

semi-graded school, but fully complying with the conditions of this act relating to state rural schools, may receive aid as hereinafter provided for state rural schools for each school building therein situated wherein school shall have been maintained as hereinafter provided.

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

Approved April 4, 1901.

## CHAPTER 139.

H. F. No. 240.

*An act to authorize cities of over fifty thousand inhabitants to acquire lands for parks and parkways outside of the corporate limits of any such city, but adjacent and contiguous to existing parks and parkways situated therein, and thereafter to maintain the same as public parks or parkways.*

Cities with over 50,000 population.

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

SECTION 1. Any city of this state, now or hereafter having a population of over fifty thousand inhabitants, according to the next preceding state or national census, is hereby authorized and empowered in addition to the other powers upon it conferred by law, to acquire by gift, purchase or condemnation, for the use by the public for parks and parkway purposes, land lying outside of the corporate limits of said city, if by condemnation, then in the manner hereinafter set forth, and thereafter to maintain, operate and control the lands so acquired as public parks or parkways, subject to the same conditions and restrictions, and with the same power, jurisdiction and authority that any such city may exercise or be subject to with reference to parks and parkways situated within the corporate limits. Provided, however, that any such tracts, pieces or parcels of land so to be acquired outside of the corporate limits of such city shall be adjacent to and contiguous with lands theretofore devoted to public use for parks and parkway purposes within the corporate limits of such city, and no such tract or parcel of land so to be acquired by purchase or condemnation shall exceed forty (40) acres in extent of area.

May acquire land for parks.

SEC. 2. For the purpose of making and perfecting such condemnation, the board of park commissioners of any such city shall proceed in the manner following, to wit:

Whenever they shall deem it to be for the public interest that any such tract or tracts, parcel or parcels of

Proceedings in condemnation.

land, or interests therein, should be taken, appropriated or condemned for the use of said city, as aforesaid, and shall so determine by a resolution thereto duly passed, they shall cause the same to be surveyed, and platted by duplicate plats. The said board of park commissioners shall thereupon appoint a board of five appraisers, who shall be disinterested freeholders and qualified voters of the county in which the lands so to be taken and condemned are situate, to view the premises and appraise the damages which may be occasioned by the taking, appropriation and condemnation of the property in question, and the said appraisers shall be notified, as soon as practicable, by the secretary of said board of park commissioners, to attend, at a time to be fixed by him, for the purpose of qualifying and entering upon their duties. They shall thereupon be sworn to discharge their duties as appraisers in the matter with impartiality and fidelity and to make due return of their acts as such to said board of park commissioners. They shall, with all reasonable speed, give notice, by publication in the official newspaper of said city, once a week for two consecutive weeks, the last of which publications shall be at least ten days before the day of such meeting, and which said notice shall contain a general description of the lands designated for appropriation by the board of park commissioners, and that a plat of the same has been filed, and that the said appraisers will meet at a place and time designated, and thence proceed to view the premises and to appraise the damages for the property so to be taken, appropriated and condemned. At the time and place named in said notice the said appraisers shall meet and view the premises, and may hear any evidence adduced or offered by the parties interested, and adjourn, from time to time, for the purpose aforesaid, and when their view and hearing shall be concluded, they shall determine and appraise the amount of damages to be paid the owner or owners of each piece or parcel of property proposed to be taken, appropriated or condemned, and having ascertained and appraised the damages, as aforesaid, they shall make and file with the secretary of the board of park commissioners a written report to said board, detailing their action in the premises, embracing a schedule, and the appraisement of the damages in each case, with a description of the land and the names of the owners, if known to them, and also a statement of the costs of the proceedings.

SEC. 3. Upon the filing of such report with the secretary of the board of park commissioners, as aforesaid, the said secretary shall thereupon give notice by a pub-

Appraisers  
to give pub-  
lic notice.

Shall file  
report.

Action by  
commission  
on report of  
appraisers.

lication thereof in the official newspaper of the city, once a week for two successive weeks, the last publication of which shall be at least ten (10) days before the meeting of the board of park commissioners mentioned in it, that the report of the appraisers will be considered by the board of park commissioners at a meeting thereof to be named in the notice, and any person interested shall, before the time specified for said meeting in said notice, notify the said board of park commissioners, in writing, of any objections which he may have in the premises, and the board of park commissioners, 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 the power, in their discretion, to confirm, revise or annul the appraisalment, in whole or in part, giving due consideration to any objections interposed by the parties interested. Provided, however, that said board of park commissioners shall have no power to reduce the amount of any of the appraisements, but in case the appraisalment is annulled, in whole or in part, the said board may thereupon appoint new appraisers, who shall proceed in like manner as in the case of the first appraisalment, as to any land in which the former appraisalment was annulled.

SEC. 4. When the board of park commissioners shall have finally confirmed the appraisalment, in whole or in part, the said award shall thereupon stand as a charge against the city, payable out of its park fund, and shall be paid, or deposited and set apart in the treasury of said city to and for the use of the parties entitled thereto, within six months after the confirmation of said appraisalment and report, except that in case any appeal shall be taken from the order of confirmation aforesaid, then the amount of such damages shall not in any case be required to be paid or deposited and set apart, as aforesaid, until sixty days shall have expired after the determination of the appeal so taken, as hereinafter provided.

SEC. 5. Any person whose property is proposed to be taken, appropriated and condemned under the provisions hereof, who deems there is any irregularity in the proceedings of the board of park commissioners or in the acts of the appraisers in the premises, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of the damages awarded to him, may at any time before the time specified for the consideration of the award by the board of park commissioners, as aforesaid, file with the secretary of said board, in writing, his objections to such confirmation, setting forth therein specifically the particular irregulari-

Upon confirmation of appraisalment.

Property owners may appeal to Dist. court.

ties complained of, containing a description of the property in which he is interested, which would be affected by such proceedings and his interest therein, and if, notwithstanding such objections, the said board shall confirm the award, any such objecting person shall have the right to appeal from such order of confirmation to the district court in and for the judicial district in which any such city may be located. Such appeal must, however, be taken within ten days after the date of such confirmation, by filing with the secretary of the said board of park commissioners a notice thereof, in writing, and it shall thereupon be the duty of said secretary to make out and transmit within the days next following, to the clerk of the district court aforesaid, a copy of the award of said appraisers as confirmed by the board of park commissioners, and of the order of the board confirming the same and of the objections filed, as aforesaid, by the appellant. The case may thereupon be brought on for hearing upon eight days' notice, at any general or special term, and shall have precedence of all other civil cases, and the judgment of the court shall be either to confirm or annul the proceedings, so far as they affect the property of the appellant described in the written objections.

Appeal  
within ten  
days.

Court may  
appoint ap-  
praisers.

SEC. 6. 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, appoint three (3) disinterested freeholders, residents of the county in which the land so to be appraised is situate, as appraisers of real estate, to appraise its damages; each of the parties to the appeal shall be heard by the court upon the appointment of such appraisers, and the court shall fix the time and place of the meeting of such appraisers; they shall be sworn to the faithful discharge of their duties as such appraisers and shall proceed to view the premises and to hear the allegations, proofs and evidence pertaining to the question of the amount of such damages which may be adduced by either of the parties to the appeal, and shall, after such hearing and view of the premises, report back to the district court aforesaid their appraisal of damages in respect to the property of the appellant. The award of such appraisers shall be final, unless set aside by the court for good cause shown, and in case their report is so set aside, the court may, in its discretion, recommit the same to the same appraisers, or appoint new appraisers, as to it shall seem best, and any such new appraisers so appointed shall proceed as those originally appointed were required to proceed by the provisions of this act. Upon the acceptance and confirma-

Action of  
court final.

tion of the report of any such appraisers by the district court aforesaid, the amount of their appraisal and award shall thereupon become a charge against the city, to be paid in the same manner as the award and appraisal of the appraisers appointed by the board of park commissioners would have been paid, had no appeal been taken.

SEC. 7. As soon as the proceedings for acquiring the title to any such tracts, pieces or parcels of land shall have been completed pursuant to the terms hereof, it shall be the duty of the board of park commissioners to make or cause to be made an accurate description of all the lands so acquired, with a statement of the amount of damages awarded and paid therefor, and it shall be certified by the president and secretary of said board under the official seal of said board, and, together with one of the plats hereinbefore required, shall be filed for record in the office of the register of deeds of the county in which the land so taken may be situated, and after such record shall have been accomplished the same shall be filed away in the office of the secretary of said board of park commissioners as a part of the permanent records of said board, and the other of said plats shall be filed with the city engineer of any such city and shall become part of the permanent records of his office.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 4, 1901.

## CHAPTER 140.

*An act to provide depositories for state funds, and to define the liabilities of state depositories and their surties, and to prescribe the punishment for violations thereof.*

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

SECTION 1. There is hereby created a board of deposit, consisting of the state treasurer, state auditor, secretary of state, attorney general and public examiner, three of whom shall constitute a quorum, and said officers are hereby required to perform the duties herein prescribed, as members of said board of deposit, without any extra or additional compensation. The state auditor shall be chairman of said board, and the public examiner secretary thereof, and the records of said board kept by said secretary, or a duly certified copy thereof, shall be

Final act  
by park co-  
mission.

H. F. No.

Depository  
for state  
funds.

Creating  
board of  
deposit.