

SEC. 3. It shall be the duty of the trustees of each of the state institutions using coal as fuel, to report to the said board of fuel commissioners before the nineteenth (19th) day of June in each year the estimated amount of coal necessary for such institution for the fiscal year next ensuing.

Trustees to furnish estimate of fuel needed.

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

Approved March 3, 1883.

CHAPTER 119.

AN ACT TO PROVIDE FOR THE LAYING OUT OF TEMPORARY PUBLIC CARTWAYS.

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

SECTION 1. That whenever any two (2) or more owners of pine lands in the State shall wish to have a temporary public cartway laid out, they may make application therefor in writing to the supervisors of the town in which such cartway is desired; or if the same be not within any organized town, then to the commissioners of the county; and such supervisors or commissioners shall thereupon proceed to lay out such temporary cartway in all respects as provided by the law in force at the time of such applications, in relation to laying out permanent public cartways, by town supervisors, except as hereinafter provided; and the cartways hereby authorized shall not be less than one (1) nor more than two (2) rods in width.

Temporary cartways, how secured.

SEC. 2. When any such application shall be made, the supervisors or commissioners at the time of examining such proposed highways shall also, after such investigation as they deem necessary, determine the necessity of laying out such cartways for the purpose of removing the saw logs, timber or lumber from any pine or other timbered lands, and the length of time that such cartway will be necessary, and they shall state such time in their order laying out such cartway, and at the expiration of such time said cartway shall cease. But no such cartway shall be laid out along or upon, or so as to occupy any road made or caused to be made by the owner of said land, or by any person with the consent of such owner and used by the person or persons

Duty of supervisors or commissioners.

making the same, unless such owner shall consent thereto in writing. If the owner of any land across which such cartway is desired shall appear in person or by authorized agent or attorney before the commissioners or supervisors at the time and place fixed by them to determine such necessity, and shall designate a route for such cartway, which, in their opinion, shall be reasonably direct and practicable for the purpose desired by such applicants, it shall be their duty, in case they determine such cartway to be necessary, to lay the same upon the route designated by such owner.

Expenses and
damages, how
paid.

SEC. 3. All the expenses of laying out and all damages awarded for the taking of lands for such cartway, shall be paid by the persons applying for the same. They shall be public highways, but no tax shall be levied or collected for making, opening or maintaining the same. The persons applying for the same may enter upon, open and work any such cartway at any time after it is laid out upon paying all the costs and expenses of such proceedings, and upon paying to the several parties in interest, or to the town or county treasurer, as the case may be, for to them, all the damages assessed in favor of the owners of lands traversed by such cartway, nor shall any appeal from an award of damages suspend the right to work and use such cartway, if the applicants for the same, or any of them, shall file [in] the court to which such appeal may be taken, a bond with sureties and in an amount approved by the court to which such appeal may be taken, conditioned for the payment of all damages and costs which may be finally awarded in favor of the appellant in such proceedings. An appeal from the award of damages may be taken by the applicants in the same manner as by the persons whose lands are traversed by such cartway, and in such case the filing of the bond [hereinbefore] herebefore mentioned to secure all costs and damages finally awarded to any such land owner shall have the same effect in securing the right to open, work and use such cartway as the actual payment of such damages and costs.

Notices, where
posted.

SEC. 4. In case such proposed cartway does not lie within an organized town, the notices required to be posted in connection with the proceedings for opening the same, may be posted in there [three] public places at the county seat, and the records of such proceedings required by law to be filed in the office of the town clerk shall be filed in the office of the county auditor.

SEC. 5 This act shall take effect and be in force from and after its passage.

Approved March 5, 1883.