SESSION LAWS

OF THE

TERRITORY OF MINNESOTA,

PASSED BY THE

LEGISLATIVE ASSEMBLY,

AT THE

SEVENTH SESSION, COMMENCING WEDNESDAY, JAN. 2, 1856

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bers thereof, in writing or otherwise, at least ten days before time of such meeting; and any Trustees may be removed for a neglect of duty for more than one year.

Establish preparatory department

SEC. 13. The Trustees of the Seminary shall have power to establish a preparatory department, to raise, collect and receive funds, to erect buildings, appoint a Principal, Professors, and to do all necessary acts for the establishing, maintaining and conducting of the department, and all appointments and officers of said department to be governed by this charter. This act shall be construed liberally in all courts for the purposes herein expressed.

Any three may call meeting

SEC. 14. Any three of the corporators named in this act, may call the first meeting of the Trustees, by giving two weeks notice of the time and place of such meeting, and in one or more newspapers published in this Territory.

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

APPROVED—March first, 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 the Territory of Minnesota.

CHAPER CLVI.

An Act to Incorporate the St. Paul Water Company.

SECTION 1. Names of corporators; body corporate.
2. Amount of capital stock.
3. Commissioners to open books; give notice; choose directors; Commissioners to be Inspectors; erect and maintain water works &c.
4. Five to constitute quorum; power of Directors;
5. Invested with right to survey and lay out sites for the erection of works; lawful to enter upon lands.
6. Manner of assessing the value of lands; give notice of assessment; take oath; give notice of meeting; report in writing.
7. Appeal in case of dissatisfaction.
8. Authorized to borrow money.
9. Punishment for injuring works.
10. Authorized to lay pipes.
11. Authorized to sell water.
12. When to be commenced.
13. Legislature may amend.

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

Names of corporators.

SECTION 1. That R. R. Nelson, Wm. H. Morton, Wm. H. Randall, Chas. H. Oakes and B. W. Lott, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and corporate in fact and in name, by the name of "the St. Paul Water Company," and by that name, they and

their successors, shall and may have continued succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter at pleasure; and they and their successors, by the same name and style shall be capable of purchasing and holding any real and personal estate, or either necessary and expedient to the objects of this incorporation.

Capital stock.

SEC. 2. The capital stock of said company shall be two hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferrable in such manner as the said corporation shall by their by-laws direct.

Open books

SEC. 3. The above named persons, or a majority of them, shall be Commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, in St. Paul, as they or a majority of them may think proper, giving notice thereof for at least twenty days prior to the opening of said books, by publishing the same in one or more newspapers published in St. Paul, and at the time of subscribing, ten per cent. shall be paid on each share subscribed for, to said Commissioners, or one of them, and when one thousand shares of the said stock be subscribed, such Commissioners shall give like notice for a meeting of the stockholders to choose seven directors, and at the time and place mentioned in said notice such election shall be made by such of the stockholders as shall attend for that purpose either in person or lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said Commissioners or any three of them shall be inspectors of the first election of directors of said corporation, and shall certify, over their signatures, the names of persons duly elected, designate the time and place of the first meeting of the directors, and at said meeting deliver to said directors the subscription book and monies paid in, deducting a reasonable compensation for their own services and expenses, and the said directors, shall, as soon as may be after their election, elect a President out of their own number. And like election shall be in each succeeding year at such time and place as the directors for the time being shall designate, by a notice published as aforesaid, and in case of the death or resignation of the President or any of the directors, the vacancy may be filled by the directors for the time being, and the directors may appoint such other officers, engineers and workmen as they may deem proper. And the said company when organized as aforesaid, shall have the power to erect and maintain all necessary water works, fountains, reservoirs, conduits, and to obtain and secure the right to divert and use any springs, streams, lakes and ponds of water, or either, in the county of Ramsey as they may deem necessary for the purposes hereby contemplated.

Erect water works.

Quorum,

SEC. 4. Five directors shall constitute a quorum, and shall have power to transact all the business of the said corporation. The directors shall have power to call in the remainder of the stock subscribed for by instalments of five dollars, or less if they deem proper, per share upon thirty days notice, published as aforesaid, provided, that not less than thirty days shall intervene between the payments of the respective instalments; they shall have power to forfeit shares upon which default shall arise, to and for the use and benefit of the company, and prescribe such by-laws, rules and regulations for their government as shall not be inconsistent with the constitution and laws of the United States and the laws of this Territory, fix the salaries of their officers and annually appoint inspectors of elections for directors.

Lay out sites for work,

SEC. 5. The President and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey and lay out the site for one or more reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, water-wheels, engines, force-pumps, and all other works and devices which they may deem necessary for the supply of the city of St. Paul, with water sufficient for extinguishing fires, culinary and other family uses, watering the streets and such other purposes as may conduce to the health and comfort of the citizens; and it shall be lawful for the said President and directors or others in their employ, to enter at all times upon all lands and waters in said county, and survey, search, excavate, and bore for water, and examine and test the quality thereof, and locate all and singular the reservoirs, drains, ditches, aqueducts, conduits, pipes, fountains, water-wheels, engines, force pipes, and buildings and all other necessary works and appendages thereto, doing no unnecessary damage to private or other property, and which said locations shall have been determined on, they shall cause a map to be made of all lands (excepting streets) which they require for the purposes aforesaid, and file the same in the office of the Clerk of said courts and then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, have, hold and occupy and enjoy the lands designated on said map, and thereon to excavate such reservoirs, water-wheels, engines, water-wheels and engine houses or either, force-pumps, and do all other things which in their opinion shall be suitable or necessary for completing the work hereby contemplated and keeping them in repair, subject to such compensation as is hereinafter provided for.

Enter upon lands.

Manner of settling disputes

SEC. 6. If the said company or its officers or agents cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreements can be made, the said company shall give notice to the persons interested, if known and in this Territory, or if unknown or out of the Territory, by publication in two newspapers published in St. Paul, that they intend to make application to one of the Judges of the Supreme Court in said Territory, on a day and at a place to be named in said notice, not less than twenty days from the service or publication thereof, for the appointment of three commissioners for assessing the damages which such owner or owners shall sustain in consequence of the erections and conversions aforesaid, and on the day and at the place specified in said notice, the said judge shall make said appointment under his hand and seal, and it shall be the duty of said commissioners to take and subscribe an oath or affirmation before some person authorized to administer the same, that they will faithfully and fairly examine the matter in question and make a true report according to the best of their skill and understanding. And they shall meet at such time and place as they shall designate, giving to the parties interested, notice, as hereinbefore directed, at least fifteen days before, of the time and place of their meeting, and on the day so appointed, they shall proceed to examine and view the said lands and make a just and equitable estimate of the value of the same and estimate the damages which shall accrue from erecting said works, and the benefits, which will enure therefrom to the land owners; and they shall report in writing to the parties interested the whole amount which the company must pay each owner, stating in said report the metes and bounds of the lands assessed, which said report the company shall file in the office of the Clerk of Ramsey county, to remain of record therein, and a copy thereof certified by

said Clerk, shall at all times be considered as plenery evidence of the right of said company to have, hold, use, occupy, possess and enjoy the land so described, and it shall be the duty of the said company to pay the said owner or owners, the amount thus determined, or in case the owner or owners refuse to receive the same, or live out of the Territory, or are incapacitated by law to receive the same then the said sum shall be paid and delivered to the Clerk of said county to be by him retained for such owner, and in making payment in either of the ways above stated, the title of the premises mentioned in the said award, and so paid for shall be vested in the said company.

Appeal, SEC. 7. If the said owners or any of them are dissatisfied with the report of said commissioners, he, she, or they may appeal to the District Court of Ramsey county, at its next term, whereupon the said Court shall proceed to hear and determine the whole matter in the same manner as if such owner had summoned said company to appear before said court, and if the Jury upon the trial of the cause, shall find a greater sum than the commissioners had awarded, or the company offered, in favor of said owner or owners, then judgment thereon with costs shall be entered against the said company, which shall constitute a lien on said premises in question. and as such shall have a security over any other lien or encumbrance which the said company may have given, but if the Jury shall find the same or a less amount than the said company had offered, or the commissioners awarded, then the said owner shall be compelled to accept the amount found by the Jury in full satisfaction, and shall pay all the legal costs incurred in the suit before said Court.

Borrow money, SEC. 8. The said company is hereby authorized from time to time to borrow such sum or sums of money as may be necessary for completing said water works with its appendages, by issuing and disposing of their bonds, in denominations of no less than two hundred dollars, and for any amount so borrowed, to mortgage their corporate property, or franchise, or convey the same by deed of trust to secure the payment of any debts contracted by the said company for the purposes aforesaid. And the said directors of said company may confer on any bond holder the right to convert the principal due or owing on his bond into stock of said company at any time not exceeding eight years from the date of the bond under such regulations as the directors of said company see fit to adopt.

Punishment for injury, SEC. 9. If any person shall wilfully and maliciously injure any of the said works or materials of the said company, such person or persons shall be deemed guilty of a misdemeanor, and shall also forfeit and pay therefor, three times the amount of damages sustained by means of such injury, to be recovered by said company with costs of suit in an action of debt in any Court of competent jurisdiction.

Lay pipes. SEC. 10. The said company be and they are hereby authorized and empowered to lay such sized pipes as they may deem proper, beneath such public roads, streets, alleys and lanes as they may from time to time think necessary for the purposes aforesaid, free of all charge, to be made by any person or persons and body politic, or either, for said privilege, and also to construct hydrants at the intersection or crossing of any streets and alleys, provided, that they shall lay said pipes at least two feet below the surface of the road, alley, street or lane in which said pipes are laid; and they shall not unnecessarily interfere with the public travel.

Sell water. SEC. 11. The said company may sell and dispose of the water issuing from said reservoirs, acqueducts or pipes for such price, prices or annual rents, and under such restrictions as they may think proper.

SEC. 12. If the said work of constructing said reservoirs and appendages shall not be commenced within eighteen months from the date of the approval of this act, and one mile of pipe laid within the city limits, and a supply of water furnished within three years, the same shall be null and void. When to be commenced,

SEC. 13. The legislature may alter or amend this act at any time. Legislature may amend.

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

APPROVED—March first, one thousand eight hundred and fifty-six.
W. A. GORMAN.

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

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

CHAPER CLVII.

An Act to Authorize the Formation of Corporations for Mining, Smelting, or Manufacturing Iron, Copper, Mineral, Coal, Silver, or other Ores or Minerals, and for other Manufacturing Purposes.

SECTION 1. Rights of corporations organized under this act.
2. Created bodies corporate.
3. File articles of association.
4. To be signed by persons associating; statements.
5. Make report.
6. Amount of capital stock.
7. Purposes to be specified in articles of association.
9. Affairs by whom to be managed.
10. Choose officers; term of office.
11. Directors may call in subscription; sale of stock of delinquents.
12. Quorum.
13. Corporation not to be dissolved if an election is not held.
14. Books open for inspection.
15. Power to acquire and hold estate.
16. Stock deemed personal property.
17. Stockholders individually liable.
18. Make annual reports of amounts of mineral mined.
19. Report amount of capital paid in.
20. Amount of taxes to be paid.
21. Specific tax of one half per cent.
22. Service of legal processes; on whom made.
23. Punishment for refusal to comply with the provisions of this act.
24. Directors liable for debts, in case of insolvency
25. Legislature may rescind powers.

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

SECTION. 1. All Corporations organized and established under the provisions of this Act, shall be capable of suing and being sued in any Court in this Territory, and may have a common seal, and alter and Rights of corporations