

## CHAPTER 79.

AN ACT DEFINING EQUAL RIGHTS TO RAILROADS OF DIFFERENT GAUGES.

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

SECTION 1. That when the words "railroad" or "railroads" is used in any general or special law of this State the same shall be deemed to apply alike to all railroads without reference to the gauge thereof.

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

Approved March 8, 1879.

## CHAPTER 80.

AN ACT TO AUTHORIZE RAILROAD COMPANIES TO EXERCISE THE RIGHT OF EMINENT DOMAIN IN CERTAIN CASES IN THIS STATE.

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

SECTION 1. That any railroad company now existing under the laws of Minnesota, or which has authority under the laws of this State to build and operate a railroad within this State; and any railroad companies which may hereafter be organized under the General Laws of this State, shall have power to acquire by purchase or condemnation, all necessary roadways, spur and side-tracks, rights of way, depot grounds, yards, grounds for machine shops, warehouses, elevators, depots; station houses, and all other structures that may be necessary or convenient for the full enjoyment, use and operation of its road, and may purchase, erect and maintain and operate all such machine shops, warehouses, elevators, depots, station houses and other structures as may be necessary or convenient for the use, operation or enjoyment of the road, and may make with any railroad company, such arrangements for the use of any portion of its tracks and road beds as it may deem necessary; and may, wherever and whenever it may be or become necessary for carrying out the purposes of such corporation, enter upon and cross over or under the tracks and road beds of any other railroad corporation or company for the purpose of effecting a crossing upon, over or under the same or a connection with the same, and may enter upon, across, over, under or along any other lands of all other railroad corporations, streets and highways, with its own tracks, upon paying

80-80  
36-M 168  
39-nw 65

21 80-1  
52-NW 657

Power to  
acquire road-  
ways, &c.

Use of tracks.  
crossings, &c.

just compensation to the person or corporation injured thereby.

SEC. 2. That the power to condemn hereby granted, shall embrace all roadways, spur and side-tracks, rights of way, railroad crossings, depot grounds, yards, grounds for machine shops, warehouses; elevators, station houses, water tanks, and all other buildings and structures, rights, privileges and easements necessary to the construction, or necessary or convenient to the operation of any of said railroads; also, all lands, rights, privileges and easements that are or may become necessary or convenient to the full enjoyment, use, maintenance and operation of any of said railroads.

Extent of  
power granted

SEC. 3. That the condemnation proceedings hereby authorized, shall be instituted by said company and conducted in the same manner, as other similar proceedings are or may hereafter be instituted and conducted by railroad companies in this State under the general laws, except that the court in its discretion in and by the order of appointing commissioners, may limit the easements to be acquired, by reserving to the owner of the property over which the right of way is sought to be obtained, such rights and privileges in and to the same as shall not be incompatible with the use for which the same is to be appropriated, to be exercised and enjoyed in such manner as not to injure or to interfere with the road track and structure of such railway company, or the free and legitimate use of the same for railway purposes. *Provided*, That nothing in this act contained, shall be construed as authorizing or empowering said railroad company or any of them, to condemn, appropriate or use any lands, property or rights or franchises of any other railroad corporation, occupied or in use or necessary for the operation of its railroad, or the transaction of its business by such other corporation, except when the petitioning corporation shall elect to cross any such property and tracks or either by its tracks, and in such case the corporation electing to cross any such property and tracks, or either, may cross the same, either over, under or at grade, and then only by the construction of its tracks across the same. And in case where such election shall be made, the district court to which the petition shall be presented, shall at the time of the appointment of the commissioners, upon the request of either party and upon such showing as the court may deem necessary and proper, prescribe the location and the manner in which such crossing or connection shall be made so as to effect the purpose of the petitioning corporation, and at the same time do the least injury to the corporation whose property is taken.

Proceedings  
under general  
laws.

Duty of  
district court.

SEC. 4. That nothing herein contained, shall be construed to abridge the rights conferred on any railroad company by existing general laws of this State, or of any special laws of this State.

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

Approved March 6, 1879.