

## CHAPTER XX.

*An Act relative to the Fort Street Road, in the County of Ramsey.*

- SECTION 1.** Said road to continue as laid out, and platted by the acts approved July 27, 1858, and May 23, 1857.
2. Commissioners appointed—who to fill vacancies in case of neglect to serve.
  3. To give oath for faithful performance of their duties—to cause notice to be published of the time and place of meeting, and the purpose of the meeting—commissioners to examine property taken by said road—powers of said commissioners—to make assessment—injury, and how awarded—award of assessment to be signed by commissioners, and delivered to whom—award by whom confirmed—what made a part of this act.
  4. Duty of Treasurer.
  5. Sale—how to be conducted.
  6. Damages and benefits due to and from the same person—how satisfied.
  7. Proceedings against validity of sale—how commenced.
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  11. County commissioners authorized to issue bonds.
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*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That the public street or road heretofore laid out, established and platted from the westerly termination of Fort street in the city of St. Paul, to the westerly limits of said city, and from thence to the ferry landing opposite Fort Snelling, by the commissioners appointed by a certain act approved July 27th, 1858, entitled "an act supplemental to an act relative to an improvement in the city of St. Paul, approved May 23, 1857, and to amend the same," shall continue as so laid out, established and platted.

**Sec. 2.** Nathaniel McLean, J. W. Selby and Parker Paine are hereby appointed commissioners to carry out the requirements of this act; and should either of said commissioners decline or be unable to act, the Judge of the District Court of the Second Judicial District shall appoint some person to fill the vacancy of such commissioner, and said Judge shall also supply any vacancy which may occur in the place of any commissioner appointed by him, and said commissioners shall have power to elect a secretary.

SEC. 3. The said commissioners shall proceed as follows :

*First.* Immediately after the passage of this Act, or their appointment, and before entering upon their duties, they shall take and file with the register of deeds of said county, an oath to discharge their duties as such commissioners with impartiality and fidelity, and to make due return of their doings as required by law.

To give oath for the faithful performance of their duties

*Second.* Said commissioners, within ten days after the passage of this Act, shall cause a notice to be published once in each week for three successive weeks, in two newspapers published in said city of St. Paul, that they will meet at a time and place therein specified, to ascertain and assess the damages and recompense to be paid to the owners of lands and buildings heretofore taken by said street or road, and at the same time to determine what property has been benefitted or injured by such improvement, and assess the damages and expenses thereof on the real estate benefitted.

To cause notice to be published of the time and place of meeting, and the purpose of the meeting

*Third.* The said commissioners, previous to the day fixed in said notice, and as often thereafter as they may deem advisable, shall proceed in a body to view the property taken by said street or road, and also such premises as have been benefitted thereby.

Commissioners to examine property taken by said road

*Fourth.* Said commissioners shall meet at the time and place designated in said notice, and may adjourn from day to day for the purpose of hearing testimony and evidence on the part of parties interested, which said evidence shall be reduced to writing by their secretary, and either of the said commissioners shall be authorized to administer the necessary oaths to witnesses.

Powers of said commissioners

*Fifth.* After viewing the premises and hearing such testimony as may have been offered, the said commissioners shall proceed to make their assessment, and to determine and appraise to the owner or owners the value of the real estate and buildings appropriated for the improvement, and the injury arising to them respectively in consequence thereof, which shall be awarded to such owners as damages.

To make assessment

Injury, and how to be awarded

*Sixth.* If the land be subject to lease, mortgage, judgment or other lien, or if there be any other estate in it less than an estate in fee, and such fact be known to the commissioners, the injury done to such persons' in-

terests may be awarded to them by said commissioners.

*Seventh.* Having ascertained the damages and expenses of said improvement as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs and expenses of the proceedings prospective, as well as those already incurred, upon the real estate by them deemed benefitted, in proportion to the benefits resulting thereto from the improvement, as nearly as may be, and shall describe the real estate upon which said assessments are made. The award of said commissioners shall be signed by them, and delivered to the Judge of the District Court of the Second Judicial District, together with the testimony taken, and a full statement of the proceedings of said commissioners in the premises, within ninety days after the passage of this Act.

Award of assessment to be signed by commissioners, and delivered to whom

*Eighth.* The said Judge shall immediately thereafter cause notice to be published for one week, in two newspapers published in said city of St. Paul, that such award, testimony and statement have been delivered to him, and that on a day and at a place to be named therein, he will confirm said award, and every act and proceeding of said commissioners, unless objections are made thereto at that time and place in writing; such objections so made on said day, may be heard by said Judge on said day, or at any time to which such hearing may be adjourned by him; and any disputed question of fact may be referred by said Judge to a jury for their determination, if the same is requested by any person interested; said judge may confirm or annul said proceedings, and confirm or modify said award, or refer the whole subject back to the commissioners. If annulled, all the proceedings shall be void, and the commissioners shall proceed *de novo*, and make their report within such time as the said Judge may prescribe. If said proceedings are confirmed, and said award confirmed or modified, the decision of such Judge upon said proceedings and award shall be final, and such Judge shall file the testimony, statement of the proceedings of said commissioners, their award, proof of the publication of the notices hereby required, and his order in the premises, with the clerk of the court, who shall deliver to the county treasurer immediately thereafter, a certified copy of said

Award by whom confirmed

award as confirmed or modified by said Judge; and thereupon said street or road shall become the property of the public. If referred back to said commissioners, they shall take the same proceedings, and the said Judge shall act thereon in like manner as above required, and with the like effect; and if more than once referred back to said commissioners, the same proceedings on the part of said commissioners and said Judge, with like effect, shall ensue as often as such reference shall take place. Said Judge shall have power, in his discretion, to enlarge the time in which said commissioners shall make their return or do any other act.

What made a  
part of this act

*Ninth.*—Subdivision 15 of section 2 of chapter 6 of city charter of the city of Saint Paul, approved March 20, 1858, is hereby made a part of this Act.

Duty of Treasur-  
er

SEC. 4. Within one month after the receipt of said report by said treasurer, the parties owning lands assessed for benefits shall pay the amount thereof to such treasurer; and if such payment is not made within said time, the said treasurer shall sell the lands upon which assessments shall remain unpaid to the highest bidder at public auction, at his office in the city of Saint Paul, after giving three weeks public notice of the time and place of such sale by publication once a week in some newspaper published in said city, to satisfy the assessment, penalty and cost thereon. Such notice shall contain a description of the property, and the names of the owners, if known, and shall also state when the same may be redeemed.

Sale—how to be  
conducted

SEC. 5. Said sale shall be conducted, and redemptions therefrom made, and the like duties be performed, and privileges allowed, and proceedings take place in reference thereto, and with like effect, as are provided by law in reference to sale of lands for delinquent taxes, except that all redemptions shall be made in two years after sale, and deeds given at the expiration of such period, by the officer authorized by law to give deeds in case of sale for delinquent taxes, and no notice shall be required to be given of the execution of such deeds.

Damages and  
benefits due to  
and from the  
same person—  
how satisfied

SEC. 6. Where damages and benefits are due to and from the same persons, they shall be satisfied by the treasurer *pro tanto*, as well before as after sale.

SEC. 7. No proceeding shall be entertained to affect

the validity of said sale, unless commenced within one year thereafter.

Proceedings  
against validity  
of sale condi-  
tional

SEC. 8. As soon as said sale shall be concluded, the treasurer shall distribute all collections made by him, *pro rata*, to the parties entitled to damages. All damages remaining unpaid after such distribution, shall draw interest at the rate of ten per cent. per annum, from the day of sale; and the treasurer, immediately after the expiration of the year's time for redemption, and as often previous thereto as there is a sufficient amount in his hands to justify the same, shall apply the redemption moneys collected by him, towards the payment thereof. All moneys remaining, after the payment of such damages and interest, shall belong to the county, and said county, at the expiration of the time for redemption, and not before, shall satisfy and pay the damages and interest remaining due and unpaid.

Duty of treasurer  
after sale shall  
be concluded

SEC. 9. The fees of the commissioners and secretary shall be two dollars per day, for every day necessarily employed in the performance of their duties. The treasurer's, auditor's and printer's fees shall be as now prescribed by law in reference to taxes. All costs and expenses of the proceedings shall, in the first instance, if the parties demand it, be paid out of the county treasury.

Compensation of  
commissioners  
and secretary

SEC. 10. The commissioners appointed under the act mentioned in section one, are hereby prohibited from taking any further proceedings under the same.

Discharge of  
commissioners

SEC. 11. The county commissioners of said county, are hereby authorized, if they think it advisable, to issue the bonds of the county, bearing interest at the rate not exceeding seven per centum per annum, to take up the bonds heretofore illegally issued for the improvement of Fort street; *Provided however*, That no more than sixty per cent. upon the dollar of the amount due upon any such bonds shall be so paid, and any bonds so taken up, shall be delivered up to be cancelled in full.

County commis-  
sioners author-  
ized to issue bonds

SEC. 12. This Act shall take effect and be in force from and after its passage.

Act, when to  
take effect

Approved March 12th, A. D. 1861.