

CHAPTER CXX.

Feb'y 8, 1860. *An Act authorizing the St. Paul Water Company to re-locate its line and extend its works.*

- SECTION 1. Company may extend its works so as to connect with any of the lakes or creeks in Ramsey County—exceptions.
2. When deemed necessary to make such extension the Company to cause a survey of the proposed line—may enter upon any land for said purpose—map to be acknowledged—by whom—to be filed in the office of the Register of Deeds.
 3. Commissioners to be appointed to assess damages, upon application of owners of property to the Judge of the District Court—how notice of such application to be given—what notice to contain—Commissioners to take oath, conditioned for faithful performance of duties—duties of commissioners—to make report—what to contain—both parties may appeal from said report—how appeals to be decided.
 4. Duties of the Clerk of said Court.
 5. Company authorized to re-survey and re-locate said line.
 6. When act to take effect.

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

Works may be
extended—ex-
ceptions.

SECTION 1. That the St. Paul Water Company may, from time to time, for the purpose of furnishing a full supply of water to the inhabitants of the city of St. Paul, extend its works so as to connect with any of the lakes or creeks lying wholly or in part in the county of Ramsey, except Rice Creek and all its tributaries, but White Bear Lake, and as it shall, from time to time, so extend its said works, it may tap and draw water from any of said lakes or creeks, by means of pipes, ditches, drains, conduits, aqueducts, or other means for conducting water, so as to connect said lakes or creeks with its said works, and may erect and construct dams, bulkheads, gates and other needed structures and means for controlling of water and its protection.

SEC. 2. Whenever, at any time, said company shall propose to extend its said works, so as to connect with

any of said lakes or creeks, it shall proceed as follows: When to survey line—may enter on land—map to be acknowledged and filed.
 Said company shall cause to be made a survey of the line along which it shall so propose to extend its said works; and for that purpose it may, by its officers and agents, enter upon any lands within said county, doing no unnecessary damage thereto. After such survey shall have been made and such line located, it shall cause to be made a map, showing the location of such line and the lands necessary to be taken for such extension. Said map shall be acknowledged by the surveyor making the same, and by the president of the company, and shall be filed as a record in the office of the register of deeds of said county. And after making compensation, as hereinafter provided, to the owners of or persons interested in the lands so to be taken, said company shall have an easement in said lands designated on said map, for the purpose of making, constructing, altering, protecting and keeping in repair its said works, and using and operating the same.

SEC. 3. Said company shall make application to the judge of the district court in said county, at Chambers, for the appointment of three commissioners to assess the damages which the owners of or persons interested in the lands so to be taken, or any other persons, may sustain by reason of the taking of such lands, or of the constructing, use and operating of such works. Notice of such application shall be given by publishing the same in a newspaper printed in St. Paul for at least twenty days before the day of making such application, which notice shall specify the time and place where such application will be made, the points between which it is proposed to extend said works, and state the date of filing the said map. Commissioners appointed—for what purpose—how notice to be given—to take oath—duty of. At the time and place specified in said notice, said judge shall, upon proof to his satisfaction by affidavit of the due publication of said notice appoint, by an instrument under his hand, three commissioners to assess said damages. Such commissioners shall make and subscribe an oath or affirmation that they will faithfully and fully examine the matter in question and make a true report thereon, according to the best of their skill and understanding. They shall appoint a time and place of meeting for the purpose of making such examination, and give notice thereof by publishing such notice in a newspaper printed in St. Paul for at least ten days before the day so appointed. On the day so appointed they shall proceed to view the lands so to be taken, and hear any evidence as to the damages

which any person may sustain by the taking the same, or by the constructing, use and operating of the works of the company, and shall continue their examination until the same shall be completed. They shall make a just and equitable estimate of such damages, and shall make and file in the office of the clerk of said court a report in writing, signed by them or any two of them, in which they shall state the amount which said company must pay to each person or corporation who may sustain any damage by reason of the taking of such lands, or by reason of the constructing, use and operating of such works. Upon said report being filed, said company may pay in to the clerk of said court, for the use of the parties entitled thereto, the several amounts so awarded by said report. And thereupon said company may enter upon, possess, have, hold and enjoy said lands for the purposes aforesaid, and may proceed to construct, use and operate its said works and extensions thereof. Said report and the finding of said commissioners shall be final and conclusive as against all persons or corporations who shall not appeal therefrom within thirty days after the filing of said report. Any person or corporation interested may appeal from said report and finding of said commissioners within the time aforesaid, to the said district court, by filing with the clerk of said court a notice of appeal, specifying the nature of his or its claim and the amount thereof. Said company may likewise appeal, within the time aforesaid, from the finding of said commissioners in favor of any person or corporation, by filing with said clerk a notice of such appeal. The appeal shall be entered on the calendar for the succeeding term of said court, and shall be tried and judgment therein given and the like costs allowed as in actions brought in said court. If the said company appeal and the same or greater damages be recovered than shall have been awarded by the commissioners, it shall be liable for costs; if any other person or corporation be the appellant and do not recover greater damages than shall have been awarded by the commissioners, such appellant shall be liable for costs. But no appeal taken shall prevent said company from entering upon, possessing, having, holding and enjoying said lands as aforesaid, or from proceeding to construct, use and operate its said works or any part thereof. *Provided*, that upon any such appeal being brought, the said company shall, in addition to paying said amount to said clerk as

May appeal—
how appeals to
be decided.

aforesaid, execute, with two or more sureties to be approved by the judge of said court, a bond to the party with respect to whose claim the appeal is taken in such sum as said judge shall direct, conditioned that if such party shall, by the final judgment in the matter, recover a greater sum than shall have been awarded by the report of said commissioners, the said company shall pay the excess in to the clerk of the court for the use of such party. The payment by said company in to the said clerk of the amount so awarded by said commissioners, and in case of appeal of any excess recovered thereon, shall be full compensation to all persons and corporations for all damages which may arise or accrue by reason of the taking of said lands as aforesaid, or of the constructing, use and operating said works.

SEC. 4. The clerk of said court shall attach together and keep on file in his office the said notice of application with the affidavit of publication thereof, the appointment of said commissioners, their oath or affirmation, the notice given by them, with an affidavit of the publication thereof, their report, a certified copy of any final judgment or appeal, and his certificate or certificates of the payment to him by said company of any moneys awarded to any person or corporation. A copy, certified by said clerk, of such papers may be recorded in the office of the register of deeds of said county, and the papers so filed, said record, or a certified copy of either, shall in all cases be received as evidence of the facts therein stated.

Duties of clerk
of the court.

SEC. 5. Said company is hereby authorized to re-survey the line of its works heretofore located, and to re-locate said line or any portion thereof, the same as though said line had not been heretofore located. In case of making such re-survey and re-location, said company shall proceed in the same manner as is provided in sections two, three and four of this act, and all the provisions of said sections shall in all respects be applicable to the proceedings for such re-survey and re-location and the effect thereof, and of constructing, using and operating its works over said re-located line. It may join its proceedings for such re-survey and re-location with any proceedings for extending its said works. *Provided*, that if said company shall in the proceedings heretofore had for locating its said line, have paid in to said clerk the amount awarded to any person by the commissioners in said proceedings, the amount so paid in shall be deemed a payment to

To re-survey
and re-locate
said line.

such person upon the amount which may be awarded in the proceedings hereby authorized.

When act to
take effect.

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

Approved February 8, 1869.

CHAPTER CXXI.

March 6, 1869.

An Act to amend the charter of the Mississippi River Improvement and Manufacturing Company, and in execution of the trust created in and by the act of Congress approved July twenty-third, A. D. one thousand eight hundred and sixty-eight, entitled "an act making a grant of land to the State of Minnesota to aid in the improvement of the navigation of the Mississippi River."

- SECTION 1. The act of Congress approved July 23d, 1863, granting lands to aid in the improvement of the navigation of the Mississippi (for a lock and dam,) declared to be substantially the same (lock and dam) as provided in the act of the Territorial Legislature, approved March 4th, 1857—said Company authorized to construct and maintain said dam and lock.
2. All the interest in said grant of lands for the purpose of constructing the said lock and dam, vested in the Mississippi River Improvement and Manufacturing Company—upon what conditions.
 3. Amendment to Section one (1) of Chapter sixty-five (65) of Special Laws of 1863. When lock and dam to be completed—repeal of section five (5) of said act.
 4. In case of failure of Company to comply with the provisions of this act all the rights, benefits and privileges to be forfeited to the State.
 5. If Company accept the grant conferred in this act, it shall file written notice of its acceptance—within what time.

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

SECTION 1. That the lock and dam and the improvements contemplated in the act of congress, approved July