

CHAPTER LXXXVI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT ENABLING THE CITIES, TOWNS AND VILLAGES IN THE COUNTIES OF GOODHUE, RICE, LESJEUR, WASECA, AND BLUE EARTH, TO AID IN THE CONSTRUCTION OF A RAILROAD FROM THE CITY OF RED WING IN SAID COUNTY OF GOODHUE, OR FROM SOME POINT IN THE TOWN OF BURNSIDE, FROM THE CHICAGO, MILWAUKEE AND SAINT PAUL RAILWAY IN SAID COUNTY OF GOODHUE, TO MANKATO, IN THE COUNTY OF BLUE EARTH, BY WAY OF CANNON FALLS, FARIBAULT, WATERTOWN, AND WATERVILLE, BY DONATION OF BONDS OF SAID CITIES, TOWNS AND VILLAGES, AND PROVIDING FOR THE PAYMENT OF SUCH BONDS BY TAXATION.

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

SECTION 1. That said act being chapter two hundred and fifty-two of special laws of one thousand eight hundred and seventy-eight. Approved March eleventh, one thousand eight hundred and seventy-eight, be, and the same is hereby amended by adding thereto the following new sections:

Sec. 8. All bonds or aid voted by any town, city, or village under the provisions of this act, shall be an absolute gift to the company building said railroad, so long as said road shall be built, maintained and operated as an independent and competing line as hereinafter designated, and said gratuity shall be voted upon the express condition that said road shall be so built and continue to be maintained and operated; and if at any time said road shall either by sale, lease, consolidation, absorption or purchase of stock or otherwise pass directly or indirectly into the hands or under the control of the present Milwaukee and Saint Paul railroad company or any company which may at any time own, control, or operate any of the lines of railroad now owned and operated by that company, or which shall be consolidated with or in any way united in interest with any company owning or controlling any of said lines, or if the company building and operating said railroad to which aid shall be granted under the provisions of this act shall mortgage its road and shall make default so that the mortgagees are proceeding to foreclose the same, in either case, the aid so voted as aforesaid shall become a lien upon all the road bed, right of way, rolling stock, [lands,] depots, station houses, water tanks, [swamp lands,] franchises and all the property of said company used in operating

said railroad of whatever name or nature, subject only to any mortgage given in good faith by said company for money to build and equip said railroad, to secure the original principal sum of all bonds which shall be voted by any city, town or village under the provisions of this act which lien shall have the same effect and be in all respects a mortgage upon the property herein enumerated, and may be foreclosed by bill in equity in the same manner that mortgages are foreclosed and with the same effect; and said company by accepting the aid herein authorized shall be deemed to have consented to the provisions of this section.

Any town which may grant aid to said railroad under the provisions of this act may at any general or special town meeting, and the common council of any city or village may at any regular meeting thereof appoint an agent or agents to act for and represent said town, city or village in causing a foreclosure of said mortgage, or in negotiations with the first mortgagees, if any, for the continued operation of said road by the mortgagors so as to prevent a foreclosure, and said towns are hereby authorized to take such action in the premises for their own protection and the maintenance of said railroad as an independent line, in accordance with the spirit and intent of this act as may be necessary therefor.

Sec. 9. No bonds voted by any town, village or city under the authority herein conferred, shall be issued or delivered to any railroad company or other person until the railroad in aid of the construction of which said bonds shall have been voted, shall have been constructed and in operation with the cars running thereon to some point within the limits of said town, city or village so voting said bonds but subject to such restriction.

It shall be competent for the common council of any city or the supervisors of any town, or the governing body of any village, to enter into any agreement in writing with the railroad company, to receive such aid as to the conditions precedent to be performed by such company before they shall be entitled to demand a delivery of the bonds so voted, and the details of mode and times of delivery thereof; which agreement shall be filed in the office of the city or village recorder of such city or village, or the town clerk of such town, and when so filed shall be notice to all parties.

Sec. 10. Upon the execution of any contract between the company and such authorities of any town, city or village mentioned in the last section, the bonds so voted shall be executed and placed in escrow in the hands of a third party to be mutually agreed upon, to be delivered to said company upon the compliance by it with provisions of this act and the terms of said contract.

Sec. 11. It shall be lawful for either or any of the counties of Goodhue, Rice, Le Sueur, or Blue Earth to issue the bonds of said counties for the [purposes] payment herein named in lieu of the several towns therein situate, and if said counties, or any of them, shall elect to issue said bonds instead of the several towns and cities situate therein, all of the provisions of this act shall apply to and govern said county or counties in such issue of bonds; and in such case the petition herein provided for shall be to the county commissioners of such county so issuing or about to issue bonds as aforesaid,

and all the rights or privileges herein vested in any city or town or village shall in such case be vested in such county, and any and all acts, powers, duties or authority herein vested in or to be exercised by the common council of any city, or the corporate authorities of any town or village shall in the case of any county so issuing its bond, be exercised by the board of county commissioners of said county.

Provided, That if any town, city or village shall act upon the question of giving aid to such railroad, such town, city or village shall be exempt from any taxation for the payment of principal or interest of any bonds that may be granted by such county, in which such town, village or city is situated, providing also that the voters of said town, village or city shall not enter into the question of decision as to granting aid to such railroad.

Provided, further, That any action taken under the provision of this act, when such action shall be against the issuing of such bonds, such action shall be final and any further action shall be barred.

Provided, also, The provisions of section eleven of this act shall not apply to the county of Blue Earth.

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

Approved March 10, 1879.

CHAPTER LXXXVII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF MINNEAPOLIS," APPROVED FEBRUARY THIRTEENTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, AND AMENDED BY SUBSEQUENT ACTS.

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

SECTION 1. That section three of an act entitled "an act to establish a municipal court in the city of Minneapolis," approved February thirteenth, A. D. one thousand eight hundred and seventy-four, as amended by subsequent acts, including chapter sixty-five, of the special laws of the year one thousand eight hundred and seventy-eight be, and the same is hereby, amended so as to read as follows:

Sec. 3. The judge of the municipal court shall be a resident of the city of Minneapolis, a person learned in the law, and duly admitted to practice as an attorney in the courts of this state.