

CHAPTER 12.

An Act to incorporate the St. Paul and St. Anthony Plank Road Company.

Nov. 1, 1849.

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Be it enacted by the Legislative Assembly of the Territory of Minnesota, That Franklin Steele, Henry H. Sibley, Isaac Young, David Lambert, Louis Roberts, William Henry Forbes, William H. Randall, C. K. Smith, and M. S. Wilkinson, are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the St. Paul and St. Anthony Plank Road Company, hereby incorporated; and they may cause books to be opened at such times and places as they may 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 such subscriptions, by publishing the same in all the newspapers printed in this Territory.

Commissioners appointed to open books.

Sec. 2. The capital stock of said company shall be twenty-five thousand dollars, in shares of twenty-five dollars; and as soon as five thousand dollars of the capital stock shall be subscribed, and five dollars of each share shall have actually been paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by name and style of "The St. Paul and St. Anthony Plank Road Company," with perpetual succession; and by that name shall have all the privileges, franchises and immunities incidental to a corporation: they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal or mixed, as shall be necessary for the use of said road, and in their corporate name, may sue and be sued, may have a common seal, which they may alter or renew at pleasure; and generally may do all and singular, the matters and things which they are authorized by law to do for the interest and well being of said company.

Capital stock.

Sec. 3. That the said commissioners or a majority of them, after the said one thousand shares of stock shall have been taken or subscribed for as aforesaid, shall give at least twenty days notice in the newspapers hereinbefore mentioned, of the time and place of a meeting of the stockholders for the purpose of electing thirteen

Organization.

directors, who shall elect one of their number president; and annually thereafter, the said stockholders shall meet on the first Monday in May, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by a majority of the directors for the time being, in such newspapers as they may think proper: *Provided*, That previous to the first election, the commissioners hereinbefore named, shall elect one of their number president, and they shall perform all the duties and be invested with all the powers of directors: *Provided*, That if from any cause, an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and this charter shall not be forfeited by reason of the irregularity or want of such election; and in case of any vacancy in the board of directors, the same shall be filled by the other directors or a majority of them.

Board of directors.

SEC. 4. The affairs of said company shall be managed by a board of thirteen directors, who shall be stockholders, and be chosen annually by ballot by the stockholders of said company, the votes to be given in person or by proxy duly authorized, which directors shall appoint one of their number president, who shall serve until another is elected in his place. They shall make and establish such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of the United States and Territory of Minnesota, as may be necessary for the well ordering of the affairs of said company; each share of stock shall be entitled to one vote, and in all cases of election for directors, the thirteen stockholders having the greater (*greatest*) number of votes shall be declared duly elected.

Duties of directors.

SEC. 5. Nine directors shall be a quorum for the transaction of business, who, in the absence of the president, may appoint a president *pro tem*. The said directors shall appoint a secretary, treasurer and such engineers and other officers as they may find necessary; shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to decide the time and manner in which the said stockholders shall pay the money on their respective shares; and the stockholders shall forfeit to the use of the said company, the share or shares of every person or persons failing to pay any instalment at a reasonable period, not less than thirty days after the time appointed for the payment thereof; they shall have power to regulate tolls, to make covenants, contracts and agreements with any person or persons or body politic whatsoever, as the execution and management of the road may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company. The commissioners, until directors are chosen, shall issue certificates to each stockholder for the number of shares he or she shall subscribe for, or hold in said corporation, signed by the president and countersigned by the secretary, subject to all the payments due and to become due thereon, which stock shall be transferrable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided by the by-laws of said company.

SEC. 6. The said company shall have power to locate and construct a single or double track plank road from such eligible point in the town of St. Paul, to such eligible point in the town of St.

Anthony, in the county of Ramsey, Minnesota Territory, as shall be determined upon by a vote of the stockholders having a majority of the stock of said company, and who shall be represented in person or by proxy, at a special meeting called for the purpose of fixing the location or termination of said road. And they shall have power to erect all such toll-houses, bridges and other works and appendages as may be necessary for the convenience of said company in the use of said road. The directors shall exercise all powers conferred on them by law, and meet at such times and places as they may prescribe in the by-laws to be enacted by them. They may appoint and remove all officers at pleasure, prescribe the meeting of the stockholders, and declare and pay the dividends, or so much of the surplus profits of the company as they shall deem advisable, which may accrue on the shares of the said stock to the stockholders of said company on the first Monday of May and the first Monday of November of each year.

SEC. 7. 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 plank road, doing thereto no unnecessary damage, and when said route shall be determined by the 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 four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided for.

Road how laid out.

SEC. 8. When the said Corporation cannot agree with the owner or owners of any land, gravel, stone or other material required for the construction of said road, for the purchase thereof, or the compensation to be paid therefor, or where by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then in any such case it shall be lawful for any justice of the peace, in the county in which the property may be, to issue his warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county not interested in said property, to meet at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five, nor more than ten days from the date of said warrant; and if at the time and place named, any of the persons so summoned, do not attend, the said sheriff or constable shall immediately summons as many as may be necessary with the persons in attendance as jurors, to furnish a pannel of nine jurors, and from them the said company, and the owner or owners of the property to be valued, their agent or attorney or either of them, and if they are not present in person or by attorney, the sheriff or constable shall, for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest for damages, and before they act as such, the said sheriff or constable, shall administer to each of them an oath or affirmation that he will faithfully and impartially value the land or material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of their skill and judgment; wherupon, the said jurors

Damages how assessed.

shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said jurors shall reduce to writing, which shall be signed by all, or a majority of said jurors, and by the sheriff or other officer in attendance, and the said officer within five days thereafter, shall transmit the same to the clerk of the district court of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation when had, together with the costs of such inquisition, tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof in fee simple: *Provided*, That it shall not be lawful for any such jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made appear by affidavit, that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are absent from the county; and if such owner or owners are under age or non compos mentis, the service of notice upon the guardian or trustee (if any there be) or their absence from the county, shall be required to be established by affidavit to the said jurors, before they proceed to make such valuation.

Shares personal property.

SEC. 9. The shares of the stock of the corporation shall be deemed personal property, and every person becoming a shareholder, by transfer, purchase, or otherwise, of shares of said stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares, and the said share or shares shall be liable to be taken in execution for the payment of the debts of their owner.

Toll gates erected and tolls collected.

SEC. 10. The directors may erect toll gates, and exact toll from persons travelling on their road, whenever five consecutive miles are finished, or when the whole road is completed, not exceeding one and a half cent a mile, for every vehicle, sled, sleigh or carriage drawn by not more than two animals, and if drawn by more than two animals, one cent a mile for every additional animal; and for every vehicle, sled, sleigh, or carriage drawn by one animal, one cent a mile; and for every horse and rider or led animal, one cent a mile; for a score of sheep or swine, three cents a mile; and for every score of neat cattle, four cents a mile; *Provided*, That persons going to and from military parade at which they are required by law to attend, and persons going to and from funerals and public worship, shall be exempt from toll.

Injuring road, penalty for.

SEC. 11. If any person shall wilfully and knowingly obstruct, break, injure, or destroy the plank road to be so constructed by said company, or any part thereof, or any work, building, or fixture to be attached to or in use upon the same, belonging to the 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, by an action of debt in any court having competent jurisdiction, in the county wherein the offence shall have been committed, 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.

SEC. 12. The directors of said company may at any annual or

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

Capital stock may be increased.

Sec. 13. Said company shall on or before the first day of January, 1851, have one third of said road completed, and shall have the entire road finished on or before the first day of January, 1852.

Road when finished.

Sec. 14. This charter shall not prevent the legislative assembly from granting a charter or charters to any other company or companies, for any road or roads, that may be necessary to cross or intersect the track of the aforesaid St. Paul and St. Anthony plank road company; and such company or companies as may be chartered, shall have the right to cross or intersect said road, at any point or points without charge: *Provided*, No damage shall be done to said road.

Legislature may charter roads to intersect or cross.

Sec. 15. When any suit or legal proceeding shall be instituted against said company, every process or notice shall be deemed to have been legally served, if the same shall have been served upon any officer or agent of said company.

Process may be served, by whom.

Sec. 16. The legislative assembly may at any time repeal or amend this act.

Repealing clause.

Approved Nov. 1, 1849.

CHAPTER 13.

An Act to dissolve the marriage contract between Stanislaus Bielanski and Mary Bielanski.

Oct. 11, 1849.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That the marriage contract heretofore existing between Stanislaus Bielanski and Mary Bielanski, be, and the same is hereby dissolved; and the parties to the said contract are, by virtue of this act, restored to all the rights and privileges of unmarried persons.

Divorce of S. Bielanski and Mary Bielanski.

Approved Oct. 11, 1849.

CHAPTER 14.

An Act for the relief of Charles M. Berg.

Oct. 27, 1849.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That there be paid to Charles M. Berg, out of the moneys appropriated by congress for legislative purposes, the sum of forty dollars, for drawing two maps of the county of St. Croix, and sixty dollars for a territorial map for the use of the legislative assembly; and that the secretary of the Territory be, and he is hereby authorized and required to pay the same to Charles M. Berg.

Money authorized to be paid.

Approved, Oct. 27, 1849.