

CHAPTER LIX.

An Act to Extend Rice Street in the City of Saint Paul.

- SECTION 1 Appointment of five Commissioners.
 2 Commissioners to determine upon the propriety of laying out a Street—Plat of the same.
 3 Public notice to be given to all interested.
 4 Commissioners to meet and assess Damages.
 5 Determine and assess Benefits and Injuries.
 6 Manner of procedure.
 7 Apportionment of benefits, and upon what real estate the assessments are made.
 8 Report to be made to the District Court for confirmation—Public notice.
 9 Exceptions to the Report—How Appeals are to be made.
 10 Assessments to be Liens upon the Property—Damages, how to be paid.
 11 Street Commissioners to authorize the grading within city limits.
 12 Assessments on lands without the city limits—How collected and paid.
 13 County Commissioners to Grade and open Road beyond the city limits.
 14 Fees of Commissioners appointed under this act—Shall employ Surveyors—Affidavits of Public notice.
 15 Act takes effect on passage.

Be it enacted by the Legislative Assembly of the Territory of Minnesota:

SECTION 1. The District Judge of the Second Judicial District, is authorized and empowered, and it is hereby made the duty of said Judge, within twenty days after this act shall become a law, to appoint five freeholders of the County of Ramsey, of whom at least three shall be residents of the Third Ward of the city of Saint Paul, as Commissioners for the purposes hereinafter expressed. The appointment of said Commissioners shall within the time specified, be filed in the office of the Register of Deeds of said County. Commissioners to be appointed.

SEC 2. Within one month after their appointment, shall be filed as aforesaid, the said Commissioners shall proceed to examine and determine as to the propriety of laying out a public street and road from the present termination of Rice street, in said city, in the direction it now runs, to the township line between ranges twenty-two and twenty-three, thence due north upon the said township line to the northeast corner of section twenty-four, township twenty-nine, range twenty-three. If such Commissioners shall determine to lay out such street and road as aforesaid, they shall immediately proceed to fix and determine the route of the same, and the width thereof, which shall not be less than the pres- To lay out public streets

Width thereof and plat ent width of said Rice street, and shall cause a survey and plat of said street and road to be made, which said plat shall exhibit the lands and premises required to be taken therefor, and all lands adjacent, which, in the judgment of said Commissioners, will be injured or benefited thereby. The said plat shall be immediately deposited in the office of the Register of Deeds of said County.

Public notice — Damages **Sec. 3.** They shall thereupon cause a notice to be published once in each week, for at least three weeks in two of the newspapers published in said County, that said plat has been deposited, as aforesaid, and that they will meet at a time and place to be therein specified to ascertain and assess the damages and recompense to be paid to the owners of lands required to be taken as aforesaid, and at the same time to determine what property will be benefited or injured by such improvement, and assess the damages on the real estate of persons benefited.

Hear evidence **Sec. 4.** The Commissioners shall meet at the time and place specified in said notice, and shall proceed to view said premises and make their assessment. They may receive evidence, either parol or written, and adjourn from day to day, if necessary. In making such assessments, they shall proceed in the manner prescribed for the action of jurors in like cases by the sixth chapter of the act entitled "An Act to Incorporate the city of Saint Paul, Ramsey County, Minnesota Territory," approved March 4th, 1854, as amended March 3d, 1855, and February 27th, 1856, in so far as the same may be consistent with the provisions of this act.

Determine benefits and injuries **Sec. 5.** They shall determine the value of the premises required to be taken for said street and road, and shall also determine and assess the amount of benefit or injury, or tract of land, or building to be affected by the taking of said premises, or by said improvement, and shall award such value, and the amount of such injuries to the owner or owners of such lands and buildings, as damages, after making due allowance therefrom, of any benefit which such owners may respectively derive from such improvement.

Form of procedure **Sec. 6.** The provisions of sections 8, 9, 10, 16, 17, and 19 of said chapter six shall apply to proceedings under this act, except that notices therein required to be given to the Common Council of said city, and all applications required to be made and acts to be done by said Common Council, shall, in proceedings under this act be given to, and made and performed by the said Commissioners.

Apportion damages **Sec. 7.** Having ascertained the damages as aforesaid, the Commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings and the fees of the Commissioners, upon the lands and premises by them deemed to be benefited, in proportion to the benefits resulting thereto, from the improvements, as nearly as may be, and shall describe the real estate upon which their assessments may be made.

SEC. 8. They shall thereupon make a report of their proceedings to said District Judge, which report shall be accompanied by the plat so required to be made as aforesaid, and shall contain a full statement of their action in the manner. The Judge shall thereupon deposit said report in the office of the said Register of Deeds, and shall cause a notice to be published at least once in each week for two successive weeks, in two public newspapers in said County, that such report has been deposited in said office for the inspection of all persons desiring to examine the same, and that unless exceptions shall be made thereto within twenty days from the date of such notice, the said report shall be affirmed.

Make report

Confirmation thereof

SEC. 9. Any party or parties interested, may within the time prescribed in said notice, file exceptions to so much of said report as shall relate to the amount of damages awarded, or benefits assessed, to said party or parties, or upon the lands owned by him or them, and the Judge shall thereupon proceed to hear and pass upon the same, and to that end may require affidavits to be presented or witnesses to be produced before him as he shall deem advisable, and may adjourn the hearing from day to day, if necessary. The said Judge shall thereupon make an order, either affirming such report in whole, or modifying any part thereof that shall be excepted to, as aforesaid, and affirming the residue, and shall immediately cause the said report, and plat accompanying the same, the exceptions, if any thereto, and the said order to be filed and recorded in the office of the Register of Deeds of said County.

Appeal

Record

SEC. 10. From the time of filing said order, the benefits assessed by said report, if the same shall be affirmed, in whole, and if the same shall be modified by said order, then the benefits assessed by said report as modified shall be a lien upon the premises so determined to be benefited by the said improvements, and the lands required to be taken for the purposes of said improvement, may be taken and appropriated for that purpose, and so much thereof as shall be within the limits of said city, may be made and opened by the Street Commissioners of the Third Ward, as hereinafter provided, and shall thereafter be subject to all laws and ordinances of said city, in the same manner as other streets within said city. The damages awarded to owners of lands within the limits of said city, pursuant to the provisions of this act, shall be paid, and the benefits assessed to lands within the said limits shall be collected in the same manner and within the same time that damages awarded and benefits assessed in cases arising under the said sixth chapter of said act, are required to be paid and collected under the provisions of said act.

Assessments to be a lien

Damages

SEC. 11. It shall be the duty of the said Street Commissioners, immediately after the filing of the order, to proceed and cause said street to be made, opened and graded in the

Street to be made

same manner as streets are required to be made, opened and graded, by the provisions of said last mentioned act, and the expenses thereof shall be assessed and collected in the same manner as therein provided.

Certificate **How collected** **warrant.**

Sec. 12. At the time of making out the certificates and warrants mentioned in section thirty, of chapter twelve, of the Revised Statutes, the Register of Deeds of said County shall make out a statement containing a description of each lot, piece or parcel of land without the limits of said city, upon which any assessment shall be made as herein provided, and the amount so assessed, and attach the same to the said warrant. The said assessment shall be collected and paid over to the Treasurer of said County in the same manner, in all respects, that County taxes upon real estate are required to be collected and paid over, and the same shall be paid by the County Treasurer to the persons entitled thereto.

Road to be made **Payment**

Sec. 13. After the order of the District Judge shall be filed and recorded as aforesaid, the said Commissioners shall proceed to make, open and grade the said road from the limits of said city to the north-east corner of section 24, township 29, range 23, and upon the completion thereof, shall make a report of their proceedings in relation thereto, to the Board of County Commissioners of said County, stating the costs and expenses thereof, any contracts made by said Commissioners for the doing of said work, the amount due upon such contract or contracts, and the person or persons to whom the same shall be payable by virtue of any such contract. The County Commissioners shall thereupon issue county orders to the person or persons in said report named for the amounts severally due thereon, and subject to the same rules as other County orders issued by said County Commissioners.

Fees **Affidavit of notices** **Vacancies**

Sec. 14. The fees of said Commissioners appointed under this act, shall be ten dollars per day for each Commissioner. They shall have power to employ surveyors, and to make all surveys that may be necessary in the performance of their duties. They shall cause affidavits of the publication of all notices herein required to be published to be made by the publisher or foreman of the newspaper in which the same is required to be published, and said affidavits shall be recorded with the order of said District Judges. The said Judge may by order to be filed and recorded as aforesaid, fill any vacancy in the number of such Commissioners, occasioned by the death, resignation or refusal to act of any such Commissioners.

Sec. 15. This act shall take effect immediately.

J. W. FURBER,
Speaker of the House of Representatives.

JOHN B. BRISBIN,
President of the Council.

APPROVED—May twenty-third, one thousand eight hundred and fifty-seven.

S. MEDARY.

SECRETARY'S OFFICE, Minnesota, }
SAINT PAUL, July 22, 1857. }

I hereby certify the foregoing to be a correct copy of the original bill on file in this office.

CHAS. L. CHASE,
Secretary of Minnesota Territory.

CHAPTER LX.

An Act to incorporate the Mississippi and Rum River Boom Company.

- SECTION 1 Names of Incorporators, and powers of Incorporation.
2 Capital Stock—Increase thereof.
3 Each stockholder liable for debts.
4 Books may be opened, and stock subscribed.
5 Meeting to elect Directors.
6 Officers of the Board of Directors.
7 Term of office, and Annual Meeting.
8 Special meeting, when called.
9 Meeting of Board to be regulated by by-laws.
10 Duties of the Secretary.
11 Voting, and election of President.
12 Authorizes the construction of Booms.
13 Requirements relating to rafting and delivering.
14 Rates of Boomage.
15 Manner of collecting the same.
16 Charges on logs passing through without being rafted.
17 Free passage to boats, rafts, &c.
18 Right to enter upon and occupy necessary lands—compensation therefor.
19 Prize logs.
20 Owners of logs to notify if they want them rafted—Completion—Scalage on boom logs.
21 Authority to construct a regulating boom.
22 Injury to Booms—Penalty.

Be it enacted by the Legislative Assembly of the Territory of Minnesota:

SECTION 1. That James A. Lovejoy, John L. Lovejoy, J. G. Brockway, D. M. Hall, G. W. Buckmore, Jonathan Chase, Samuel A. Jewett, O. Rogers, Charles F. Stinson, H. M. Kent, Alexis Choutier, Robert Wyman, D. W. Marr, J. B. Bassett, George Ellsworth, J. S. Pomeroy, E. N. Bates, A. Walcott, George D. Walcott, John M. Walcott, J. N. Woodman, C. D. Durr, George E. H. Day, James McCann, Incorporators