

CHAPTER 35.

AN ACT TO AMEND TITLE ONE (1) OF CHAPTER THIRTY-FOUR (34) OF THE GENERAL STATUTES, RELATING TO CORPORATIONS EMPOWERED TO TAKE PRIVATE PROPERTY FOR PUBLIC USES.

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

SECTION 1. That section seventeen (17) of title one (1) of chapter thirty-four (34) of the General Statutes as amended by section seventeen (17) of chapter fifty-three (53) of the Session Laws of one thousand eight hundred and seventy-two (1872) be amended so as to read as follows:

Section 17. At the time and place appointed for hearing said petition, or at the time and place to which the proceedings may have been adjourned as provided in the preceding section, upon the presentation of such petition with satisfactory proof that all the parties therein named have been duly served with the said notice as hereinbefore prescribed, the court shall proceed to hear and determine the same, all or any of the persons whose lands, property, estates or interests are to be affected by the proceedings, may show cause against granting the prayer of the petition, and may disprove any of the facts alleged in it, the court shall hear the proofs and allegations of the parties, and if the court shall be satisfied that the public interests require the prosecution of such enterprise, and that the lands or real estate proposed to be taken are required and necessary for the purposes of such enterprise, it shall make an order to be recorded in the minutes thereof appointing three competent, disinterested persons, resident in said county, commissioners to ascertain and determine the amount to be paid by such corporation, to each of such owners or persons interested as compensation for his or her damages by reason of the taking or injuriously affecting any such lands, property, estates or interests, and specifying therein the time and place of the first meeting of such commissioners and fixing their compensation. And the court may also in its discretion, in and by said order, limit the easement to be acquired, by reserving to the land owner such rights and privileges therein and to be defined in such order, as shall not be incompatible with the use for which the land is sought to be appropriated, such rights and privileges to be exercised and enjoyed in such manner at all times as not to injure or interfere with the railway track or structures or other improvement for which the land is to be appropriated or the free and legitimate use of the same for the purpose of such railway or other enterprise.

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Fixing compensation for damages.

Reservations to land owner.

SEC. 2. That section nineteen (19) of said title and chapter as amended by section six (6) of chapter fifty-three (53) of the Session Laws of one thousand eight hundred and seventy-two (1872) be amended so as to read as follows:

Oath of commissioners.

Section 19. The said commissioners shall meet at the time and place appointed in the order and severally take and subscribe an oath, faithfully and impartially to discharge the duties of their appointment; any of them may issue subpoenas and administer oaths to witnesses; a majority of them may adjourn the proceedings before them from time to time in their discretion; they shall view and examine the premises described in the petition and proposed to be appropriated and shall hear the proofs and allegations of all persons interested, and they or a majority of them all being present, shall without any unnecessary delay, proceed to make in each case a separate assessment of the damages which will result to any person, company or corporation, by reason of the construction of such railroad or other improvement, and the taking or injuriously affecting their said land, property or estate for the purpose of such enterprise, and award the same to the owner or owners or persons interested therein respectively.

Assessment of damages.

SEC. 3. That section twenty-nine (29) of said title and chapter, be amended by adding at the end thereof the following:

Rights of companies as to other roads.

And if any railroad company organized under this chapter, shall elect, in the location of any part of its railroad, to cross, intersect, join, or unite its railroad with any other railroad of another company, before constructed, at any point on its route, and upon the grounds of such other railroad company, it shall have the right so to do and if the two corporations cannot agree upon the amount of compensation to be made therefor, the same shall be ascertained and determined by commissioners, to be appointed by the court as herein provided for the appropriation of the property of individuals; and if the two corporations cannot agree as to the points and manner of such crossings, the District Court to which the petition shall be presented shall at the time of the appointment of commissioners, upon the request of either party, and upon such showing as the court shall deem necessary and proper, prescribe the location and manner in which such crossing or connection shall be made so as to effect the purpose of the petitioning corporation and at the same time do the least injury to the corporation whose property is taken.

Differences, how determined.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 11th, 1879.