

order on the treasury of such city, nor issue any evidence of indebtedness other than a bond, unless there shall be at the time such order is drawn or evidence of indebtedness is issued, sufficient money in the treasury to the credit of the particular fund or account, out of which the same is payable, to pay the same, as well as other unpaid claims before that time audited and allowed against such fund. Every evidence of indebtedness or order issued by any such city, contrary to the provisions of this section shall be void and not voidable in the hands of everybody.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 10, 1899.

CHAPTER 51.

S. F. No. 89.

An act to amend section 2604, title 1, chapter 34, of the General Statutes of the State of Minnesota, A. D. 1894, relating to corporations.

Corporations;
amendment.

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

SECTION 1. That section 2604, of title 1, of chapter 34, of the General Statutes of the State of Minnesota, A. D. 1894, be and the same is hereby amended so as to read as follows:

Sec. 2604,
title 1, C. 34,
G. S. 1894,
amended.

“Sec. 2604. Any corporation organized or reorganized under the provisions of this title may obtain the right of way over, through, under and across any lands needed for the construction of any railroad, telegraph or telephone, pneumatic tube lines, subway conduits for the passage, operation and repair of electric and other lines or pipes, and all necessary sites and grounds for depots, shops and other buildings requisite for the proper carrying on of the business to be transacted, or may obtain the right to overflow, by reason of any dam, locks, sluices, or other erection necessary for the convenient prosecution of their enterprise, all and any lands damaged thereby, and may obtain the right to the use of any land for a tow path, the erection of necessary buildings for the purpose of said business, and the right of way in and over the bed of any river, bay, lake or water course, and the banks thereof, together with the right to overflow, injure or destroy any existing dams, mills or other property, and to canal in and along the valley of any such river, bay, stream, lake or water course, and to purchase and erect

Right of way,
how acquired.

all necessary buildings for the operation and prosecution of any manufacturing business upon the water power incidentally created by such improvement, and any such telegraph or telephone company organized under the provisions of this title may acquire right of way to construct its lines over, along and upon the right of way and lands of any railway company within this state, upon making just compensation therefor to such railway company, by proceeding as in this title provided; but the right of any such telegraph or telephone company shall be at all times subject to the right of any such railway company to use its right of way and lands for railway purposes, and the said line of telegraph or telephone shall be so located, constructed and maintained at all times as not to interfere with the usual operation of such railroad. *Provided*, that nothing herein contained shall be construed to grant to any person, persons, association or corporation any rights for the maintenance of a telephone system within the corporate limits of any city or village in this state until such person, persons, association or corporation shall have obtained the right to maintain a telephone system in such village or city, nor for a period beyond that for which the right to operate such telephone system is granted by such city or village."

Not to apply to right of way proceeding pending by telegraph or telephone company.

SEC. 2. This act shall not apply to or effect any proceeding now pending to condemn lands for right of way for any telegraph or telephone company.

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

Approved March 11, 1899.

H. F. No. 423.

CHAPTER 52.

City organization: amendment.

An act to amend section one thousand and forty-five (1045) of the General Statutes of eighteen hundred and ninety-four (1894), as amended by chapter sixty-one (61), of the General Laws of eighteen hundred and ninety-seven (1897), relating to the organization of cities.

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

Sec. 1045 G. S. 1894 amended.

SECTION 1. That section one thousand and forty-five (1045) of the General Statutes of eighteen hundred and ninety-four (1894), as amended by chapter sixty-one (61), of the General Laws of eighteen hundred and ninety-seven (1897), be and the same is hereby amended so as to read as follows: