

CHAPTER LXXX.

A Bill relative to an Improvement 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 city of Saint Paul, as Commissioners as hereinafter expressed. The appointment of said Commissioners shall within the time aforesaid, be filed in the office of the Register of Deeds of said County.

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 or road from the present westerly termination of Fort street, in said city, to the westerly limits of said city, and thence to the Ferry landing opposite Fort Snelling on the Mississippi River. And also Seventh Street, from the junction of Fort and Saint Anthony Streets, to Saint Peter Street, and to continue the said Seventh Street through Brunson's Addition to the city of Saint Paul, to the eastern limits of the city of Saint Paul. If such Commissioners shall determine to lay out such streets and roads as aforesaid, they shall immediately

Commissioners
to be ap-
pointed

To lay out pub-
lic streets

proceed to fix and determine the route of the same, and the width thereof, which shall not be less than the present width of said Fort street, and shall cause a plat and survey of streets and roads to be made, which said plat shall exhibit the lands and premises required to be taken therefor, and 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.

Width thereof
and plat

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 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 and expenses thereof on the real estate of persons benefited.

Public notice
—Damages

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 an 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.

Hear evidence

SEC. 5. They shall determine the value of the premises required to be taken for said streets and roads, and shall also determine and assess the amount of benefit or injury, as the same may be, to each lot or parcel or tracts of lands, or building to be affected by the taking of said premises, or by said improvement, and shall award such value, to the amount of such damages to the owner or owners of said lands and buildings, as damages, after making due allowance therefrom, of any benefit which such owners may respectively derive from such improvement.

Determine ben-
efits and in-
juries

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 proceeding under this act be given to, and made and performed by the said Commissioners.

Form of pro-
cedure

SEC. 7. Having ascertained the damages and expenses of the improvements, 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,

Apportion dam-
ages

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.

Make report
Confirmation thereof

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 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 published 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 will be affirmed.

Appeal
Record

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.

Assessments to be a lien
Damages

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 same 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.

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 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.

Street to be made

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.

Security

How elected

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 said Ferry and upon the completion thereof, shall make a report of their proceedings in relation thereto, to the Board of County Commissioners of said County, showing 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 such report named for the amounts severally due them, and subject to the same rules as other County orders issued by said County Commissioners.

Road to be made

Payment

SEC. 14. The fees of said Commissioners appointed under this act, shall be two 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 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.

Fees

Affidavit of notices

Vacancies

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 LXXXI.

An Act to Incorporate the Traverse des Sioux Company and for other purposes.

- SECTION 1 Names and Powers of Incorporators.
2 Officers.
3 Terms of office and Meetings of Company.
4 Elections.
5 Appointment of Agents.
6 Capital Stock.
7 How taxed.
8 Individual liabilities.
9 Specified Power.
10 General Incorporation act.
11 Inconsistent acts repealed.
12 Section ten of the Act to Incorporate the Town of Bancroft repealed.

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

Names

SECTION 1. That Madison Sweetzer, Henry H. Sibley, Franklin Steele, John S. Prince, Nathan Myrick, Charles E. Flandrau, Willis A. Gorman, Charles H. Berry and Patrick Hefernan, their associates, successors, and assigns, are hereby created a body politic, with perpetual succession, under the name and style of the Traverse des Sioux Company, and by that name and style shall be and are hereby made capable in law, to have, purchase, receive, possess, sell, convey, and enjoy real and personal estate, and retain to them, their successors and assigns, all such real and personal estate, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in Courts of record and elsewhere, and to do any and all acts that the members thereof might or could lawfully do as individuals and shall have and enjoy all proper remedies at law and equity, to secure and protect them in