

CHAPTER XXXVII.

AN ACT TO AUTHORIZE THE SEIZURE AND CONDEMNATION OF LANDS TO BE USED BY THE UNITED STATES FOR RIVER AND HARBOR IMPROVEMENTS, AND FOR LIGHT HOUSE PURPOSES.

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

SECTION 1. The governor of the state of Minnesota is hereby authorized and empowered to seize and take possession of any lands for the purpose of conveying the same to the United States, for use in river or harbor improvements, or for the erection and maintenance of light-houses thereon, not exceeding one hundred and sixty acres for any one light house, whenever the general government shall signify its intention to use the land for the above described purposes, by an application to the governor, accompanied by a plat and description of the land required, as near as the same can be platted and described without actual survey by the general government.

Authorized to take possession of lands for certain purposes.

SEC. 2. Whenever any such application shall be made to the governor, he shall appoint three commissioners whose duty it shall be, in the name of the state of Minnesota, to enter upon and take possession of any land so described and platted, for the purpose of conveying the same to the United States, and to cause the same to be surveyed and a plat thereof to be made and filed in the office of the secretary of state, whenever an actual survey has not been made by the general government.

Commissioners to be appointed.

SEC. 3. It shall be the duty of said commissioners to appraise the said land, and for that purpose they shall give notice to the claimant or owners of said land, or of any interest therein, of the time and place when and where said claimant or owner may appear before said commissioners to have their claims and interest adjusted, and the compensation to be paid by the state for such land fixed and determined.

Duty of commissioners.

SEC. 4. The notice required to be given to said claimants or owners shall be given personally to such

When notice to be served.

claimant as can be found within this state, at least twenty days before the meeting of said commissioners, informing them of the time and place of meeting of said commissioners and the object thereof. And in case any of the said claimants or owners cannot be found, after using due diligence for that purpose, the commissioners shall cause such notice to be published for four successive weeks in one paper published at St. Paul, and one paper published within the county where such lands, seized as aforesaid, are situate, should one be published therein.

When to be published.

Power of commissioners.

SEC. 5. The said commissioners or a majority of them, shall have full power to do all acts necessary to be done for the purpose of carrying out the objects of this act, to hear, examine and determine of and concerning the rights, interests and title of all and any of the claimants of said land, and also to assess the value thereof, and fix the compensation to be paid by the state therefor, as fully and effectually as if all the power necessary for the purposes aforesaid were herein specifically enumerated in this act, and the decision of such commissioners shall be final and conclusive in the premises, unless an appeal from the decision of such commissioners shall be taken within sixty days after the filing thereof in the office of the clerk of the district court of the county within which the said land lies, and the office of the secretary of state and the service of the notices of such filing, as hereinafter provided.

When to file decision in the office of the clerk of the court.

SEC. 6. It shall be the duty of the commissioners appointed under the provisions of this act, within twenty days after their decision is made, to file the same in the office of the clerk of the district court, within whose district the said land lies, and transmit a copy of such decision to the secretary of state to be by him filed in his office and notice of the filing of such decision shall be served by said commissioners on the parties interested and on the governor of the state, and the time of taking the appeal hereinafter provided for, shall commence to run as against each party entitled to take the same from the time of such service on him of the notice of such filing of the decision of said commissioners.

Right of appeal.

SEC. 7. The owners or claimants of said land or of any interest therein or the state of Minnesota shall be entitled to appeal from the decision of said commissioners to the district court of the judicial district in which the land lies within sixty days from the filing of the same as

aforesaid, and the service of the notices hereinbefore provided for and such appeal shall be heard and determined in like manner as appeals from the report of commissioners for condemning lands for the use of railroad corporations so far as the same may be applicable; *Provided*, That the appellant or appellants shall make and file in said court at the time of such appeal, on oath or affirmation that injustice has been done them by such decision; *and provided*, That if such appeal is taken by any other party to such proceedings than the state of Minnesota, the party so appealing shall execute and file with the clerk of the district court aforesaid, an undertaking, with sufficient sureties to be approved by the county clerk for the payment of all costs and disbursements incurred by the state arising from such appeal which undertaking shall be in the name of the state of Minnesota.

SEC. 8. If upon the trial of such appeal in case the same shall be taken by any owner or claimant and the appellant or appellants shall fail to recover a judgment for sum greater than the amount awarded to them by the decision of the commissioners aforesaid not including interests, the said appellant or appellants shall pay all costs and disbursements arising on such appeal, and which shall be deducted from the sum awarded by the decision of the commissioners, and in case such sum is not less than the amount awarded by said commissioners, then the appellant or appellants shall recover costs as in like cases in the district court, and in case such appeal shall be taken by the state and the amount of such award is not decreased by said trial, costs shall be recovered against the state as aforesaid. But if the amount of such award is decreased by said trial the claimant or owner against whom such appeal was taken shall pay all costs and disbursements arising from such appeal and which shall be deducted from the sum awarded by verdict of the jury.

SEC. 9. The sum awarded by the decision of said commissioners or finally adjusted and awarded by an appeal to be paid by this state to the owners and claimants of the lands aforesaid, shall be paid from the treasury of this state to such owners or claimants in proportion to their rights and interests in such lands. Subject, however, in case of an appeal to the provisions of section seven of this act. *Provided*, That such money shall in no case be paid till the United States has formally signi-

In case of appeal costs how paid.

When and by whom awards to be paid.

fied its acceptance of the lands so appraised and desire to purchase the same at the price awarded therefor.

Said lands to be clear from all incumbrances.

SEC. 10. Upon the filing of the final award under such proceedings in the office of the clerk of the district court aforesaid, and of the surety of the state and the formal acceptance of the same by the United States provided for in section 9, the title to the lands so seized and appraised and accepted by the United States, shall immediately, thereupon, become vested absolutely in this state, free and clear from all incumbrances and adverse titles or claims of any kind or nature whatsoever.

Compensation of commissioners.

SEC. 11. The commissioners appointed under the provisions of this act shall each receive three dollars per day for each day actually engaged in the service required of them, and their actual expense of travel and subsistence while so engaged, and witnesses required to attend before them shall receive the same per diem and mileage as now allowed by law for witnesses attending the district courts of this state.

When land to be conveyed to United States.

SEC. 12. The governor of Minnesota is hereby authorized and empowered to convey to the United States any lands that may have been seized under the provisions of this act, upon the payment of the United States to the state of Minnesota, the amount awarded and all expenses incurred by this state in seizing the land.

Exempt from taxation.

SEC. 13. The lands aforesaid, when so ceded, shall forever be exempt from all taxes and assessments so long as the same shall remain the property of the United States.

Jurisdiction ceded to the United States.

SEC. 14. The jurisdiction of this state is hereby ceded to the United States of America over all such pieces or parcels of land as shall be hereafter conveyed to the United States for the purpose of erecting lighthouse buildings thereon. *Provided*, That this cession is upon the express condition that the state of Minnesota shall so far retain a concurrent jurisdiction with the United States in and over the tracts of land aforesaid that all civil and criminal process issued under the authority of the state, or any officer thereof, may be executed on said lands, and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

Approved March 9, 1874.