

company shall construct and have in operation with cars running thereon the said portion of its road from Austin to the Iowa state line within six months after the completion of said connecting road.

When act to take effect.

SEC. 3. This act shall take effect from and after its passage.

Approved February 29, 1868.

CHAPTER VI.

An Act to revive and continue an act, and the corporation created by said act entitled "An Act to incorporate the St. Paul and St. Anthony Railroad Company, approved March second, one thousand eight hundred and fifty-three, and to amend the said act."

March 4, 1868.

- SECTION 1. Board of Incorporators—name and style of said Corporation—rights of said Corporation—to have and use a common seal.
2. Authorized and vested with the right and full power to construct and use railway and appurtenances in said city, subject to the conditions of the ordinance passed by said city— shall have the right to enter upon any land—damages how assessed.
 3. Capital stock of said Company in what amount—divided into shares of one hundred dollars each—may open books for subscription to capital stock
 4. The affairs of said Company to be managed by a Board of Directors—to be elected annually—what to constitute a quorum—vacancy how filled.
 5. Authorized to borrow money upon the faith and credit of said Company.
 5. When act to take effect.

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

That the act entitled "an act to incorporate the St. Paul and St. Anthony Railroad company," approved March second, one thousand eight hundred and fifty-three, and the corporation thereby created, be and the same are

hereby revived and continued, and said act is hereby amended so that the same shall read as follows :

SECTION 1. George L. Becker, W. H. Temple, Lafayette Emmett, Eugene Underwood, John M. Gilman, De Witt C. Jones, Charles H. Lienau, P. F. McQuillan, Louis Roberts and Parker Paine and their associates, successors and assigns, be and they are hereby created a body corporate, by the name and style of "the St. Paul Street Railway company" with perpetual succession, and by that name and style shall be and are hereby made capable in law to have, purchase, receive, possess, hold, use, enjoy, bargain, sell and convey real and personal estate and all kinds of property, and by that name to contract and be contracted with, sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record or elsewhere, and also to have, make and use a common seal, and to alter, renew, or change the same at their pleasure.

Board of incorporators—rights of said corporation.

SEC. 2. The said corporation is hereby authorized and vested with the right, power and full authority to lay out, construct, operate, maintain and use a railway, with all the necessary or convenient tracks side tracks, turnouts, switches and other appurtenances from the city of St. Paul, in the county of Ramsey, to the western line of said county of Ramsey, in the direction of the city of St. Anthony, in the county of Hennepin, and also with the full right, permission, privilege, power and authority to lay out, establish, construct, maintain, use and operate a line of railway with single or double tracks, switches, side tracks, turnouts and all other necessary or convenient fixtures and appurtenances in, upon and along any and all of the streets and bridges within the present or future limits of said city of St. Paul, in the manner, for the periods, and upon the terms and conditions, and subject to all the conditions of a certain ordinance of said city of St. Paul, entitled "an ordinance to authorize the construction and operation of rail carriage ways in the streets of St. Paul," passed by the mayor and common council of said city on the seventeenth day of December, A. D. one thousand eight hundred and sixty-seven, approved by the mayor thereof on the twenty-first day of December, A. D. one thousand eight hundred and sixty-seven, and purporting to grant to the several person herein named as incorporators, their associates, successors, heirs, executors, ad-

May construct said road subject to the conditions of the ordinance passed by said city.

ministrators and assigns, the right and authority to construct, use and operate lines of railway in, upon, and along the streets and bridges of said city, upon certain terms and conditions therein prescribed. It being intended hereby fully to ratify and confirm said ordinance, and the same is hereby in all respects ratified and confirmed as fully and completely as if said ordinance were here repeated and enacted at length and the said corporation is also hereby vested with the full right, power and authority at any time hereafter to extend either or any of said lines, with single or double tracks and such side tracks, turn-outs, switches, and other fixtures and appurtenances as may be deemed convenient, in, over, upon and along any and all public highways there or now in existence, outside of the limits of said city of St. Paul, to any point or points in the county of Ramsey. And in case said corporation shall wish to diverge or depart from such highway or highways, with any line or lines of its said railway it shall have the right so to do, and to enter upon any land for that purpose, and to survey, locate and construct its road thereon and may take therefrom any material necessary to the construction or the repair thereof, and should the owner or owners of said land and said corporation be unable to agree upon the value of said land or material, or both, or the damages thereto, such value or damages or both, or as the case may be shall be ascertained and paid in accordance with the provisions of the general law of the state for the condemnation and appropriation of private property for railway purposes.

Right to enter upon any land—damages how assessed.

SEC. 3. The capital stock of said company shall be three hundred thousand dollars and shall be divided into shares of one hundred dollars each; but said company may at any time and from time to time, by resolutions, increase its capital stock to such an amount as may be deemed advisable to carry out and accomplish the objects of said company. Said company may open books for subscription to the capital stock thereof at such time or times and places and in such manner and upon such terms as it may deem proper, and may also issue and dispose of its stock as full paid stock, upon such terms as may be deemed advisable in the accomplishment of its said undertaking.

Open books for subscription to capital stock.

SEC. 4. The business and affairs of said company shall be managed by a board of directors consisting of not less than five nor more than eleven, as may be determined by the by-laws of the company. The directors shall be

To be managed by board of directors.

elected annually by the stockholders of the company at such time and in such manner as may be prescribed by the by-laws, and shall hold until their successors are duly elected. A majority of the directors shall constitute a quorum for the transaction of business, and any vacancy occurring in the board may be filled by the board until the next regular election. The directors may make by-laws, rules and regulations for the company and by by-laws or otherwise appoint or employ, and prescribe the duties, powers and compensation of such officers, agents and servants as they may deem advisable in carrying on and managing the business of said company. The corporation hereinbefore named shall constitute the board of directors of said company until their successors are duly elected.

Directors to be elected annually—quorum—vacancy how filled

SEC. 5. The said company by its directors, may borrow money upon the faith and credit of said company upon such rates of interest as may be agreed upon, and may issue the bonds or other evidence of debt of the company, with or without interest coupons attached, in such sums and payable at such time and place as may be agreed upon, and to secure the payment thereof may mortgage its road, rights, franchises, and any and all other property of the company present and future.

Authorized to borrow money.

SEC. 6. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 4, 1868.