

S. F. No. 110.

CHAPTER 28.

Incorporation
of villages.

An act to amend sections twenty-three (23) and twenty-seven (27) of chapter one hundred and forty-five (145) of the General Laws of 1885, the same being sections 1240 and 1244 of the General Statutes of 1894, relating to the incorporation of villages and to their powers and duties.

Powers and
duties.

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

SECTION 1. That section twenty-three (23) of chapter one hundred and forty-five (145) of the General Laws of 1885, being section 1240 of the General Statutes of 1894, be and the same is hereby amended so as to read as follows :

Intended
improvements.

Section 23. Whenever the village council shall intend to erect or construct any pumps, water mains, reservoirs, engine houses or other water works, or, to lay out and open, change, widen or extend any street, lane, alley, public grounds, square or other places, or to construct and open, alter, enlarge or extend drains, canals or sewers, or alter, widen or straighten water courses therein, or take ground for the use or improvement of a harbor, and it shall be necessary to take private property therefor, they shall cause an accurate survey and plat thereof to be made and filed with the recorder, and they may purchase or take by donation such grounds as shall be needed, by agreement with the owners, and take from them conveyances thereof to the village for such use or in fee; but otherwise they shall, by resolution, declare their purpose to take the same, and therein describe by metes and bounds the location of the proposed improvements, and the lands proposed to be taken therefor, defining separately each parcel and the amount thereof owned by each distinct owner, mentioning the names of owners or occupants, so far as known, and therein fix a day, hour and place, when and where they will apply to a justice of the peace, resident in such village, for a jury to condemn and appraise the same. They shall thereupon cause to be made by the recorder, a notice of the adoption of such resolution embracing a copy thereof and notifying all parties interested, that the council will, at the time and place named, apply to the justice named for the appointment of a jury to condemn and appraise such land. A copy

Taking of
private
property,
survey and
plat, filing
and record,
purchase,
donation,
or con-
demnation.Notice of
con-
demnation.

of such notice shall be served by any constable on the owner of each such parcel of land to be taken, if known and resident within the county; such service to be made in the manner prescribed for serving a summons in justice court, and the return of the officer shall be conclusive evidence of the fact stated therein. If the notice cannot be so given as to all the parcels, then the same shall be also published once in each week for three (3) successive weeks in a newspaper published in such village or county; and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served, and such publication made for three (3) weeks, complete at least one (1) week before the time fixed therein for such application. If any person so served with notice shall be a minor, or of unsound mind, the justice, before proceeding, shall, on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall give security to the satisfaction of the magistrate, and act for such ward.

Service of notice.

By publication.

In case of minors.

SEC. 2. That section twenty-seven (27) of said chapter one hundred and forty-five (145) of the General Laws of 1885, the same being section 1244 of the General Statutes of 1894, be and the same is amended so as to read as follows:

Section 27. If the verdict of the jury first called find it necessary to take such land or any part thereof, the village board may, upon return thereof to the recorder, enact an ordinance in accordance therewith, for erecting or constructing any such pumps, water mains, reservoirs, engine houses or other waterworks, or for laying out, changing, widening or extending and opening any such street, lane, alley, public ground, square or other public place, or constructing and opening, altering, enlarging or extending any such drains, canals or sewers, or altering, widening or straightening any such water course, or for the use or improvement of a harbor, but shall not enter upon any such land therefor until the owner be paid in full or the damages be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to him be deposited with the clerk to permanently remain subject to his order. At any time before causing any such land to be actually taken or put to public use, and before the rendition of a judgment in the district court for dam-

Ordinance in accordance with verdict of jury.

Owner of condemned property to be paid in full.

Discontinu-
ance of pro-
ceedings.

Liability
of cost.

ages, the village board may discontinue all proceedings theretofore taken, and the village shall in such event be liable for the costs only. All the costs of every such proceedings shall be paid by the village, except when it recover costs in the district court.

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

Approved March 4, 1903.

S. F. No. 83.

CHAPTER 29.

Waterworks
and lights.

An act to amend section one (1) of chapter one hundred and ninety-six (196) of the General Laws of the year one thousand eight hundred and ninety-three (1893), entitled "An act to provide for waterworks and lights in all villages in the state operating under special or general laws of this state," being section twelve hundred and twenty-five (1225), General Statutes of one thousand, eight hundred and ninety-four (1894).

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

Amends
ch. 196, 1893.

SECTION 1. That section one (1) of chapter one hundred and ninety-six (196) of the laws of the year one thousand, eight hundred and ninety-three (1893), being section twelve hundred, twenty-five (1225) General Statutes of one thousand eight hundred and ninety-four (1894), be and the same is hereby amended so as to read as follows:

Villages
may provide
for water-
works and
light.

Section 1. That all villages now or hereafter organized under the special or general laws of this state shall have power to make, erect, establish, purchase, lease and control waterworks for the supply of water for public and private use in said village; also purchase, lease, build, establish and control all necessary buildings, machinery, apparatus and material for making, generating and supplying light for public and private use in said villages. *Provided*, that in all proceedings under this act the question of establishing such waterworks or such light plants, or the purchase or leasing of the same, shall first be submitted to a vote of the people of such village in the same manner as shall be provided by law for the issuing of municipal bonds for lawful public improvements; and *provided, further*, that the question of establishing such waterworks and such electric light plants, or the purchas-

Proceedings
first sub-
mitted to
vote.