

Section 4912. The general terms of the district court of the First judicial district of this state shall be held at the times following:

Goodhue Co. In the County of Goodhue, on the second Wednesday in March, and the third Tuesday in October, in each year.

Dakota Co. In the County of Dakota, on the first Tuesday in June, and the first Tuesday in December, in each year.

Washington Co. In the County of Washington, on the first Tuesday in May, and the third Tuesday in November, in each year.

Pine Co. In the County of Pine, on the second Tuesday in April, and the third Tuesday in September, in each year.

Chisago Co. In the County of Chisago, on the first Wednesday in October, in each year.

Kanabec Co. In the County of Kanabec, on the third Tuesday in March, in each year.

Writs, etc., returnable. SEC. 2. All writs, processes, recognizances, bonds, orders, continuances and proceedings, issued, made or returnable to the general term of said district court in and for the same counties respectively as fixed by law prior to the taking effect of this act, shall be deemed and construed as, and the same hereby are made and returnable to the proper term of said court in the county respectively as prescribed in this act.

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

Approved Feb. 7, 1905.

H. F. No. 111.

CHAPTER 7.

Court house sites.

An act to provide for obtaining title to land by the several counties of the state, to be used as a site for a court house, or other public building.

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

Resolution by commissioners.

SECTION 1. Whenever the board of county commissioners of any county in this state at any regular or extra meeting shall adopt and enter in the minutes of its proceedings a resolution declaring that it is necessary to acquire for the use of said county any land, describing it, to be used as a site for a court house or other public building or for the purpose of enlarging the site of any such building already owned by said county, and said board of county commissioners is unable to purchase said

lands at a reasonable price the title to any such land may be acquired by condemnation as hereinafter provided.

SEC. 2. Forthwith upon the adoption of such resolution the county auditor shall deliver a certified copy thereof to the county attorney whose duty it shall be, within ten days from the receipt thereof by him, to present to the district court of said county, or to a judge thereof, a petition signed by himself on behalf of said county setting out said action of said board of county commissioners and describing and setting forth in said petition the lands proposed to be taken by said county and in a general way the purposes for which the same are desired and praying for the appointment of three appraisers to appraise said lands and the damage for the taking of the same, and thereupon said court shall have jurisdiction therein for all purposes, and shall then and there, or at any time within fifteen days thereafter, by order filed in the office of the clerk of the district court of said county appoint three appraisers, who shall be residents of said county, fix their compensation, which shall be paid by the county, and who shall have cognizance of the subject matter of said petition and power to appraise the value of all such land and damages for the taking of the same.

Certified
copy to
Co. Atty.

Appraisers.

Compensa-
tion.

SEC. 3. Said appraisers, before entering upon the duties of their office, shall severally take and subscribe an oath to the effect that they will faithfully and impartially and to the best of their knowledge and ability, perform their duty as such appraisers, which oath shall then and there be filed in the office of the clerk of said district court. Thereupon said appraisers shall organize by electing a chairman and clerk and fix a time and place when and where they will meet and proceed to examine said real estate, which said time shall not be less than ten nor more than twenty days after the date of the order appointing said appraisers. Said chairman shall preside at, and said clerk shall keep minutes of the meetings of said appraisers. Said appraisers shall give or cause to be given to each owner or other person having an interest in said real estate, or their guardian or custodian, as the case may be, at least five days prior to the day of meeting named therein, a notice in writing signed by said appraisers of the time and place when and where said appraisers will meet and a general statement of the purposes thereof. Such notice shall be served personally on

Oath.

Organiza-
tion.

Notice to
owners.

How served.

such owner, guardian or custodian if found at their usual place of abode, otherwise by delivering to and leaving with a person of suitable age and discretion at the usual place of abode of such owner, guardian or custodian, a copy thereof. If such owner, guardian or custodian shall not reside in said county, of which fact the certificate on information and belief under the seal of his office of the auditor of said county, shall be prima facie evidence: then in such case, service thereof shall be made by publishing such notice once in the official newspaper of such county at least seven days before the time fixed therein for said meeting. An affidavit of personal service or publication shall be prima facie evidence of the service of said notice. At the time and place named in such notice said appraisers shall, and a majority thereof may, proceed in the case of each parcel of real estate desire to be taken to an appraisal thereof and of the damage sustained by reason of the taking thereof by said county and shall make and sign in duplicate within sixty days from the date of the filing of the order appointing them an award in writing of such damages, and within said last mentioned time shall deliver the same to the clerk of the said district court and to the county auditor, respectively, to be filed by them in their respective offices.

Order of procedure.

Appeal to district court.

SEC. 4. Either party may appeal to the district court from such award at any time within thirty days from the date of the filing thereof in the office of the clerk of said court by filing with said clerk a notice of appeal signed by the party claiming the damage, or by the county auditor on behalf of the county, and in case of appeal by either party the clerk shall enter the appeal as an action in such court naming the owner of such land as plaintiff and the county auditor as defendant and thereafter said appeal shall be tried as other causes in said court are tried and judgment rendered thereon, except that the only question to be submitted to the jury, if the parties do not agree to try the whole cause to the court alone, shall be the question of damages. In case such an appeal shall be taken by the property owner and upon trial the award of the appraisers shall be raised, then said property owner shall recover costs and disbursements from the county, otherwise, such property owner shall pay costs and disbursements to the county. If such appeal shall be taken on behalf of the county and upon trial the award shall be decreased then the property owner shall

pay costs and disbursements to the county, otherwise said property owner shall recover costs and disbursements from the county. As a condition precedent to an appeal by a property owner, such property owner shall make, execute and file in the office of the clerk of said court a bond to said county in the penal sum of one hundred dollars with sufficient sureties to be approved by the clerk of said court, conditioned that said property owner shall prosecute his appeal with effect, pay all costs and disbursements adjudged against him and abide the order of the court therein, but no bond shall be required of any county on any appeal by it hereunder.

Filing of
bond.

SEC. 5. At any time after the filing of the award of the appraisers, as hereinbefore provided, the board of county commissioners of said county may set aside by resolution entered upon its minutes, from the general revenue fund of said county a sum equal to the total amount assessed as damages by said appraisers and make the same payable on demand to the persons entitled thereto, which action by the said board of county commissioners is hereby declared to be sufficient security for the taking of such property for public use within the meaning of the constitution, and thereupon the taking of such land and the erection thereon of any building by said county shall not be delayed or prevented by the prosecution of any appeal, and said county and its officers and agents may at once thereafter enter upon and take possession of said property and appropriate the same to the use of said county.

Damages.

SEC. 6. The award of said appraisers if not appealed from, and the judgment rendered on appeal, shall be an absolute claim against said county and shall be paid from the general revenue fund thereof, on the warrant of the county auditor without further action by the board of county commissioners, and upon such payment the land involved shall become the absolute property of the county.

Absolute
claim.

SEC. 7. When judgment is rendered on appeal, the clerk of said court shall attach the application, all notices and proof of publication or service thereof, the oaths of said appraisers and the award, the notice of appeal, and the final judgments in the case, and the same shall constitute the judgment roll to be filed in the office of the clerk.

SEC. 8. At any time after the adoption of the resolution mentioned in section 1 of this act, said county, by

Notice of
Lis Pendens.

the county attorney or county auditor, is hereby authorized to file in the office of the register of deeds of said county a notice of lis pendens, which said notice shall contain the names of the parties, the object of the proceeding and a description of the land involved, and it shall have the same effect and may be released in the same manner as is now provided by statute for the filing and relief of lis pendens in actions affecting the title of real property between private individuals.

File with
Register
of Deeds.

SEC. 9. Upon the payment of any award or judgment, the county attorney may make a certificate under the seal of his office as to such fact, expressly describing the land and reciting the fact of payment of the award or judgment in relation thereto and may file the same in the office of the register of deeds of said county for record. Said register of deeds shall record the same at the expense of the county, and such record shall be notice to all parties of the title of the county thereto, and may be read as evidence of such title in all the courts of this state, and the title to land acquired under this act shall be absolute in fee simple in the county instituting proceedings thereunder.

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

Approved Feb. 9, 1905.

S. F. No. 71.

CHAPTER 8.

Loaning of
school and
university
funds.

An act to amend section seven (7) of chapter eighty-three (83) of the General Laws of Minnesota for the year 1897, entitled "An act to provide for the loaning of the permanent school and permanent university funds of the state to any county, school district, city, town or village of this state, as authorized by section six (6) of article eight (8) of the Constitution of the State of Minnesota."

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

SECTION 1. That section seven (7) of chapter eighty-three (83) of the General Laws of Minnesota for the year 1897, be and the same is hereby amended so as to read as follows: