

term of the District Court at such time as the District Judge may designate until otherwise fixed by law.

This act declared  
a public act.

SEC. 9. This act is hereby declared to be a public act and shall be construed favorably to said corporatoion in all Courts.

Power to modify  
or amend.

SEC. 10. The Legislature may modify or amend this act at any time.

J. S. NORRIS,  
*Speaker of House of Representatives.*  
WM. P. MURRAY,  
*President of the Council.*

APPROVED—March third, eighteen hundred and fifty-five.

W. A. GORMAN.

I hereby certify the foregoing to be a correct copy of the original acton file in this office.

J. TRAVIS ROSSER,  
*Secretary of Minnesota Territory.*

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## CHAPTER LXIII.

### *A Bill to provide for the improvement of navigation of the Minnesota River.*

- SECTION 1. Corporate name and company, their powers and liabilities.
2. The construction of a dam authorized according to the discretion of the Directors of the company.
3. Construction of a canal or channel between Lac Traverse and the Minnesota river.
4. Power to make excavations and improvements granted.
5. Of the by-laws and officers of the company.
6. The President shall sign all contracts, and such signature, under certain circumstances, admissable as evidence in courts.
7. The election and appointment of officers.
8. When and how the by-laws may be adopted.
9. Stock to be prescribed by the by-laws—division into shares—transferable and made payable.
10. Toll to be charged for passage through the canal and the manner, when necessary, of securing it.
11. Time within which the dam shall be built—the capacity of the canal—dam to be kept in good repair.
12. Power granted to construct wing-dams, booms, piling, &c., when necessary, and the liability of persons wilfully injuring the works of the company.
13. Of contracting debts and liabilities.
14. When the company shall construct a lock.
15. Rights reserved by the Legislature.
16. When this act shall take effect.

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

SECTION 1. That George Culon, Joseph R. Brown, Joseph Roletts and S. F. Brown, and such other persons as may hereafter be associated with them in the manner and for the purposes contemplated by this Act, shall be known in law and equity as the "Minnesota Improvement Company," and as such may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of law and equity in this Territory, and shall have a common seal, which they may alter at pleasure.

Improvement of the Minnesota river.

SEC. 2. That said company shall have power and right to contract and maintain a dam across the Otter Tail Lake River at any point within five miles of the junction of Sioux Wood River, with said Otter Tail Lake River, said Dam to be of such height and dimensions as the directors of said company shall deem necessary to turn the current of water of said Otter Tail Lake River, into said Sioux Wood River and through said River into Lac Traverse.

Corporate Company.

SEC. 3. The said company shall also have power and authority to cut and construct a canal or channel between Lac Traverse and the Minnesota River, of such depth and dimensions as will permit the free passage of water from Lac Traverse to the Minnesota River aforesaid.

Construction of dam.

SEC. 4. The said company shall also have power and authority to make such excavations and improvements, in and along the aforesaid Otter Tail Lake River and Sioux Wood River, as they may deem necessary for the free passage of Water Craft, or the more convenient passage of logs or lumber from the outlet of Otter Tail Lake to the Minnesota River.

Construction of a canal.

SEC. 5. The business of said company shall be defined by the by-laws of said company, and shall be conducted under a board of their directors, one of whom shall be chosen by the said board of directors as President of said company—and said directors shall be elected by the stockholders of said company in such manner, and at such times and shall perform such duties, as may be prescribed by the by-laws of said company.

Excavations and improvements.

SEC. 6. It shall be the duty of the President of said company, under the by-laws of the company, or under the direction of a majority of the directors, to sign all contracts or other instruments of writing, between said corporation and other contracting parties, and such signature, when attested by the secretary of the company, shall be evidence in all cases, that all such contracts, or instruments of writing were duly executed by and in behalf of said company.

By-laws and officers.

SEC. 7. That said company shall, by their by-laws, provide for the election or appointment of a secretary and all such other officers as may be deemed necessary, and the duties of all officers of said company, and such other rules and regulations for conducting the affairs of said company, may be contained in said by-laws as the said company may deem proper, *Provided* that said by-laws shall contain no provision contrary to the Constitution and Laws of the United States or the Organic Act and Laws of this Territory.

Presidents signature evidence in courts.

SEC. 8. That the by-laws of said company shall be adopted at a meeting of the corporators of said company when a majority of all of said corporators shall be present, and said by-laws can be altered, rescinded or amended at any subsequent meeting of the stockholders, when stock-

Election of officers.

holders controlling two thirds of the stock of said company shall be present and then only by the concurrence of two thirds of the stockholders present.

**By-laws adopted.** SEC. 9. The capital stock of said company shall be prescribed by the by-laws of said company, and shall be divided into shares of fifty dollars each, and may be issued at such time and in such manner, and may be transferred and payment of instalments on said shares demanded and made payable as the by-laws of said company shall prescribe.

**Stock prescribed by by-laws.** SEC. 10. Said company is hereby authorized and empowered to ask and receive, demand, sue for and recover of all persons navigating the canal, between said Lac Traverse and the Minnesota River, with rafts of any kind, or flat boats, or scows, or other water craft whatever, and also of persons floating saw logs singly through said canal, the sum of twenty-five cents for every thousand feet of sawed lumber, and ten cents per thousand feet of saw logs, to be computed according to the scale in general use in the Territory, or such scale as shall be adopted by the Legislative Assembly as the legal scale of the Territory, ten cents for every hundred pounds, carried by any flat boat, scow or other water craft, and two cents for every foot running measure of square, hewed or round timber, and any person entrusted with the control of any such rafts, logs, timber, flat boats, scows or other water craft, shall be liable for the payment of the toll hereby prescribed, and said rafts, logs, timbers, flat boats, scows or other watercraft may be detained by the said company, until the payment of said toll shall have been paid, or the payment thereof satisfactorily accounted for.

**Rates of toll.** SEC. 11. The said company shall build and complete, the said dam across the said Otter Tail Lake River, within three years from the passage of this act, and within the said period, shall open said canal from Lac Traverse to the Minnesota River sufficiently wide and deep to permit the water from Lac Traverse to pass through said canal as fast as it comes into said Lac Traverse, and said company shall keep in good repair and condition the said dam across Otter Tail Lake as aforesaid.

**Time in which the dam shall be built.** SEC. 12. The said company are also authorized, to construct and maintain such wing dams, booms, spiling or other works necessary to preserve the said canal between Lac Traverse and the Minnesota river, and also for conducting the log, rafts, flat boats, or other water craft into said canal, and any person who shall wilfully injure, or destroy any of the works of the said company, authorized by this act, or any buildings or other property, or improvements owned or constructed under any provision of the by-laws of said company, shall, upon conviction thereof, be punished by imprisonment in the Territorial prison not exceeding three years nor less than six months, and shall also be liable to said company for the damage committed, to be recovered in a civil action, before any court having competent jurisdiction.

**Construction of dams.** SEC. 13. No debt or liability of said company shall be contracted except authorized at a meeting of the stockholders having a majority in value of the stock of said company, and the stockholders of said company shall be individually liable for all legal demands against said company.

**Debts and liabilities.** SEC. 14. Whenever the navigation of the said Otter Tail Lake River, below the dam herein authorized to be constructed, shall render it neces-

sary, the said company shall construct a lock of sufficient dimensions to permit all boats and vessels navigating said river below said dam to pass without any unnecessary obstruction or delay at said dam.

SEC. 15. This act may be altered, amended or repealed by the Legislature of the Territory, or future state of Minnesota, at any time after the expiration of fifteen years from the time specified in this act, for the completion of the said dam and canal.

Construction of lock.

SEC. 16 This act shall take effect and be in force from and after its passage; *Provided* that nothing herein shall be so construed, as to assume that the Legislative Assembly confers any right on said company to occupy any lands belonging to any tribe of Indians, without authority from the proper department of the General Government.

Act shall take effect.

Rights reserved.

J. S. NORRIS,  
*Speaker of the House of Representatives.*  
WM. P. MURRAY,  
*President of Council.*

APPROVED—February twenty-seventh eighteen hundred and fifty-five.  
W. A. GORMAN.

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

J. TRAVIS ROSER,  
*Secretary of Minnesota Territory.*