

CHAPTER CXXV.

A Bill to Incorporate the Target Lake Plank Road and Ferry Company.

- SECTION 1. - Commissioners appointed.
2. Amount of Capital stock.
 3. Election of Directors.
 4. Management of affairs.
 5. Quorum; powers of Directors; amount of instalments.
 6. Power to construct Plank Road.
 7. Material to be used in construction.
 8. Lawful to enter upon lands.
 9. Compensation, how fixed in case of disagreement.
 10. Stock deemed personal property.
 11. Rates of toll to be shared.
 12. Punishment for injuring road.
 13. Punishment for breaking gates or avoiding payment of toll.
 14. Increase of capital stock.
 15. Violating privileges.
 16. Road to be commenced within three years.
 17. Right to establish ferry.
 18. Keep good boat, etc.
 19. File bond.
 20. Fine for neglect.
 21. This act declared public act.
 22. When to take effect.

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

Names of com-
missioners.

SECTION 1. That Nicholas Hintgen, Thomas B. Stoddard, Joel Marsh, John W. Thompson, Ole Rundson, William Hunter, and C. W. Jenks, he and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Target Lake Plank Road and Ferry Company, hereby incorporated; and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the time and place of taking such subscriptions, by publishing the same in one or more newspapers published in this Territory.

Capital stock

SEC. 2. The capital stock of said company shall be fifteen thousand dollars, in shares of ten dollars each; and as soon as one thousand dollars of the capital stock shall be subscribed, and one dollar on each share actually 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 the name and style of the Target Lake Plank Road and Ferry Company, with perpetual succession; and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, real, personal or mixed; 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 are authorized by law for the interest and well being of said company.

Election of Di-
rectors

SEC. 3. The said commissioners, or a majority of them, after the said one thousand dollars of stock shall have been subscribed 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 seven 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 heretofore 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 further, that if from any cause, an election shall not be held at the 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 avoided by reason of any 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.

SEC. 4. The affairs of said company shall be managed by a board of seven 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, and shall serve until others are elected in their stead. They shall make and establish such by-laws, orders, rules and regulations, not inconsistent with the constitution and laws of the United States and of the Territory or State 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 seven stockholders having the greatest number of votes shall be declared duly elected.

Affairs, by whom managed

SEC. 5. Four directors shall be a quorum for the transaction of business, who, in the absence of the President, may appoint a President pro tempore; 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 due on their respective shares, may declare forfeited to the use of said company the share or shares of every person or persons failing to pay any instalments, at a reasonable period, not less than thirty days after the time appointed for the payment thereof. Provided, no instalment shall be demanded of the stockholders, exceeding one dollar at any one time, on each share, nor while a sum exceeding three thousand dollars shall remain in the hands of the treasurer unappropriated to such portion of the work as may at the time be completed. They shall have power to regulate tolls, to make such covenants, contracts and agreements with any person or persons, or body politic whatsoever, as the execution and management of the works, and the convenience and interests of the company may require, and in general to superintend and direct all the operations, receipts, disbursements, and other proceedings of the company. The commissioners, until the 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 transferable in person, or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided for by the by-laws of said company.

Quorum

Powers of Directors

SEC. 6. The said company shall have power to locate and construct a single or double track plank road, at from a point within one half mile of section number twenty-four, section number twenty-eight, in township one hundred and four north of range number four west, such points to be se-

Construct plank road

lected by the directors of said company; 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, and also to connect the said road with other plank roads in the Territory or State of Minnesota, and to unite and consolidate stock with any such plank road company.

Of what to con-
struct road

SEC. 7. The track of said road shall be constructed with rails, plank, stone, gravel, or the prairie or timber soil, or charcoal, in whole or in part, at the option of the directors, so that the same shall constitute a firm and smooth surface, for the passage of wagons and carriages. The directors shall exercise all powers conferred on them by law; shall audit and pay all accounts against said company, fix the salary and compensation of the officers they may appoint, 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 meetings of the stockholders, and declare and pay dividends, or so much of the surplus profits of the company as they shall deem advisable, which may accrue on the shares of said stock to the stockholders of said company on the first Monday of July and January of each year.

Enter upon land

SEC. 7. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands 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 and 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; Provided, that in such places as may be necessary for the company to obtain gravel and stone, or to make excavations or embankments for the construction of said road, the company may locate the route of said road not to exceed six rods in width, and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise.

When corpora-
tion cannot
agree

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 for the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for any Justice of the Peace of the town in which the property may lie to issue a 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 the said Justice 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 the warrant; and if at the time and place named any of the persons summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a panel 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 on damages. Before they

act as such, the said Justice of the Peace shall administer to each of them Administer oath an oath or affirmation that he will faithfully and impartially value the land or material required for said 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 his skill and judgment, whereupon the said Justice and jurors shall proceed to view said land or material so required, and to hear the evidence of the respective parties, which the said Justice shall reduce to writing, which shall be signed by the said Justice, and the verdict of the jurors thereon shall be signed by the said jurors or a majority of them, and by the Justice of the Peace; and the said Justice shall, within five days thereafter, 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 land in question, and the value thereof, as aforesaid, and such valuation when paid, together with the cost of such inquisition, or 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, so long as the land thus valued and taken shall be used for the track of said plank road; Provided that it shall not be lawful for any Justice and 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 to appear, by affidavit, that such owner or owners have had at least five days notice of the time and place of the 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, such service or notice may be made upon the guardian or trustees under the same restriction, in the case of owners, or if there be no guardian or trustee the same shall be established by affidavit: Provided, that no such material shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof.

Sec. 9. The shares of stock of the corporation shall be deemed personal Shares deemed personal property property, and every person becoming a shareholder by purchase, transfer 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 shares shall be liable to be taken in execution for the payment of the debts of the owner in such a manner as is or may be provided by law. Wherever the route of said road follows the line of any public highway, the said company shall not take possession of said highway until the county commissioners of the county through which it passes shall have given them written consent, which shall be recorded in the office of the Register of Deeds of said county.

Sec. 10. The said directors may place toll gates at any place on said Toll gates road where they may determine: Provided, that no full toll-gates shall embrace less than two miles in length of said road, half-toll gates half that length, or one mile, and in proportion of aforesaid, until said gates shall take in the whole length of said road. Whenever one mile of said road shall be completed, it shall be lawful for said directors to cause a half-toll gate to be constructed, and said company may demand and receive for full toll, not exceeding five cents per mile for every vehicle, sled, sleigh or carriage drawn by two animals; and if drawn by more than two animals, two cents a mile for every additional animal. For every vehicle, sled, sleigh or carriage, drawn by one animal, two cents a mile; and for every

horse and rider, or led animal, one cent a mile. For one score of sheep or swine, one cent a mile, and for every score of neat cattle, four cents a mile: Provided, that no toll shall be exacted of any person whilst actually going to or returning from any religious meeting on Sunday, or from any person liable to military duty whilst actually going to or returning from any military parade or review, at which their attendance shall be required by law, and the toll gatherer of any of said gates erected on said road in pursuance of this act, may detain and prevent from passing such gate, any vehicle, carriage, or animal subject to such toll, until the toll thereon is paid.

Penalty for in-
juring road

Sec. 11. If any person shall wilfully and knowingly obstruct, break, injure, or destroy the plank road to be constructed by said company, or any part thereof, or any work, building or fixture attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every offence be liable to a civil suit for the recovery of damages, by said company, by an action of trespass 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.

Penalty for in-
juring gates

Sec. 12. Any person who shall wilfully break or throw down any gate on such road, which may have been erected in pursuance of this act, or shall do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage, or animal turn out of said road, and again return on said road shall, for each offence, forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damage done in the profit of said company, in an action of trespass.

Increase capital
Stock

Sec. 13. The directors of said company at any annual meeting or special of the stockholders with the consent in amount of such stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

Violate privileges

Sec. 14. If said company shall violate any of the privileges granted, the Legislature may resume all and singular, the rights and privileges vested in said company by this act.

Finish road

Sec. 15. If said corporation shall not within three years from the passage of this act commence the construction of said plank road, and expend three thousand dollars or more thereon, and shall not within five years from the passage of this act, construct, finish and put in operation a single or double track plank road, of three miles, then the rights, privileges and powers of the said corporation under this act, shall be null and void.

Right to estab-
lish ferry

Sec. 16. The said Company shall have the exclusive privilege of establishing and maintaining a ferry across the Mississippi at the connecting point of the eastern terminus of said plank road upon the west bank of said river, to such point upon the eastern bank thereof as such company, by its board of directors shall select, and no other ferry shall be established within one mile above or below said ferry, and so soon as said ferry shall have been established said Company may charge and collect the following rates of toll:

Rate:

For each foot passenger,	- - - - -	15 cents.
For each horse, mare, gelding, mule or ass,	- - - - -	15 "
For each two horse, or two ox team, loaded or unloaded, with a driver,	- - - - -	100 "

For each single horse carriage, 60 cents.

For each additional horse, ox, swine, sheep, or animal not herein mentioned, 5 "

All freight or merchandise or other articles at the rate of ten cents per barrel or 100 pounds, at the option of said Company.

SEC. 17. Said Company shall at all times after having established said ferry during the navigable seasons keep a safe and good boat or boats, in good repair sufficient for the accommodation of all persons wishing to cross at said ferry, and shall give prompt and ready attendance on passengers or teams on all occasions and at all hours, between the hours of five o'clock, A. M., and seven o'clock, P. M.; but persons wishing to cross at said ferry in the night may be crossed and charged double fare, as above prescribed; and said Company shall not be required or compelled to cross at said ferry when in their judgment such attempt would endanger life or property, or when the ice, wind or darkness shall render it unsafe or impracticable to cross. Keep good boat

SEC. 18. The said corporators or company shall within twelve months from the passage of this act, file or caused to be filed, with the Clerk of the Board of County Commissioners of the county of Houston, a bond to said Board with two or more sufficient sureties, to be approved by said Board of County Commissioners, in the penal sum of one thousand dollars, conditioned, that they will fulfil all the conditions that are imposed upon them by the provisions of this act, and in case of their failure so to file such bond, they shall forfeit all the benefits that might have accrued to them from this act. File bond

SEC. 19. For every neglect in keeping a good and sufficient boat or boats or failure to give prompt and due attention and attendance, the said Company shall forfeit a sum not exceeding twenty dollars, to be recovered by an action before any Court having competent jurisdiction, and shall be further liable in an action for all damages any person shall sustain by reason of the neglect of said company to fulfil any of the duties imposed by this act, and any person who shall sustain any injury by the negligence or default of said Company or the ferrymen in its employ, may have a remedy by an action upon the bond required in this act. Fine for neglect

SEC. 20. This act shall be favorably construed to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by the authority of the Territory, shall be received as evidence thereof. Public act

SEC. 21. This act may be altered or amended by any future Legislature of the Territory or State of Minnesota. Amend :

SEC. 22. This act to take effect and be in force from and after its passage. Take effect

CHARLES GARDNER,
Speaker of the House of Representatives.
JOHN B. BRISBIN,
President of the Council.

APPROVED—February twenty-eighth, one thousand eight hundred and fifty-six.
W. A. GORMAN.

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

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