

# CHANGES

IN THE

## General Statutes of 1878,

OF THE

STATE OF MINNESOTA,

EFFECTED BY THE GENERAL LAWS OF THE EXTRA  
SESSION OF 1881, AND THE REGULAR  
SESSION OF 1883.

Arranged with reference to the Chapter and Section Amended.

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by disobedience of orders, or by acts of insubordination, or conduct prejudicial to military discipline, such failure or neglect is hereby declared to be a misdemeanor, and the commandant, or other proper officer of such regiment, company, or battery, shall make complaint against such member before any justice of the peace or any court of competent jurisdiction within the county in which such member of such regiment, company, or battery may reside. Said justice or court shall thereupon proceed to hear and deter nine said complaint and matter in the same manner as in the trial and hearing of cases of misdemeanor under the laws of this state. Such member shall, upon conviction of such misdemeanor, be punished by a fine not exceeding ten dollars, together with the costs of such proceeding, and shall be committed to the county jail of said county until said fine and costs are paid, for a period not to exceed ten days. Said complaint shall be made and proceedings taken thereunder in the name of the state of Minnesota, but without cost to said state; and all fines paid thereunder shall be paid into the treasury of such regiment, company, or battery, as the case may be, for the benefit of its military fund. (*Id.* § 38.)

\*§ 39. **Commission to report uniform.** The commander in chief shall appoint a board of five officers, who shall examine into and report the most suitable service uniform for the National Guard, and the uniform so reported shall, when approved by the commander in chief, be the service uniform for the National Guard of this state. The commander in chief shall give such time as he may see fit, not to exceed six months, for the several regiments and the battery to make such changes from their present service uniform as may be necessary in order to comply with the provisions of this section. (*Id.* § 39.)

\*§ 40. **Powers of commander in chief.** The commander in chief is hereby authorized to make such rules and regulations for the government of the National Guard as he may deem for the good of the service, *provided* [the] same shall not be inconsistent with this act. (*Id.* § 40.)

\*§ 41. **Same—courts martial.** The commander in chief is hereby authorized to appoint courts martial for the trial of members of the National Guard, against whom charges may be preferred to him. Such courts martial shall be conducted in accordance with the regulations of the army of the United States, and the findings shall be submitted to the commander in chief, who shall approve or disapprove them; and in the former case he is hereby authorized to carry them out, or to modify any sentence that may have been imposed. (*Id.* § 41.)

\*§ 42. **Appropriation.** There is hereby appropriated, out of any moneys in the state treasury belonging to the general fund, the sum of twelve thousand dollars per annum, or so much thereof as may be necessary for the purpose of carrying out the provisions of this act, but no indebtedness shall be created hereunder in excess of the appropriations herein made, except for extraordinary expenses, in case of insurrection, invasion, or rebellion.\* (*Id.* § 42.)

\*§ 43. **Repeal of other acts.** All acts and parts of acts inconsistent with this act are hereby repealed. (*Id.* § 43.)

See page 251.

## CHAPTER XIII.

### ROADS, CARTWAYS, AND BRIDGES.

\*§ 19. **Penalties for neglecting road duty.** Every person so assessed and duly notified who does not commute, and who refuses or neglects to appear as above provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof as hereinafter provided shall be fined for every day's refusal or neglect the sum of two dollars. If he was required to furnish a team, man, carriage, or implements, and refused or neglected so to comply, he shall be fined as follows: For wholly omitting to comply with such requisition, four dollars for each day; for omitting

(\*See, also, § 2, c. 75, 1883 appropriating \$2,500 annually.)

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. (1873, c. 5, § 19, *as amended* 1883, c. 29, § 1.)

See page 257.

**\*§ 21. Justice to issue warrant.** The justice to whom such complaint is made shall forthwith issue a warrant directed to the sheriff or any constable of the county, requiring him to arrest such delinquent and bring him before such justice to be dealt with according to law, and upon such complaint and warrant further proceedings shall be had as is provided for the trial and punishment of misdemeanors. (*Id.* § 2.)

See page 257.

**\*§ 22. Fines collected—how disposed of.** All fines imposed by the terms of section number nineteen of this chapter, shall, when collected, be paid to the overseer who entered complaint, to be by him expended in improving the roads and bridges in his district. (*Id.* § 3.)

See page 257.

**\*§ 23. Repealed.** (*Id.* § 4.)

See page 257.

Add to \*§ 33, page 259:

*And provided further*, that all roads or parts thereof heretofore or hereafter laid out by township supervisors, and not opened to public use within ten years from the time they were laid out, are hereby declared vacated. (1881, *Ex. Sess.* c. 29, § 1.)

Add to \*§ 37, page 259:

And give his receipt therefor to the town clerk, which said receipt shall be filed by such town clerk and an entry thereof be made by him in the road record, relating to such road. (1883, c. 63, § 1.)

#### TEMPORARY CARTWAYS.

**\*§ 47a. Temporary cartways—how laid out.** That whenever any two 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 nor more than two rods in width. (1883, c. 119, § 1.)

See page 261.

**\*§ 47b. Duty of commissioners or supervisors—owner to be heard.** 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 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. (*Id.* § 2.)

\*§ 47c. **Expenses and damages—how paid—bond for an appeal.** All the expenses for 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, or 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 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. (*Id.* § 3.)

\*§ 47d. **If in unorganized town notice posted at county seat.** 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 [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. (*Id.* § 4.)

See page 261.

\*§ 49. **Petition for highway or cartway in more than one town.** If twenty-four freeholders of any county containing one hundred and 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 or cartway running into more than one town of said county, and not within the limits of any incorporated city, 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 or cartway proposed to be located, established, changed, or vacated, together with the names of the owners of the land, if known, through which the same may pass, the auditor of such county shall lay such petition before the board of county commissioners at the next session thereafter. (1873, c. 5, § 49, as amended 1881, *Ex. Sess.* c. 53, § 1.)

\*§ 49a. **Change as to other provisions—application.** That whenever the word highway occurs in said chapter five, so far as the same relates to locating, establishing, changing, or vacating highways running into more than one town, the same shall be made to read highways or cartways: *provided*, this act shall apply only to the county of Goodhue. (*Id.* § 2.)

See page 262.

\*§ 65a. **Obstruction of highways, etc., by railway cars prohibited.** No person or persons shall obstruct any street or public highway in this state by leaving, placing, keeping, or causing to be left, placed, or kept, any railroad car upon or

across any public street, road, or highway in this state, for any purpose or object whatever. (1883, c. 116, § 1.)

\*§ 65b. **Trains to stop on, but ten minutes.** No person shall stop, or cause to be stopped, any train of cars, car or engine, across any public street, road or highway in this state, except a sufficient time to couple and separate the cars, not to exceed ten minutes. (*Id.* § 2.)

\*§ 65c. **Penalty for violating above.** Whoever is guilty of violating any of the provisions of this act shall be deemed to be guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace of the county in which such offense is committed, be punished by a fine of not less than five dollars nor more than fifty dollars, and costs of prosecution, for each and every such offense, and in default of payment of such fine and costs shall be imprisoned in the county jail until such fine and costs are paid, not exceeding thirty days. (*Id.* § 3.)

See page 265.

#### ROADS IN MORE THAN ONE COUNTY.\*

\*§ 76. **How laid out—petition to district judge.** Whenever a petition praying that a road be laid out through, between, or into two or more counties in any judicial district in this state, signed by twenty legal voters and tax-payers, resident in said counties, shall be presented to the judge of the district court in said district, or whenever a petition praying that a road be laid out through, between, or into two or more counties in two or more judicial districts in this state, signed by twenty legal voters and tax-payers, resident in said counties, shall be presented to a judge of the district court of one of said districts, the said judge is hereby authorized to appoint three commissioners, whose duty it shall be to meet at such times and places as may be necessary, and to immediately proceed to lay out a road as directed by the judge in accordance with the prayer of the petition: *provided*, that no road shall be ordered by any judge to extend more than six miles outside of the judicial districts in which the application is made, and such road shall be extended beyond the districts only for the purpose of commencing or ending at some village or public road. (*As amended* 1883, c. 64, § 1.)

See page 266.

\*§ 81. **Commissioners to appraise damages and report.** The commissioners appointed under and by virtue of section seventy-six of this act shall appraise and fix the amount of damages to be paid to each land-owner for the right of way of the road by them laid out over or across his lands, unless such right of way shall be by the owners duly and voluntarily released to the board of county commissioners in which such land is situated, and in their report said commissioners shall include and set forth separately each appraisal of such damages or compensation made by them, and all voluntary [re]leases of the right of way taken by them. (*Id.* § 2.)

See page 267.

\*§ 83. **Add:**

*Provided*, that when a road is laid out on a line between two counties, each county shall pay one-half of the amount of damages as determined. (*Id.* § 3.)

See page 268.

## CHAPTER XV.

### RELIEF OF THE POOR.

Add to § 6 the following:

*Provided, further*, that if in the opinion of the county commissioners a limited amount of aid will suffice to enable a person or family who would otherwise have to

(\*The title to above act of 1872, amended by 1883, c. 21, § 1, to read as follows: *An act authorizing the judge of any district court to appoint commissioners to lay roads through two or more counties, any one of which is within his judicial district. The amendment made to \*§ 76 by said c. 21 is superseded by 1883, c. 64 § 1.*)