

Provided, that any person may at any time before the transmission of the certified statement of the city clerk or recorder to the county auditor pay such special assessment as to any lot, piece or parcel of land affected thereby, together with the interest accrued thereon at the date of such payment, to the city treasurer and receive the proper receipt therefor, and the city clerk or recorder shall upon the presentation of such receipt from the city treasurer cancel upon the special assessment roll the special assessments so paid.

Provided, further, that any person may pay any such assessment with accrued interest thereon after the same has been so certified to the county auditor, provided, the tax roll containing such assessment has not in due course been delivered to the county treasurer for collection, and the receipt of such city treasurer shall be sufficient authority upon presentation to the county auditor for him to mark such assessment "paid" upon his roll, but after the tax roll has been delivered to the county treasurer for collection, the said assessment must be paid to him, with the penalties allowed by law. The same penalties and interest shall attach and be collected by the county treasurer on assessments as upon general taxes, which penalties and interest shall belong to the city and be turned over by said county treasurer to the city with the assessments. This section as amended shall apply to all assessments heretofore or hereafter levied under the provisions of this act."

Sec. 2. This act shall take effect and be in force from and after its passage.

• Approved April 19, 1913.

CHAPTER 397—S. F. No. 952.

An Act to enable cities of the first class to acquire, construct and operate union railway passenger stations and tracks to connect the same with all railroad systems in the city; to require all railroad companies to run passenger trains to and from such stations and take and discharge passengers and their baggage therein; and to require compensation from railway companies for the use thereof; to acquire all lands and property necessary or convenient for such purposes by purchase, gift, condemnation or otherwise; to provide compensation to railway companies for the loss of existing passenger station facilities; and to confer on the railway and warehouse commission power to regulate the use of such station and facilities.

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

Section 1. **Minneapolis given right to construct union depot.**
—Each city of the first class, acting through its council, is hereby

authorized and empowered to acquire from time to time, by purchase, gift, condemnation or otherwise, all lands necessary or convenient and to erect, construct and maintain thereon a union passenger railway station and to require every railway company whose line enters the city to run its passenger trains into and from such station and to receive and discharge passengers and their baggage therein, together with such tracks as may be necessary, convenient or adequate for the use of all passenger trains and for connecting such station with all the passenger tracks of all the railroad companies that enter the city.

The term "council" shall be deemed in this act to include the chief governing body of every city of the first class by whatever name known.

The council shall not proceed under this act until after having determined so to do by vote of two-thirds of all the members of the council.

Sec. 2. What to be filed with railroad commission.—The council shall prepare and file with the Railroad and Warehouse Commission (hereinafter called the "Commission") maps, plans and drawing showing the real property necessary or convenient to be taken and the location, dimensions and general plan of buildings, sheds, tracks and approaches to be maintained for the purposes aforesaid.

Sec. 3. Commission to notify railroad companies.—The commission shall give to each railroad company whose tracks enter the city not less than twenty (20) days' notice by service upon some freight or ticket agent of each such company in the city of the time and place when it will meet in such city to examine such maps, plans and drawings and hear evidence thereon for which purpose it may adjourn from time to time.

The commission may permit amendments to be made by the city council to such maps, plans and drawings and shall approve same when found reasonably adequate and convenient for the accommodation of the public and the railroad companies.

Sec. 4. Notice of acquiring land.—After such approval by the commission the council shall cause a true copy of the maps showing the lands to be acquired to be certified by the city clerk and filed for record in the office of the register of deeds with the statement that such maps have been prepared and adopted by the council and approved by the commission for the purposes of this act, and the filing of such maps in the office of the register of deeds shall be notice to all persons of the determination by the city to take such lands.

Sec. 5. Right of eminent domain granted—appraisers.—The council shall thereupon, with all convenient speed file in the office of the clerk of the district court of the county in which the city is situate a petition for the taking of such lands under

the power of eminent domain and all persons shall take notice of the filing of such maps and such petition. The petition shall ask the court to appoint three appraisers, residents of the state, to ascertain and determine and award the compensation and damages to be paid to each owner, lessee, incumbrancer and other person interested in any portion of the land. Every railroad company whose passenger tracks enter the city, its lessees and mortgagees and others interested in its property shall be made a defendant as well as every such owner, lessee, incumbrancer or other persons interested in the land to be taken. Any defendant railroad company, its mortgagees, lessees and other persons interested may by answer show what buildings, lands and improvements it will be compelled to abandon and lose the benefit of, in whole or in part, by the transfer of its passenger business to the union station, and the appraisers shall ascertain the facts and award reasonable compensation for such loss. The mortgagees and lessees, if any, and other persons interested in such buildings, lands and improvements, so far as known, shall be made parties defendant.

Sec. 6. Petition to court and notice to owners.—Such petition shall be presented to the court at a time fixed, and notice thereof shall be served upon each of the defendants at least twenty (20) days before the time of hearing. If any of the defendants be not residents of the state, of which the return of the sheriff that such defendant cannot be found in his county shall be prima facie evidence, the attorney for the city may file affidavit stating that he has mailed the notice to such defendant at the place of his residence, or that the residence of the defendant is not known, and thereupon notice may be served by publication once in each week for three successive weeks in the official newspaper of the city, the last of which publication shall occur at least twenty (20) days before the time of the hearing of the petition.

Sec. 7. Court to appoint appraisers.—The court at the time of such hearing, upon evidence that the maps and plans have been approved by the commission, shall appoint three appraisers to ascertain and award compensation and damages as aforesaid, and by the same order shall order and determine that upon the completion or substantial completion of the station and tracks and the approval thereof by the commission, every defendant railroad company, its successors and assigns, shall run all its passenger trains to and from such union station and take and discharge passengers and their baggage therein and pay compensation therefor as required by this act, and such order shall be construed as a final judgment and mandate of the court requiring the defendant railroad companies, their successors and assigns, so to do. Such order shall be conclusive of the right of

the city to take the land described by the maps and the duty of the defendant railroad companies to use the station as aforesaid and pay the rentals and compensation required by this act, and shall not be brought in question except by direct appeal therefrom.

Sec. 8. Appeal to supreme court.—Appeal may be taken to the supreme court by any defendant or, in case of denial of the petition, by the city within thirty (30) days after notice of the filing of the order. Such notice may be served upon the parties or upon any attorney who has appeared. Notice of appeal need not be served upon defendants who have not appeared. Such appeal shall be given priority over other cases of the supreme court and shall be heard and determined as soon as the business of the court will permit without regard to term time.

Sec. 9. Time of meeting of appraisers.—The time of meeting of the appraisers shall not be fixed until after the time to appeal has expired, and in case any appeal is taken the time of the appraisers' meeting shall not be fixed until the final determination of all the appeals. Upon the expiration of the time for appeal or upon the final determination of all appeals, the court shall, upon the ex parte application of the city, fix the time for the first meeting of the appraisers. They shall take and file with the clerk of the court an oath for the faithful discharge of their duties and prepare notice of their first meeting, which notice shall be served upon all defendants in the manner prescribed for the serving of the notice of hearing of the petition. The appraisers shall hear all evidence offered and for that purpose adjourn from time to time, but no subsequent notice of the appraisers' meeting need be given. The clerk of the court, or one of his deputies, shall attend upon the meetings of the appraisers for the purpose of administering oaths and keeping brief minutes of the proceedings. The appraisers may, at their discretion, designate a stenographer to take the testimony of witnesses and fix his compensation, which shall be paid by the petitioner.

Sec. 10. Award of appraisers.—Upon the completion of the hearing the appraisers, or a majority of them, shall file a report of their award of damages and compensation to each defendant for the taking of or injury to and loss of his property. The damages shall be determined and fixed as of the date of filing the maps in the office of the register of deeds.

Sec. 11. City attorney to give notice of report.—Upon the filing of such report the attorney for the city shall give notice thereof to the defendants who have appeared, by service upon them or their attorneys. The report shall be final unless set aside by the court for good cause shown upon motion made

within sixty (60) days after notice of filing the report. Defendants who have not previously appeared may make like motion within sixty (60) days after filing the report. In case the report is set aside as to any parcel or parcels the court shall recommit to the same appraisers, or appoint new appraisers, in its discretion, and by its order fix the time and place of their meeting of which other notice need not be given. Such appraisers shall proceed as directed in the first instance and the court shall have like power with respect to their report and shall proceed upon like notice. All awards not set aside shall be confirmed by the court and appeals may be taken to the supreme court as provided by law in case of orders in special proceedings.

Sec. 12. Court may embody directions to appraisers.—The court may in any order appointing appraisers embody directions to the appraisers in relation to the measure of damages and any other matter as to which directions may seem to be expedient and the appraisers shall be governed thereby. The appraisers may at any time apply to the court for directions upon any question arising before them. The appraisers shall in every instance view the premises and property to be taken. The court may during the progress of the proceedings make any other and further orders than those herein expressly provided for which it shall find necessary or convenient to accomplish fully the purposes of this act.

Sec. 13. Council may abandon entire proceedings—failure to do so.—Upon the final determination of the amount of damages to which each defendant is entitled the council have the power, within ninety (90) days to set aside and abandon the entire proceedings and if not so set aside the city shall be bound to pay the damages finally awarded and such interest thereon, if any, as the court may deem just. In determining the amount of interest the court shall consider the use which the defendant has made of the property in the meantime. The defendants shall likewise be entitled to taxes and assessments paid upon the property after the filing of the plat, or such part thereof, if any, as the court shall consider just, and in determining the question the court shall also consider the use which the defendant has made of the property.

Upon the failure of the council to abandon and set aside the proceedings within the ninety (90) days aforesaid the city shall upon ten (10) days notice to all who have appeared apply to the court for a judgment and decree which judgment and decree shall transfer to and vest in the city every right, title, interest, estate, lien, claim and demand of every defendant in the proceeding and of all those who claim by, through or under the defendant, and in cases where the defendants are owners

in fee the title of the city shall be a fee simple title, unqualified in any way whatever, and the judgment shall fix and determine the amount to which each defendant is entitled including principal and any interest or taxes allowed by the court. The credit of the city shall be pledged to the payment of such amounts.

Sec. 14. When city is entitled to possession.—Upon the entry of such judgment the city shall be entitled to the possession of all property taken and the court shall issue a writ or writs to put the city in possession.

Sec. 15. What lands may be included.—The lands embraced in such maps and proceedings may include any and all stations, station grounds, tracks, bridges, lands and property of any railroad company or other public service corporation whether in use for railroad purpose or other public use or not, and the purposes of such union passenger station are hereby declared a paramount use to which any and all other public uses to which property has been previously devoted shall be subordinate.

Sec. 16. Mayor to appoint "union station directors"—duties.—Immediately upon the entry of the judgment provided for in Section 15, the mayor of the city shall appoint, with the consent of the council, a board of three (3) directors who shall be known as the "Union Station Directors." The term of the directors first appointed shall expire one on the first day of May next following and the other two on the first day of May of the next two successive years and thereafter one director shall be appointed each year for a term of three years to succeed those whose terms expire. The directors shall file with the city clerk an oath for the faithful discharge of their duties.

It shall be the duty of the union station directors to take possession of, manage, improve, regulate and control the use of the property so acquired and to employ and to select all agents and employes necessary for the purpose, but subject and according to any law governing classification and appointment of the officers and employes of the city. The directors shall belong to the unclassified service. The directors shall erect and construct station buildings and appurtenances and the tracks connecting the same with the tracks of the railroad companies and shall arrange for the use of existing tracks and facilities during the process of construction and change so as to interrupt as little as may be the business of the different railroad companies and so as to interfere as little as possible with the convenience of the public.

Sec. 17. To make rules and regulations.—Upon the completion or substantial completion of the station, appurtenances and connecting tracks the directors shall from time to time make all necessary rules and regulations for the use thereof by the

different railroad companies in such manner as best to serve their convenience and the public convenience and thereafter the directors shall manage and control the entire property.

Sec. 18. Bonds may be issued.—The council shall have the power to raise money for the payment of such awards and interest thereon after the date of such judgment at the rate of 6% per annum and to pay the cost of all improvements aforesaid and all expenses incurred by the issue and sale of special union station bonds of the city in an amount to be approved by the commission for the payment of which the net revenues of the station and facilities aforesaid shall be pledged, which bonds may be secured by a mortgage upon the property. The city shall not otherwise be liable upon such bonds and mortgage.

Sec. 19. Issue and sale of bonds.—The bonds may be issued in such amounts and for such times as the council shall deem best and the commission approve, and shall be sold from time to time at public sale or upon sealed bids after advertisement once a week for not less than three weeks in the official newspaper to the purchaser who will pay the par value thereof at the lowest annual interest rate, which interest shall be payable semi-annually. The bonds may be payable to bearer with semi-annual interest coupons attached, or may be registered in the name of the owner and transferred as to principal only upon the register with a provision for changing from coupon bonds to registered bonds and vice versa.

Sec. 20. Railroad companies must run trains from and into station.—Upon the completion of such station and the connecting thereof with the tracks of the defendant railroad companies it shall be the duty of the railroad companies to run their passenger trains from and into such station and to take and discharge passengers and their baggage therein. It shall also be the duty of the several railroad companies to pay quarterly to the city such compensation as the council may determine and the commission approve, which compensation shall be sufficient to pay all expenses of maintenance, renewal and repair and interest upon the bonds aforesaid and a sinking fund of 2% upon the principal per annum to retire the bonds.

Sec. 21. Commission to fix the amount to be paid.—The commission shall from time to time fix the amount to be paid by each railroad company, sufficient in the aggregate to cover the amount specified in the foregoing sections, and in proportion as nearly as may be to the actual use by each railroad company.

Sec. 22. Service of notice on different parties.—Except when the city and all the railroad companies interested appear before the commission without notice the commission shall take

the action and perform the duties only after at least seven (7) days notice given by the city to all the railroad companies or given by any railroad company to the city and other railroad companies as the case may be, and the commission shall have the power to adjourn any hearing from time to time. Notice to the city may be served upon the city attorney and, after the appointment of directors of the station, may be served upon any director. Notice to the several railroad companies may be served upon any agent of any railroad company in the city designated by such company, and in the absence of such designation, may be served upon any ticket agent of such company in such city.

Sec. 23. Mandamus may follow refusal to perform.—In case the city or any such railroad company shall not perform any of the duties or things required by this act or by the orders of the court issued in pursuance hereof application may be made to the court in the proceedings above provided for and upon such notice as the court shall prescribe for a writ of mandamus or other appropriate writ or order to compel the performance of such duties and such proceedings shall remain pending from such purpose.

Sec. 24. Payment to be made in cash.—The obligation of the city to pay the award shall be satisfied only by actual payment of principal and interest in cash.

Sec. 25. Railroad companies must connect with station, or be deprived of carrying passengers.—Any railroad company which shall construct any railroad into the city after the commencement of the proceedings provided for by this chapter shall construct its lines to a suitable connection with such union passenger station, failing which it shall not carry passengers into or out of the city, and shall pay to the city its proportion to be fixed by the commission as aforesaid of the expense of maintenance, interest and sinking fund aforesaid. If such railroad company and the council cannot agree upon the method of such connection the method shall be determined by the commission after notice as aforesaid and every such railroad company shall have the right to the use of such station and facilities upon equal terms with other railroad companies and it shall be the duty of every such railroad company to run its trains into and from such station and to receive and discharge passengers and their baggage therein.

Sec. 26. Council given power to employ engineers, etc.—The council shall have power to employ during the time of making the plans and acquiring the property such engineers, attorneys and other persons, in addition to the officers of the city as it may find necessary and to fix their compensation; to fix the compensation of the directors; to raise money by a levy

of taxes upon the taxable property of the city or by loan upon the notes or bonds of the city for a term not exceeding five years for the payment of expenses and for the payment of the awards and for constructing buildings and improving the property for the purposes of this act. Any such notes or bonds shall be sold to the bidder who will pay the par value thereof at the lowest annual interest rate after advertisement once in each week for two successive weeks in the official newspaper.

Sec. 27. "Union station fund" created.—All moneys raised by taxation or loan or by the operation of the property or otherwise under this act shall be put into the city treasury under a separate fund known as the union station fund and shall be paid upon orders or warrants authorized by the directors. Warrants shall be signed by the mayor and countersigned by the city comptroller.

Sec. 28. Application.—This act shall not apply to cities governed by a home rule charter adopted pursuant to Section 36 of Article 4 of the Constitution and the laws of this state relating to the adoption of home rule charters.

Approved April 19, 1913.

CHAPTER 398—S. F. No. 969.

An Act relating to the payment of increased aid to certain public schools and departments in public schools.

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

Section 1. When state aid provided for by certain chapters is to commence.—The state aid provided for high and graded schools under Chapters 96, 267 and 298. Laws of 1913, shall be for the school year beginning August 1, 1913, and succeeding years, and shall be awarded to and paid to such high and graded schools as shall be found entitled to such aid. For the school year ending July 31, 1913, the state aid to high and graded schools, under Sec. 1417, Revised Laws of 1905, and acts amendatory thereof; the state aid for teachers' training courses, under Sec. 1420, Revised Laws of 1905; and the state aid for courses in agriculture and other industrial subjects, under Chapter 91, Laws of 1911, shall be in amounts provided by said laws.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 19, 1913.