

and pay for the use of the general fund of the state, the sum of five hundred dollars, to be recovered in any court of competent jurisdiction, to be prosecuted and collected by the attorney general, in the name of the state of Minnesota.

Repeal of former act

SEC. 5. The act entitled "An act to establish the location of the general offices of railroad companies, chartered under the laws of the state," approved March sixth, eighteen hundred and seventy-three, is hereby repealed.

When act to take effect.

SEC. 6. This act shall take effect and be in force from and after the first day of May next.

Approved March 9, 1874.

CHAPTER XXVIII.

AN ACT RELATIVE TO THE PROCEEDING IN CONDEMNING PROPERTY FOR PUBLIC USE ON BEHALF OF RAILROAD COMPANIES.

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

All awards and damages for taking lands for public use to draw interest until paid.

SECTION 1. All awards for compensation and damages for the taking of land for public use on behalf of railroad corporations, where no appeal is taken, shall draw interest at the rate of seven per cent. per annum from the date of the filing of such awards until paid, and where an appeal is taken the verdict in such appeal shall draw the like rate of interest until paid.

Additional tax in case of appeal.

SEC. 2. Where an appeal is taken from such awards and verdict rendered, the court shall add to such verdict all taxes and local assessments imposed upon the property sought to be condemned since the initiation of the condemnatory proceedings, and paid by the owners of the property, and also in case the property has not been occupied by the owner from the time of the filing of the award interest upon the amount fixed by the verdict from the date of such filing at the rate of seven per cent. per annum and the payment of any such tax or assessments by such owner shall be conclusive evidence of the

legality and validity in all respects of such tax or assessment.

SEC. 3. If such award when no appeal is taken is not paid within sixty days after the filing of said award, or in case an appeal is taken within sixty days after the entry of final judgment the judge or court before whom the condemnatory proceedings were initiated or the court wherein such award is filed or judgment entered, shall, upon motion of the owner of the property sought to be condemned, vacate and set aside all such proceeding including the award and judgment if any. *Provided*, That in all cases when the award has heretofore been so filed and no appeal has been taken, and in all cases where such appeal has been taken and judgment entered, said sixty days shall commence to run from the date of the passage of this act.

When award and judgment may be set aside.

SEC. 4. If the commissioners appointed in any such proceedings shall fail to make and file their awards within six months after their appointment is finally determined upon, all the proceedings shall, upon motion of the owner of the property sought to be condemned, be set aside and vacated as to the property of such owner by the judge or court making such appointment.

Specified time in which to make report.

SEC. 5. When such proceedings are discontinued by the corporation or vacated or set aside by the judge or court, the owner of such property or his heirs, assigns or legal representatives shall have the right to recover from the corporation initiating such condemnatory proceedings, reasonable costs and expenses, including counsel fees, and in addition thereto, where such lands have been taken possession of by the railroad company, as liquidated damages of such proceedings, a sum equal to and at the rate of seven per cent. per annum upon the value of said property from the date the railroad company took possession of said land until the discontinuance of said proceedings.

Right of owners to recover costs and expenses.

SEC. 6. This act shall apply as well to corporations created by special charter as to those organized under the general laws of the state, and as well to all proceedings pending, where the owner has not been actually paid for his property in whatsoever stage, such proceedings may now be as to those hereafter to be initiated. *Provided, however*, That where awards heretofore filed or verdict or judgments heretofore rendered in such proceeding still remain unpaid, such awards, verdicts and

Applicable to corporations created by special charter.

judgments shall draw interest at the rate of seven per cent. per annum.

When act to take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XXIX.

AN ACT RELATING TO RAILROAD CORPORATIONS AND COMMON CARRIERS.

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

Railroads running parallel not to consolidate stock.

SECTION 1. No railroad corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any other railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line; and the question whether railroads are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

When act to take effect.

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

Approved March 9, 1874.

CHAPTER XXX.

AN ACT ENTITLED AN ACT MAKING RAILROAD COMPANIES OR CORPORATIONS LIABLE FOR DAMAGE CAUSED BY FIRES IN CERTAIN CASES.

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