

- Sec. 69. For the purpose of maintaining public schools, the commissioners of each county shall levy an annual tax of one-tenth of one per cent. on the amount of the assessment made by the assessors of each township for the same year, which tax so levied shall be extended upon the assessment rolls of the year by the county auditor in a column for each school district or portion thereof in said county, and this shall be collected in the same manner, and by the same persons as other county taxes are collected, except that the school tax shall be collected in gold or silver, or United States national currency, and the money so collected shall be paid into the county treasury for the support of public schools, to be apportioned by the county auditor who shall distribute to each school district or portion thereof, the amount of tax collected in said district or portion of district in his said county. As a further provision for the support of schools there shall be set apart by the county treasurer of each county, the proceeds of all fines for the breach of any penal law in this state not otherwise appropriated by law, and all moneys arising from the issuing of liquor licenses and from unclaimed moneys arising from the sale of estrays as provided for by amendment to section twelve, chapter nineteen of the general statutes. And the county auditor shall open an account with each district or portion of district in his county, and keep an accurate account of all moneys received by or due to each of said districts, and all such matters as are necessary to show the condition of accounts between each of said districts and the county treasury, and for this purpose he shall examine any and all of the books in the office of the county treasurer.
- Sec. 2. This act shall be construed to cover the distribution of the tax levied and collected for the year eighteen hundred and seventy-four, eighteen hundred and seventy-five and subsequent years thereafter.
- Sec. 3. That all acts or parts of acts inconsistent with this be and hereby is repealed.
- Sec. 4. That this act shall take effect and be in force from and after its passage.
- Approved March 6, 1874.

Tax, how levied and collected.

Fines to be set apart for use of schools.

Auditor to keep account with each district.

To be construed to cover the distribution of tax levied for former years.

Repeal of inconsistent acts.

When act to take effect.

CHAPTER XXVI.

AN ACT TO PROVIDE FOR OBTAINING TITLE TO LANDS BY SCHOOL DISTRICTS FOR THE USE OF SUCH DISTRICTS FOR SCHOOL HOUSE SITES.

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

Relating to land
acquired for
school house
site.

SECTION 1. Whenever it shall become necessary for any common school district, or any independent or special school district in this state to acquire for the use thereof a site for a school house, or for any addition to any school house site, any real estate, whenever the same shall not be acquired by agreement with the owners thereof, the title to such real estate may be acquired by any such school district in the manner herein-after provided.

How land for
school house
site may be ac-
quired.

SEC. 2. The board of trustees of any such common school district, or the president or other chief executive officer of any such independent or special school district, may, on behalf of such district, present to the district court in and for the county where the lands proposed to be acquired are situate, or to the judge of said court, a petition describing the lands which it will be necessary to acquire—the names and residence of the owners thereof, if known to the petitioners—and also the names of all other parties, by the records of such county appearing to have any interest in or lien upon such lands; and thereupon such court or judge shall make an order designating a time and place when and where commissioners will be appointed to appraise the value of such lands, and the damages which may accrue by the taking and use of the same.

Notice to be
served upon
owners of land
—how served—
how notice
served if
owners not res-
ident of state.

SEC. 3. A copy of such order shall be personally served upon the owner and other persons interested in such lands, if they be residents of this state, and their place of residence be known to the petitioners, which service shall be made at least twenty days before the time fixed for the appointment of such commissioners. Service upon minors or insane persons may be made by leaving a copy of such order with their guardian or other person having such minor or insane person in charge. If such owner or other person interested, or any of them be not residents of this state, or if the place of residence of any such person be unknown to the petitioners, service of such order shall be made by the publication thereof once in each week for three successive weeks, in a newspaper published in the county where such lands are situate, or if there be none, then in a newspaper published at the capital of this state, the last of which publications shall be at least twenty days before the time fixed for the appointment of such commissioners.

By whom ap-
praisers ap-
pointed—to be
disinterested
parties—to be
put under oath
—to give notice
of when and
where to meet
—how served.

SEC. 4. At the time and place named in said order, the court or judge, after satisfactory proof of the service of such order, and of the necessity of the taking and appropriating such lands, shall appoint three disinterested persons, residents of such county as commissioners, who shall have power to appraise the value of all lands mentioned in such petition, and the damages for the taking and use of the same. Said commissioners before entering upon the duties of their office, shall severally take and subscribe an oath that they will faithfully perform their duty as such commissioners without partiality, and to the best of their knowledge and ability, which oath shall be filed in the office of the clerk of such court. Said commis-

sioners shall give notice to all persons named in such petition of the time where they will meet, upon the lands described in such petition, to appraise the value of the same, and the damages which may accrue by the taking and use thereof. Such notice shall be served in the same manner provided in section two of this act, except that the same shall be made at least five days before the time designated for such meeting.

SEC. 5. At the time designated in such notice, the commissioners or a majority of them, shall meet upon the lands described in the petition, and shall proceed to examine the same and to hear the allegations and testimony of all persons interested and appearing, and shall within ten days thereafter make and file in the office of such clerk their appraisal and award of the value of such lands, and of the damage thus to be sustained by reason of the taking and use thereof.

To file in office of clerk their appraisal and award—when.

SEC. 6. Either party may appeal from such appraisal and award at any time within thirty days after filing the same, by filing with the clerk of said court a notice of appeal signed by the party taking the same. In case of an appeal, the clerk shall enter such an appeal as an action in said court, naming such school district as plaintiffs and the persons named in such petition as owners of and interested in such lands as defendants, and thereupon such appeal shall be tried as other causes in such court are tried, and a judgment rendered therein.

Right of appeal.

SEC. 7. In case no appeal shall be taken, the clerk of such court shall enter judgment in favor of the owner of such lands and against such district for the amount of the award, and in case of an appeal, the clerk shall in like manner enter judgment for the amount of the verdict and costs, if any, and declaring that upon payment of the amount of the verdict, or assessment and costs as aforesaid to the owner of such lands, or to the clerk of such district court, the title to the lands and real estate aforesaid, for the purposes aforesaid, shall, as against the owners of and the parties interested in such lands and real estate, pass to and vest in such school district, and be and remain therein, and such school district shall have the right to have and occupy the said lands for the uses and purposes aforesaid. The petition, orders, oath of commissioners, notices, proof of service, award and verdict, if any, together with the final judgment, shall constitute the judgment roll.

Duty of clerk of court—what to constitute the judgment-roll.

SEC. 8. In case no person other than the owner of such lands appears in such proceedings, the amount of such judgment shall be by the clerk of such court paid to such owner; in all other cases the same shall be paid in such manner as the said court or judge may direct.

When clerk of court to pay such award.

SEC. 9. The fees of such commissioners for all services rendered by them under this act, shall be the sum of three dollars each, which, with all other costs of such proceedings, shall be paid by such district.

Fees of commissioners.)

SEC. 10. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 4, 1875.