

SEC. 9. Whenever any portion of the work hereinbefore specified in section eight, which would entitle said company to receive an amount of bonds as therein specified, has been performed, and the conditions of said section eight complied with on the part of said company, the city council of said city of Minneapolis shall by resolution direct the mayor of Minneapolis to cause to be prepared and properly executed the amount of bonds to which said company shall then be entitled by the provisions of this act, and to deliver the same to said company, or to such officer as may be designated by the board of directors thereof to receive the same.

*Provided*, That if the issue of said bonds shall be approved by a majority of the electors of the city of Minneapolis, who shall vote upon the question as hereinbefore provided, then and in that case, no bonds, other than those authorized by this act, shall be issued by said city, or any department thereof, at any time when the total bonded indebtedness of said city, including the bonds which may have been issued under authority of this act, shall be in excess of six per cent. of the assessed valuation of the property in said city, as the same may appear upon the last preceding assessment rolls of property liable to taxation; and no officer of said city, or of any department thereof, whose duty it may be to sign, countersign or issue any bonds, shall at any time sign, countersign or issue any bonds of said city or of any department thereof in violation of this provision of this act, and any officer wilfully violating this provision shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five thousand dollars or by imprisonment in the county jail not exceeding ninety days, or both, in the discretion of the court having cognizance of the offence.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved February 14, 1879.

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### CLXXXIII.

AN ACT TO AUTHORIZE AND EMPOWER THE CHICAGO, ST. PAUL AND MINNEAPOLIS RAILWAY COMPANY TO CONSTRUCT AND OPERATE A LINE OF RAILROAD FROM THE EASTERLY BOUNDARY OF THIS STATE TO THE CITY OF MINNEAPOLIS, AND GRANTING SAID COMPANY THE POWER TO EXERCISE THE RIGHT OF EMINENT DOMAIN WITHIN THIS STATE.

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

SECTION 1. The Chicago, St. Paul and Minneapolis railway company, a corporation organized and existing under the laws of the state of Wisconsin, is hereby authorized and empowered to construct, maintain and operate a line of railroad from the eastern

boundary line of this state, where the same is intersected by the present railroad bridge across lake St. Croix, westerly through the counties of Washington and Ramsey, by one or more lines or routes to and into the city of Minneapolis, in the county of Hennepin; and in constructing said road, and as a part thereof, the said company may adopt the said railroad bridge and so much of the present railway leading therefrom as is now operated by said company; and in constructing the said road, and in connection therewith, may locate, build, maintain and operate, any and all extensions and branches within said counties of Washington, Ramsey and Hennepin, that may be necessary to connect the same with any and all railroads now built or hereafter to be built to or into said city of Minneapolis or the city of St. Paul, or either of them, and may also build, maintain and operate any extensions, branches and spur tracks from said roads to any mills or manufactories, or other industries requiring railway facilities in said cities, or either of them; and may construct, maintain and operate said road, extensions and branches, with one or more tracks and with all necessary side tracks, turnouts and connections; and shall have power to acquire by purchase or by condemnation, as hereinafter provided, all necessary roadways, rights of way, depot grounds, yards, grounds for machine shops, warehouses, elevators, depots, station houses, and all structures that may be necessary or convenient for the full enjoyment, use and operation of said roads, branches, extensions and spur tracks; and may purchase, erect, 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 and enjoyment of said roads, branches, extensions and spur tracks, as aforesaid; and may make with any other railroad company, such arrangements for the use of any portion of its tracks and road beds as it may deem necessary; and may, whenever and wherever it may be or become necessary to the carrying out of the purposes and exercising the powers granted by this act, enter upon and cross over or under the tracks, roadbeds and lands 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 upon a cross over, under or along any other lands, streets and highways, with its own tracks, upon paying just compensation to the persons or corporation injured thereby, to be ascertained as hereinafter provided.

SEC. 2. The said Chicago, St. Paul and Minneapolis railway company is hereby authorized and empowered in its own name to acquire by purchase and to enter upon, take and condemn any and all lands, rights, privileges and easements, that are now or hereafter may become necessary or convenient to the full enjoyment, use, maintenance and operation of any and all lines of railroad, now or hereafter to be owned or operated by said company within this state, including said road, extensions, branches and spur tracks by this act specially authorized, and such power to condemn shall embrace all roadways, 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.

*Provided, however,* that nothing in this act contained shall authorize the said company to condemn any part of the public levee in the city of St. Paul, without the consent of the common council of said city. And *provided further,* that the grade of the tracks of said railroads, when the same shall cross any public street in the cities of St. Paul or Minneapolis, shall be such as shall be designated and fixed by resolution of the common council of the city where such crossing shall be made, which resolution shall be passed at the next regular meeting of said council, after notice of such intended crossing. And in case any such crossing shall involve the necessity of a bridge to allow of any street passing under or over any such railroad, such company shall pay the expenses of the construction and maintenance of the abutments, excavations and superstructure of such bridge, and the city shall pay the expense of the construction and maintenance of the street approaches to such bridge. The condemnation proceedings hereby authorized shall be instituted by said company and conducted in the same manner as similar proceedings are instituted and conducted by railroad companies formed under the general laws of this state, as such laws exist at the date of the institution of such proceedings; and the title acquired by said company under such proceedings shall be the same as provided in that behalf by said general laws, except that the court in its discretion, in and by the order appointing commissioners, may limit the easement 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 interfere with the roads, tracks, and structures of such railway company, or the free and legitimate use of the same for railway purposes; and all property acquired by said Chicago, St. Paul & Minneapolis railway company, under and by virtue of the provisions of this act, shall be subject to taxation by payment of a percentage upon the gross earnings of said company in the manner provided by law for the payment of such percentage by railroad companies in this state, and shall not be liable for any other tax or assessment whatever.

*Provided,* That nothing in this act shall be construed as authorizing or empowering said railway corporation or company to condemn, appropriate, or use any lands, property, 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 when such election shall be made the district court to which the petition shall be presented shall at the time of the appointment of commissioners upon the request

of either party and upon such showing as the court shall deem necessary and proper, prescribe the location and the manner in which such crossing or connection shall be made so as to affect the purpose of the petitioning corporation and at the same time do the least injury to the corporation whose property is taken.

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

Approved March 4, 1879.

#### CHAPTER CLXXXIV.

AN ACT TO AUTHORIZE AND EMPOWER THE CHICAGO, MILWAUKEE, AND SAINT PAUL RAILWAY COMPANY TO CONSTRUCT AND OPERATE A LINE OF RAILROAD FROM SAINT PAUL TO MINNEAPOLIS AND GRANTING TO SAID COMPANY THE POWER TO EXERCISE THE RIGHT OF EMINENT DOMAIN WITHIN THIS STATE.

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

SECTION 1. The Chicago, Milwaukee and Saint Paul Railway Company, a corporation organized and existing under the laws of the state of Wisconsin, and owning and operating certain lines of railway in this state, is hereby authorized and empowered to construct, maintain and operate a line of railroad from any point within the city of Saint Paul to and into the city of Minneapolis, in this state, the terminal points of said road to be selected by said company; and in constructing said road any portions of the lines of road now owned or operated by said company may be used as part thereof. The said company may also, in connection with said road or in connection with its present road build, maintain and operate any and all extensions and branches within or between said cities that may be necessary to connect either or both of said roads with any and all railroads now built or hereafter to be built to or into said cities or either of them, and may also build, maintain and operate extensions, branches and spur tracks from either of said roads to any mills or other manufactories or other industries requiring railway facilities in said cities, or either of them, and may construct, maintain and operate said road, extensions and branches, with one or more tracks, and with all necessary side tracks, turn-outs and connections; and shall have power to acquire by purchase or by condemnation, as hereinafter provided, all necessary roadways, rights of way, depot grounds, yards, grounds for machine shops, warehouses, elevators, depots, station houses and all other