

SEC. 3. Upon receipt of said report by the state auditor showing that such work and repairs have been made in all respects in conformity with this act, the said state auditor shall draw his order in favor of the county commissioners of said Faribault county on the state treasurer for the said sum of \$475.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 21, 1897.

CHAPTER 181.

H.F. No. 477.

Public docks.

An act to authorize and empower cities in this state to acquire sites for public docks for passenger purposes by purchase or condemnation and to provide for the erection and maintenance of suitable buildings and piers thereon.

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

Common council by $\frac{2}{3}$ vote may acquire lands.

SECTION 1. That the common council of any city in this state is hereby authorized and empowered by a two-third ($\frac{2}{3}$) vote of all the members elect of said council, to acquire lands, lands covered with water or buildings, for sites for public docks for passenger purposes by purchase; *provided*, the same can be done upon terms satisfactory to said council.

May condemn lands.

SEC. 2. That the common council of any city in this state is hereby authorized and empowered to condemn lands, lands covered with water or buildings for sites for public docks for passenger purposes in the manner hereinafter provided: *provided*, that no site for such public dock shall ever be acquired by any such city by purchase or condemnation unless a necessity therefore exists, which necessity shall be determined by a two-thirds ($\frac{2}{3}$) vote of all the members elect of said council.

Commission to assess damages.

SEC. 3. First—The common council, upon determining by said vote that the necessity for acquiring said property exists, shall appoint three (3) commissioners, no two (2) of whom shall be residents of the same ward of said city, and all of whom shall be disinterested freeholders and qualified voters of said city, to view the premises, and assess the damages which may be occasioned by the taking of private property for the purpose aforesaid.

Duties of commission.

Said commissioners shall be notified as soon as practicable by the city clerk of said city, to attend at his office, at a time to be fixed by him, for the purpose of qualifying and entering upon their duties, and the com-

missioners in attendance shall be authorized to appoint another commissioner or commissioners in place of any absentee or absentees or in lieu of any person appointed as commissioner but not qualified by reason of residence or other cause to act as such, selected from some ward of said city not represented on said board of commissioners, and possessing the qualifications aforesaid.

In all cases of vacancy the common council shall fill such vacancy.

Second—The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in the matter with impartiality and fidelity, and to make due return of their actions and doings to the common council.

Third—The said commissioners shall, with all reasonable speed, with the assistance of the city engineer of said city, cause a survey and plat of the property proposed to be acquired or injuriously affected, to be made and filed with the city clerk, exhibiting as far as practicable the land or parcels of property required to be taken, or which may be damaged thereby, and shall

To survey property and give hearing.

SEC. 4. That the common council of any city in this thereupon give notice by publication in the official paper of said city, for at least ten (10) days, and to the owner personally, if within the state, and his residence is known, to the effect that such plat has been filed, and that the said commissioners will meet at a place and time designated by them, and thence proceed to view the premises and assess the damages for property to be taken, or which may be injuriously affected.

Fourth—At the time and place according to said notice, the said commissioners shall view the premises, and may hear any evidence or proof offered by the parties interested, and adjourn from day to day if necessary, for the purpose aforesaid. When their view and hearing aforesaid shall concluded, they shall determine and assess the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken or which may be injuriously affected, and in so doing shall take into consideration the value of the property proposed to be taken, with such other damage as may be incident thereto, and also the advantage which will accrue to such property or any part thereof by reason of the taking of the property or easement sought to be acquired by the city.

After hearing shall assess damages.

Fifth—If there should be any building standing in whole or in part upon the land to be taken, the said commissioners shall in each case determine and assess the amount of damages which should be paid to the owner or owners thereof, in case such building, or so much

Buildings on property to be separately assessed.

thereof as may be necessary, should be taken, and shall also determine and assess the amount of damages to be paid to such owner or owners in case he or they should elect to remove such building; and the damages in relation to buildings aforesaid shall be assessed separately from the damages in relation to the land upon which they are erected.

When owned by different persons or interests.

Sixth—If the land and buildings belonging to the different persons, or if the land be subject to a lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury or damage done to such person or interests respectively, may be awarded to them by the commissioners, less the benefit resulting to them, but in no case shall the aggregate damages assessed to the owners, lessee, mortgagee or other persons having an interest therein, exceed the value of the parcel of property sought to be taken.

Report to common council.

Seventh—The said commission having ascertained and assessed the damage aforesaid, shall make and file with the city clerk a written report to the common council, of their action in the premises, embracing a schedule or assessment of the damages in each case, with a description of the land and name of the owners, if known to them, and also a statement of the costs of the proceeding.

Publication of notice of assessment of damages.

Eighth—Upon such report being filed in the office of the city clerk said city clerk shall give at least ten (10) days' notice by publication in the official newspaper of said city, to the effect that such assessment has been returned, and that the same will be confirmed by the common council, 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.

Any person interested in buildings standing in whole or in part upon any land required to be taken shall on or before the time specified in said notice, notify the common council in writing of their election to remove such buildings according to the award of the commissioners.

Council may confirm or annul assessment.

The common council 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, revise or annul the assessment, giving due consideration to any objections interposed by parties interested.

Payment of damages.

Ninth—The damages assessed shall be paid out of the general fund of said city, and shall be paid or tendered or deposited or set apart in the treasury of said city, to and for the use of the parties entitled thereto, within six (6) months from the confirmation of such

assessment and report, and the land or property required to be taken for the purpose aforesaid shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or deposited or set apart for his use as aforesaid. In case said commissioners shall be unable to determine who is the owner of any particular parcel of land taken or injuriously affected, the name of the owner of said parcel may be entered upon their schedule as unknown, and the money awarded may be set aside and deposited in the treasury of said city for the unknown owner or owners of the land taken or injuriously affected.

In cases of disputed ownership the name of all the owners or claimants of any parcel may be entered upon said schedule, and the money may be set aside and deposited in their name in said treasury, but need not be paid to them until they shall determine by proper action in court their rights to said money.

Disputed
ownership.

Tenth—In case any owner or owners of buildings aforesaid shall elect 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 common council may allow for the purpose, and shall thereupon be entitled to payment from said city of the amount of damages awarded in such case, in case of removal.

Removal of
buildings.

When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected to remove) 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 then taken and appropriated, sold or disposed of, as the common council shall direct, and the same or the proceeds thereof shall belong to said city.

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

Guardian for
infant or
legally dis-
abled owner.

Twelfth—Any person feeling himself aggrieved by such assessment may by notice in writing served on the mayor of said city, a copy whereof with proof of serv-

Aggrieved
party may
appeal to
district court.

ice shall be filed in the office of the clerk of the district court of the county within twenty (20) days from the time of confirmation of said report or assessment, appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court and jury as in ordinary cases; but no pleadings shall be required, and the party appealing shall specify, in the notice of appeal, the grounds of objection to such assessment, and shall not be entitled to have any other objections than those specified considered, and a transcript of such report, certified by the city clerk, or the original thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just, and made in conformity to law; the judgment of such court therein shall be final.

Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits.

Council may
make im-
provements.

SEC. 4. That the common council of any city in this state which shall have acquired sites for public docks for passenger purposes under the provisions of this chapter, may improve the same by the erection and maintenance thereon of suitable buildings and by the construction and maintenance thereon of suitable piers, and that such council may by ordinance provide for the regulation, control and operation of such docks, buildings and piers, and fix the charges for the use thereof.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 21, 1897.

H. F. No. 629.

CHAPTER 182.

Prevention
of cruelty.

An act authorizing counties, cities and villages to appropriate money for the support of societies for the prevention of cruelty.

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

May appro-
priate money
for societies.

SECTION 1. Whenever there exists in any county, city or village in the state of Minnesota a society for the prevention of cruelty, incorporated under chapter 224, general laws 1889, and acts amendatory thereof, the board of county commissioners of such county and the council of the city or village in which such society is located may, at their discretion, appropriate for the maintenance and support of such society in the prosecu-