

## CHAPTER XXIV.

*An Act to authorize the cities of Minneapolis and Saint Anthony to issue bonds and to appropriate the same to aid in the preservation of the Falls of Saint Anthony in the Mississippi River.*

March 4, 1899.

- SECTION 1. Common Council of the city of Minneapolis authorized to issue bonds—in what amount—for what purpose.
2. City Council of the city of Saint Anthony authorized to issue bonds—in what amount—for what purpose.
3. Bonds made payable in New York—when made payable—interest to be paid semi-annually.
4. Councils of said cities authorized to levy taxes for the payment of principal and interest.
5. To be submitted to legal voters of said cities.
6. When voters of said cities to vote upon said question—ballots, how prepared—how and by whom votes to be canvassed.
7. Duties of City Councils when popular vote in the affirmative.
8. No bonds to be issued by the city of Minneapolis until after conveyance of certain property to said city by the Minneapolis Mill Company—description of property.
9. No bonds to be issued by the city of Saint Anthony until after conveyance of certain property to said city by the Saint Anthony Water Power Company—description of property.
10. No bonds to be issued unless said Companies shall provide additional funds, together with the bonds, as will reasonably be sufficient to accomplish the object.
11. There shall be a board of construction—to be composed of what number—how appointed—duty of.
12. When act to take effect.

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

SECTION 1. That the common council of the city of Minneapolis is hereby authorized to issue the bonds of the said city of Minneapolis to the amount of sixty thousand dollars (\$60,000,) and to appropriate the same to aid in the preservation of the Falls of Saint Anthony in the Mississippi river.

Minneapolis to issue bonds—in what amount—for what purpose.

SEC. 2. That the city council of the city of Saint Anthony is hereby authorized to issue the bonds of the said city of Saint Anthony to the amount of twenty thousand dollars (\$20,000,) and to appropriate the same in aid of the purpose named in the previous section.

*Saint Anthony to issue bonds—in what amount—for what purpose.*

SEC. 3. That said bonds shall be made payable in the city of New York not less than five nor more than fifteen years after the date thereof, with interest coupons attached providing for the semi annual payment of interest at the rate of ten per cent. per annum.

*When and where made payable—interest when paid.*

SEC. 4. That the councils of said cities respectively shall make provision, by the levying of taxes, for the payment of said bonds and interest as they shall mature.

*Cities to levy taxes—for what purpose.*

SEC. 5. That no bonds shall be issued by the council of either city, under the provisions of this act, unless the issue thereof shall have been approved by a vote of a majority of the qualified electors of such city, who shall vote upon the proposition as provided for in the next section.

*To be submitted to legal voters of said cities.*

SEC. 6. That at the annual city election to be holden in the said city of Saint Anthony on the first Tuesday of April, A. D. 1869, and at a special election to be holden in the city of Minneapolis on the sixteenth day of March, A. D. 1869, the voters in each of said cities shall vote upon the proposition to issue or not to issue such bonds, and the clerks of said cities respectively are hereby directed to insert in the notices for said elections a brief statement of said proposition. The votes on said proposition shall be on separate ballots and be deposited in boxes separate from the boxes used for the reception of ballots for city officers at the same elections. The voters in favor of issuing such bonds shall vote a ballot written or printed, or partly written and partly printed, having thereon the words, "Issue of bonds to aid in preserving the Falls of Saint Anthony—Yes;" and the voters opposed to the issuing of such bonds shall vote a ballot written or printed, or partly written and partly printed, having thereon the words, "Issue of bonds to aid in preserving the Falls of Saint Anthony—No;" and the said votes shall be counted, returned and canvassed in the same manner as the votes for city officers at the same election in the said city of Saint Anthony, and at other elections in the said city of Minneapolis, are counted, returned and canvassed, except that in the case of the said special election in the said city of Minneapolis no poll

*When vote to be taken—how and by whom votes canvassed.*

list need be posted before said election, and that the poll lists used at the last general state election shall be used at said special election, being subject however to correction, according to law, on the morning of said special election.

Duties of councils when vote in the affirmative.

SEC. 7. That if it shall appear that the issue of such bonds shall have been approved by the vote of the majority of the qualified electors of each of said cities who shall vote upon the proposition at said elections, then the councils of each of said cities shall, subject to the provisions hereinafter contained, issue bonds as provided in sections one and two of this act; but if it shall appear that the issue of such bonds shall have been approved by the vote of a majority of all qualified electors of one of said cities but not of the other, then the council of the city which has voted to issue such bonds shall not issue such bonds unless the citizens of the other city refusing to issue such bonds shall raise or secure by subscription or otherwise an amount of money equal to the amount of bonds which, by this act, such city might have voted to issue.

Description of property to be conveyed to Minneapolis before issuing bonds.

SEC. 8. That no bonds shall be issued or appropriated under the provisions of this act by the common council of said city of Minneapolis unless the Minneapolis Mill Company shall convey to the said city, its successors and assigns forever, the following described pieces of land, (for mill sites,) situate on the canal, as built by the Minneapolis Mill Company, in the city of Minneapolis, to-wit:

1. A rectangular piece of land (comprising two mill sites) situate on the southwesterly side of said canal, extending from the rearface of the wall of said canal to lot thirteen (13,) in block one hundred (100,) according to the recorded plat of the town of Minneapolis, and adjoining and on the northwesterly side of the mill site conveyed by said Minneapolis Mill Company to Lyman W. Montgomery, Ransom D. Warner and Edmund Brewster, by deed dated May 25, 1867; said piece of land, or two mill sites, being together eighty-five (85) feet front towards said canal, reserving thereout to said Minneapolis Mill Company, or its assigns, the right to have and maintain a raceway six (6) feet in the clear through each of said two mill sites, and extending from the apertures in the canal wall in front of said mill sites, and at right angles with the line of said canal; such races to be used for the flowing or drawing of water from said canal to be-

used for mill purposes on other lands, and to be built, used and maintained on similar terms as the race across the above mentioned mill site conveyed to Montgomery, Warner and Brewster, so far as applicable, and also reserving to said Minneapolis Mill Company and its assigns tunnel rights for the discharge into the Mississippi river, through said piece of land or two mill sites, of the water which may be used on other lands, such tunnel rights to be held and used on similar terms, so far as applicable, as through said adjoining mill site of Montgomery, Warner and Brewster.

2. A rectangular piece of land or mill site, situate on the northeasterly side of said canal, and adjoining and on the easterly side of the mill site conveyed by said Minneapolis mill company to Lorenzo D. Day, by deed dated November 15, 1865, and being sixty-five (65) feet front towards said canal, and ninety-five (95) feet in depth from the rear face of the canal wall on said side of said canal, reserving thereout to said Minneapolis Mill Company and its assigns, tunnel rights for the discharge into the Mississippi river, through said piece of land or mill site, of the water which may be used on any lands southwest from said canal; such tunnel rights to be held and used on similar terms as the tunnel rights hereinbefore mentioned; together also with the right for said city of Minneapolis and its assigns to have a private right of way in common with the Minneapolis Mill Company, its assigns, grantees or lessees, over and along the top of said canal, to and from said described pieces or parcels of land or mill sites, with the right to bridge said canal adjacent thereto for the purpose of such way according to the plans of said Minneapolis Mill Company, together also with the privilege for said city of Minneapolis or its assigns, to have, at any time hereafter, a lease or leases of water to be taken from said canal to be used upon said pieces of land or mill sites above described forever, for the purposes of supplying power for mills or factories that may be erected thereon, for such annual rents for each mill power of water, to be paid quarterly to said Minneapolis Mill Company, from and after the time said water may be required for use on said pieces of land or mill sites, as the said company is then receiving or is entitled to receive from other parties under their latest leases of water from said canal, executed prior to the leasing of said water by said city of Minneapolis or

Description of property to be conveyed to Minneapolis before issuing bonds.

its assigns. Said water and the aforesaid pieces of land or mill sites to be held and used subject to similar restrictions, terms and provisions, so far as applicable hereto, as the mill site of Montgomery, Warner and Brewster, aforesaid, and the water to be used thereon are subject to, as mentioned in the aforesaid deed to them and in the printed proposals for the sale and lease of land and water power by said Minneapolis Mill Company, annexed to said deed, together with the right for said city of Minneapolis or its assigns to have tunnel rights for the discharge into the Mississippi river of such water as may be used on the piece of land or two mill sites above described, situate on the southwest side of said canal, under any lease or leases hereafter to be executed as before provided, such tunnel rights to be held and used on similar terms as the other tunnel rights hereinbefore mentioned.

SEC. 9. That no bonds shall be issued or appropriated under the provisions of this act by the city council of the said city of Saint Anthony unless the Saint Anthony Falls Water Power Company shall first convey to the said city of Saint Anthony and to the board of education of said city the following described real estate, situate in said city of Saint Anthony, in fee simple, by deed of warranty against all incumbrances, to wit:

Description of property to be deeded to Saint Anthony before issuing bonds.

*First.* To the board of education of the city of Saint Anthony lot numbered one (1) in block numbered three (3,) in St. Anthony Falls, as platted as appears by the plat in the office of the register of deeds of the county of Hennepin.

*Second.* To the city of Saint Anthony, for the purposes of a public square and streets, lots numbered fifteen (15,) sixteen (16,) seventeen (17) and forty-one (41,) in block numbered one (1) in subdivision of block thirty-nine, in St. Anthony Falls; also lots from one (1) to eighteen, both inclusive, in block numbered two (2,) and lots five (5,) six (6) and seven (7,) in block numbered three (3,) in said subdivision of block thirty-nine, in St. Anthony Falls.

*Third.* To the city of Saint Anthony lots numbered four (4,) five (5,) six (6,) seven (7) and eight (8,) in block numbered eighteen (18,) in St. Anthony Falls, as platted as aforesaid; also lots numbered sixteen (16,) seventeen (17,) eighteen (18,) nineteen (19,) twenty (20) and twenty-one (21,) in block numbered seven (7,)

of subdivision of grounds between Pine, Bay, Main and Second streets, in St. Anthony Falls, as surveyed by R. & F. Cook, according to the plat of said subdivision on file in the office of the register of deeds of said Hennepin county.

SEC. 10. That no bonds shall be issued or appropriated under the provisions of this act unless the said Minneapolis Mill Company and the said Saint Anthony Falls Water Power Company shall provide or procure to be provided and secured, such additional funds as in the judgment of the said city councils, together with the said bonds, will reasonably be sufficient to accomplish the object of preserving the said falls; nor shall any bonds be issued or appropriated under the provisions of this act except upon the express condition that the said companies and other persons interested in the improvement and preservation of said falls, shall have first placed in the hands of the board of construction hereinafter provided for, the sum of five thousand dollars for each twenty thousand dollars of bonds asked for and to be delivered to said board, it being the intent hereof that whenever and as often as an amount of twenty thousand dollars of bonds shall be called for by said board the said companies and other persons interested as aforesaid shall deposit with said board the sum of five thousand dollars, to be expended upon said improvement.

*Companies to provide additional funds prior to the issuing of bonds.*

SEC. 11 There shall be a board of construction composed of four persons, one to be appointed by the common council of the city of Minneapolis, one by the city council of the city of Saint Anthony, one to be agent of the Minneapolis Mill Company, and one to be agent of the Saint Anthony Falls Water Power Company, which said board, by a majority vote thereof, shall select a civil engineer, and shall have control of the plans and execution of the work contemplated by this act, and shall receive, convert and disburse the funds herein provided for. The members of said board who shall be appointed by said councils shall receive their compensation from the construction fund, and neither of said cities shall be liable for such compensation, but the agents of such companies shall receive no compensation from such fund.

*Board of construction appointed—how—duty of.*

SEC. 12. This act shall take effect and be in force from and after its passage.

*When act to take effect.*

Approved March 4, 1869.