

## CHAPTER 85.

AN ACT TO PROVIDE FOR PAYMENT OF DAMAGES FOR  
RIGHT OF WAY IN CERTAIN CASES.

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

Damages for  
right of way to  
be paid into  
court—when.

SECTION 1. That where the commissioners appointed by the proper court to assess damages in any case or proceeding by any railroad company, to acquire the right of way or appropriate property, have made or may hereafter make their assessment of such damages and their report to the court, as provided by law, it shall be lawful for such railroad company to pay the amount of damages assessed to each tract, the ownership and title to which is deemed to be in doubt, into such court in which such proceedings are pending, upon filing with said clerk an affidavit made by an officer or attorney of such railroad company to the effect that there exists a reasonable doubt as to who is entitled to such damages or any portion thereof; and upon making such payment into court of the damages assessed and allowed to any tract or parcel mentioned in said affidavit, such railroad company shall be released and discharged from any and all further liability therefor, unless upon appeal, the owner should recover a greater amount of damages, and in that case only for the amount in excess of the sum paid to such court.

Claimants for  
money paid  
into court.

SEC. 2. Any person claiming to be entitled to any other money paid into court as provided by section one (1) of this act, may apply to the court therefor, and upon furnishing evidence satisfactory to the court that he is entitled to the same, the court shall make an order directing the payment to such claimant the portion of such money as he shall be found entitled to; but it upon such application the court should determine that the title to the tract or tracts specified in the application of such claimant, was in such a condition as to require that an action be commenced to determine the conflicting claims thereto, he shall refuse such order, until such action is commenced and the conflicting claims to such real estate determined according to law.

When act to  
take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1877,