

fifteenth (15th) day of September and the first (1st) day of November of each year, to make report to the district court of Chisago county at any general term thereof, of all assessment warrants then unpaid in the hands of the county treasurer, asking for judgment against the several lots and parcels of land described in such lists of warrants for the amount of assessments, damages and costs respectively due thereon. The town attorney shall give one week's notice by publication thereof in the official newspaper of said town, or posting, of his intended application for judgment, which notice shall briefly specify the nature of the respective warrants upon which such application is to be made, and request all persons interested to attend at said term. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid intended application by the town attorney to such court for judgment and shall be held as sufficient demand and refusal to pay said assessments.

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

Approved March 7th, 1889,

CHAPTER 29.

[H. F. Fo. 183.]

AN ACT TO AMEND SECTION NINE (9) OF SUB-CHAPTER THREE (3) OF CHAPTER FIVE (5) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR (1874), ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF CANNON FALLS.

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

SECTION 1. The common council of said village by a vote of not less than two-thirds ($\frac{2}{3}$) of the members present and constituting a quorum at any stated or special meeting, such vote to embrace a majority of all the members elect shall have power to lay out, open, alter and vacate public square, streets, grounds, highways and alleys and to widen and straighten the same. *Provided*, that whenever it shall be required to take private property for the purpose aforesaid they shall proceed in the manner hereinafter provided.

1st. The common council upon ordering any improvement above mentioned to be made shall appoint three (3) commissioners who shall be disinterested freeholders and qualified voters of said village to view the premises and assess the damages which may be occasioned by the taking of private property or otherwise in making said improvement. Said commissioners shall be notified as soon as practicable by the village recorder of said village to attend at his office at a time to be fixed by him for the purpose of qualifying and entering upon their duties, and in case any such commissioner upon be-

ing so notified shall neglect or refuse to attend as aforesaid he shall forfeit and pay a fine to said village not exceeding fifty (50) dollars and shall be liable to be prosecuted therefor before any of the justices of the peace of said village as in the case of fines imposed for a violation of an ordinance of said village. *Provided*, that the common council may in their discretion for good cause shown excuse any person or persons so appointed from serving as such commissioners. The common council shall fill all vacancies in such commission.

2d. The commissioners shall be sworn by the village recorder to discharge their duties as commissioners in the matter with impartiality and fidelity and to make due return of their actions and doings to the common council.

3d. The said commissioners shall with all reasonable speed with the assistance of any surveyor designated by the common council for that purpose, cause a survey and plat of the proposed improvement to be made and filed with the village recorder, exhibiting as far as practicable, the lands or parcels of property required to be taken or which may be damaged thereby and shall thereupon give notice by publication in the official paper of said village for at least two (2) weeks to the effect that such plat has been filed and that the said commissioners will meet at a place and time designated by them and thence proceed to view the premises and assess the damages for property to be taken or which may be damaged by such improvements.

4th. At the time and place appointed, according to such notice, the said commissioners shall view the premises and may hear any evidence or proof offered by any party interested, and adjourn from day to day if necessary, for the purpose aforesaid. When their view and hearing aforesaid shall be concluded, they shall determine and assess the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken or which may be damaged by such improvement, and in so doing shall take into consideration the value of the property proposed to be taken, with such other damages as may be incident thereto and also the advantages which will accrue to such owner or owners in making such improvement.

5th. If there shall be any building standing in whole or in part upon any land to be taken, the said commissioners shall in each case determine and assess the amount of damage which should be paid to the owner or owners thereof in case such building or so much thereof as might be necessary should be taken and also determine and assess the amount of damage to be paid to such owner or owners in case he or they should select to remove such building and the damages in relation to buildings aforesaid shall be assessed separately from the damages in relation to the land upon which they are erected.

6th. If the land and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury or damage done to such persons or interests respectively may be awarded to them by the commissioners, less the benefits resulting to them from the improvements.

7th. The said commissioners having ascertained and assessed the damages aforesaid, shall make and file with the village recorder a written report to the common council of their action in the premises,

embracing a schedule or assessment of the damages in each case with a description of the land and the name of the owners if known to them, and also a statement of the costs of the proceeding.

8th. Upon such report being filed in the office of the village recorder, said village recorder shall give at least two (2) weeks notice by causing to be published in the official paper of said village a notice that such assessment has been returned and filed and that the same will be confirmed by the common council at a meeting thereof, to be named in such notice, and which shall be at least ten (10) days after the last publication of such notice, unless objections are made in writing by persons interested in any land required to be taken. Any person interested in any buildings, standing in whole or in part upon any land required to be taken shall, on or before the time specified in said notice, notify the common council in writing, of their election to remove such building (if they so elect), according to the award of the commissioners. The common council, upon the day fixed for the consideration of such report or at any subsequent meeting to which the same may stand over or be referred, shall have power, in their discretion, to confirm, revise or annul the assessment, giving due consideration to any objections interposed by parties interested.

9th. The damages assessed shall be paid out of the general funds of said village and shall be paid or tendered or deposited and set apart in the treasury of said village, to and for the use of the parties entitled thereto, within one year from the confirmation of such assessment and report, and the land or property required to be taken for the purposes aforesaid shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or deposited and set apart for his use as aforesaid: and in case the said common council should be unable to determine to whom the damages in any particular case so awarded should be paid, or in any case of disputed claims in relation thereto, the damages in such cases may be deposited by order of the common council in the district court of Goodhue county, in the same manner as moneys are paid into court, until the parties entitled thereto shall substantiate their claims to the same.

10th. In case any owner or owners of buildings as aforesaid shall have elected in manner as aforesaid to remove his or their buildings, he or they shall so remove them within thirty days from the confirmation of said report, or within such further time as the common council may allow for the purpose, and shall thereupon be entitled to payment from said village of the amount of damages awarded in such case in case of removal. When such person or persons shall not have elected to remove such buildings or shall have neglected (after having elected to remove), to remove the same within the time prescribed, such buildings, or so much thereof as may be necessary, upon the payment or depositing the damages awarded for such taking in manner aforesaid, may be then taken and appropriated, sold or disposed of as the common council shall direct, and the same or the proceeds thereof shall belong to said village.

11th. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant or labor under legal disability the judge of the district court of Goodhue county or in

his absence the judge of any court of record may, or the court commissioner of said county may upon application of said commissioners or of the president of said village, or such party or his next friend, appoint a suitable guardian for such party, and all notices required by this act shall be served on such guardian.

12th. Any person feeling himself aggrieved by such assessment may by notice in writing served on the president of said village, a copy whereof with proof of service, shall be filed in the office of the clerk of the district court in said Goodhue county, within twenty (20) days after the confirmation of said report, or assessment appealed from, such assessment to the district court aforesaid. Such appeal shall be tried by the court or jury as in ordinary cases, but no pleadings shall be required, and the party appealing shall specify in the notice of appeal the grounds of objections to such assessment and shall not be entitled to have any other objections than those so specified considered, and a transcript of such report certified by the village recorder or the original thereof shall be prima facie evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law. The judgment of said district court shall be final. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justice of the peace in civil actions.

SEC. 3. All acts and parts of acts inconsistent with this amendatory act are hereby repealed.

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

Approved February 11th, 1889.

CHAPTER 30.

[H. F. No. 452.]

AN ACT TO CONSOLIDATE AND AMEND ALL ACTS RELATING TO PARKS AND PARK WAYS IN THE CITY OF MINNEAPOLIS AND INCIDENT THERETO; AND DEFINING THE POWERS AND DUTIES OF THE BOARD OF PARK COMMISSIONERS OF SAID CITY.

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

SECTION 1. The board of park commissioners of the city of Minneapolis shall consist of the four (4) commissioners elected on the fifth (5th) day of April, one thousand eight hundred and eighty-seven (1887), and the eight (8) commissioners elected on the sixth (6th) day of November, one thousand eight hundred and eighty-eight (1888); together with the mayor for the time being of the city of Minneapolis, ex officio, the chairman for the time being of the standing committee on public grounds and buildings, and the chairman, for the time being, of the standing committee on roads and bridges