

tors of such county, and the county seat therein has been fixed or located by such vote, no such county seat so fixed or located shall be changed or removed under the provisions of this act unless three-fifths ($\frac{3}{5}$) of all the voters present and voting at such election shall vote in favor of such change or removal.

When act to
take effect.

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

Approved March 5, 1885.

CHAPTER 273.

AN ACT EMPOWERING TOWNSHIP AND OTHER OFFICERS TO CONDEMN CERTAIN LANDS, TO IMPROVE AND REPAIR THE PUBLIC HIGHWAYS AND STREETS UNDER THEIR JURISDICTION.

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

Property may
be condemned
for public pur-
poses.

SECTION 1. Whenever it shall be deemed necessary for the public good by any board of county commissioners of any county, any board of supervisors of any township, any board of trustees of any incorporated village, or the board of aldermen of any city for the purpose of making, repairing or improving any of the public highways or streets within their respective jurisdiction, they may for the uses and purposes herein specified enter upon and condemn any plot of ground not exceeding five (5) acres, together with the right of way to the same anywhere within two (2) miles of the public highway or street where the same is to be used as hereinafter provided; *Provided*, That the same shall be largely composed of gravel or stone, and suitable for road purposes.

Commissioners
appraisal to
be appointed by
the court.

SEC. 2. Whenever any board of county commissioners of any county, the board of supervisors of any township, the board of trustees of any incorporated village, or the aldermen of any city, wish to procure land as provided in section one (1) of this act, and cannot agree with the owner or owners of land proposed to be taken for such purposes, application may be made to the district court of the judicial district and in the county wherein said land is situated, giving twenty (20) days' notice thereof to the owner or owners by leaving a copy with him or them, or at their usual place of abode, and said court shall appoint a committee of three (3)

disinterested persons who, having been sworn faithfully and impartially to discharge the duties of their appointment, and after giving at least five (5) days' notice to the owner or owners of the time and place of their meeting, shall proceed to examine the premises and determine on the public necessity of procuring said land, and upon the quantity, boundaries, damage and value of the land which they should deem proper to be taken for the purposes specified, and make report thereof in writing to said district court, by filing the same in the office of the clerk thereof, and shall give the same notice of the filing of their report or of their meeting, and the parties interested may appear before said court and be heard thereon at such time as the court may appoint, and if said committee shall report that the demand for public good requires the acquisition of said territory and the court shall accept the same, the decision of such court thereon shall have the effect of a judgment, and execution may be issued thereon accordingly in favor of the person or persons to whom damage may be assessed for the amount thereof; but said land shall not be taken or used, or any stone or gravel or other material taken therefrom until the damages so assessed shall be paid to said owner or owners, or deposited with the treasurer of the county for his or their use, which shall be done within thirty (30) days after such report shall be accepted, and the title of such land shall therefore be vested in the proper officers of such county, town, village or city making claim to it, under the provisions of this act; and a copy of the report of said committee and of the judgment of the court thereon, certified by the clerk thereof, together with a certificate of the payment of the damages determined by the committee, sworn to by the chairman of the board of officers acquiring title thereto, shall be recorded in the office of the register of deeds in the county where said premises are located, and such record shall be notice to all parties of the title acquired therein, and may be used in evidence of such title in all the courts in this state; *Provided*, That the right of way shall be of sufficient width to allow teams to pass, and shall be, by most practicable way, to nearest highway.

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

Duty of appraisers.

When execution may issue.

Report to be recorded in the office of register of deeds.

When act to take effect.

Approved March 5, 1885.