

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

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CHAPTER XIII.

ROADS, CARTWAYS AND BRIDGES.

SECTION

1. Town supervisors to have care of roads—may divide town into road districts.
2. Shall render account to town meeting.
3. Overseers of highways—duty of.
4. Vacancy in office of overseer—how filled.
5. Notice to be given to person appointed.
6. Refusal or neglect to serve—penalty.
7. Supervisors shall meet where.
8. Shall assess road tax.
9. Assessment, how made.
10. Clerk to make copy of list.
11. List to be corrected from time to time.
12. Overseers to give notice of assessment.
13. Powers of overseers.
14. Persons assessed may commute.
15. Commutation money, when payable.
16. Overseer may require team.
17. Work may be performed by substitute—ten hours a day's work—penalty for each hour lost.
18. Penalty for neglect to work or commute.
19. Overseer shall make complaint, when.
20. Justice to issue summons—how served.
21. Proceedings on return of summons.
22. Constable to collect fine—how expended.
23. Penalty collected set off against assessment.
24. Effect of acceptance of excuse for refusal to work.
25. Fees of overseer.
26. Overseer to deliver list to supervisor.
27. Refusal or neglect to deliver list—penalty.
28. Supervisor to deliver lists to auditor who shall levy tax—town treasurer to receive tax.
29. Labor on roads, when expended.
30. Overseer to render account.
31. Shall pay to supervisors moneys unexpended.
32. Failure to render account—penalty.
33. Supervisors may alter, discontinue, or lay out road, when and how.
34. Copy of petition to be posted.
35. Notice of hearing to be posted.
36. Supervisors may employ surveyor.
37. Clerk to file order of supervisors—shall record it when.
38. Damages, how ascertained.

SECTION

39. Party aggrieved may appeal.
40. Appeal, how made.
41. Commissioners to fix time for hearing appeal.
42. Notice of hearing to be given.
43. Proceedings on hearing.
44. Fees of commissioners.
45. When supervisors refuse to grant petition, an appeal may be taken.
46. Commissioners reversing action of supervisors, shall do what.
47. Commissioner to act after expiration of his term.
48. Damages to be audited and paid by town.
49. Supervisors disagreeing, how remedied.
50. Supervisors of adjoining towns to meet, when.
51. Shall divide highway into road districts.
52. District to belong to town to which it may be allotted.
53. Roads on line between towns, how regulated.
54. Notice to remove fences to be given.
55. Such notice, how given when appeal is taken.
56. Width of roads and cartways—cost of surveys, how paid.
57. Owner may maintain gates, when.
58. City councils to have powers of supervisors.
59. Road running into more than one county—how changed or vacated.
60. Committee to be appointed.
61. Shall examine highway.
62. Shall make report.
63. Commissioners to act on petition.
64. Proceedings when remonstrance is made.
65. Fees of committee.
66. Roads declared county roads—when.
67. County commissioners control county roads—may appropriate money, when.
68. Obstructing public highways, penalty.
69. Justices to have jurisdiction of such cases.
70. Fines to go to town for repair of roads.
71. Penalty for fast driving over bridges.
72. Proceedings on complaint to justice.
73. Judgment on conviction.
74. Sign-board must be posted on bridge.
75. Running toll bridge—penalty.

1868-84

Town supervisors to have care of roads and bridges. Laws of 1866.

1869-40

May divide town into road districts.

1867-56

1869-185-124

SECTION 1. The supervisors in the several towns in this state, shall have the care and superintendence of roads and bridges therein, shall give directions for the repairing of the roads and bridges in their respective towns, regulate the roads already laid out, and alter each of them, as they, or a majority of them, deem proper, as hereinafter provided; cause the roads and the bridges erected over streams intersecting roads to be kept in repair; divide the respective towns into so many road districts as they deem convenient, by writing under their hands, to be lodged with the town clerk, and by him entered in the town records; such division to be made annually, if they deem it necessary, and in all cases to be made within at least twenty days after the annual town meeting; they shall assign to each of the said road districts such of the inhabitants liable to work on highways, as they think proper, having regard to proximity of residence, and require the overseers of highways, as often as they deem necessary, to warn all persons liable to work on roads, to come and work thereon, with such tools, carriages, cattle or teams, as the said overseers, or either of them, shall direct.

SEC. 2. The supervisors in each town shall render to the annual town meeting an account in writing, stating the labor assessed and performed in such town, the sums received by such supervisor for fines and commutations, and all other moneys received under this chapter; a statement of the improvements necessary to be made on the roads and bridges, and an estimate of the probable expense of making such improvements beyond that of the labor to be assessed in that year, that the road tax will accomplish; also a statement in writing of all expenses and damages in consequence of laying out, altering, or discontinuing roads.

Shall render account to town meeting.

SEC. 3. The overseers of highways in each town shall repair and keep in order the roads within their several districts; warn all persons from whom labor is due to work on the highways, at such times and places within their several districts, as they may think proper; collect all fines and commutation money, execute all lawful orders of the supervisors, and deliver to the town clerk, within sixteen days after election or appointment, a list, subscribed by such overseer, of the names of all the inhabitants in his road district, who are liable to work on the highways.

Duties of overseers of highways.

SEC. 4. If any person chosen or appointed to the office of overseer of highways, refuses to serve, or if his office becomes vacant, the supervisors of the town shall by warrant under their hands, appoint some other person in his stead, and the overseer so appointed shall have the same powers, be subject to the same orders, and liable to the same penalties as overseers chosen at town meetings.

Vacancy, how filled.

SEC. 5. The supervisors making the appointment, shall cause such warrant to be forthwith filed in the office of the town clerk, who shall give notice to the person appointed, as in other cases.

Appointee to be notified.

SEC. 6. Every overseer of highways who refuses or neglects to perform any of the duties of this chapter, or which may be lawfully required of him by the supervisors of his town, shall, for every such refusal or neglect, forfeit the sum of ten dollars, to be sued for by the chairman of the board of supervisors of the town, and when recovered, to be applied by him in making and improving the roads and highways therein.

Neglect of duty, penalty.

SEC. 7. The supervisors of each town shall meet at the town clerk's office within eighteen days after they are chosen, on such day as they agree upon, and afterward at such other times and places as they think proper.

Supervisors shall meet, when.

SEC. 8. The town clerk shall deliver the list, filed by the overseers, to the supervisors, who shall proceed to ascertain, estimate and assess the highway labor and road tax to be performed and paid in their town the next ensuing year.

Shall assess road tax.

SEC. 9. Every male inhabitant being above twenty-one years and under the age of fifty, excepting paupers, idiots, lunatics, and such others as are exempt by law, shall be assessed not less than two days nor more than four days in each year. Supervisors shall assess a road tax on all real estate, liable to taxation, of the town, to any amount they may deem necessary, not exceeding fifty cents on each one hundred dollars of value as valued on the assessment roll of the preceding year. They shall affix the name of each person named in the list so furnished by the overseers, the number of days assessed to each person for highway labor, and also a description of each tract of land, and the name of the owner, if known, with the valuation thereof, as taken from the assessment roll of the previous year, and the amount of the road tax assessed thereon in a separate column; the list so prepared shall be signed by the supervisors, and deposited with the town clerk, to be filed in his office.

Assessment, who are liable to and how made.

SEC. 10. The supervisors shall direct the town clerk to make a copy

Copies of list to be delivered to overseers.

of each list, shall sign such copies, after which they shall cause the several copies to be delivered to the respective overseers of highways of the several districts in which the highway labor is assessed. One copy for each overseer shall contain the name and number of days assessed to each person, the other the land road tax.

Addition to list made when.

SEC. 11. The names of persons left out of such list, and of new inhabitants, shall from time to time be added to the several lists, and they shall be rated by the overseers in the same proportion to work on the highways as others rated by the supervisors on such list.

Overseers to give notice to persons assessed to work.

SEC. 12. Overseers of highways shall give at least three days' notice to all persons assessed to work on highways, and living within the limits of their respective districts, of the time and places when and where they are to appear for that purpose, and with what implements; but no person being a resident of the town shall be required to work on any highway other than in the district in which he resides, but may elect to pay any land road tax in labor in the district in which said land is situated. Such labor shall be at the disposition of the overseers of their respective districts.

1872 - 103

Powers of overseers.

SEC. 13. The overseers of highways have power in case any bridge is washed away or damaged, or in case any road is obstructed by the falling of timber after the road labor has been exhausted, to call out any or all persons liable to a poll tax in his district, and repair any bridges or remove any obstructions of timber; but if it is necessary to call out all such persons in such district, then the overseer shall give to each of the persons called out a receipt for the amount of said labor, and such receipt shall be received by any road overseer and be applied in payment of any road tax assessed against the holder of the same in any succeeding year.

Person assessed may commute.

SEC. 14. Every person liable to work on the highways, shall work the whole number of days for which he is assessed, but every such person, other than the overseers of highways, may elect to commute for the same, or for some part thereof, at the rate of one dollar and fifty cents per day, in which case such commutation money shall be paid to the overseers of highways of the district in which the person commuting shall reside, to be applied and expended by the overseer in the improvement of the roads and bridges in the same district. Overseers of highways when such land tax is paid either in money or labor, shall write the word "paid" against each name or tract in their list on which the same is paid.

Commutation money, when payable.

SEC. 15. Every person intending to commute for his assessment, or any part thereof, shall within twenty-four hours after he is notified to appear and work on the highways, pay the commutation money for the work required of him by such notice, and the commutation shall not be considered as made until such money is paid.

Overseer may require team.

SEC. 16. Every overseer of highways has power to require a team or cart, wagon or plow, with a pair of horses or oxen and a man to manage them, from any person having the same within his district, who has been assessed two days or more, and who has not commuted his assessment—the person furnishing the same, upon such requisition, shall be credited for two days for each day's service therewith.

Person assessed may furnish substitute—ten hours a day's work.
Penalty for each hour lost.

SEC. 17. Every person assessed to work on the highways, and warned to work, may appear in person or by an able bodied man as a substitute, and the person or substitute so appearing shall actually work ten hours in each day, under a penalty of fifteen cents for every hour such person or substitute is in default, to be imposed as a fine on the person assessed.

Penalty for neglect to work or commute.

SEC. 18. Every person so assessed and duly notified, who does not commute, and who refuses or neglects to appear as above provided, shall

forfeit for every day's refusal or neglect the sum of two dollars. If he was required to furnish a team, carriage, man or implements, and refused or neglected to comply, he shall be fined as follows: For wholly omitting to comply with such requisition, four dollars for each day. For omitting to furnish a cart, wagon or plow, one dollar for each day. For omitting to furnish a pair of horses or oxen, one dollar and fifty cents for each day. For omitting to furnish a man to manage the team, one dollar and fifty cents for each day.

SEC. 19. Every overseer of highways, within six days after any person so assessed and notified, is guilty of any refusal or neglect for which a penalty or fine is prescribed in this chapter, unless satisfactory excuse is rendered to him for such refusal or neglect, shall make complaint to one of the justices of the peace of the town.

Overseer shall make complaint.

SEC. 20. The justice to whom such complaint is made, shall forthwith issue a summons, directed to any constable of the town requiring him to summon such delinquent to appear forthwith before such justice, at some place to be specified in the summons, to show cause why he should not be fined according to law for such refusal or neglect, which summons shall be served personally.

Justice to issue summons, how served.

SEC. 21. If upon the return of such summons no sufficient cause is shown to the contrary, the justice of the peace shall impose a fine, as is provided in this chapter, for the offense complained of, and shall forthwith issue a warrant under his hand, directed to any constable of the town where such delinquent resides, commanding him to levy such fine, with the cost of proceedings, on the goods and chattels of such delinquent.

Proceedings on return of summons.

SEC. 22. The constable to whom such warrant is directed, shall forthwith collect the moneys therein mentioned. He shall pay the fine when collected, to the justice who issued the warrant, who is hereby required to pay the same to the overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district over which he is overseer.

Constable to collect fine, how expended.

SEC. 23. Every penalty collected for neglect or refusal to appear and work on the highways, shall be set off against his assessment upon which it is founded, estimating each two dollars collected as a satisfaction for one day's work.

Penalty collected to be set off against assessment.

SEC. 24. The acceptance by an overseer of any excuse for refusal or neglect, shall not, in any case, exempt the person excused from commuting for working the whole number of days for or which he is assessed during the year.

Effect of acceptance of excuse for refusing to work.

SEC. 25. Every overseer of highways is entitled to one dollar and fifty cents per day, to be paid out of fines and commutation money, for every day he is necessarily employed in the execution of his duties as overseer: *provided*, that he shall in no case receive a sum of money exceeding ten dollars in any one year for such services beyond the amount of his own highway labor and road tax, the number of days to be accounted to and audited by the supervisor of the town. When there are no funds from fines or commutations, the supervisors may pay the overseers out of any other fund in their hands raised for the purpose of repairing and making roads and bridges.

Fees of overseers.

1867-56

SEC. 26. Every overseer of highways shall deliver to the supervisor of his town, on or before the first day of September of each year, the list furnished by the supervisors, containing the land road tax, with his certificate thereon, that on all tracts of land in said list opposite which the word "paid" is not written, such tax is due and remains unpaid, according to the best of his knowledge and belief.

Overseer to deliver list.

1867-56

MINNESOTA STATUTES 1866

Refusal or neglect to deliver list—penalty.

SEC. 27. If any overseer refuses or neglects to deliver such list, with his certificate, as provided in the last section, he shall, for every offense, forfeit the sum of five dollars, and also the amount of tax remaining unpaid, to be recovered by the supervisors of such town, and applied by them in improving the bridges and roads of such town.

List to be delivered to auditor who shall levy tax.

1871-93

SEC. 28. The supervisors of the several towns shall receive the lists of the overseers of highways, pursuant to the preceding section, and return the same to the county auditor of the county, on or before the first day of November in each year, who is hereby required to levy the amount of such arrearages of road tax upon the lands so returned, which arrearages shall be collected in the same manner as contingent charges of the county are levied and collected. Such road tax, when collected, shall be paid to the town treasurer of the proper town, upon the certificate of the auditor of the county, and shall be applied by the supervisors of the town in the construction of roads and bridges, to be paid by the town treasurer, upon the order of the supervisors.

Labor on roads, when expended.

SEC. 29. It shall be the duty of every overseer of highways to have at least three-fourths of the road labor assessed in his district worked out or actually expended on the highways previous to the first day of August in each year.

Overseer to render account.

SEC. 30. Every overseer of highways shall, on the second Tuesday next preceding the time of holding the annual town meeting in his town, within the year for which he is elected or appointed, render to one of the supervisors of the town an account in writing, containing—

What account shall contain.

First. The names of all persons assessed to work on the highways in the district of which he is overseer.

Second. The names of all those who have actually worked on the highways, with the number of days they have worked.

Third. The names of all those who have been fined, and the sums in which they have been fined.

Fourth. The names of all those who have commuted, and the manner in which the moneys arising from the fines and commutations have been expended by him.

Moneys unexpended to be paid to supervisors.

SEC. 31. Every such overseer shall also then and there pay to the supervisors all moneys remaining in his hands unexpended, to be applied by the supervisors on the roads and bridges in the town.

Failure to render account—penalty.

SEC. 32. If any overseer refuses or neglects to render such account, or if, having rendered the same, he refuses or neglects to pay any balance which may then be due from him, he shall for every such offense forfeit the sum of five dollars, to be recovered with the balance of the moneys remaining in his hands, by the supervisors of the town, and applied to the making or improving of roads and bridges in such town.

Alteration or vacation of roads.

SEC. 33. The supervisors of the town may alter or discontinue any road, or lay out any new road when petitioned by any number of legal voters not less than six, residing within one mile of the road so to be altered, discontinued or laid out; said petition shall set forth in writing a description of the road, and what part thereof is to be altered and discontinued, and if for a new road, the names of the owners of the land, if known, over which the road is to pass, the point at which it is to commence, its general course, and the point near which it is to terminate: *provided*, that the said supervisors shall not have power to vacate, alter or change any state road, any portion of which passes through any of the unorganized counties of the state, nor shall they vacate any portion of any mail route, or change the same in any manner so as to make the same materially longer, and when any change is made in any such route, the supervisors shall cause the same to be immediately opened and made pas-

1871-94

sable: *provided*, that state roads not opened within two years from the time they are laid out may be vacated as other roads.

SEC. 34. Whenever any number of legal voters determine to petition the supervisors for the alteration or discontinuance of any road, or laying out of any new road, they shall cause a copy of their petition to be posted up in three of the most public places of the town, twenty days before any action is had in relation thereto.

Petition to be posted.

SEC. 35. Whenever the supervisors receive a petition in compliance with the two preceding sections, they shall give at least ten days' notice, by posting up notices in three public places, near the line of said road, when and where they will meet for the purpose of personally examining the proposed alteration, discontinuance, or route for the new road proposed, and they shall hear any reasons that may be offered for or against altering, discontinuing, or laying out the same.

Notice of hearing to be posted.

SEC. 36. Whenever the supervisors determine to lay out any new road, or alter any old one, they shall cause a survey to be made by a competent surveyor, who shall make a report to them of such survey, accompanied with a plat, particularly describing the route by metes and bounds, courses and distances; they shall incorporate such report and survey, accompanied with the plat, in an order to be signed by them, declaring such road so altered or laid out to be a public highway, which order together with the petition, shall be deposited with the town clerk, who shall note the time of filing the same, but on refusal, shall note the fact on the back of such petition.

Supervisors may employ surveyor.

1870-96

SEC. 37. The town clerk, whenever any order of the supervisors for laying out, altering or discontinuing a road is received by him, shall carefully file the same, and the time hereinafter limited for appealing from such order shall be computed from the time of filing the same; but the town clerk shall not record such order, until a final decision is made, and not then unless such order is confirmed.

Clerk to file order of supervisors, when to record it.

SEC. 38. The damages sustained by reason of laying out or opening, or altering any road, may be ascertained by the agreement of the owners and the supervisors, and unless such agreement is made, or the owners shall, in writing, release all claim to damages, the same shall be assessed in the manner hereinafter prescribed, before the same is opened, or worked or used. Every agreement and release shall be filed in the town clerk's office, and shall forever preclude such owners of such lands from all further claim for such damages. In case the supervisors and the owners of land claiming damages can not agree, the supervisors shall assess the damages at what they deem just and right to each individual claimant with whom they can not agree, and deposit a statement of the amount of damages so assessed to each individual with the town clerk, who shall note the time of filing the same. The supervisors in all cases of assessing damages, shall estimate the advantages and benefits the new road or alteration of an old one, will confer on the claimants for the same, as well as the disadvantages. And any person living on United States land, who has filed his declaratory statement for the same, in the proper land office, shall, for all the purposes of this chapter, be considered the owner of said land.

1867-56

Damages, how ascertained.

SEC. 39. Any person, being owner or agent for any tract of land over which any highway, altered, discontinued, or laid out, shall run, feeling himself aggrieved by any order made by the supervisors, may appeal from the same at any time within thirty days after the filing of such order in the town clerk's office; such appeal shall note the time such order was filed, and shall be made to three county commissioners. All persons who wish to make an appeal from such order, shall act in concert and make their appeal to the same three commissioners.

Person on U. S. land to be considered owner.

Party aggrieved may appeal.

Appeal, how made.

SEC. 40. Every such appeal shall be in writing, addressed to the three commissioners aforesaid, and signed by the party appealing. It shall briefly state the ground on which it is made, and whether it is brought in relation to damages assessed by the supervisors, or in relation to the alteration, discontinuance, or laying out of the road, or whether it is brought to reverse entirely the determination. The appeal shall be left with one of the three county commissioners by the person appealing and he shall also leave a notice of such appeal with the other county commissioners to whom the appeal is made.

Commissioners to fix time and place of hearing appeal.

SEC. 41. The commissioners to whom the appeal is made, as soon as may be convenient, after the expiration of thirty days from the filing of the order in the town clerk's office from which the appeal is made, shall agree on a time when and where they will meet to consider the same; which shall be at some place deemed convenient at or near the road to be examined.

Notice of hearing to be given.

SEC. 42. The person making the appeal shall cause a notice, in writing, of the time and place agreed on by the three commissioners, when and where they will meet, to be served on each of the supervisors from whose order they appeal, and also on at least three of the petitioners who petitioned in relation to such road; which notice shall be served at least eight days before the time named therein, by delivering one to each supervisor, or leaving one at each of their dwellings, and in like manner shall notice be served on three petitioners.

Proceedings on hearing.

SEC. 43. The three county commissioners aforesaid, shall meet at the time and place mentioned in the notice, and hear the proofs and allegations of the parties. They shall have power to issue process to compel the attendance of witnesses, and may adjourn from time to time, as may be necessary. Their decision, or that of any two of them, shall embrace the whole matter in controversy, and shall be filed within ten days from the time of making such decision, in the office of the clerk of the town where the controversy arose. They shall first consider the propriety and expediency of locating, altering, or discontinuing the road; secondly, the subject of damages, if such subject was embraced in the appeal under which they are acting, and they shall fix on the amount of damages which, in their judgment, is right and just to be paid to each person claiming, but no person shall be entitled to a re-assessment of damages unless his name appears in the appeal in reference to that subject.

Fees of commissioners.

SEC. 44. Every such commissioner shall receive two dollars for each day employed in hearing and deciding such appeal, to be paid by the party appealing when the determination of the supervisors is sustained, but if reversed to be paid by the town.

Refusal to grant petition, appeal from.

SEC. 45. Upon the refusal of the supervisors to alter, discontinue, or lay out any new road petitioned for as prescribed in section thirty-three aforesaid, any one of the petitioners may appeal from such determination in the same manner and subject to the same provisions and restrictions as relates to persons who feel themselves aggrieved by a determination of the supervisors to alter, discontinue or lay out a new road.

Proceedings on reversal of determination of supervisors.

SEC. 46. When an appeal is made from the determination of the supervisors refusing to lay out, alter or discontinue a road, and the county commissioners reverse such determination, such county commissioners shall alter, discontinue, or lay out the road applied for, as the case may be, and in doing so shall proceed in the same manner in which supervisors of towns are directed to proceed in like cases. Such roads shall be opened by the supervisors of the town in the same manner as if laid out by themselves.

SEC. 47. In case the term of office of any county commissioner expires before the determination of such appeal, he shall continue to act in the premises the same as if he had been re-elected.

Commissioners may act after term expires.

SEC. 48. The amount of damages as finally settled by the county commissioners, or as agreed on by the supervisors, together with all the charges of officers and other persons employed in laying out or discontinuing any road, shall be audited by the supervisors with the amount of damages and charges due each individual, which amount shall be certified to and deposited with the town clerk, and paid by the town.

Damages to be audited and paid by town.

1868-68

SEC. 49. Whenever the supervisors of any town disagree with the supervisors of any other town of the same county, or of another county, relating to the laying out of a new road, or the alteration of an old road, which extends into both of such towns, the supervisors of such towns shall meet together at the request of either disagreeing supervisors, and make their decision on the subject of disagreement.

Supervisors of two towns to decide, when.

- Repealed

1867-57

SEC. 50. Whenever the supervisors of any town receive a petition praying the location of a new road, or the altering or discontinuing of an old one, on the line between two towns, such road shall be laid out, altered or discontinued, by two or more of the supervisors of each of said towns, either on such line or as near thereto as the convenience of the ground will admit, and they may so vary the same, either to the one side or the other of such line, as they think proper.

Proceedings when petition relates to road on line between towns.

SEC. 51. The said supervisors, when there may be such highways, shall divide each highway into two or more road districts, in such manner that the labor and expense of opening, working and keeping in repair such highways through each of the said districts may be equal, as near as may be, and shall allot an equal number of such districts to each of said towns.

Highways to be divided into road districts.

1870-97

SEC. 52. Each district shall be considered as belonging wholly to the town to which it may be allotted, for the purpose of opening and improving the road and keeping it in repair, and the supervisors shall cause such highway, and the position and allotment thereof, to be recorded in the office of the town clerk in each of said towns.

District to belong to town to which it may be attached.

SEC. 53. All roads heretofore laid out on the line between any two towns, shall be divided, allotted, and recorded, and kept in repair in the manner above directed.

Roads on line between towns, how regulated.

SEC. 54. Whenever the supervisors have laid out any public road through any inclosed, cultivated or improved lands, in conformity with the provisions of this chapter, and their decision has not been appealed from, they shall give the owner or occupant of the land through which such road is laid, twenty days' notice, in writing, to remove his fences. If such owner does not remove his fences within twenty days, the supervisors shall cause such fences to be removed, and direct the road to be opened and worked: *provided*, that no inclosure shall be ordered opened between the first day of April and the first day of October.

Notice to remove fences to be given.

SEC. 55. If the decision of the town supervisors is appealed from, the twenty days' notice shall be given after the decision of the county commissioner upon such appeal has been filed in the office of the town clerk of the town, except in cases provided for in section thirty-three.

Notice, how given after appeal taken.

SEC. 56. All public roads to be laid out by the supervisors, shall not be less than four rods wide: *provided*, that the supervisors of the several towns shall have power to lay out cartways two rods wide, when petitioned for by the persons desiring the same. The cost of surveying and locating said cartways shall be paid by the town, as is provided by law in the laying out of public roads, and the damages to the land through or upon which the said cartway is laid out, shall be paid by the person for whose benefit the said cartway is laid, and the damages in this section mentioned,

Width of roads and cartways.

Cost of surveys, how paid.

shall be ascertained, and an appeal had in the same manner, as in the case of public roads, and the town clerk shall record such cartways in like manner.

Owners may maintain gates, when.

SEC. 57. It shall be lawful for the owner or occupant of any inclosed land through which said cartway may be located, to make and maintain good and sufficient gates at the entrance of such cartway through such inclosure, and whoever having opened such gate fails to close the same, or throws down or damages such gate, shall be fined in any sum not exceeding ten nor less than five dollars.

City councils to have powers of supervisors.

SEC. 58. The same powers and duties in and by this chapter conferred and imposed upon town supervisors are also conferred and imposed upon the city councils of the several cities throughout this state; and in addition, it shall be the duty of the city council to appoint some qualified elector of each road district in the city to be overseer of roads for such district; and the overseers of roads, the city clerks, the justices of the peace, and the constables of the several cities in the state shall have and exercise the same powers, and perform the same duties, and be subject to the same liabilities as are in and by this chapter conferred and imposed upon the town overseers of roads, town clerks, town justices of the peace, and town constables; and all the provisions of this chapter shall be applicable to the several cities in this state.

Road running in to more than one county, how changed or vacated.

SEC. 59. If twenty-four freeholders of any county containing one hundred or more legal voters, and twelve freeholders of any county containing less than one hundred legal voters, petition the board of commissioners of such county for the location, establishment, change or vacation of any highway running into more than one town of said county, whether such highway is connected or to be connected with other roads or not, setting forth in such petition the beginning, course and termination of the highway proposed to be located, established, changed or vacated, together with the names of the owners of the lands through which the same may pass, the auditor of such county shall lay said petition before the board of county commissioners at their next session thereafter.

Committee to be appointed.

SEC. 60. When the board of county commissioners to whom such petition is presented are satisfied that at least thirty days' notice thereof has been given, before the session of said board at which such petition is to be heard, by posting up notices in three of the most public places in each of the towns through which such highway is proposed to be located, changed or vacated, the board of commissioners shall appoint from the members thereof a committee to examine such proposed location, establishment, change or vacation, and the board if necessary shall designate a time when and a place where such committee will meet upon such route.

Shall examine highway.

SEC. 61. At the time and place designated, said committee shall meet, and proceed to examine the highway proposed to be located, changed or vacated, and in such examination may employ a competent surveyor.

Shall make report.

SEC. 62. After such committee have completed their examinations, they shall make a report of their proceedings, setting forth the highway proposed to be located, established, changed or vacated, by course and distance, and recommending therein according to the opinion of a majority, either that the prayer of the petitioners be granted or rejected, a copy of which report shall be returned to the board of commissioners at their next session thereafter.

Commissioners to act on petition.

SEC. 63. At the next meeting of the board of commissioners, they shall proceed to determine the prayer of such petition, and such board shall declare it granted if a majority of the board so agree, and shall direct the auditor to notify the supervisors of the several towns in which such road is located or established, or change or vacation is made, when

MINNESOTA STATUTES 1866

such supervisors will cause to be opened so much of such highway as lies in their respective towns.

1887-67

SEC. 64. If at the session of the board of commissioners at which the report of the road committee appointed to examine such highway is presented, any person over whose land such road passes shall remonstrate against granting the prayer of the petition, setting forth in writing that he is damaged in a sum mentioned, by the location, change or vacation of such highway, to the truth of which he takes and subscribes an oath, such board shall determine from the face of the report and the evidence before them, the amount of damages sustained, and whether the damages so assessed are greater than the utility of the proposed highway or change, and if they deem the road of sufficient advantage to the county to warrant the paying of the damages assessed by the board, they shall declare such highway located, changed or vacated, and all damages declared assessed shall be paid by the county interested; but if they shall determine that the damages assessed are greater than the advantage of the proposed location or change, they shall order the petition dismissed.

Proceedings when remonstrance is made.

1887-139
Refused

SEC. 65. Such committee, appointed to examine such highway shall each receive one dollar and fifty cents per day for every day they may be necessarily employed, and such surveyor shall receive such compensation as the board may determine.

Fees of committee.

SEC. 66. Every state road or other continuous road passing through or into more than one organized county, is a county road, and shall only be altered, changed or vacated, by an order of the board of county commissioners. All damages claimed in the location of any state road through any of the organized counties of this state shall be determined by the provisions of this chapter, the same as in the location of a county road, and the organized counties through which each state road is located shall be liable for such damages.

Roads declared county roads, when.

SEC. 67. The county commissioners have a general supervision of county roads, and have power to appropriate such sums of money from the county treasury as they think advisable for opening and working such roads, not exceeding, in any one year, the sum or ratio of one thousand dollars to each five hundred thousand dollars of assessed valuation of real estate in such county: *provided*, that additional sums may be appropriated, but shall not be expended except upon a ratification thereof by a vote of the people, to assist in building bridges and in opening and repairing county roads; to be expended under their direction: *provided further*, that the towns through which any county road may pass, shall keep such road in repair, the same as other roads in their towns.

County commissioners control county roads.

SEC. 68. Whoever at any time obstructs any of the public highways in this state with fences, logs, brushwood, timber or other material, with intent to prevent the free use thereof by the public, is guilty of misdemeanor, and shall be punished by a fine not exceeding twenty-five dollars, nor less than ten dollars, with costs, or be imprisoned in the county jail not less than ten nor more than twenty-five days: *provided*, that in all such cases, five years' use by the public of any road, and the repair thereof by the public authorities, is sufficient to establish a public highway within the intent and meaning of this section.

Obstructing public highways—penalty.

1891-95

SEC. 69. Justices of the peace shall have jurisdiction on complaint made on oath, to hear and determine all cases arising under the preceding section.

Justices to have jurisdiction.

SEC. 70. All fines recovered under the provisions of this chapter, shall be paid into the treasury of the town wherein the offense was committed, to be used in repairing the public highways within such town.

Fines to go to town for repair of roads.

SEC. 71. Whoever drives or rides upon the bridges belonging to any incorporated bridge company, or upon any bridge erected by any county

Fast driving over bridges—penalty

1871-95

or town, or upon any bridge which has been or may be erected by any individual, and upon which the notice hereinafter prescribed is conspicuously displayed, faster than a walk, shall forfeit and pay for the use and benefit of the county wherein such bridge is located, in whole or in part, as a penalty therefor, the sum of not less than five nor more than ten dollars for each and every such offense.

Proceedings when complaint is made to justice

SEC. 72. Upon complaint made to any justice of the peace, in any county where such bridge is located in whole or in part, that any such offense has been committed, such justice shall examine the complainant on oath, and if it appears that such offense has been committed, the said justice shall issue his warrant reciting the substance of the complaint, requiring the officer, to whom it is directed, forthwith to arrest the accused, and to bring him before such justice, or some other justice of the same county, to be dealt with according to law. If the name of the person committing the offense is not known to the complainant or the justice, the complainant may give the justice such description as may enable the person accused to be identified, and the warrant shall recite such description, and shall justify the officer to whom it is directed in arresting the person described, and bringing him before the justice.

Judgment on conviction.

SEC. 73. In all cases of conviction under the provisions aforesaid, the justice shall enter judgment for the fine and costs against the defendant, and may commit him until the judgment is satisfied, or issue execution upon the judgment to the use of the county.

Signboard must be posted on bridge.

SEC. 74. No fine shall be imposed under the provisions aforesaid, unless there was at each end of said bridge, at the time when such offense was committed, a conspicuous signboard, upon which was painted the following words and figures: "\$10 fine for riding or driving on this bridge faster than a walk."

Penalty for running toll bridge.

SEC. 75. Whenever any bridge or ferry company or individual is authorized by law to collect toll for the crossing of any bridge or ferry belonging to such company or individual, any person who willfully runs the toll gate of such company or individual, and passes over such bridge or ferry with the intention of avoiding the payment of the toll prescribed by law, or who refuses to pay such toll when thereto lawfully requested, shall forfeit and pay for the use and benefit of the county wherein such bridge or ferry is located, a fine of five dollars for each and every such offense, which fine shall be prosecuted and collected, together with costs, in the same manner as the penalties prescribed in the preceding sections.

CHAPTER XIV.

THE LAW OF THE ROAD.

SECTION

1. Persons with vehicles, meeting, to turn to the right.
2. Driver passing vehicles shall drive to the left.
3. Employment of intemperate drivers—penalty.

SECTION

4. Penalty for violation of provisions of preceding sections.
5. Driver not to leave horses without fastening them—penalty for violation.
6. Owners of vehicles liable for injuries to passengers.