

How elections to
be held.

SEC. 6. Should it happen, from any cause whatsoever, that the annual election of directors should not take place in any year, on the day hereinbefore fixed therefor, such election may be held on such other day, within six months thereafter, as may be appointed therefor by the board of directors, they giving like notice thereof as provided in section four of said act.

SEC. 7. Section eleven of said act is hereby amended so as to read as follows, that is to say :

When to make
statement of its
affairs.

On or before the first day of January, annually hereafter, the officers of said company shall cause to be made a true statement of its affairs.

Repeal of incon-
sistent acts.

SEC. 8. Section five and section eight of said act, and all acts and parts of acts in so far as they are repugnant to or inconsistent with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its acceptance by the board of directors of said company.

Approved March 2, 1865.

CHAPTER LXII.

March 2, 1865.

An Act to revive, amend and continue an act entitled an act to incorporate the Saint Paul Water Company, approved May twenty third, eighteen hundred and fifty-seven, and to revive the corporation thereby created.

- SECTION 1. Revival and continuation of said act.
2. Directors of said company—name of said incorporation—power of incorporators.
 3. Directors to be chosen annually—quorum—duty of directors—when company to forfeit all rights granted by this act.
 4. When company may erect fire plugs.
 5. Duty of district judge in case city desires by resolution to purchase said water works.
 6. Who to be director of said company until others are chosen.
 7. Repeal of inconsistent acts.
 8. When act to take effect.

Beit enacted by the Legislature of the State of Minnesota :

SECTION 1. That the act of the legislative assembly

of the late territory of Minnesota, entitled "an act to incorporate the St. Paul Water Company," approved May twenty-third, eighteen hundred and fifty-seven, and the corporation thereby created be, and the same are hereby revived and continued, and said act amended as herein provided.

Revival and continuation of said act.

SEC. 2. That section one of said act be and the same is hereby so amended as to read as follows :

[Section 1.] That Henry M. Rice, George L. Otis, Peter Berkey, William Lee, Nathan Myrick, C. D. Gillfillan and Robert A. Smith, and their associates and successors shall be, and hereby are created, constituted and declared to be a body politic and corporate, by the name of the "St. Paul Water Company," with full power and authority at any time before the fourth day of July, A. D. eighteen hundred and sixty-eight, to introduce water into the city of St. Paul, from any place or places situate in the county of Ramsey, and for that purpose are hereby authorized and empowered to purchase and hold real estate, and erect and maintain all necessary and convenient buildings, fixtures, machinery and other appurtenances incident or necessary thereto, and to lay water pipes in and through the streets, avenues, lanes, alleys and squares of said city, and to have the sole and exclusive right to lay pipes for conducting water into said city, and into or through the streets, avenues, lanes, alleys or squares thereof, and may adopt any and all necessary means to furnish water for said city, and the inhabitants thereof: *Provided*, That nothing herein contained shall prevent any inhabitant of said city, from conducting for his own use across or along any street, water from wells or springs, situated upon his own property, or from property which he may lease.

Directors—name of said incorporation—power of.

SEC. 3. That Section three of said act be amended so as to read as follows :

[Section 3.] That the directors of said company shall consist of seven persons, to be chosen annually by the stockholders, a majority of whom shall constitute a quorum for the transaction of business, and the directors legally chosen may hold over until others are chosen in their place, and may fill any vacancy occurring in the board ; at any election of directors, or at any legal

To be chosen annually—quorum.

Duty of directors—
when company to
forfeit all rights,
etc.

meeting of the stockholders, each stockholder shall be entitled to one vote for each share of stock held by him, and may vote by proxy; the said directors may adopt all such by-laws, rules and regulations as they may deem necessary or convenient for the management and transaction of their business, and the protection of the property of said company, and may declare fines, forfeitures and penalties for a violation of or non-compliance therewith, and may recover the same by civil action in any court having jurisdiction thereof; they may fix and establish the rates or prices for which they will furnish water to individuals, the manner of furnishing it, and shall have at all times the right to enter upon any premises or ground where pipes or hydrants are located, to examine repair or alter the same; and to do all acts and things necessary or convenient to the perfecting and carrying out the objects of this act: *Provided*, That if said company shall fail to introduce a sufficient supply of water into said city for the wants of the city and the inhabitants thereof, by the fourth day of July, A. D. eighteen hundred and sixty-eight, then this act to be void, and said company shall forfeit all the rights, privileges and franchises granted by this act.

SEC. 4. That Section eight of said act be amended so as to read as follows:

When company
may erect fire
plugs.

[Section 8.] That whenever the corporation of the city of St. Paul shall by resolution of the common council direct to be erected fire plugs and pipes to connect the same with the main pipes, for the prompt extinguishment of fires in the streets of said city, the said company shall erect the same, and keep the same in good repair, and the city shall pay said company therefor an interest at the rate of eight per centum per annum upon the original cost of said fire plugs and connecting pipes, and the cost of making such repairs, to keep the same in good order as may be ordered by such common council, in consideration whereof the said city shall have full use of the water from said fire plugs for the extinguishment of fires.

SEC. 5. That Section nine of said act be amended so as to read as follows:

[Section 9.] That if after the expiration of twenty

years from the first day of January A. D. eighteen hundred and sixty-seven, the corporation of the city of St. Paul shall resolve to purchase the said water works from said company, which they are hereby authorized so to do, the district judge of said county of Ramsey, upon application made to him on behalf of said city, shall appoint three judicious and competent persons, not officers of said city, nor stockholders of said company to appraise the value of said water works and property, rights and interest then belonging to said company, the actual value of all the real estate, materials, utensils, works of embankments and excavation, and of constructure and of right of way, and property of every kind belonging to said company, and the sum so found by said appraisers, shall be the amount which said city shall pay to said company for all their rights and interest in such works, and upon payment thereof by said city to said company, all the right of said company to said works, lands, interests, and to the franchises shall pass to and be vested in said city.

Duty of district judge in case city desire to purchase said water works.

SEC. 6. That Section twelve of said act be amended so as to read as follows :

[Section 12.] The persons named in section one of act as amended by section two of this act, shall from the passage of this act be the directors of said company until others are chosen in their places.

Who to be directors of said company.

SEC. 7. That Section four of said act, and chapter seventy-four, on page three hundred and thirty of the session laws of eighteen hundred and sixty-one, being an act, entitled "an act to amend an act entitled an act to incorporate the St. Paul Water Company," approved May twenty-third, eighteen hundred and fifty-seven, and also chapter one hundred and fifty-six of the session laws of eighteen hundred and fifty-six, being an act entitled an act to incorporate the St. Paul Water Company, approved March first, one thousand eight hundred and fifty-six, and all acts or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

Repeal of inconsistent acts.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 2, 1865.