

Sec. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

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

Approved April 10, 1911.

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CHAPTER 102—S. F. No. 217.

An Act to provide for the organization of "Union Depot" Corporations, in cities of this State, now or hereafter having a population exceeding fifty thousand inhabitants, into or through which may pass two or more commercial steam railways, and for the erection and construction of such union depots, and for the financing and supervision of the same; and for investing such corporations with the right and power to take and condemn, for the use of such union depots, private and public property; and for requiring any and all commercial steam railways entering or passing through such cities to make use of such union depots under the supervision of the Railroad and Warehouse Commission.

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

Union depot facilities in certain cities.—Section 1. In every city of this state, now or hereafter having a population exceeding fifty thousand inhabitants, into or through which two or more commercial steam railways may pass, and in which each or two or more of such commercial steam railways may maintain separate and independent passenger stations at different points within such city, or in which the union passenger depot facilities furnished and provided by such railways are insufficient and inadequate to meet the needs and comfort, or insure the safety, health and convenience of the traveling public, a body corporate may be formed for the purpose of supplying the means and doing the work necessary to acquire sufficient lands, and of erecting, constructing and maintaining a union passenger depot, so situated, as to location, and of such dimensions, and so equipped, as to adequately meet all the reasonable requirements of passengers entering or departing from such city over any of such commercial steam railways.

Any such corporation, when organized pursuant to the power hereby granted, shall possess all the rights, powers and privileges, and be subject to all the duties and liabilities of railway corporations under the laws of this state, and shall also be subject to the regulation and control of the railroad and warehouse commission as hereinafter provided.

Procedure for incorporation.—Sec. 2. Fifteen or more citizens of this state, desiring to form a corporation for such purposes, may make and subscribe a certificate of incorporation, in which shall be set forth the names and residences of the incorporators, the name of the corporation,—which shall embrace the words "Union Depot," and also the name of the city in which it is proposed to erect such union depot, with such other word or words as such incorporators may select,—the amount of the capital stock of such corporation, a full statement of the objects and purposes of said incorporation, the duration of the existence of said corporation, the number of persons who shall compose its board of directors, and such other things as are required to be stated in such certificate of incorporation by section 2849 of the Revised Laws of Minnesota, 1905, and acts amendatory thereof.

Such certificate of incorporation shall be executed in the same manner as is required by said section 2849, and shall be published, filed and recorded in the same manner as is required of other corporations by sections 2850 and 2851 of said Revised Laws of Minnesota, 1905, and acts amendatory thereof, and shall be subject to the payment of the same fees for the organization of such corporation as is required of other corporations by chapter 58 of the Revised Laws of this state, 1905, and acts amendatory thereof.

Said corporation shall not be authorized to exercise the powers, rights and privileges herein granted, with reference to the taking and condemnation of property, until one-fourth of its capital stock has been subscribed for by bona fide, unqualified subscriptions, and until, at least, ten per cent of the amount so subscribed has been paid in cash into the hands of the treasurer of the corporation, and until all the provisions of section 3 hereof have been fully complied with.

Plats, drawings, etc., to be filed with railroad commission.—Sec. 3. Whenever a corporation has been organized by complying with the foregoing provisions it shall, within three months thereafter cause to be filed with the railroad and warehouse commission maps, plats and drawings showing the real property to be taken by said corporation for its use, also the location, dimensions and general plans of the building, sheds, tracks and approaches to be built by said corporation on the lands so designated. Said railroad and warehouse commission shall thereupon examine said maps, plans and drawings for the purpose of determining whether they meet the reasonable requirements of said city for the purpose of a union depot and shall within thirty days after said filing render a decision thereon. In case said commission shall find said maps, plans and drawings inadequate for the purposes herein provided, it shall so find and point out

in detail such inadequacies and said corporation shall within sixty days thereafter so alter its plans and drawings as to conform to the direction of said commission, and when so altered to comply with such direction, said railroad and warehouse commission shall thereupon forthwith issue an order under the seal of said commission approving of said maps, plats and drawings, and thereupon such corporation may exercise the powers, rights and privileges herein conferred to the exclusion of all other persons or corporations.

Complaints by railroads for non-admission.—Sec. 4. If, at any time after such union depot shall be completed and opened for the use of the railroads and the public, any railroad using the same shall claim that the facilities afforded it by said corporation maintaining any such union depot are inadequate for the proper discharge of its business as a public carrier, it shall make a complaint in writing specifying the particulars of its claim, and file the same with the railroad and warehouse commission, who shall thereupon give notice by mailing a copy of such complaint to the corporation operating and maintaining any such union depot.

Within twenty days after the service of such complaint by said railroad and warehouse commission, the corporation maintaining any such union depot shall make and file its answer thereto with said commission, and thereupon the matter shall be at issue and ready for a hearing before and determination by said railroad and warehouse commission.

If, upon a hearing said charges shall be sustained, said railroad and warehouse commission shall thereupon make an order directing such changes to be made as will meet the requirements of the business of the complaining railroad.

In case any corporation maintaining such union depot shall fail for thirty days after notice of such order to begin the changes ordered by said railroad and warehouse commission, the district court of the county within which any such union depot is located, shall have jurisdiction by mandamus, or otherwise, to compel said corporation to comply with the order or orders of said railroad and warehouse commission.

Acquiring of terminals.—Sec. 5. Any such corporation is hereby expressly authorized and empowered to acquire by contract, deed or other conveyance, any and all property, including lands, depots, depot grounds, tracks, bridges and appurtenances which it may deem necessary, convenient or expedient for the purposes of such union depot.

Any such corporation, after its incorporation shall have been completed, as hereinbefore provided, shall be vested with the power of eminent domain, and, in the exercise of such power,

it is hereby authorized to take and condemn any and all lands, grounds, or other property which may be necessary to, or convenient for the location and construction of any such union depot and the tracks incident thereto, and also any and all depots, depot grounds, tracks, bridges or other property of any railroad, even though such depots, depot grounds, tracks, bridges or other property may be by such railroad used by it or others for railroad purposes.

The purposes of such union depot are hereby declared a paramount public use to which any and all other public uses to which any property may be dedicated by any commercial steam or other railroad shall be subservient.

Whenever it shall be or become necessary for any such corporation to acquire any of the properties hereinbefore described by the exercise of the power of eminent domain hereby granted, it shall proceed according to the provisions of chapter 41 of the Revised Laws of the State of Minnesota for the year 1905, and acts amendatory thereof, and any such corporation is hereby invested with all the powers therein granted and also the additional powers herein granted.

Securing of funds.—Sec. 6. To enable a corporation organized pursuant to this act to provide the means necessary to enable it to fulfill the purposes for which it was created, it shall have power, and it is hereby authorized, after its incorporation shall have been completed, as hereinbefore provided, to borrow such money as it may need, not exceeding eighty per cent of the actual total cost of the property acquired and work to be done, and, for such purposes, it is further hereby authorized and empowered to place upon any and all of its property, however acquired, mortgages or trust deeds to secure the re-payment of any such sums of money as it may borrow.

Terms of admission to be upon a wheelage basis.—Sec. 7. Each railway making use of such union passenger depot shall pay for its use, to the corporation maintaining the same, in proportion to the amount or extent of such use which shall be computed upon a wheelage basis, or such other basis as the railroad and warehouse commission of this state may determine upon as just and reasonable.

In the use of any such union depot all commercial steam railways shall stand upon an equal right as to any such use, and any favoritism to, or discrimination against, any railway company in that respect is hereby expressly forbidden and declared to be unlawful.

The rate or rates to be paid by any and all of the railroads for the use of such union depot shall be fixed and determined by the railroad and warehouse commission, and shall be com-

puted by said commission on such a basis as will produce, in the aggregate, a sum sufficient to pay the interest upon the bonds issued and secured by trust deeds or mortgages on the property of any such corporation; the cost of operation, maintenance, repairs and renewals; all taxes, assessments or charges, either levied or assessed by the public authorities on said property; and a dividend upon the par value of the capital stock of any such corporation of not exceeding six per cent per annum.

In addition to the foregoing, there shall be set aside each year out of the earnings of the corporation, a sum not exceeding two per cent of the bonded indebtedness as a sinking fund.

On the first day of each month, or as soon thereafter as may be practicable, any such union depot company shall furnish each railroad, using the facilities of such union depot, with a statement of account, showing the sums due by it for the previous month on the basis fixed by the railroad and warehouse commission, and the sum so due from each railroad to such union depot company for such use for such preceding month, shall be due and payable on or before the twentieth of the month in which such statement is rendered, and shall be paid by each railroad to such Union Depot Company.

Railroad and warehouse commission to enforce compliance.—Sec. 8. If any railroad entering into or passing through any city wherein a union depot has been built pursuant to this act, shall neglect or refuse to use the same upon the terms and conditions prescribed in this act, such neglect or refusal shall be made known in writing by such union depot corporation to said railroad and warehouse commission, who shall thereupon order the railroad complained against to show cause before said railroad and warehouse commission why an order should not be issued by it requiring said railroad to make use of such union depot according to the provisions of this act, and any such union depot company shall also be given notice of the time and place of such hearing. If, at the time and place so fixed, it shall appear that facilities have been provided by such union depot company for use of such union depot by such railroad, and that such facilities are reasonably adequate to care for the business of said railroad, then the railroad and warehouse commission shall make its order in writing, under its seal, requiring said railroad to make exclusive use of said union depot according to the intent and purpose of this act.

If such railroad shall neglect or refuse to obey the order of said railroad and warehouse commission, the latter shall certify the facts in such case to the attorney general of the state, and thereupon it shall be the duty of the attorney general to proceed against such railroad in the district court of the

county in which such union depot may be located, to compel performance by such railroad of such order by mandamus or other appropriate proceeding.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved April 8, 1911.

CHAPTER 103—S. F. No. 230.

An Act to amend Section 10 of Chapter 309 of the General Laws of Minnesota for 1909, relating to County Boards of Education for unorganized territory within the State and to define their scope and powers and to the compensation of the officers of said board.

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

Salaries of members of county boards of education.—
Section 1. That section 10 of chapter 309 of the General Laws of Minnesota for 1909 be amended so as to read:

Section 10. For their services performed under the provisions of this act the chairman of said board of education shall be paid three dollars (\$3) per day for the time actually employed by him as such chairman and ten cents (10c) per mile for distance actually travelled by him in performance of his said duties, not exceeding the total sum of four hundred dollars, (\$400.00) in any one year for such mileage and per diem; the treasurer of said board shall be paid one and one-half per cent (1½%), and the clerk one per cent (1%), of the cash disbursements for the year, but only after all reports required by law have been made in conformity thereto; provided that this section shall not apply to counties having a population of more than 100,000.

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

Approved April 10, 1911.