

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 13, 1901.

CHAPTER 360.

H. F. No. 643.

*An act to amend section 2604 of the General Statutes of 1894, relating to the exercise of the right of eminent domain by corporations, as amended by chapter 51 of the Laws of Minnesota for the year 1899, and giving telephone, telegraph, water-power, pneu[m]atic tube and electric companies the right to use public roads and highways under certain restrictions.*

Amendment granting right-of-way to telephone and other companies.

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

SECTION 1. That section 2604 of the General Statutes of the State of Minnesota for 1894, as amended by chapter 51 of the Laws of the State of Minnesota for 1899, be and the same is hereby amended so as to read as follows:

Section 2604. Any corporation organized or reorganized under the provisions of this title, and any corporation organized for the purpose of improving, developing or using water power, or for the purpose of generating using or transmitting electricity for heat, light or power purposes, may obtain the right of way over, through, under or across any lands needed for the construction and maintenance of any railroad, telegraph, telephone or pneumatic tube line, lines for the transmission of electricity or electrical power for public use and for subway conduits for the use, 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; and may obtain the right to overflow, by reason of any dam, locks, sluices or other erection necessary for the convenient prosecution of its 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 purposes of said business, and the right of way in and over the bed of any river, bay, lake or watercourse, 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 watercourse, and to purchase and erect all necessary buildings for the operation and

Corporations developing water power, or for generating electricity for heat, light or power, may obtain right-of-way.

Along and upon right-of-way of railroads.

prosecution of any manufacturing business upon water-power incidentally created by such improvement, by proceeding as in this title provided; and any such telegraph or telephone company organized under the provisions of this title may acquire the 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.

May use public roads and highways.

Any water-power, telephone, telegraph, pneumatic tube or electric light, heat or power company, shall have and enjoy the right to use the public roads and highways in this state for the purpose of erecting, constructing, using, operating and maintaining lines, subways or conduits for the purposes of their business; *provided*, that the same shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the said roads or highways; and *provided* that each and all of such corporations, in the construction and maintenance of any such line, subway or conduit, shall be subject to all reasonable regulations that may be imposed by the supervisors of any township or the council, or other governing body of any village or city wherein said road or highway may be situated; and *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, telegraph, pneumatic tube, or electric 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 such system in such village or city, nor for a period beyond that for which the right to operate such system is granted by such city or village.

Subject to regulation of municipal authority.

SEC. 2. This act shall not apply to or affect any proceeding now pending to condemn lands for right of way for any corporation herein referred to.

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

Approved April 13, 1901.