

and the price fixed by them or a majority of them, shall be the price at which the city may purchase.

Charter extended in case city decline to purchase.

SEC. 8. Should said city decline to purchase said franchise as aforesaid, then this charter to continue twenty years longer, with the rights, privileges and obligations as aforesaid.

When act to take effect.

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

Approved March 5, 1868.

CHAPTER CXIX.

An Act to amend the Charter of the St. Paul Water Company and the amendments thereto.

February 4, 1868

- SECTION 1. Directors, number of—what to constitute a quorum—how elected—duties of Board of Directors—when act may be deemed void.
2. Fire plugs to be built by the Company when so directed by a vote of the City Council—compensation therefor how determined.
 3. In case the city desire to purchase said water works after the expiration of said charter, by whom value to be appraised.
 4. When act to take effect.

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

SECTION 1. That section three, of 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, one thousand eight hundred and fifty-seven, as amended by the act of the legislature of the state of Minnesota, approved March twenty-first, one thousand eight hundred and sixty-five, be and the same is hereby amended so as to read as follows:

(Sec. 3). That the directors of said company shall consist of five 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 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 or things necessary or convenient to the perfecting and carrying out the objects of this act; *Provided*, That if said company shall fail to introduce water into said city and to lay within the limits thereof ten miles of street and leading main pipes by the first day of November A. D. one thousand eight hundred and seventy, then this act may be declared void and all the rights, privileges and franchises granted thereunder forfeited.

Directors—quorum how elected—duties of—when act deemed void.

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

(Sec. 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, said company shall erect the same and keep the same in good repair, and after said fire plugs are so erected, said city shall have full use of the water therefrom for the extinguishment of fires, upon paying a reasonable compensation therefor, such compensation to be determined by two citizens of said city, one of whom shall be appointed by said common council and the other by said company, and in case said two citizens so elected cannot agree as to the amount of such compensation, they shall select a third person and the amount agreed upon by such third person and one of said citizens so appointed, shall be the amount which said city shall pay.

Fire plugs to be built—compensation therefor.

SEC. 3. That section nine of said act as amended be and the same is hereby amended so as to read as follows:

(Sec. 9). That if after the expiration of twenty-four 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 water works from said company* which they are hereby authorized 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, not 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 embankment and excavation, and of construction 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.

At expiration of charter city may purchase said works--value, how appraised.

When act to take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 4, 1868.