

## CHAPTER LXXVIII.

March 3, 1869.

*An Act to amend Title (1), Chapter thirty-four (34) of the General Statutes of Minnesota, relating to corporations empowered to take private property for public use.*

SECTION 1. Amendment to Title one (1), Chapter thirty-four (34) of the General Statutes. Companies constructing bridges may also make them convenient for ordinary purposes of travel—may demand and receive toll—rates of toll to be posted in conspicuous places—when not authorized to collect toll—town or county in which such bridge is erected not liable for cost of construction or repair.

2. Rates of tariff for passengers and freight, how fixed.
3. Repeal of former Sections.
4. When act to take effect.

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

SECTION 1. That any railroad company of this state, may so construct its bridges as to answer the ordinary purposes of travel and business, as well as for railroad purposes; and any company that shall so construct its bridge is hereby authorized to demand and receive such rates of toll for the passing of individuals, vehicles of all kinds, or animals, as said company may demand subject to the approval of the county commissioners of the county or counties in which such bridge is erected. *Provided*, That such rates of toll shall be uniform, shall be printed or painted, and kept conspicuous by being posted in or near the the toll house of such bridge; and *Provided further*, That such rates of toll may be revised and changed the first week of each year, and that said company may compound or bargain with any person or party for the use of such bridge or bridges by the month, quarter, or year; *Provided, also*, That no railroad company shall receive toll upon any such bridge if erected within one mile of any toll bridge previously constructed over the same stream or river by any incorporated bridge company. *Provided further*, That the town or towns, county or

May erect bridges and collect tolls—county not be holden for keeping bridges in order.

counties in which such bridge or bridges may be erected, shall not be liable to pay any of the cost of constructing or repairing such bridge or bridges or the immediate approaches thereto.

SEC. 2. That any railroad company or corporation, organized under the title to which this is an amendment, may charge and receive for the transportation of passengers and freight on their road, such reasonable rate as may be from time to time fixed by said corporation or prescribed by law.

Rates of tariff for freight and passengers.

SEC. 3. That section thirty-two (32), and section thirty-five (35), of said title one (1), to which this is an amendment, be and the same are hereby repealed.

Repeal of former sections.

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

When act to take effect.]

Approved March 3, 1869.

---

## CHAPTER LXXIX.

### *An Act giving the Supreme Court original jurisdiction in cases of mandamus.*

March 3, 1869.

SECTION 1. In cases of mandamus the Supreme Court to have original concurrent jurisdiction with the District Court—in any substantial issue of fact raised the Court may appoint a referee—for what purpose.

2. When act to take effect.

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

SECTION 1. The supreme court of this state shall have original concurrent jurisdiction with the district courts in all cases of mandamus, and such writ may be allowed by the court or any judge thereof in term time or vacation, and may be made returnable and heard at a general or special term of said court, or at any time in vacation, as the judge or court allowing the same may determine. In case any substantial issue of fact is raised in a proceeding com-

Supreme and District Courts to have concurrent jurisdiction—may appoint referee.