

When lands
may be convey-
ed—when for-
feited.

behalf of the state, a deed of conveyance to the said company, the full quota of said lands for the portion of said road so completed; *Provided*, That if the said company shall not construct and equip for business, with cars running thereon, at least ten miles of the said road, within three years from the first day of December, A. D. one thousand eight hundred and sixty-nine, and the residue within six years from the last date aforesaid, then and in that case, all the lands hereby granted, pertaining to the unbuilt portion of the said road shall be forfeited to the state.

When act to
take effect.

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

Approved March 5, 1869.

CHAPTER LVII.

An Act to amend Section one (1) of the act of March sixth, A. D. one thousand eight hundred and sixty-eight, relating to the Lake Superior and Mississippi Railway Company.

March 6, 1869.

SECTION 1. Amendment to Section one (1) of Chapter seven (7), Special Laws of 1868.

Duty of said company upon the filing of the report of the Commissioners—parties to have right of appeal in case of unjust declation—party appealing to give bond—for what purpose—report of Commissioners shall be final and conclusive—appeals taken by the company not to stay the work on the road, and on appeals taken by individuals the work to cease—when company may become entitled to land in dispute.

2. When act to take effect.

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

SECTION 1. That section one (1) of the act approved March sixth, one thousand eight hundred and sixty-eight, amending section eight (8) of the act of March eighth,

one thousand eight hundred and sixty-one, relating to the Lake Superior and Mississippi Railroad Company, occurring on pages thirteen, fourteen and fifteen of the special laws of one thousand eight hundred and sixty-eight, is hereby amended as follows: By inserting after the words "Of a majority of them" the words, "Unless appealed from as provided in this act," and by adding to section one of said act the following, viz: That upon the filing of the report of the commissioners at any time after the passage of this act, it shall be the duty of said railroad company to cause notice of the filing of said report to be published in one of the daily newspapers of the city of St. Paul for at least ten days, and upon such publication made and proof thereof filed with the clerk of the court in which the proceeding is pending, notice of the making and filing said report, shall be deemed complete, and in case the said company or any person interested in such report, shall deem the same unjust, in any matter affecting the amount of the compensation to be paid, the company or such party may appeal therefrom at any time within twenty days after notice of filing of such report. The party appealing shall file a notice of such appeal with the clerk of the court with whom the report shall have been filed, stating the grounds of the appeal, and serve a copy thereof on the opposite party within the time above prescribed for taking an appeal, and by giving a bond in such penalty as the said court shall prescribe, conditioned to prosecute the appeal without delay, to abide the order the court may make on such appeal, and to pay the costs if he should fail therein. Upon the filing of the notice and bond for appeal, with proof by affidavit of service of such appeal as above prescribed, all further proceedings affecting the particular parcel of property named in the notice of appeal upon the report, shall be stayed until the further order of the court, and the cause upon such appeal shall be entered, proceeded in and determined in the same manner as cases of appeal from the courts of justices of the peace; and in case the appeal shall involve the determination of any question of fact, the same shall be tried by a jury, unless a jury shall be waived by both parties. The report of the commissioners shall be final and conclusive unless appealed from in the manner above prescribed. Whenever the company shall take appeal from any report of the commissioners, such appeal shall not stay the work on the road or other structure on the

Duty of company upon filing report of Commissioners.

Parties to have right of appeal.

Party appealing to give bond-- for what purpose.

Report to be final and conclusive.

Appeals by company not to stay work on the road.

Appeals taken
by individuals
work to cease.

When company
may become en-
titled to land in
dispute.

lands, involved in the appeal; *Provided*, The company shall deposit in court the amount awarded by the report appealed from, to abide the order to be made by the court on appeal. An appeal from any report of commissioners by or on the part of any person interested in any parcel of land or real estate proposed to be taken by the company, shall stay all work on the road or other structure on the premises in question, unless the company shall deposit in court the amount of money awarded to such appellant by the commissioners, to abide the order of the court of said appeal. Whenever any report of commissioners shall become final; and whenever any appeal from such report or part of report shall have been finally determined, the said corporation shall, upon the payment to each party interested, of the sum determined thereby to be due him or her as compensation for property taken, or the deposit the same in court for his or her use, become invested and seized of the title of the lands or real estate, for which such payment or deposit shall have been made, and entitled to a full, free and perfect use and occupancy of the same for the purposes aforesaid. That the provisions of this act allowing an appeal and trial by jury thereon, shall apply to and govern the proceedings under a certain pending petition filed in the court of common pleas of Ramsey county against John Burris and others, and the same shall be proceeded in, in conformity to the provisions of said act as hereby amended. *Provided however*, That in all cases of appeal by said company, the costs of the proceedings upon appeal shall be paid by the appellant, and in cases of an appeal by any party other than said corporation, said party so appealing shall pay the costs of said appeal in case the award of compensation or damages appealed from shall not be increased when ascertained by the court or jury upon such appeal. *Provided further*, That nothing in this act contained shall be construed to take away or deprive any party of the right of appeal, or any other right which existed prior to the passage of this act, but all such rights shall be preserved and continue the same as if this act had not passed as regards property heretofore condemned for said railroad company pursuant to the act to which this is an amendment.

When act to
take effect.

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

Approved March 6, 1869.