

seventy-eight (1878), without making any charge therefor to the said county, and the said officer is further required to furnish his own stationery and postage at his own expense.

SEC. 8. The sheriff of the said county of Dakota shall be entitled to charge the same fees and compensation as now allowed by law, except that the said sheriff shall charge for boarding prisoners, three (3) dollars per week and no more; and the term "boarding prisoners" shall include the washing for such prisoners also.

Such officer shall not, however, charge more than fifty (50) cents for each grand or petit juror summoned, and mileage at ten (10) cents per mile for the number of miles necessarily travelled in summoning the panel; nor for committing a prisoner to jail, more than fifty (50) cents; nor for receiving and paying over the money paid upon the redemption of property and executing a certificate therefore, more than one (1) per cent. upon the first (1st) thousand dollars, and one-half ( $\frac{1}{2}$ ) per cent. on the excess, *Provided, however,* That in no case shall the fees of such officer for such service be more than twenty (20) dollars, and the said sheriff is also prohibited from making to said county any charge other than mileage, for his travelling expenses or for moneys disbursed in the service of process.

SEC. 9. All acts and parts of acts inconsistent with this act are hereby repealed so far as they apply to the county of Dakota, and no general law passed in the future shall be construed to apply to said county when its provisions are in conflict with this act, unless such application is specifically mentioned.

SEC. 10. This act shall take effect and be in force from and after the first day of March, one thousand eight hundred and eighty-seven (1887).

Approved March 2d, 1887.

## CHAPTER 395.

[H. F. No. 548.]

AN ACT TO DESIGNATE A SITE FOR A PUBLIC BUILDING IN THE CITY OF MINNEAPOLIS, TO BE USED AS A COURT HOUSE FOR HENNEPIN COUNTY, AND A CITY HALL FOR SAID CITY, AND TO CREATE A BOARD OF COMMISSIONERS TO PURCHASE OR CONDEMN SAID SITE AND TO CONSTRUCT A SUITABLE BUILDING THEREON, AND TO AUTHORIZE SAID BOARD TO ISSUE AND SELL BONDS TO PAY FOR SAID SITE AND BUILDING.

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

SECTION 1. That block seventy-seven (77) in the town (now city) of Minneapolis, in the county of Hennepin and state of Minnesota,

be and the same hereby is designated as a site for, and the same shall be the site of a public building to be erected thereon as herein provided for, to be used for a court house for said Hennepin county, and a city hall for the city of Minneapolis, as herein or hereinafter by law provided for.

SEC. 2. That William D. Washburn, Charles M. Loring, John C. Oswald, John Swift, Oliver T. Erickson, W. S. Chowen, David M. Clough, Lars Swenson and Titus Mareek, who are residents and citizens of said county of Hennepin, be, and they hereby are, appointed commissioners, who together with their successors in office, to be appointed, as herein named, are hereby created and shall hereafter be known and designated as "The Board of Court House and City Hall Commissioners." Each of said commissioners shall hold said office until said site shall have been purchased or condemned, as herein provided, and a suitable building for a court house and city hall shall have been built, fully completed and furnished as herein provided, and in case of a vacancy occurring in said board of court house and city hall commissioners, said vacancy shall be filled by the appointment of a suitable person to fill such vacancy, who shall be a resident and citizen of said Hennepin county, to be elected by the remaining members of the said board of court house and city hall commissioners, at any meeting of said board called for that purpose. No member of said board shall receive any compensation for his services.

SEC. 3. Said commissioners shall, as soon as practicable within ninety (90) days after the passage of this act, meet at the court house in the city of Minneapolis, and each one of said commissioners shall take an oath before one (1) of the judges of the district court of said Hennepin county, to support the constitution of the United States, the state of Minnesota, and that he will faithfully and honestly perform the duties of said office as one of said commissioners, and that he will not knowingly permit any fraud, dishonest practice or cheating by any contractor or other person, doing work or performing labor in or about the purchase or condemnation of said site, or the erection or furnishing of said public building contemplated by this act, nor will he knowingly permit any such fraud, dishonest practice or cheating by any person or persons whomsoever.

Said commissioners shall elect one (1) of their number to act as president of said board, and one (1) of its members to act as treasurer of said board, each of whom shall hold his respective office until the first (1st) Tuesday after the first (1st) Monday of January, one thousand eight hundred and eighty-eight, (1888) unless sooner removed by said board, and until his successor shall have been elected and shall have entered on the duties of his office, and on every Tuesday after the first (1st) Monday of each January thereafter, a like election of president and treasurer shall take place, who shall hold their respective offices, unless sooner removed by said board, until their successors are elected and enter upon their duties. Said board may appoint a secretary and such other employes and agents, to be paid such compensation as said board may designate, and as to said board may seem best; said board

shall require such proper bonds with two (2) or more good sureties, to be given by said treasurer to said board for the benefit of said board, or said county, or said city, as the case may be, as said board shall require.

SEC. 4. Said board shall have the power to acquire in itself (for the purposes herein named and on behalf of the county of Hennepin and city of Minneapolis), either by purchase or by condemnation, as herein provided, the title to said block seventy-seven (77), but it shall at the time herein designated convey such part of the same respectively to said county of Hennepin and to said city of Minneapolis, in severalty, as shall be determined upon by said board, and as ought, under the designs of this act, to be conveyed to each said county and said city. Said board may make all necessary rules and by-laws for their own government or for the government of their employes or agents, or the transaction of its business.

SEC. 5. Said board and "The Board of Education of the city of Minneapolis" shall have the right to enter into such arrangements as they can agree on for the sale of any lands in said block seventy-seven (77) now held or owned for school house or other school purposes, or otherwise, by said "The Board of Education of the city of Minneapolis," or by any other board, trustee or trustees, or corporation, or by said city of Minneapolis; and such arrangements may include the taking of the bonds hereinafter provided for, by said The Board of Education of the city of Minneapolis, or may include the sale of the same on time, on such terms as may be agreed on, or, in case satisfactory arrangements cannot be made for such sale and purchase of such school house property or other school property, then the same may be condemned by the board hereby created, as herein provided, for the purposes herein named.

SEC. 6. Whenever said board is unable to make satisfactory arrangements for the purchase of any part of said block seventy-seven (77), said board hereby created shall have the authority and it is hereby authorized to appoint three (3) disinterested citizens of Hennepin county, who shall be free holders therein, as appraisers to appraise the damages to the owner or owners or incumbrances of, or to any person having a lien on or interest in any part of said block seventy-seven (77) or of any portion thereof; such appraisers shall after being duly sworn to faithfully and impartially discharge their duties, give notice as soon as practicable of the time, when and place where they will meet to attend to the business of their appointments, which notice shall be published at least ten (10) days in two (2) daily newspapers published in the city of Minneapolis, and at the time and place specified in such notice they shall proceed to hear all persons interested in the subject of said appraisalment, at which time they shall also view the premises, and they may hear any evidence offered by any parties interested, and may adjourn from day to day for the purpose aforesaid. They shall so hear the owner or owners and also any person having any interest in or lien upon any part of said block; when their view and hearing shall be concluded they shall determine the amount of damages to be paid the owner or owners, and to each

person who may have any interest in or lien upon any part of said block. If there should be any building standing in whole or in part upon any part of said block to be taken, said appraisers shall in such case determine the amount of damages which should be paid to the owner or owners thereof in case such building, or so much thereof as may be necessary, should be taken, and shall also appraise and determine the amount of damages to be paid such owner or owners, in case he or they should elect to remove such building, and the damages in relation to the building aforesaid, shall be appraised separately from the damages in relation to the land upon which the same is erected. If the lands and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate less than an estate in fee, the injury or damage done such persons so interested respectively may be awarded to them by the appraisers, provided that neither such award made by the appraisers, nor the confirmation thereof by the board herein created shall be deemed to require payments of such damages to the person or persons named in said award in case it shall transpire that such person or persons are not entitled to receive the same. The said appraisers having ascertained and appraised the damages aforesaid shall make and file with the secretary of the board hereby created a written report to said board of their action in the premises, which report shall contain a schedule of the appraisement of damages made to each person, with a description of the lands and names of the owner, if known to them, and of the interests therein of each person to whom they award damages, and also a statement of the costs of the proceeding. Upon the filing of such report the secretary of the board hereby created shall give notice by publication in the newspaper in which said appraisers gave their first notice, by publication therein for ten (10) days, to the effect that said appraisement has been returned and filed with said secretary, and that the same will be confirmed by the board hereby created at a meeting thereof to be named in said notice, unless objections are made in writing by persons interested in any land required to be taken.

SEC. 7. Any persons interested in any building or buildings standing in whole or in part upon any land required to be so taken shall, on or before the time specified in such notice, for such confirmation notify said secretary in writing of their election to remove such building. The board hereby created upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over, or be referred, shall have power in their discretion to confirm, raise, revise or annul the appraisement, giving due consideration to any objections interposed by parties interested, and if so annulled said board may appoint other appraisers in like manner, as the first appraisers, to act in the same manner to reappraise the same. The damages appraised shall be paid by said board, and shall be so paid or tendered or be deposited with the clerk of the district court of said county as hereinafter provided, within three (3) months after the confirmation of such appraisement and report; but in case any appeal or appeals shall be taken from the order confirm-

ing such appraisement, then the amount of such damages shall not in any case be required to be paid or tendered or deposited with said clerk of the district court as aforesaid, until thirty (30) days after the determination of all appeals which shall have been so taken. The land and property required to be taken for the purposes aforesaid, shall not be taken possession of until the damages awarded to the owner thereof, or other person entitled thereto, shall have been paid or tendered to such owner or deposited with the clerk of said court, as hereinafter provided, and in case said board shall be unable to find the owner or other person to whom such damages are due, in order to pay or tender the same, or in case said board shall be unable to determine to whom the damages so awarded should in any particular case be paid, or in case of disputed claims in relation thereto, the amount of damages in any such case may be deposited by order of said board in the district court of Hennepin county; the said court upon proper application of any person claiming the award or any part thereof, shall determine to whom the same shall be paid.

In case any owner or owners of buildings as aforesaid shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the board may allow for the purpose, and shall thenceforth be entitled to payment of the amount of damages awarded in such case. In case of removal, when such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected) to remove the same within the time prescribed, such buildings, or so much thereof as may be necessary upon payment or depositing the damages awarded for such taking, in manner aforesaid, may be taken and appropriated, sold or disposed of as the said board shall direct, and the same or the proceeds thereof shall belong to the fund hereinafter named.

When any known owner of lands or tenements affected by any proceeding within this act, shall be an infant or shall labor under any legal disability, a judge of the district court of Hennepin county may, upon application of one of said commissioners, or of said board, or of such party by his next friend, appoint a suitable guardian for such party, and all notices required by this act shall be served upon such guardian.

SEC. 8. Any person whose property is proposed to be taken or interfered with, under any provision of this act, and who deems that there is any irregularity in the proceedings of the said board, or action of the appraisers, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interference with his property, may at any time before such award shall be confirmed by the board of commissioners, file with the secretary of said board, in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of, and containing a description of the property affected by such proceedings, and if, notwithstanding such objections, the said board shall confirm the award, such person so objecting shall have the right to appeal from such order of confirmation

of the board, to the district court of the county of Hennepin, at any time within twenty (20) days after such order; such appeal shall be made by serving a written notice of such appeal upon the secretary of said board, which shall specify the property of the appellant affected by such award, and refer to the objection filed as aforesaid, and also by delivering to said secretary a bond to the said board, executed by the appellant, or by some one on his behalf, with two (2) sureties, who shall justify in the penal sum of fifty (\$50) dollars, conditioned to pay all costs that may be awarded against the appellant. Thereupon, the said secretary shall make out and transmit to the clerk of the said district court a copy of the award of said commissioners, as confirmed by the board, and of the order of the board confirming the same, and of the objection filed by the appellant as aforesaid, all certified by said secretary to be true copies, within ten (10) days after the taking of such appeal. But if more than one appeal be taken from any award, it shall not be necessary that the secretary in appeal subsequent to the first, shall send up anything except a certified copy of the appellant's objection. There shall be no pleading on such appeal, but the court shall determine in the first instance whether there was in the proceeding any such irregularity or omission of duty prejudicial to the appellant, and specified in said written objections, that as to him the award or appraisal of the appraisers ought not to stand, and whether said appraisers had jurisdiction to take action in the premises. The case on such irregularities may be brought on for hearing in eight (8) days notice, at any general or special term of the court, and shall have precedence of other civil cases, and the judgment of the court shall be either to confirm or annul the proceedings, only as the same affects the property of the appellant proposed to be taken or damaged, and described in said written objection. From such determination no appeal or writ of error shall lie. In case the amount of damages awarded is complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, upon such confirmation, submit the question of damages sustained by appellant to a jury, at a general term of said court and said jury shall find the value of the real estate of the appellant as well as of the buildings thereon, separately, or of the value of the real estate and the buildings thereon together, as the court may direct, in accordance with the facts in the case whether or not the appellant has elected to retain the buildings, as hereinbefore provided. Upon said verdict, unless set aside by the court, as in the case of other verdicts of juries on the motion for new trial by appellant, or by said board, the court shall enter judgment as in any other civil case, from which judgment or from any other order of the court, whether the same be from an order granting or refusing a new trial or otherwise, there shall be no appeal or writ of error,

SEC. 9. As soon as said proceedings for acquiring the title to such lands shall have been completed said board shall make an accurate description of each parcel of land so condemned, together with the names of the owners thereof, and any incumbrancer thereof, or other person having any lien or interest therein, with a statement of the

amount of damages awarded therefor, either by said appraisers, or by the court or jury, together with a copy of the receipt of such owner, incumbrancer, or other person having a lien upon or interest therein, or in case the same has been paid to the clerk of said court, and has not been received by such owner, incumbrancer or other person having a lien upon or interest in said land, then a copy of the receipt of said clerk of the court therefor, all of which shall be certified to by the president and secretary of said board under the official seal of said board, and be filed for record in the office of the register of deeds in said county of Hennepin, which said register of deeds shall record the same in his office in the usual way of recording transfers of real estate in said county, and when so recorded the same shall be prima facie evidence of title to such parcel of land, and of the transfer of all the interests of such former owner, incumbrancer or other person having any lien upon or interest in said parcel of real estate to said The Board of Court House and City Hall Commissioners.

SEC. 10. It shall be the duty of said board to plan, devise and construct upon said block seventy seven (77), when they shall have acquired full title to the same, a public building so planned and devised that the same may be of architectural symmetry and the same shall be so planned, devised and constructed that one part of the same can be used for a county court house for all proper county purposes for said county of Hennepin, and the other part of said building shall be so planned, devised and constructed that the same may be used for city hall and other proper city purposes, and in constructing said part to be used for city hall and other city purposes, said board may advise with the committee on public grounds and buildings of the city council of said city.

Said board shall also fully complete and furnish said building. No prison labor or product of prison labor shall be employed on or used in the construction of said building.

Said board shall proceed to construct that part of said building which is to be used for said court house for said Hennepin county first, and if practicable may delay the building of said city hall portion of said building for such time as to them may seem best, not to exceed three (3) years.

Said building shall be so constructed that there shall be a convenient passage way on each floor from said county part of said building to said city part of said building.

When said building shall have been so completely finished and furnished, said board shall cause a proper deed of conveyance to be made for that part of said block upon which said part of said building, so constructed for said court house for said county and the land properly appertaining thereto, to the county of Hennepin; and shall cause a like deed to be made to the city of Minneapolis for that part of said block on which said city hall shall have been constructed and the land appertaining thereto, both of which deeds shall be ordered to be made by said board and shall be made, executed and delivered by the president and secretary of said board, and each of said deeds shall contain as a consideration the respective amounts of the costs of

the respective parts of said block and the respective part of said building thereon, as near as the same can be estimated by said board.

SEC. 11. For the purpose of providing money for acquiring title to said block of land, and constructing said building thereon, said board of court house and city hall commissioners is hereby authorized to issue bonds, to run not to exceed thirty (30) years, bearing interest payable semi-annually, not to exceed four and one-half ( $4\frac{1}{2}$ ) of one (1) per centum per year, in such amounts as they may need for such purpose from time to time, not to exceed in all the sum of fifteen hundred thousand (1,500,000) dollars, which bonds shall not be sold for less than par value thereof, and which bonds shall be denominated "Hennepin and Minneapolis court house and city hall bonds", and there shall be added on said bonds either the words "county series" or "city series" as the case may be, which bonds are hereby made a lien upon said block of land, and any such building constructed thereon from the time only when said board shall have acquired full title to every part of said block seventy-seven (77), but after said board shall have deeded to each said county and city its part of said block of land, then each series of said bonds shall only be a lien on the respective part of said block of land which shall have been so deeded to the said municipality which is hereby charged with the payment of the same. Said bonds shall be issued under the seal of said board, and shall be signed by the president and secretary thereof, and said "county series" shall be countersigned by the auditor of Hennepin county, and said "city series" shall be countersigned by the comptroller of said city, and said auditor, and said comptroller, shall keep an account and record of the amount, date, number and rate of interest of each bond, of the series relating to the municipality of which he is the accounting officer, that is to say, said comptroller shall keep said account of said "city series", and said auditor of said "county series." Said board shall not be obliged to issue equal amounts of each series at any one time, but may issue larger amounts of one (1) series than of the other, at any one (1) time during the progress of carrying out their trust as said board may seem best.

SEC. 12. Said board of court house and city hall commissioners shall not issue of either series of bonds more than the sum of seven hundred and fifty thousand dollars (\$750,000.00) in all. And after the title has been acquired to said block seventy-seven (77), as herein contemplated, said board shall thereafter issue from time to time such portion of each of said series of bonds as may be necessary to pay the expenses on that part of said building which is to be constructed for the purpose of that municipality, either said county or said city, which is to assume and pay for the series of said bonds so issued to raise money to pay for said part of said building so to be constructed for it. Said board shall when they shall have so constructed and furnished said buildings, make an accounting between said city and said county in such manner that said county and said city shall have paid, or had bonds of the proper series issued for paying its proper proportion of the cost of both the acquiring of the title of said block of land and of the construction and furnishing of said building, and said



board shall as nearly as practicable from time to time, after the said acquiring the title of said block, issue and sell said bonds in such proportionate amounts, in each of said series, that each of said municipalities, said county and said city, shall be obliged to assume and pay of said bonds and the interest thereof, its proper proportionate share of the cost of said block of land, and of said building and the furnishing thereof, and said board in such accounting and consideration shall take into consideration whether or not at any time either said county or said city has been obliged to pay the interest upon its proper series of said bonds for any material length of time for any material sum of money more than it ought to have assumed and paid; in such case said amount of said interest which one municipality has paid more than its proper proportion shall be adjusted between said county and said city by said commissioners in said final accounting between said county and said city as to the cost of said block, and said building and its furnishing, and shall properly and equitably adjust the same between said municipalities, and for this purpose proper books of account shall always be kept showing the state of the expenditures for each of said municipalities and its respective share of the costs of said building, and of said land after said board shall have determined the quantity of said land each of said municipalities shall be entitled to.

SEC. 13. The county of Hennepin is hereby charged with the payment of the principal and interest of said series of bonds so to be denominated as "county series", and the board of county commissioners of Hennepin county is hereby charged with the duty of providing by tax upon all the taxable property in said Hennepin county each year with sufficient sums of money to pay the interest on said series of said bonds to be denominated "county series", and also a sum sufficient to create a sinking fund for the payment of said principal of said bond amounting to the sum of one (1) per cent. of said bonds each year, which sinking fund shall be invested by said board of county commissioners of Hennepin county in any manner in which any of the sinking fund which the city of Minneapolis is required to raise by taxation for the payment of the bonds of said city, as may be invested.

SEC. 14. The city of Minneapolis is hereby charged with the payment of the principal and interest of said series of said bonds which shall be denominated "city series", and it is hereby made the duty of the city council of the city of Minneapolis to raise by a levy on all taxable property within said city, sufficient money each year to pay the interest on said series of said bonds to be denominated "city series", and said city council shall also raise by like tax a sum of money equal to one (1) per cent. of the principal of said bonds, to be invested and held as a sinking fund for the payment of the principal of said bonds, which shall be invested in like manner, as other sinking funds provided for the payment of other bonds of said city.

SEC. 15. Nothing herein shall authorize the issue at any time of said bonds so to be named "City Series" to such an amount that the whole amount of the principal of all bonds actually outstanding (less the amount in the sinking fund of said city for the payment of the

bonds of said city), against said city at the time, together with the proposed issue of said "City Series" of said bonds, shall exceed five (5) per cent of the aggregate value of the taxable property of said city, as assessed and determined for the purposes of taxation. The countersigning of any bonds purporting to be issued under the authority of this act by the city comptroller of said city, shall, in respect to all such bonds held by *bonafide* purchasers, be deemed conclusive evidence that the limitations of this act have been observed and complied with.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved March 2d, 1887.

## CHAPTER 396.

[H. F. No. 508.]

AN ACT TO REGULATE THE ELECTION OF OFFICERS IN THE VILLAGE OF SOUTH STILLWATER IN THE COUNTY OF WASHINGTON, AND PROVIDE FOR THEIR COMPENSATION.

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

SECTION 1. The three (3) trustees of the village of South Stillwater, in the county of Washington, shall hold office for three (3) years from and after this election and qualification for said office, and until their successors are elected and qualified. And the said village of South Stillwater shall elect one (1) of said trustees each year, who shall hold office for three (3) years as herein provided, unless such trustee is elected to fill a vacancy caused by the death or resignation of a trustee of said village, in which case the trustee so elected shall hold such office for the unexpired term of the trustee so dying or resigning, and until his successor is elected and qualified.

SEC. 2. The three (3) trustees now holding office as trustees of said village shall continue in office as follows: One (1) for the term of two (2) years from and after the first (1st) day of March, one thousand eight hundred and eighty-seven (1887); one (1) for one (1) year from and after the first (1st) day of March, one thousand eight hundred and eighty-seven (1887), and one (1) until the first (1st) day of March, one thousand eight hundred and eighty-seven (1887), and until their successors are elected and qualified. The selection as to which of the said trustees shall serve and remain in office for the periods above named to be determined by a majority vote of said village council.

SEC. 3. The president of said village council and the recorder shall each hold office for the period of two (2) years, and until their successors respectively are elected and qualified. The present in-