

CHAPTER XXXVI.

AN ACT TO PROVIDE FOR OBTAINING TITLE TO LANDS
BY THE STATE OF MINNESOTA, FOR THE USE OF THE
STATE.*Be it enacted by the Legislature of the State of Minnesota :*

When necessary
to acquire title to
real estate, how
to proceed.

SECTION 1. Whenever it shall be determined by the officers in charge, or designed to be in charge of any state institution, that it is necessary for the state to acquire for the use of such institution any real estate, whenever the same shall not be acquired by agreement, the title to the same may be acquired by the state as herein-after provided.

Notice to be
given for the ap-
pointment of
commissioners to
appraise land so
taken.

SEC. 2. The attorney general may, on behalf of the state, and for the use of any institution requiring for its uses such lands, give notice of his intention to apply for the appointment of three commissioners to appraise said real estate and the damage for taking the same to the district court in and for the county where such lands shall be situated, or to a judge of said court, giving a general description of the lands to be appraised or taken, and specify the time and place of such application, which said notice shall be published at least once in each week for three successive weeks, in a newspaper published in the county where the lands to be taken shall be situate, or if no newspaper shall be published in said county, then in a newspaper published in the city of St. Paul. At the time and place named in said notice, the attorney general, for and on behalf of the state, may present an application to said district court, or to a judge thereof, setting forth the name of the institution requiring said lands, and the general purposes for which the same are desired to be taken, and particularly describing said lands, for the appointment of such commissioners; and thereupon the court, or a judge thereof, may proceed to appoint three commissioners, who shall have cognizance of all cases named in such application, and shall have power to appraise the value of all such lands and the damages for the taking of the same; and

said commissioners, before entering upon the duties of their office, shall severally take and subscribe an oath to the effect that they will faithfully perform their duty as such appraisers, without partiality and to the best of their knowledge and ability, which oath shall be filed in the office of the clerk of the district court of the county in which the lands to be appraised shall be situate; and thereupon such commissioners shall proceed to examine the premises, in each lot or parcel of land separately, having given such notice as they may deem reasonable, to the owner, owners, or persons interested in said lands, and to the guardian of any minor, or insane person, which notice shall be in writing and shall be served on such owner, interested person or guardian, if such person shall be a resident of the county where such lands are situated, and if such person or persons shall not reside in said county, then by publishing such notice in such newspaper as such commissioners may select, and for such time as they may choose; and at the time and place named in notice the commissioners shall proceed, or a majority of them shall proceed, in each case or parcel of land, to an appraisement thereof, and of the damages sustained, or to be sustained by reason of the taking and use of such land, and shall make award, in writing, of such damages; and shall deliver one copy of such award, signed by the commissioners, or a majority of them, to the clerk of the district court in and for such county, to be by him filed in his office, and shall deliver another copy of such award to the attorney general, to be by him filed in his office.

Oath to be administered to commissioners.

SEC. 3. Either party may appeal from such award at any time within thirty days from the filing said award in the office of the attorney general by filing with the clerk of said court a notice of appeal signed by the party claiming such damage, or by the attorney general on behalf of the state; and in case of appeal by either party the clerk shall enter the appeal as an action in such court, naming the owner of such lands as plaintiff, and the officer or officers of the state representing the institution for the benefit of which such property is taken, and thereafter such appeal shall be tried as other causes in such court are tried, and a judgment rendered therein.

When appeal may be taken.

SEC. 4. In case such appeal shall be taken by the claimant of damages, and upon the trial the award of the commissioners shall be raised, then the appellant shall

Cost of appeal how recovered.

recover costs, otherwise such appellant shall pay costs; and if such appeal shall be taken on behalf of the state, and upon trial the award shall be decreased, then the said plaintiff shall pay costs; but if on trial such award shall be raised, then the plaintiff shall recover costs.

Award or judgment how paid.

SEC. 5. The award or the judgment rendered in case an appeal shall be and remain a claim against the state, and shall be paid out of any money in the treasury not otherwise appropriated, pursuant to special appropriation therefor; and in all cases such award, if not appealed from, or the judgment rendered thereon in case of appeal, shall be, and the same is hereby declared sufficient security for value and damage by reason of taking such property for public use, within the true meaning and intent of the constitution; and if no appeal shall be taken within the time prescribed in this act, or where an appeal has been taken and judgment shall have been rendered therein the state by its proper officers may thereafter enter upon and take possession of said property, and appropriate the same to the uses and purposes named in the application.

What to constitute the judgment roll.

SEC. 5. In case judgment shall be rendered on appeal, the clerk shall attach the application, the award of the commissioners, and copies of all notices and proof of publication or service thereof, together with the verdict and final judgment in the case, and the same shall constitute the judgment roll, to be filed in the office of the clerk of said court.

Title in fee simple.

SEC. 6. Title to land acquired under this act shall be absolute and vest in the state of Minnesota the absolute title in fee simple to such land.

When act to take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.