

CHAPTER 293.

H. F. No. 270.

An act to authorize cities of over ten thousand and under fifty thousand inhabitants of this state to acquire lands for public parks and parkways within the corporate limits of any such city, and thereafter to maintain, improve and govern the same as public parks or parkways, and fixing the maximum limit of expenditures yearly for such maintenance, improvement and government, by the boards of park commissioners of such cities respectively.

Cities over 10,000 and less than 50,000.

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

SECTION 1. Any city of this state, now or hereafter having a population of over ten thousand and under fifty thousand inhabitants, according to the next preceding state or national census, is hereby authorized and empowered to receive as gift or donation, in whole or in part, and to acquire, by purchase or donation, through the agency of its board of park commissioners, for the use by the public of lands lying within the corporate limits of such city, and if by condemnation, then in the manner hereinafter set forth, and to, thereafter, hold and control, and from time to time lay out, alter, improve, operate and maintain such lands for public parks and parkways, *provided*, that the control, improvement and maintenance herein established shall extend over, and cover all park lands heretofore acquired by such city.

Authorized to receive by gift, or purchase, lands within corporate limits for public parks and parkways.

Lands heretofore acquired.

SEC. 2. For the purpose of making and perfecting such condemnation of such lands for such public use for parks and parkways, the board of park commissioners of any such city shall proceed in the following manner :

Condemnation.

Whenever they shall deem it to be for the public interest that any such tract or parcel of land should be taken, appropriated or condemned, for the use of said city as aforesaid, and shall so determine by resolution thereto duly passed, they shall cause the same to be surveyed and platted by duplicate plats, one of which duplicate plats shall be filed in the office of the city engineer of said city.

The said board of park commissioners shall thereupon appoint a board of three appraisers, who shall be disinterested freeholders and qualified voters of the city in which the lands so to be taken and condemned are situated, to view the premises and appraise the damages which may

Appraisers.

be occasioned by the taking, appropriation and condemnation of the property in question, and the said appraisers shall be notified, as soon as practicable, by the secretary of said board of park commissioners to attend at a time to be fixed by him, for the purpose of qualifying and entering upon their duties. They shall thereupon be sworn to discharge their duties as appraisers in the matter with impartiality and fidelity and to make due return of their acts as such to said board of park commissioners.

**Notice by
publication.**

They shall, with all reasonable speed, give notice by publication in the official newspaper of said city, once a week for two consecutive weeks, the last of which publications shall be at least ten days before the day of such meeting, and which said notice shall contain a general description of the lands designated for appropriation by the board of park commissioners, including a separate and distinct description of each and every lot or parcel of land proposed to be taken, together with the owners' names, where known, and that a plat of the same has been filed in the office of the city engineer and that the said appraisers will meet at a place and time designated, and thence proceed to view the premises and to appraise the damages for the property so to be taken, appropriated and condemned. At the time named in said notice the said appraisers shall meet and view the premises, and may hear any evidence adduced or offered by the parties interested, and adjourn, from time to time, for the purpose aforesaid, and when their view and hearing shall be concluded, they shall determine and appraise the amount of damages to be paid the owner or owners of each piece or parcel of property proposed to be taken, appropriated or condemned, and having ascertained and appraised the damages, as aforesaid, they shall make and file with the secretary of the board of park commissioners a written report to said board, detailing their action in the premises, embracing a schedule, and the appraisement of the damages in each case, with a description of the land and the names of the owners, if known to them, and also a statement of the cost of the proceedings.

Hearing.

Report.

**Secretary to
give no-
tice by
publication.**

SEC. 3. Upon the filing of such report with the secretary of the board of park commissioners, as aforesaid, the secretary shall thereupon give notice by a publication of the filing of said appraisers' report in the official newspaper of the city, once a week for two successive weeks,

the last publication of which shall be at least ten (10) days before the meeting of the board of park commissioners mentioned in it, and that the report of the appraisers will be considered by the board of park commissioners at a meeting thereof to be named in the notice, and any person interested shall, before the time specified for said meeting in said notice, notify the said board of park commissioners, in writing, of any objections which he may have in the premises, and the board of park commissioners, upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over, or be referred shall have the power in their discretion, to confirm, revise or annul the appraisalment, in whole or in part, giving due consideration to any objections interposed by the parties interested. *Provided, however,* that said board of park commissioners shall have no power to reduce the amount of any of the appraisements, but in case the appraisalment is annulled, in whole or in part, the said board may thereupon appoint new appraisers, who shall proceed in like manner as in the case of the first appraisalment, as to any land in which the former appraisalment was annulled.

New appraisers.

SEC. 4. When the board of park commissioners shall have finally confirmed the appraisalment, in whole or in part, the said award shall thereupon stand as a charge against the city, payable out of its park fund, and shall be paid, or deposited and set apart in the treasury of said city to and for the use of the parties entitled thereto within six months after the confirmation of said appraisalment and report, except that in case any appeal shall be taken from the order of confirmation aforesaid, then the amount of such damages shall not in any case be required to be paid or deposited and set apart, as aforesaid, until sixty days shall have expired after the determination of the appeal so taken, as hereinafter provided.

Appraisalment confirmed.

Appeal.

SEC. 5. Any person whose property is proposed to be taken, appropriated and condemned under the provisions hereof, who deems there is any irregularity in the proceedings of the board of park commissioners or in the acts of the appraisers in the premises, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of the damages awarded to him, may at any time before the time specified for the consideration of the award by the board of park

commissioners, as aforesaid, file with the secretary of said board, in writing, his objections to such confirmation, setting forth therein specifically the peculiar irregularities complained of, containing a description of the property in which he is interested which would be affected by such proceedings and his interest therein; and if, notwithstanding such objections, the said board shall confirm the award, any such objecting person shall have the right to appeal from such order of confirmation to the district court in and for the judicial district in which any such city may be located. Such appeal must, however, be taken within ten days after the date of such confirmation, by filing with the secretary of the said board of park commissioners a notice thereof, in writing, and it shall thereupon be the duty of said secretary to make out and transmit within ten days next following, to the clerk of the district court aforesaid, a copy of the award of said appraisers as confirmed by the board of park commissioners, and of the order of the board confirming the same and of the objections filed, as aforesaid, by the appellant. The case may thereupon be brought on for hearing upon eight days' notice, at any general or special term, and shall have precedence of all other civil cases, and the judgment of the court shall be to either confirm or annul the proceedings, so far as they affect the property of the appellant described in the written objections.

Appeal
within 10
days after
confirmation.

Right to
jury trial.

"Sec. 6. In case the amount of damages awarded is complained of by such appellant, if the proceedings shall be confirmed in other respects, the party appealing shall have the right to a jury trial upon the proofs and evidence pertaining to the question of the amount of such damages which may be adduced by either of the parties to the appeal. The verdict of the jury upon the questions of damages shall be final unless set aside by the court for good cause shown and the amount of the verdict shall thereupon become a charge against the city to be paid in the same manner as the award and appraisalment of the appraisers appointed by the board of park commissioners would have been paid had no appeal been taken. Costs and disbursements shall be taxed and allowed to the appellant if the verdict is for more than the amount appealed from, and to the respondent if for less, and to neither party if of same amount as appealed from."

Verdict
final, ex-
ception.

Costs.

SEC. 7. As soon as the proceedings for acquiring the title to any such tracts, pieces or parcels of land shall

have been completed pursuant to the terms hereof, it shall be the duty of the board of park commissioners to make or cause to be made an accurate description of all the lands so acquired, with a statement of the amount of damages awarded and paid therefor, and it shall be certified by the president and secretary of said board under the official seal of said board, and together with one of the plats hereinbefore required, shall be filed for record in the office of the register of deeds of the county in which the land so taken may be situated, and after such record shall have been accomplished the same shall be filed in the office of the secretary of said board of park commissioners as a part of the permanent records of said board, and the other of said plats shall be filed with the city engineer of any such city and shall become part of the permanent records of his office.

Certified list of lands acquired, awards, together with plats filed with register of deeds for record, and then filed with secretary of park board.

SEC. 8. The board of park commissioners of each of such cities shall annually on or before the first (1st) day of September, in each year, transmit to the recorder of said city, an estimate in writing of the amount of money necessary for the payment of interest on bonds issued by said board, and also of the amount of money that will be required for the improvement, maintenance and government of said parks and parkways, during the succeeding year; and the city recorder shall certify the same to the county auditor of said county; *provided, however*, that no more than five thousand (5,000) dollars shall be expended in any one year for the improvement, maintenance and government of said parks, unless authority therefor be first obtained by the board of park commissioners from the city council. The county auditor shall proceed to determine what per cent on the taxable property of the city, the sum, thus certified by the city recorder, is, and shall extend the same on the next general tax list in a separate column, and the same shall be collected in the same manner as other city taxes, and all the provisions of law in respect to the collection of its state and county taxes, and proceedings to enforce the same, so far as applicable, shall apply to said assessment and taxes. The money collected from such taxes and proceeds from all park bonds issued, together with all other moneys provided or received for the benefit of this act, shall be placed by the treasurer of said city to the credit of the board of park commissioners, and shall be drawn from the city treasury by warrant, signed by the president and

Annual estimates transmitted to recorder.

Limit of expenditure.

Tax levy.

City park fund.

secretary of the board and, in no other way, and shall constitute a fund to be known and established as the "City Park Fund."

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 20, 1903.

H. F. No. 538.

CHAPTER 294.

Sheriffs

An Act to amend section eleven (11) of chapter seventy (70) of the General Statutes of one thousand eight hundred and seventy-eight (1878), relating to the fees of sheriffs, and the service of district court papers, being section fifty-five hundred and fifty (5550) of the General Statutes of one thousand eight hundred and ninety-four (1894).

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

SECTION 1. That section eleven (11) of chapter seventy (70) of the General Statutes of one thousand eight hundred and seventy-eight (1878), being section fifty-five hundred and fifty (5550) of the General Statutes of one thousand eight hundred and ninety-four (1894), be and the same is hereby amended so as to read as follows:

Fees.

Section 11. Sheriffs—For serving a summons, warrant, writ, or any process issued by any court of record, one dollar for each defendant served.

Mileage.

Traveling in making any service upon any writ or summons, ten cents per mile for going and returning, to be computed from the place where the court is usually held, also reasonable and necessary expenses actually paid out for food necessarily furnished any prisoner while conducting him to jail, and all necessary transportation charges actually paid out in transporting any such prisoner by a common carrier.

Taking and approving a bond, fifty cents, a certificate copy of such bond when requested ten cents per folio.

Copy of every summons or other papers served by the sheriff, when such copy is made by him, ten cents per folio.

Collections on executions, when the same is collected or settled after levy, at the rate of four per centum upon