

CHAPTER LXXI.

An Act to Incorporate the Minnesota Air Line Railroad Company.

- SECTION 1 Incorporation—Privileges and franchises.
 2 Authority to construct a Railroad.
 3 Capital Stock, and shares.
 4 Counties authorized to subscribe Stock, upon a vote taken.
 5 Authority to open Books for subscription.
 6 Powers of Directors and Officers.
 7 Meetings—Terms of Office.
 8 Assessments upon Stock.
 9 Right of way—Acquirement of Lands.
 10 Right across public and private roads, streams, &c.
 11 Obstructions—Injuries—Penalties.
 12 Authority to borrow Money and issue Bonds therefor.
 13 Annual Exhibit to be Published.
 14 Completion of the Road within a specified time.
 15 Shall take effect on passage.

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

SECTION 1. That Wm. D. Lowry, T. B. Twiford, J. J. Eames, T. J. Safford, David Day, B. F. Tillotson, Warren J. Howell, W. L. Breckenridge, W. P. Murray, Wm. C. Picket, **Incorp orators** Wm. Freeborn, Wm. B. Gere, C. P. Adams, H. O. Bailly, E. Baldwin, I. Daniels, R. Ottman, and H. L. Morse, and such other persons as may become associated with them in the manner hereinafter prescribed, are hereby created a body corporate, by the name of the Minnesota Air Line Railroad Company, and by that name shall be and hereby are made capable in law to purchase, hold and convey, all estate, real and personal, so far as may be necessary for the construction of said **Powers** Railroad, and to grant, lease, or in any manner dispose of the same, to contract and be contracted with; to sue and be sued; to have a common seal, and all such other rights and privileges as may be necessary to carry into effect the objects of this act.

SEC. 2. The said corporation are hereby authorized and empowered to **Locate and con** locate and construct a Railroad, commencing **struct road** at some point on the north line of the State of Iowa, between ranges eight and ten, thence running to Saint Paul, by such route as they shall deem most eligible after making the proper examination and survey.

SEC. 3. The capital stock of said Company shall be five **Capital Stock** millions of dollars, which shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable in such manner as may be provided by the by-laws of said Company, and the stock-

holders of said Company may increase the capital stock, not exceeding ten millions of dollars, whenever they may deem it expedient or necessary to the construction of said road, or the interests of said Company.

SEC. 4. Any County through which this road may pass, is hereby authorized and empowered to take as many shares of the capital stock of said Company and issue bonds for the same, the amount of which shall be determined by the majority of votes given by the electors of said County, at any special election ordered for that purpose. Such election shall be ordered by the proper authorities, in such manner as prescribed by law for the holding of special elections in said Territory, and at such times as required by said Company in its corporate capacity, and any city or town on the route of said road is hereby authorized to take such an amount of the capital stock of said Company as may be determined by vote in its corporate capacity.

Counties au-
thorized to
subscribe
stock

SEC. 5. It shall be the duty of the above named corporators, within ninety days after the passage of this act; to cause to be opened at some designated place in the town of Rochester, books of subscriptions to the capital stock of said Company, giving notice thereof in one or more newspapers in the Territory of Minnesota, and after a sum of not less than fifty thousand dollars shall have been subscribed to the capital stock of said Company, then the subscribers shall become corporators, and the said corporation, or a majority of them, shall, within sixty days thereafter, meet at the town of Rochester, and proceed to elect a Board of Directors, which shall of not more than twelve stockholders, and said Directors so elected, shall, within ten days thereafter proceed to organize by the election from their number a President, Secretary and Treasurer, and until such organization, the corporate powers of said company shall remain with the corporators herein specified.

Books to be
opened

SEC. 6. The Directors of said Company shall have power to appoint such engineers and other officers as they may find necessary and to make all needful rules, and by-laws, touching the business of said Company—the duties and compensation of its officers and servants, the construction and number of tracks on said road, rates of toll, and the manner of collecting the same, to audit and settle all accounts against, give and receive all evidences of debt and direct the mode and conditions of transferring the stock of said Company. They shall make dividends annually, or oftener, of the net proceeds of said road to the stockholders, and the said Company may erect and maintain such depots, buildings and other fixtures as they may deem necessary for the accommodation of the road.

Officers — By-
laws — Com-
pensation—
Accounts,

SEC. 7. The Board of Directors shall hold their office for the term of one year after the date of their election, and shall be annually chosen thereafter, at any meeting of the Directors. A majority of them shall form a quorum competent

Term of office
--Meetings

to transact any business of the Company. They may call meetings of the stockholders, by giving due notice whenever they may deem it necessary for the interests of the Company, or such meetings may be called by the owners of one-fifth of the stock subscribed, but if no election be had on the day of appointment, the Company shall not be dissolved by such failure, but shall proceed to hold an election as provided in this section.

Instalments **Sec. 8.** The Directors may require and receive payment of the subscriptions to the capital stock of said Company, at such time and in such proportion, not exceeding five per cent. per month, as they in their by-laws require, and may declare such stock forfeited, and all payments thereon, or otherwise, on a failure to make payment as required, after giving such stockholders thirty days' notice of such requisition.

Right of way **Sec. 9.** The said Company shall have the right of way upon any lands, to survey and lay down said road, not exceeding two hundred feet in width, except where it is necessary, to have room for turnouts, sites for water buildings, conduits and tanks, sites for depots and store houses, machine and other shops, and the side tracks necessary therefor; and whenever it is necessary to have such lands, they shall have the right to enter upon, and hold such lands, and occupy them, and also to enter upon any lands adjoining said road, and obtain therefrom sand, gravel, and stone, and other materials such as may be necessary for the construction of said road. When the same shall not be given or granted to said Company, the compensation to be paid

Compensation to be determined

therefor shall be determined in the following manner: On application of the Company, the Judge of the District Court of the Territory of Minnesota, shall appoint three Commissioners, whose duty it shall be at the earliest practicable time, after appointment, to examine and assess the damages which may be sustained, by the owners of the land through which said road is located; and the said Commissioners in assessing such damages, shall deduct therefrom the benefits which the said lands derive from the construction of said road. The said Company shall give thirty days' notice of their application for the appointment of said Commissioners in one or more newspapers published in each of the said counties through which the road is laid, but in case no newspaper is published in any one of said counties, then by posting up said notices in three public places in said county, thirty days, as aforesaid; and it shall be the duty of the said Commissioners to cause ten days' notice of their meeting to appraise the damages to any land through which the road may run, to be given to the owner or his agent, or in case said owner or claimant shall be a minor, insane person, or unmarried woman, then such notice shall be given to the guardian of such persons. Either party feeling aggrieved by the decision of such Commissioners may appeal to the District Court of the County in which the land is situated, and said appeal

Appeal

shall be tried in the same manner as if commenced therein; *Provided*, That such Company shall not, in any manner, be delayed in the construction of their road, by such appeal, but may proceed immediately, with such construction, on paying into the office of said Court, the amount of money awarded to the owner of said land, and filing a bond with said Clerk, to said owner binding said Company to pay such sum as may be finally awarded against them. The notice to be given by the Commissioners to the owners of lands, shall be in writing, and delivered to said owners, or left at their usual place of residence, or if non-residents, then said notice shall be published in the nearest newspaper where said land is situated, four weeks before making such appraisals.

SEC. 10. The said Company may construct the said railroad across any public or private road, highway, stream or water course, if necessary; but the said Company shall restore such road, highway, stream, or water course to its former state, or in a manner not to impair their usefulness to persons occupying the same, or to the public.

Cross public or private road

SEC. 11. If any person shall wilfully obstruct, or in any way injure, or destroy said road, or any materials belonging thereto, or building, fixture, or car erected or constructed for the use of said road, such persons shall be guilty of a misdemeanor, and also be liable for every such offence, in treble the damages occasioned thereby, to be recovered by action of debt, in any court having competent jurisdiction.

Obstruction---
Penalty

SEC. 12. Said Company is hereby authorized from time to time to borrow such sums of money as shall be deemed necessary for completing and furnishing said road, and may issue their bonds in payment for any amount so borrowed, or mortgage their corporate property to secure the payment of debts contracted by said company, for the purpose aforesaid; and the Directors of said Company may confer on the holder of any bond issued for money borrowed, the right to convey the principal due thereon, into stock of said Company under such regulations as the Directors of said Company may see fit to adopt.

Authorized to borrow money, issue bonds, &c

SEC. 13. The Directors of said Company shall annually cause to be published a full and correct account of the financial condition of the corporation, which report shall be verified by the affidavit of the Treasurer and Secretary of said Company.

Annual exhibit

SEC. 14. If said Company shall not organize within one year and commence building the road within three years from the passage of this act, and complete the same within ten years from the organization, of said Company, then this act shall be null and void.

If not organized within three years

SEC. 15. This Act shall take effect and 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-second, one thousand eight hundred and fifty-seven.

S. MEDARY.

SECRETARY'S OFFICE Minnesota, }
SAINT PAUL, July 22, 1867. }

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

CHAS. L. CHASE,
Secretary of Minnesota Territory.

CHAPTER LXXII.

An Act to Incorporate the Upper Minneapolis Bridge Company.

- SECTION 1 Incorporators and powers of Incorporation.
 2 Capital Stock—Power to increase the same.
 3 Authority to open Books of Subscription.
 4 Provides for the election of a Board of Directors.
 5 Officers of Board of Directors—Duties.
 6 Term of Office—Annual Elections.
 7 President may call meetings at any time.
 8 Meetings of Board of Directors.
 9 Relates to voting.
 10 Authority to construct a Bridge—materials and manner of construction.
 11 Bridge to be completed within three years.
 12 Rates of toll.
 13 Legislature may limit tolls after the expiration of five years.
 14 Takes effect on passage.

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

Incorporators SECTION 1. That Alexander Moore, H. S. Plummer, C. D. Davison, John G. Sherburne, Stephen Cobb, Edward Patch, Wm. Dugas, Francis Morrison, John H. Spear, J. S. Demen, and their associates, successors and assigns be, and they are hereby, constituted a body corporate, for the purposes hereinafter mentioned, by the name of the Upper Minneapolis Bridge Company for the term of thirty years, and by that name they and their successors shall be, and they are hereby made capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and defend, in any Court of Record, and elsewhere, and to purchase and hold any real estate, personal and mixed, and the same to grant, sell, lease, mortgage or otherwise dispose

Powers