SECTION 1 Authorized to construct a certain Railroad.  
 2 Company to enter upon and take any lands.  
 3 Appointment of Commissioners to determine amount of compensation to be paid for lands—appeal therefrom.  
 4 Company to pay costs when judgment is rendered in its favor.  
 5 Corporation authorized to construct bridges.  
 6 Company to demand and receive money for passage or freight.  
 7 Injury—penalty.  
 8 Company to borrow money.  
 9 Increasing number of Directors.  
 10 Shares deemed personal property— Charter perpetual.  
 11 Time extended.  
 12 Company not to set up plea of usury.  
 13 Subscriptions to Stock.  
 14 The act declared to be a public act.  
 15 Road not to be constructed in case any of the provisions of this act are violated.  
 16 Act to be in force.

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

SECTION 1. The Minnesota Improvement Company are hereby authorized to locate, construct, maintain, operate and alter the line thereof, and use, a Railroad with one or more tracks or lines of road, from Henderson, on the Minnesota River, through McLeod County, to such point, on the line of the road to be constructed, from Crow Wing to the Red River of the North, as the Directors may select, with the privilege of extending said road to Hastings, on the Mississippi River, and of connecting with the road from St. Anthony to the Sioux Wood River; and they shall have power to make, construct and erect all such side-tracks, turnouts, and connecting tracks, and also such warehouses, toll-houses, machine-shops, carriages, cars, and other works and appendages as may connect said Railroad, and operate the same with other railroads or branch railroads in the Territory or future State of

Authorized to  
 construct  
 Railroad

Minnesota, or in any adjoining State or Territory, as they may deem advantageous to the interests of said Company.

**Enter upon land** Sec. 2. It shall be lawful for said Company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said Railroad, doing no unnecessary damage; and when the said route shall be determined by said Company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time, to enter upon, take possession of and use such lands, not exceeding one hundred feet in width along the line of 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 hereafter directed and provided in such cases respectively. All such lines within the limits of the line of said Railroad and which may now belong to this Territory of Minnesota, or hereafter be acquired thereby, or the future State of Minnesota, in which the said line may be, is hereby granted to the said Corporation for said purposes, to be by them held and possessed so long as the same shall be used for such purposes, and no longer; *Provided*, That in case any of the lands which may have been reserved, or shall hereafter be reserved, or **School lands** granted for the use of schools, shall be included within the limits of said line 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 future State of Minnesota shall fix, which same shall be paid in such manner as may be prescribed by the Legislature, and shall belong to the School Fund of the County in which said lands are situated: and said Company is authorized further by their officers, engineers and agents, to enter upon lands adjacent to the railroad, beyond the limits of one hundred feet, in the manner provided in this act, when necessary, for the purpose of erecting depot buildings, station houses, and necessary fixtures, for the operation and business of said Railroad, and giving proper direction to water-courses along said road, and to remove all substances and things which might endanger, obstruct or interfere with the free use of said road, and to deposit earth and gravel taken from the deep cuts, and to obtain earth, gravel and other material for embankment and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage, and all lands so occupied, and all damages which shall be done to any lands or property under the provisions of this Section, which may not be amicably ascertained and adjusted, shall be ascertained and paid for in the manner, and agreeably to the provisions hereinafter provided.

**Erecting buildings, &c**

**Disagreeing as to compensation** Sec. 3. When the Corporation cannot agree with the owner or owners of such required land for the purchase thereof, or as to the compensation to be paid to said owner or owners of any lands taken for the purposes aforesaid, or when by reason of the legal incapacity or absence of any such

owner or owners, no such agreement or purchase can be made, then and in such case the compensation for said lands taken shall be ascertained and determined in the manner following: The said Company may present to a Court in the judicial district in which the lands or real estate proposed to be taken shall be situated, having complete jurisdiction in the premises, a petition signed by some authorized agent or attorney thereof, setting forth the names of each and every owner, or other persons interested in the same, or any parts thereof so far as can be ascertained by the legal records affecting the same, and praying the appointment of three disinterested persons residing in said County, as Commissioners to ascertain and determine the compensation to the said owner or owners respectively, 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 or as otherwise interested, at least ten days previous to the time designated in such notice for the presentation of said petition. Such service shall be made by delivering such copy of the 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 persons, by leaving said 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 any persons named in such petition who are not residents of this Territory, and upon whom service cannot be made in the manner above specified, a notice stating briefly the object of such petition, a description of the land proposed to be taken, and the time and place of presenting the petition to the court, and directed to such person or persons, shall be published in the newspaper published nearest to the location of such lands, and in a newspaper published at the seat of government of this Territory, once in each week for six consecutive 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 the aforementioned Commissioners, except upon proof by affidavit, and to the satisfaction of the court, of the service of the petition and notice in the manner hereinbefore prescribed, or upon the appearance of the party or parties upon whom such service was made. The court may upon application of said Company, or of any party interested, for reasonable cause, adjourn the proceedings from time to time, and may order new and further notice to be given to any party, whose interests may be affected thereby. When the court shall have proof satisfactory that all parties interested in any parcel of land have

Company may  
present peti-  
tion

Adjourn pro-  
ceedings

been duly served with the petition and notice in the manner herein prescribed, and of the nature and extent of the interest of each and every party in the same, the court may, at the cost and charge of said Company, make an order, to be recorded in the minutes thereof, appointing three disinterested persons, residing in said County, as Commissioners, whose duty it shall be to view and examine said land with the buildings and improvements, if any thereon, and to estimate the value of the lands so taken or required by said Company, and all damage which the owners thereof shall sustain or may have sustained by reason of the taking of the same for the construction and use of said Railroad, or works appertaining thereto, taking into consideration the advantages of the same to the said owner or owners; and the persons so appointed, before entering upon the discharge of said duties, shall take an oath before some person competent to administer oaths, faithfully, and according to the best of their abilities, to examine the lands so taken or required by said Company, and impartially to estimate and appraise the value of the same, and the damages or injuries which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said Company over and above the benefits and advantages which such owner or owner shall derive from the construction of such Railroad, whereupon the Commissioners shall proceed to examine the premises and estimate the value of such lands and the amount of damage, if any, over and above the benefits and advantages which may accrue to such owner or owners aforesaid, and shall make a report of such valuation in writing, under their hands and seals to said Judge, and shall return the same within thirty days after their appointment, to the clerk of the district court of the judicial district in which the County is situated; and it shall be the duty of such clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said report as hereinafter provided, then the said clerk shall record the same at the expense of said Company, and judgment of the said court shall be entered thereon on motion of either party, at any term of said court; *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empaneled to try the same, shall find the value of the land so taken or required by said Company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of said Railroad, and judgment shall be entered accordingly; *Provided, also*, That upon making and filing of any report as aforesaid and payment or legal tender of the amount of any valuation or appraisal specified therein, to the owner or owners of any such lands,

Court to appoint three persons

Clerk to file report

Appeal

Company to take lands without awaiting issue of appeal

his, her or their legal representatives, the said Company, their agents, or contractors for making or repairing said Railroad, may immediately take and use the same without awaiting the issue of any appeal brought.

Sec. 4. Whenever any judgment shall have been entered as herein provided, for the value of any lands, or for any damages for the using or taking of the same, and the amount specified shall have been paid or tendered to the owner or owners of such lands, his, her or their legal representatives, the said Company shall be entitled to the easement of the same as long as it shall be used for the track of said Railroad or the necessary fixtures thereto, and if such valuation be not received when tendered, it may at any time thereafter be received or may be collected from said Company by action at law, at the cost and expense of the person or persons entitled to the same; *Provided*, That the cost of any proceedings or judgments specified in the last preceding Section shall be taxed by the Court and paid by said Company, except in cases where upon appeal, the verdict of the jury shall be for the same, or less sum, than that reported by the Commissioners.

Judgment

Company to pay costs

NEW OFFICE OF  
FRANK L. MASCA  
2000 AUSTIN ST. ST. PAUL  
MINN.

Sec. 5. For the purpose of constructing said Railroad, and using the same, the said Corporation is authorized to construct the said Railroad and necessary bridges across and over any public or private road or navigable stream; *Provided*, It be done so as not to obstruct the free use and passage of any road, or to materially obstruct or impede the navigation of any navigable stream; and said Company shall keep a good and substantial fence on each side of said road, and one bridge, culvert or cattle gate for each farm through which it shall pass.

Bridges

Sec. 6. On the completion of said Railroad, or any portion of the track, not less than five miles, it shall or may be lawful for the Company to demand and receive such sum or sums of money for passage or freight of persons or property as they shall from time to time think reasonable.

Receive money

Sec. 7. If any person shall wilfully injure, break, or destroy said Railroad to be so constructed by said Company, or any part thereof, or any work, buildings, machinery attached to or in use upon the same, belonging to said Company, such person or persons so offending and each of them for every such offence, shall be liable in treble the damages occasioned thereby, to be recovered by an action of debt in any court having competent jurisdiction, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

Injury--- penal-  
ty

Sec. 8. The said Company are hereby authorized and fully empowered in their corporate name and capacity, to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and make and create in their corporate name all necessary writings, notes, bonds,

Borrow money

or other papers, and make, execute and deliver such securities in amount and kind as may be deemed expedient by said Corporation, and the power of said Corporation for the purposes aforesaid, and for all purposes necessary to carry out the object of said Company, and the contracts and official acts of said Company, legally made, shall be binding in law and equity upon said Corporation and upon all other parties to such contracts.

**Directors** SEC. 9. It shall be lawful for said Company to increase the number of Directors to any number not exceeding twelve to be elected in the same manner as is provided for the election of Directors of said Company.

**Shares to be personal property** SEC. 10. The shares of said Company shall be deemed to be personal property, and the charter of said Company shall be perpetual, any provisions of the act of incorporation of said Company to the contrary notwithstanding.

**Time extended** SEC. 11. The time specified in the charter of said Company for the completion of their improvements therein authorized, is hereby extended; and if the Railroad or any portion thereof shall be completed within five years, then the said Company shall not be required to make said improvements.

**Usury** SEC. 12. The said Company shall never set up the plea of usury, and shall be capable of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the welfare of said Corporation.

**Stock** SEC. 13. It shall be lawful for any town, county or village along the line of said Railroad hereby authorized, to subscribe to the capital stock of said Company, when authorized so to do by a majority of the taxable inhabitants of said town, county or village, who may vote upon the question at any election to be held for the purpose, notice of which shall have been given for four successive weeks in all the papers published at the time in such town, county or village; and if there be no paper published in the town, county or village by publication in the paper published nearest thereto and by posting up notices in at least ten public places within such town, county or village; in all cases the notices shall designate the day and hour, when, and the place where, such election shall be held, and the amount of stock proposed to be taken.

**Public act** SEC. 14. This act is declared a public act, and shall be favorably construed in all courts and elsewhere.

**Violation of provisions** SEC. 15. In case of a violation by the Company of any of the provisions of this act, the Legislature of this Territory may resume all and singular the privileges hereby granted so far as the road hereby authorized shall, at that time, remain unconstructed, or the construction not commenced.

SEC. 2. This Act shall be in force from and after its passage.

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

JOHN B. BRISBIN,  
President of the Council.

APPROVED—May twenty-three, 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 Minnesota Territory.

## CHAPTER LVII.

*A Bill for An Act granting to Louis A. Thomas and Austin Adams, their heirs, &c., a Charter to Establish and keep a Ferry across the Mississippi River.*

- SECTION 1 Right to establish Ferry across the Missouri River.  
2 Requires safe and good boats, and prompt attendance.  
3 Rates of Toll.  
4 Bond to be filed with County Commissioners.  
5 Injury—Remedy.

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

SECTION 1. That Lewis A. Thomas and Austin Adams, their heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the period of fifteen years, of keeping and maintaining a Ferry across the Missouri River, in said Territory, at a point on said Missouri River, one mile below the mouth of the James River, and for the distance of two and a half miles above and below said point; and it shall not be lawful for any other person or persons to establish and keep any other Ferry within the above distance across said Missouri River, or to do any other act or thing infringing the Ferry rights and privileges herein granted.

SEC. 2. That said parties shall at all times keep a safe and good boat or boats in good repair, and a sufficient number of Ferry Charter Boat and attention