

CHAPTER CXXXV.

An Act granting to certain persons the right to manufacture and sell gas in the cities of Minneapolis and St. Anthony. March 9, 1867

SECTION 1—Confers certain privileges on incorporated company for term of years.

2.—May dig up streets, etc.

3.—Limits time of corporation, etc.

4.—Duty of incorporators.

5.—Cities of Minneapolis and St. Anthony may contract for gas.

6.—Either of said cities to have privilege of purchasing franchise after certain time.

7.—In the event of non-purchase, how long charter to run.

8.—When rights to be forfeited.

9.—When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That Dorilus Morrison, Eugene M. Wilson, Joseph C. Whitney, Anthony Kelly, William M. McNair, Charles M. Loring, John Rollins, Woodbury Fiske, Orlando C. Merriman and their heirs, executors, administrators and assigns shall for the period of twenty years from and after the passage of this act, have the exclusive right and privilege of manufacturing and selling gas, to be made from coal and other materials, for the purpose of lighting the cities of Minneapolis and St. Anthony, and the streets, avenues, lanes, alleys and squares thereof, and the buildings, manufactures, or houses therein situated and contained, and to have the exclusive right to lay pipes for the purpose of conducting gas in any of the streets, avenues, lanes, alleys and squares of the said cities, and to adopt any other means necessary to furnish gas to any inhabitants of said cities, it being understood that this bill is not to interfere with the private rights of any person to light his house or manufactory with gas manufactured by himself for that purpose.

SEC. 2. The said parties, their executors, adminis-

May enter on
streets

trators or assigns, shall have the right by themselves or their employees to enter upon the streets, avenues and alleys of said cities, and to dig up the same and use such means as may be necessary to lay the gas pipes through the same, but to do such work in the manner that will cause the least inconvenience to the citizens of said cities.

Organisation

SEC. 3. That said parties shall, within two months from the passage of this act, meet in the city of Minneapolis and organize themselves into a gas company for the purpose of carrying out the intentions of this act, and shall adopt such rules and regulations as shall seem to them proper.

And it is hereby provided that in all questions regarding expenditure of money for the said purpose, and of raising the same by assessment, of the purchase or sale of real estate, or of making improvements in said works, a two-thirds majority of the interest in the said franchise hereby granted shall have full power and authority to decide. And should any one fail to pay any assessment made upon him by such two-thirds vote, then the treasurer of said company may proceed to sell the interest of such delinquent, upon six weeks' notice published in some newspaper printed in the county of Hennepin, at public auction, in some public place, and out of the proceeds to retain a sufficient amount for the payment of said assessment and interest on the same until the time of such sale and costs of notice and sale, and the remainder, if any, to pay said delinquent, his assigns or legal representatives.

Work to be prosecuted
diligently

SEC. 4. It shall be the duty of the persons holding the franchises hereby granted to prosecute diligently the works necessary to light said cities, and to lay at least one mile of main gas pipe in the city of Minneapolis, and one half mile of the same within the city of St. Anthony, within eighteen months after the passage of this act; but should the city council of either city be of the opinion that such expenditure is not warranted by the demand for gas, they may by a majority vote of each council for its own city, relieve said persons from such work, or such portion of the same as they may think proper, and extend the time for the execution of the same.

SEC. 5. That the cities of Minneapolis and Saint

Anthony shall have power, through their respective councils, to contract with said parties, their assigns or legal representatives, for such amount of gas as may be thought necessary for the public purposes of said cities, and the said parties shall, when required, be prepared to furnish the same, and at the same price that they sell the gas to individuals.

May contract for gas

SEC. 6. That if at the expiration of twenty years the said cities, or either of them, shall desire to purchase said franchise and said gas works, they shall have the privilege of doing so upon the following terms, viz: That each city may purchase the franchise pertaining to her territory and gas pipes, fixtures, meters and other property pertaining to the said business at the actual value of the same, the value to be fixed by three assessors, who are to (be) chosen as follows: one by the city proposing to purchase, one by the owners of the franchise, and the third by the assessors thus chosen, and the assessment of value made (by) these three or a majority of them shall be the price at which said cities or city may purchase.

Provides for purchase

SEC. 7. That should said cities, or either of them decline to purchase as aforesaid, then this said charter to continue twenty years longer with all the rights, privileges and obligations as aforesaid.

Limit of charter

SEC. 8. That the right of the above named parties to the franchise hereby [created] shall be vested upon the passage of this act, only to be forfeited upon a failure to comply with the conditions hereto attached.

When right to be forfeited

SEC. 9. This act shall take effect from and after its passage.

Approved March 9, 1867.