

January 25, 1868.

CHAPTER LXXXIII.

An Act to amend an act entitled "An act to amend an act to incorporate the St. Paul Water Company, approved May 23d, 1857," approved March 20th, 1858.

- SECTION 1.** Amends Sections two and three of former act, by appointment of Commissioners to assess damages in case of disagreement—In case of appeal may be tried by jury—Company may issue bonds to build water-works.
- 2.** When act to take effect.

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

Amendment of
Incorporation Act
of St. Paul Water
Company.

SECTION 1. That the second section of an act entitled "An act to amend an act entitled an act to incorporate the St. Paul Water Company," approved March 20th, 1858, be amended so as to read as follows:

Section 2. If the said company, its officers or agents, cannot agree with the owner or owners of such required lands, or with any person who may be damaged for the use or purchase thereof, or for the payment of damages which they may sustain, or if by reason of the legal incapacity or absence of such owner or owners, or persons damaged, no agreements can be made, the said company shall give notice to the persons interested, by publication in one of the daily newspapers published in St. Paul, that they intend to make application to the judge of the district court held in and for said county of Ramsey, on a day and place in said notice named, not less than twenty days from the publication of said notice, for the appointment of three commissioners to assess the damages which such owner or owners, or other person, may sustain in consequence of such erections, occupations and use; and on the day and at the time and place in said notice specified, the said judge shall make said appointment under his hand and seal, and it shall be the duty of said commissioners to take and subscribe an oath or affirmation before some person

authorized to administer the same, that they will faithfully and fully examine the matter in question, and make a true report thereof, according to the best of their skill and understanding. The said commissioners shall then fix upon a day and place of meeting, giving notice thereof by publication at least ten days before the day fixed for such meeting, in one of the daily papers published in said St. Paul, and on the day so appointed they shall proceed to view the said lands so to be taken, and of the property which may be injured, and shall make a just and equitable estimate of the same, and of the damage which may accrue by reason of such erections, conversions and use, and the benefits which may arise therefrom to the land owners and others who may be damnified, and they shall report in writing the amount which any person or persons may be entitled to by reason of the taking of any land, erection and operation of the works of said company, which report shall be filed in the office of the clerk of said court, and a copy thereof and of payment made, certified by said clerk, shall be considered good and sufficient evidence of the right of said company to have, hold and occupy the lands so entered upon and rights taken; and it shall be the duty of said company to pay into the office of said clerk for the use of the parties interested, the amounts so awarded, and upon payment being so made to said clerk, the title to the premises mentioned in said award and so paid for shall vest in said company, and said company shall be discharged of all damages which may arise by reason of the construction and operation of their works. If said company, or such owner or owners, or other persons to be damnified by the erection and operation of such works, are not satisfied with the award of such commissioners, either or any of them may appeal therefrom, within ten days after the filing of such report to said district court, and shall be entitled to a trial by jury; and in case the jury increase the amount of such award, judgment shall be entered thereon for the amount of such award, with costs; and in case the jury decrease the amount of such award, judgment shall be entered thereon for the amount so found, less costs, and the payment of such judgments, and the certificate thereof of the clerk

Amendment, etc.

shall operate and be of the same effect as the payment of the award in case no appeal was taken.

Section third of said act, approved March 20th, 1858; be amended so as to read as follows:

Company may issue bonds.

Sec. 3. The said company may make and issue bonds or notes to raise money for building the water works and carrying out the objects of said company, and to secure the same may make and execute any deed or deeds of their property, rights and franchises in trust; may make leases of its property for terms of years, reserving rent, and may sell and dispose of any of its real estate or other property, and in the building, management and disposition of its property and business, may have and enjoy all the rights and do all acts which natural persons have, or may have, or do.

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

Approved January 25, 1866.