

CHAPTER VIII.

An Act to amend Section Eight of the Act of March Eighth, One Thousand Eight Hundred and Sixty-One, Relating to the Lake Superior and Mississippi Railroad Company.

March 6, 1868.

SECTION 1 Amendment to Section 1, of Chapter 1, Special Laws of 1861. Upon the filing of a petition for the purpose of condemning certain real estate, the Attorney of said Company to notify the owners of property to be effected thereby—what notice to contain—upon proof of service of notice and proof thereof filed the service shall be complete—court to have jurisdiction of property—may appoint commissioners—oath to be administered to commissioners—to make report of damages—fees of commissioners, clerk and other officers.

2. When act to take effect.

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

SECTION. 1. That section eight of the act approved March eighth, one thousand eight hundred and sixty-one, relating to the incorporation of the Lake Superior and Mississippi Railroad Company, occurring on pages two hundred and five to two hundred and nine inclusive, of the special laws of one thousand eight hundred and sixty-one, is hereby modified and amended as follows, to wit: That upon the filing of such petition in the clerk's office of such court, the said company shall cause notice to be signed by its attorney, which shall contain the name or style of the court in which such petition is filed, and be directed to the persons in said petition named, as owners, lien holders or otherwise, and to all whom it may concern, therein stating that a petition has been filed by said company for the purpose of condemning certain real estate therein particularly described for the use of said corporation, and specifying the time and place at which the application under said petition will be made for the appointment of commissioners, which notice shall be served by

Notice to be served upon the owners of property.

delivering a copy thereof to such of the parties as can be found in said district, or who may be known residents of the state, and in case any of said parties cannot be so personally served with such notice, then upon affidavit of such fact, the court shall, by its clerk, enter an order directing the publication of a copy of such notice in some newspaper published in the judicial district in which said proceeding is pending, and in case no newspaper is printed in such district, then in some newspaper printed in an adjoining county, and in case there should be no such paper printed in an adjoining county in this state, then such publication shall be made in one or more of the newspapers published at St. Paul, as said court may direct, which publication shall be for at least three successive weeks prior to time fixed for the said application. That it shall not be necessary to publish a description of the property sought to be affected by said proceedings or give any further notice than is as above provided. That upon proof of service of such notice personally or by publication thereof and proof thereof filed, the service shall be complete, and the parties and all persons interested be deemed in court, and the court thereupon shall have jurisdiction of the property in the petition described, as well as if the parties interested therein, and at the time specified or at the time to which the same may be adjourned the court may make the order appointing commissioners as is now provided for, and fix a time and appoint a place at which said commissioners shall meet to organize and hold their first meeting, that notice of such meeting shall be entered upon the minutes of said court and the same shall operate as notice to all parties. That said commissioners shall be sworn and proceed to discharge their duties and have all the power in the said act provided. That the report of said commissioners shall state the amount of damages or compensation awarded to or against each tract and parcel, and that the report of the commissioners, or of a majority of them, shall have the force and effect of the verdict of a jury, and upon the filing thereof in court, judgment shall be entered therein as in cases of verdicts in civil actions and with like force and effect and subject to like proceedings in appeal as are now provided for in civil actions in such court. That all and singular the provisions of said act in relation to the qualifications of the commissioners so to be appointed and the proceedings by them to be had and the principles

Proof of service
of notice filed.

Court to have
jurisdiction of
property.

Oath.

To make report
of damages.

on which compensation or damages are to be awarded shall still continue in force. That the fees of the commissioners, clerk and other officers shall be paid by said company, except in case of appeal, in which case the court shall award costs to the successful party, as in other cases; *Provided*, That no appeal shall operate to stay the work upon such road or deprive said company of the use of the premises affected, in case the company shall pay into court the amount awarded by the commissioners and adjudged to the property of such appellant. That said company may exonerate itself from all liability as to the application of the amount awarded to or for any particular tract, by paying the same into court, and in all such cases the court may adjudge and determine upon motion or interpleader as between the parties claiming the same, who is entitled thereto.

Fees of commissioners, &c.

SEC. 2. This act to take effect and be in force from and after its passage.

When act to take effect.

Approved March 6, 1868.

CHAPTER IX.

An Act to authorize the First Division of the St. Paul and Pacific Railroad Company to construct a Branch from some point in Hennepin County, or Wright County, through Watertown and Glencoe to the Minnesota River.

March 4, 1868.

SECTION 1. Company authorized to construct said branch road—route of said branch road—rates of passengers and freights.

2. Laws relating to the construction of the main line, so far as applicable shall be extended to the said branch.

3. For the convenience of operating said branch road, the Company are authorized to create general, special and preferred stock.

4. Board of Directors may designate the name by which said branch line may be known.

5. When act to take effect.

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

SECTION 1. That the First Division of the St. Paul