

GENERAL STATUTES
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MINNESOTA
1923

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COMPILED AND EDITED BY
HUBERT HARVEY, OF THE ST. PAUL BAR

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CHAPTER 13

ROADS

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GENERAL HIGHWAY ACT

2542. Scope of act—The provisions of this act shall be construed as relating solely to roads, not included within the limits of any city, village or borough, except when highways within cities, villages or boroughs are specifically mentioned. The roads of this state shall for the purpose of this act be designated and referred to as "Trunk Highways," "State Aid Roads," "County Roads" and "Town Roads," and shall be laid out, constructed, improved, repaired and maintained by the authorities hereinafter set forth, as herein provided.

Subdivision (1). The word "Trunk Highways" shall be construed to include all roads established, or to be established under the provisions of Article 16 of the constitution of the State of Minnesota.

Subdivision (2). The words "State Aid Roads" shall be construed to include all roads which have heretofore been designated as state roads, or which may hereafter be designated as state aid roads, except such as may be or have heretofore been annulled or changed, and except such as may be included in the trunk highway system.

Subdivision (3). The words "County Roads" shall be construed to include those which have heretofore been or which hereafter, as herein provided, may be established, constructed or improved under the authority of the several county boards except those heretofore designated as state roads, and also all roads lying within the county, or on the line between counties, established by judicial proceedings.

Subdivision (4). The words "Town Roads" shall be construed to include those roads and cartways which have heretofore been or which as herein provided hereafter may be established, constructed and improved under the authority of the several town boards, and also all roads lying within the town, established by user. ('21 c. 323 § 1)

See generally, 152-267, 188+557; 154-246, 191+598; 192+188; 194+765; 195+285.

2543. "Road" and "highway" defined—The words, "road" or "highway," whenever used in this act shall mean, unless otherwise specified, the several kinds of highways as defined in Section 1 of this act, and also cartway, street, alley, avenue, boulevard, together with all bridges or other structures thereon which form a part of the same. ('21 c. 323 § 2)

2544. Width of roads—All roads, except cartways, established by town and county boards, shall be at least four (4) rods wide and when necessary for construction and maintenance, or the safety of public travel, additional right of way may be procured by purchase or condemnation, and the necessity for the taking of such additional right of way shall be determined by the town board in the case of town roads and by the county board in the case of county roads. ('21 c. 323 § 3; amended '23 c. 439 § 1)

2545. Width of bridges and culverts—All bridges and culverts, and approaches thereto, on any road hereafter established or improved, except cartways, shall be at least sixteen (16) feet wide; and when such bridge in its construction or repair shall be raised three feet or more above the level of the bank on either side of any river, stream, gully or ravine, then such bridge and approaches shall be at least eighteen (18) feet wide and provided with substantial railings. ('21 c. 323 § 4)

2546. Railroad bridge over highway—Whenever any railroad company shall hereafter construct a bridge over a public highway, the same shall be constructed so as to leave a clear opening for the highway at least twenty-eight (28) feet wide and at least fourteen (14) feet clear space from the surface of the highway to the bottom of the bridge; provided, that two openings, each at least fourteen (14) feet wide, shall be sufficient if approved in writing by the commissioner of highways. ('21 c. 323 § 5)

2547. Highway bridge over railroad—Any bridge hereafter constructed on any public highway over the tracks of any railroad, shall be at least eighteen (18) feet wide and the approaches thereto shall be at least twenty-four (24) feet wide and the grade of such approach shall not exceed five (5) feet rise in a hundred (100) feet. Such bridge shall leave a clear space above the railroad rails of at least 21 feet measured vertically; provided, however, that when local conditions preclude compliance with the foregoing requirements, such requirements may be modified by the commissioner of highways upon plans approved by him. ('21 c. 323 § 6)

2548. Owner—Persons lawfully occupying United States or state lands shall be considered the owners thereof for the purposes of this act. ('21 c. 323 § 7)

2549. Trunk highways—All trunk highways shall be located, constructed, improved and maintained by the state. The state is hereby vested with all rights, title, easements and appurtenances thereto appertaining, held by, or vested in any of the counties or any legal subdivisions thereof, or dedicated to the public use, prior to the time any such road is taken over by the state as a trunk highway. ('21 c. 323 § 8)

2550. State aid roads—All state aid roads shall be constructed, improved and maintained by the counties under rules and regulations to be made and promulgated by the commissioner of highways, and the several counties are vested with all rights, title, easements and appurtenances thereto appertaining, held by, or vested in any of the towns or municipal subdivisions thereof, or dedicated to the public use, prior to the time such road is designated a state aid road. ('21 c. 323 § 9)

2551. County roads—All county roads shall be established, constructed and improved by the several county boards. The town through which any county road may pass shall maintain and keep it in repair; provided, however, that in counties having a population of one hundred fifty thousand (150,000) inhabitants or over, the several towns thereof shall have no jurisdiction over county roads. ('21 c. 323 § 10)

2552. Town roads—All town roads shall be located, constructed, repaired and maintained by town boards, provided that the county boards may aid in the construction, repair and maintenance of such roads. ('21 c. 323 § 11)

2553. Commissioner of highways.
Sub. 1. The office of the commissioner of highways, the incumbent whereof shall have the powers, duties and privileges herein declared, is hereby created; the term of such office shall be two (2) years, and the governor of the state shall appoint a suitable person thereto. The commissioner of highways may be removed from office by the governor at his pleasure.

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Until the appointment and qualification of the first commissioner of highways under this act, the commissioner of highways previous to the passage of this act shall act as commissioner of highways hereunder.

Sub. 2. The commissioner of highways shall devote his entire time to the performance of his official duties and shall receive as compensation therefor a yearly salary of six thousand dollars, payable monthly.

Sub. 3. Such commissioner of highways shall, before entering upon the performance of his official duties, give bond to the state, to be approved by the governor, in the penal sum of \$25,000, conditioned for the faithful performance of his duties. If a surety company bond is given, the premium thereon may be paid from the funds available for the payment of the expenses of the highway department; provided, however, that the amount of such premium so paid shall be approved as to amount by the state treasurer. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of said commissioner of highways in the performance of his official duties may maintain an action on such bond for the recovery of damages so sustained. The commissioner of highways shall have an official seal with which he shall authenticate his official acts. There shall be engraved on the margin thereof the words, "COMMISSIONER OF HIGHWAYS—STATE OF MINNESOTA," and in the center thereof the same device as is engraved on the great seal of the state.

Sub. 4. The commissioner of highways shall appoint a first assistant commissioner of highways and a second assistant commissioner of highways, one of whom shall be an experienced highway engineer. Each may be removed from office by the commissioner of highways and at his pleasure, with or without cause. The salary of the first assistant commissioner of highways shall be fixed by the commissioner of highways, but in an amount not to exceed the sum of six thousand dollars per year, and the salary of the second assistant commissioner of highways shall be fixed by the commissioner of highways but in an amount not to exceed the sum of five thousand dollars per year, both payable monthly.

Such assistants shall devote all their time to the duties of their offices, and in case of the inability for any cause of the commissioner of highways to act, the first assistant commissioner of highways shall act as such commissioner of highways with all his powers and duties, and in case of the inability for any cause of such first assistant commissioner to so act, the second assistant commissioner of highways shall act as such commissioner of highways with all his powers and duties.

Except when so acting as commissioner of highways, each of said first assistant and second assistant shall be subject to the direction and orders of the commissioner of highways.

Each such assistant shall, before entering upon the performance of his official duties, give bond to the state to be approved by the governor in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duties. If a surety company bond is given the premium thereon may be paid from the funds available for the payment of the expenses of the highway department; provided, however, that the amount of such premium so paid shall be approved as to amount by the state treasurer. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of either of said assistants in the performance of his official duties may maintain an action on such bond for the recovery of damages so sustained.

The commissioner of highways is hereby authorized to employ such skilled and unskilled help and employees as may be necessary for the performance of his duties under this act, the same to be on such terms and for such compensation as he may deem just and proper. Provided no greater sum shall be paid to employees belonging to the following classes than as hereinafter specified:

- For Bookkeepers, not to exceed.....\$3000.00
- For Stenographers, not to exceed..... 1500.00
- For Draftsmen, not to exceed..... 2400.00

Provided that the total annual expense for the Highway Department, exclusive of all outside employees and assistants and engineering and inspection work, shall not exceed the sum of One Hundred and Fifty thousand (\$150,000) Dollars per annum. None of such help or employees shall be required to possess any other qualifications than may be prescribed by the commissioner of highways.

Said commissioner of highways, first assistant, second assistant and such help and employees as may be so from time to time appointed or employed shall constitute and be known as the highway department.

Each of such help and employees as may be determined and designated by the commissioner of highways shall, before entering upon the duties of his office or employment, give bond to the state in such penal sum as may be determined upon by the commissioner of highways, to be approved by the governor and conditioned for the faithful performance of his duties. If a surety company bond is given the premium thereon may be paid from the trunk highway fund. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of said help or employees in the performance of his official duties may maintain an action on his bond for the recovery of the damages so sustained.

Sub. 5. The commissioner of highways shall maintain his office at the city of St. Paul. All salaries and expenses connected with the highway department shall be paid from the Trunk Highway Fund. (21 c. 323 § 12)

2554. Powers of Commissioner of Highways—

Sub. 1. The commissioner of highways is empowered to carry out the provisions of section 1 of Article 16, of the Constitution of the state, and is hereby authorized to acquire by purchase, gift, or condemnation as provided by statute all necessary right of way needed in lay out and constructing the trunk highway system, and to locate, construct, reconstruct, improve and maintain such trunk highway system, to contract on an equitable basis with railroad companies for the construction of bridges and approaches necessary for the separation of grades at points of intersection between railroads and trunk highways, to let all necessary contracts therefor, and to purchase all needed road material, machinery, tools and supplies necessary for the construction and maintenance thereof, and to lease or rent grounds and buildings necessary for the storing and housing of such material, machinery, tools and supplies; and in carrying out the provisions of said section 1, of Article 16 of the Constitution of the State, is hereby authorized to expend out of the trunk highway fund such portions thereof as may be available for the purposes herein provided, and there is hereby appropriated, annually, from such fund the entire amount thereof or so much as shall be necessary for the location, construction, reconstruction, improvement and maintenance of the trunk highway system including the cost of acquiring title to any needed right of way, and the cost of leasing or renting grounds and buildings for such storage and housing, the purchase

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of the necessary road material, tools, machinery and supplies for the construction and maintenance of said trunk highway system and for the compensation of all persons employed and the necessary expenses incurred in the execution of such work, such expenditures to be made as provided in this act. Where any trunk highway runs to any interstate water forming the boundary between Minnesota and any other state and there connects with any interstate bridge across such boundary water or runs into any city or village situated on such water boundary and intersects any street thereof adjacent to and connecting with any such bridge, in every such case all that part of any such bridge within the limits of this state shall be considered as a part of such trunk highway system except where any such bridge is owned by a private person or corporation or is operated as toll bridge and said commissioner is authorized and directed to co-operate with the duly authorized authorities of such adjoining state in the maintenance, repair, construction and reconstruction of any such bridge.

Sub. 2. On the first Tuesday on April of each year it shall be the duty of the commissioner of highways, state auditor and state treasurer following the transfer of the trunk highway fund of any surplus remaining in the trunk highway sinking fund, as provided in this act, to set aside from the total sum in said fund—

1. The proportion of expense of the highway department to be borne by the trunk highway fund authorized by section 12 of this act not to exceed One Hundred Fifty Thousand (\$150,000) Dollars.
2. The proportion of the trunk highway fund provided by this act to be set aside for maintenance.
3. Such sum as may be found necessary for the payment of interest and refundment purposes.
4. Such sum as may be necessary to equal the total sum of the federal aid received from the United States Government for road purposes in Minnesota.

Any sum remaining in the trunk highway fund after setting aside the sums hereinbefore mentioned together with the sum set aside to meet the government aid, and the total amount received as government aid, excepting such portion of government aid as may be required to make connections on the Federal Aid System with adjoining states, shall constitute the portion of the trunk highway fund available for construction purposes for that year. The highway commissioner is hereby authorized to use during the ensuing year for hard surface construction on the trunk highway not to exceed 20% of such construction fund, provided that the commissioner of highways may, in his discretion, if the provisions of federal aid should so require as a condition precedent to receiving such aid, use an additional amount from such fund not to exceed, in any event, an additional thirteen and one-third per cent from such construction fund in any one year. The remainder of such fund shall be used by the commissioner on the trunk highway system for the acquisition of right of way and for construction purposes in grading, draining, gravelling, and bridge and drainage construction on the unfinished portions of the trunk highway system, provided the same shall be expended among the various sections of the state in equitable proportions as far as practicable in the construction of said unfinished portions of the trunk highway. Provided, further, that the commissioner of highways shall have authority to use for construction purposes in grading, draining, gravelling, and bridge and drainage construction on the unfinished portions of the trunk highway system any portion of the funds set aside as herein provided

that shall not be needed as a part of the fund so set aside, and is further authorized to use any portion of the trunk highway fund, set aside for maintenance in any one county, for construction purposes in such county when not needed for maintenance therein.

Sub. 3. Until such time as he may definitely locate and permanently construct the several routes of the trunk highway system, he shall select practicable roads along the general location of all other of the several routes, enumerated in Article 16 of the state constitution, which he shall maintain for the benefit of the traveling public, which routes shall be known as temporary trunk highways.

No portion of the trunk highway system lying within the corporate limits of any borough, village or city shall be constructed, reconstructed or improved unless the plans and specifications therefor shall be approved by the governing body of such borough, village or city before such work is commenced, nor shall the grade of such portion of the trunk highway system lying within such corporate limits be changed without the consent of the governing body of such borough, village or city.

Sub. 4. The commissioner of highways shall, by order or orders designate such temporary trunk highway or highways, and when the final and definite location of any trunk highway or portion thereof has been by him determined he shall designate the same by order. Provided that when the County Board of any county interested asks for a public hearing with reference to the final location of any Trunk Highway, a hearing shall be held by the Commissioner within the section interested before making any such final location. A copy of such order shall be certified to the county auditor or auditors of the county or counties wherein such highways are located and such counties or subdivisions thereof shall thereupon be relieved from responsibilities and duties thereon, provided that in case the final location should be other than the location of the temporary trunk highway, the portion of such temporary location which is not included in the final location shall upon notice from the commissioner of highways revert to the county or subdivision thereof originally charged with the care thereof.

Sub. 5. The commissioner of highways shall adopt a suitable marking design with which he shall mark or blaze the routes so selected, and as the definite final location of each route is opened to traffic the markings shall be changed to such location.

Sub. 6. The commissioner of highways may conduct the work or any part thereof, incidental to the construction and maintenance of the trunk highways by labor employed therefor or by contract. In cases of construction work, the Commissioner of Highways shall first advertise for bids for contracts and if no satisfactory bids are received, he shall have the right to reject all bids and readvertise or do the work by labor employed therefor. When work is to be let under contract he shall publish a notice to that effect, for three successive weeks prior to the date such bids are to be received, in such local newspaper or other periodicals as may be deemed advisable, provided that in case of emergency requiring immediate action, contract may be awarded without published notice.

Sub. 7. Whenever, during the construction work on any trunk highway, it may be necessary to prevent traffic from passing over any portion of such highway, in order to avoid damage to the work under way, the commissioner of highways is empowered to close such portion of the highway to any or all traffic, by causing to be posted in a conspicuous manner, at the ends of the portion of the highway so closed, suitable signs warning the public that such road is closed under authority of law, and by the erection of suitable barricades,

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4-NW 653
2554¹ 227
7 Art 16 § 1
66-M 416
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247nw 12
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fences, dykes or other obstructions. The driver or owner, or both, of any vehicle, self propelled or otherwise passing through, over or around any such barricades, fence or other obstructions so placed, or any person or persons, opening, removing or defacing any such barricade, fence or other obstruction, or any such warning sign, without written permission from the engineer in charge of the work, or any person or persons wilfully, knowingly or maliciously causing any damage to the work under construction, shall be guilty of a misdemeanor.

Sub. 8. The commissioner of highways shall once each year publish a map showing the location and status of improvement of the trunk highway system.

Sub. 9. The commissioner of highways shall be the custodian of and preserve the records of the state highway commission as heretofore constituted, and of the official acts and determinations which shall be denominated orders, made by himself or predecessors in office. All of the files and records of the highway department shall, under reasonable regulations, be open to public inspection, and copies thereof certified by the commissioner of highways, as being true copies, shall be received in evidence in any court in this state with the same force and effect as the originals. The attorney general shall be ex-officio attorney for the commissioner and shall give him such legal counsel, advice and assistance as he may from time to time require.

Sub. 10. The commissioner of highways shall keep accurate and complete books of account of such character as may be prescribed by the public examiner, the same to show in detail itemized receipts and disbursements of the trunk highway sinking fund and the trunk highway fund. The books of account shall show (and it shall be the duty of the public examiner to so prescribe) the following, among other facts:

a. The expenses of maintaining the highway department, including the salaries and expenses of the individual members thereof.

b. The amounts of money expended in each county of the state for the construction or maintenance of trunk highways, when, where and upon what job or portion or road expended, so that the cost per mile of such construction or maintenance can be easily ascertained.

c. The amount of road equipment and materials purchased, and when, where and from whom purchased. Such books shall also show the price paid for each item; the original invoice shall form a part of the permanent files and records in said department, and shall be open to public inspection.

d. Any other moneys expended by the state in connection with any other roads than trunk highways, and when, where and upon what portion of road so expended. It shall be the duty of the public examiner to examine the books, accounts, records and files of the highway department at least twice every year, and oftener if he thinks proper; a copy containing a summarized report of such audit shall be filed with the auditor of each county. Provided, however, no money derived from the one mill road tax shall be expended on the trunk highway system, excepting by action of the County Board of the County to whom such money may be allotted.

Sub. 11. The commissioner of highways shall from time to time make and adopt such rules and regulations for the location, construction, improvement and maintenance of state aid roads, as he shall deem suitable, and which shall be printed and copies forwarded to the County Auditor of each county.

Sub. 12. The engineers and technical assistants shall give advice, assistance and supervision with regard to road or highway construction and improvement

throughout the state, as may be required and as the rules and regulations of the commissioner of highways may prescribe, and render such other engineering or surveying service as may be required by the Governor for any of the State departments.

Sub. 13. When practicable said commissioner of highways shall investigate and determine the location of road material in the state, ascertain the most approved methods of construction and improvement of roads, and investigate the most approved laws in relation to roads in other states, and hold public meetings throughout the state when deemed advisable. He shall on or before February 1st of each year make a printed report to the governor stating, the condition, management and financial transaction of his department including a statement of the expense incurred in maintaining such department: the number of miles of roads built or improved during the preceding year and their cost; the general character and location of material suitable for road construction; the general character and needs of the roads of the state; and recommend such legislation as he deems advisable. Such report shall be transmitted by the governor to the legislature.

Sub. 14. The commissioner of highways shall each year, so far as time and conditions permit, cause an inspection to be made of all bridges exceeding thirty (30) feet in length. The commissioner of highways shall cause a copy of the report of such examination and recommendations to be transmitted to the county auditor of the county in which the bridge is situated, in case such bridge is not on a trunk highway.

Sub. 15. It shall be unlawful for any member or employe of the highway department to be directly or indirectly interested in any contract for the construction or improvement of any road or bridge constructed or improved under the provisions of this act or in any contract for the repair, purchase or sale of any road machinery, equipment, materials or supplies under the provisions of this act. Any such person violating any of the foregoing provisions shall be deemed guilty of a gross misdemeanor.

Sub. 16. In all cases of payments to be made as herein authorized by the Commissioner out of the Highway Fund, the same shall be made in the following manner: The Commissioner shall furnish verified abstracts of the same, prepared in triplicate, one of which shall be delivered to the State Auditor, one to the State Treasurer and one retained by the Commissioner. Such abstract shall contain the name, residence and the amount due each claimant and shall designate the contract or purpose for which the payment is made.

The copy of the abstracts delivered to the State Auditor shall be accompanied by the original voucher or vouchers, together with the proof of claim for each item included in such abstract. And if there be sufficient money in the proper fund, the State Auditor shall issue his warrant upon the State Treasurer for the gross amount shown by such abstract; and the State Treasurer shall deliver checks to the several persons entitled thereto, as shown by such abstracts, and he shall preserve in his office a record of each check and remittance, showing the date of each issue, the name of the payee and any other facts tending to evidence its payment.

Sub. 17. Provided: That controversies arising out of any contract for construction or repair of highways, entered into by the commissioner of highways, or by his authority, shall be submitted to arbitration if the parties cannot otherwise agree. Three (3) persons shall compose the arbitration board unless a lesser number is agreed on. If a lesser number is not agreed upon, each party shall name one arbitrator and these two shall name a third.

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The party desiring arbitration shall make a written demand therefor and shall in such demand name the arbitrator by him selected. He shall also in such demand set forth all the controversies and claims which he desires to submit to arbitration. Such demand shall be immediately served upon the opposite party, who shall within five (5) days name an arbitrator on his part and shall set forth in writing any additional claims or controversies which he desires to submit to arbitration on his part.

The two persons so named shall immediately meet and designate a third arbitrator. If they cannot agree, within five (5) days either party to the controversy may apply to the district court for the appointment of such third arbitrator.

When such board of arbitration shall have been appointed, an agreement shall be executed as provided by Section 8017, General Statutes 1913. The arbitrators shall thereupon proceed to hear and determine claims and controversies between parties and make award thereon. The proceedings on the hearing and award shall be governed by the Provisions of Sections 8017, 8018, 8019, 8020, 8021 and 8022, General Statutes of Minnesota 1913.

Provided, further, that if either party refuses to sign the agreement to arbitrate, or neglects or refuses to enter into such arbitration or to proceed therewith, such party shall be deemed to have waived all rights, claims and demands and the arbitration shall proceed and an award shall be filed according to the justice of the case.

Provided, further, that no right to demand arbitration shall accrue until the work provided for in the contract shall have been in all things completed. Nor shall any person have the right to discontinue the performance of his contract by reason of anything in this section contained, but such person shall in all things comply with and carry out the determinations and instructions made or given by the commissioner of highways or his representatives; but the question whether or not such contract has been completed may be submitted to arbitration, together with any other controversies as hereinabove specified.

Provided, further, that no more than one arbitration shall be had on questions, claims or controversies growing out of the same contract. Nor shall any such arbitration be demanded after a period of more than sixty (60) days from the date of the completion of the work under such contract. ('21 c. 323 § 13; amended as to sub. 1, 2, 13, by '23 c. 439 §§ 2, 3, 14)

2555. Government war materials—

Sub. 1. The commissioner of highways is hereby authorized to accept from the Federal government, allotments to the state of excess war material suitable for road construction and maintenance purposes and to provide for the use of same in the improvement and maintenance of roads in the state.

Sub. 2. The commissioner of highways is hereby authorized to pay the necessary expense incurred in receiving, placing in use, or delivering such excess war materials from the Federal government and to pay for the expense so incurred from the trunk highway fund; provided, that any expense so incurred in receiving and delivering material which may be loaned to counties, shall be charged to the counties receiving such material and payment by the county shall be credited to the trunk highway fund.

Sub. 3. The commissioner of highways is hereby authorized to buy such supplies and equipment as may be necessary to carry out the provisions of this act, and to purchase and supply extra parts for excess war materials as may be required to furnish an adequate supply depot for proper upkeep of such material, and

to charge the expense thereof to the trunk highway fund; provided, that such extra parts and equipment as are furnished to counties shall be delivered at cost and payment by the counties shall be credited to the trunk highway fund. ('21 c. 323 § 14)

2556. Trunk highways sinking fund—The proceeds of the tax imposed and collected on motor vehicles shall constitute the trunk highway sinking fund.

On or before the first Tuesday in April of each year, the commissioner of highways, the state auditor and the state treasurer, shall determine the sum of money required during the year beginning on said first Tuesday in April, for the payment of principal and interest of any bonds which may have been issued and sold under the provisions of section 4, article 16, of the constitution of the state of Minnesota.

After such sum shall have been determined, which shall be evidenced by an order of the commissioner of highways, the state auditor and the state treasurer (a majority of whom may act), the moneys in or accruing to said trunk highway sinking fund, in excess of such requirements, shall be transferred to the trunk highway fund. Not less than 40% of the funds so transferred shall be set aside by the commissioner of highways to be expended in providing for the adequate maintenance of the trunk highway system in the several counties of the state and not more than 4% of the sum set aside for maintenance shall be used in any one county in any one year.

The proceeds of the sale of bonds as authorized by article 16 of the state constitution, moneys received from time to time from the federal government as aid in the construction or maintenance of roads, license fees or charges imposed by law upon motor vehicles or the operators thereof, except wheelage tax, so-called, which may be imposed by any borough, city or village, the balance on hand at the passage of this act in the expense fund of the highway department as created by section 10 of chapter 119, Laws 1917, and moneys otherwise allotted or appropriated therefor or otherwise accruing thereto shall be paid into the treasury of the state and credited to the trunk highway fund.

Moneys set apart for the payment of principal and interest on trunk highway bonds issued by the state and on highway bonds issued by counties and assumed by the state shall be invested, upon request of the commissioner of highways, the state auditor and the state treasurer, by the state board of investment in the class of securities specified and in the manner prescribed by chapter 516, Laws 1921, and acts amendatory thereof and supplemental thereto. All interest and profit from such investments, and all interest earned on moneys in the trunk highway sinking fund and in the trunk highway fund in the state treasury, shall be credited to the fund on which such interest or profit is earned. The state treasurer shall be the custodian of all securities purchased under the provisions of this section. ('21 c. 323 § 15; amended '23 c. 43 § 3 1/2)

2557. Construction and maintenance of trunk highways in cities and villages—

Sub. 1. The county board of any county, the council or other governing body of any city, village or borough, or the town board of any town, as the case may be may enter into an agreement with the commissioner of highways for the construction of a roadway or structure, of greater width or capacity than would be necessary to accommodate the normal trunk highway traffic, upon any trunk highway within its boundaries, and may appropriate, from any funds available, and pay into the trunk highway fund such sum or sums of money as may be agreed upon. Provided, that nothing herein contained shall prevent any such city

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or village from constructing the portions of the street not included in the Trunk Highway System independent of any contract with the commissioner of highways, provided, such construction conform to such reasonable regulations as the commissioner of highways may prescribe as to grade and drainage.

Sub. 2. Where a trunk highway is located over or along a street in any city, village or borough, which street is or may be improved to a width greater than the normal width of such trunk highway, the council or other governing body of such city, village or borough, as the case may be, may enter into an agreement with the commissioner of highways for the maintenance of such additional width, by the commissioner of highways, and shall from time to time in accordance with such agreement appropriate and pay into the trunk highway fund such sums of money as may be agreed upon. Provided, nothing herein contained shall be construed to prevent any such city or village maintaining such additional width at their own expense independent of any contract with the commissioner of highways. ('21 c. 323 § 16)

2558. Public utilities and works on trunk highways — Electric transmission, telephone or telegraph lines, pole lines, railways, ditches, sewers, water, heat or gas mains, flumes or other structures, which under the laws of this state or the ordinance of any village or city may be constructed, placed or maintained across or along any trunk highway or the roadway thereof, by any person, persons, corporation or any subdivision of the state, may be so maintained or hereafter constructed only in accordance with such regulations as may be prescribed by the commissioner of highways, who shall have power to prescribe and enforce reasonable rules and regulations with reference to the placing and maintaining along, across or in any such trunk highway any of the utilities hereinbefore set forth; provided, however, that nothing herein shall restrict the actions of public authorities in extraordinary emergencies. ('21 c. 323 § 17)

2559. State road and bridge fund—

Sub. 1. For the purpose of state aid in the construction and improvement of public highways, there shall hereafter be levied annually on all taxable property of the state a tax of one mill on each dollar of valuation, to be collected in the same manner as other state taxes, and the money so raised, together with all moneys accruing from the income derived from investments in the internal improvement land fund, or that may hereafter accrue to said fund, and all funds accruing to the state road and bridge fund, however provided, shall constitute the general state road and bridge fund.

Sub. 2. On or before the first Tuesday in February of each year, the commissioner of highways, the state treasurer and the state auditor shall estimate the probable sum of money that will accrue to the state road and bridge fund during the current year and after first setting aside therefrom an amount not exceeding \$50,000 for a reserve maintenance fund, to be expended as hereinafter provided, shall apportion the balance of the state road and bridge fund among the different counties of the state as herein provided and the commissioner of highways shall immediately send a statement or such apportionment to the state auditor and to the county auditor of each county, showing the amount apportioned to each county for expenditure during such year.

Sub. 3. Not less than one per cent nor more than three per cent of the state road and bridge fund available in any year and remaining after setting aside the funds hereinbefore provided for, shall be apportioned to any county.

Sub. 4. Any fund in excess of one-half of one per cent of the total state road and bridge fund available for allotment in any one year, which, for a period of two years after such allotment shall remain unused and unexpended by such county, or for work done in such county, shall revert to the unapportioned funds in the state road and bridge fund and be thereafter and during the next succeeding year apportioned the same as other funds added to such state road and bridge fund by taxation or otherwise.

Sub. 5. Not less than twenty per cent of the allotment so made to any county shall be used for maintenance of state aid roads and bridges thereon, and a greater proportion of the allotment so made may be so used when a greater percentage shall have been declared by resolution of the county board to be necessary for such purpose and such resolution shall have been approved by the commissioner of highways. Payment shall be made by the state to a county only for such proportion of the cost of maintenance of any road as is hereinafter specified with reference to the payment of state aid to such county for the construction or improvement of a state aid road therein. Any payment made by the state to a county for maintenance of trunk highways or state aid roads shall be credited to the county fund out of which the cost of maintaining such road was paid by such county.

Sub. 6. The state's proportion of the cost of such maintenance shall be paid from the proportion of the allotment made to the county set aside for maintenance purposes, to an amount not exceeding the proportion so set aside for maintenance purposes. Such payments shall be made upon reports to the commissioner of highways by the county auditor, after approval by the commissioner of highways, in substantially the same manner as is herein provided for the payment of the state's share of the cost of construction and improvement of state aid roads.

Sub. 7. The amount which shall be paid by the state out of the allotment of the state road and bridge fund, to any county as state aid, in the construction or improvement of any road or bridge in any county in any year, shall be as follows:

In counties where the assessed value of the property for taxation purposes is less than five million (\$5,000,000) dollars, 80 per cent; in counties with a taxable valuation of five million (\$5,000,000) dollars and less than ten million (\$10,000,000) dollars, 70 per cent; in counties with a taxable valuation of ten million (\$10,000,000) dollars and not exceeding fifteen million (\$15,000,000) dollars, 60 per cent; in all other counties, 50 per cent. In determining the taxable valuation hereinbefore provided for, the assessed valuation of moneys and credits provided for in Chapter 285, General Laws 1911, shall be excluded. The proportion of the cost of constructing any road or bridge above specified shall be paid by the state only in case the funds apportioned to any given county, over and above the amount set aside for maintenance, as herein provided, shall be sufficient therefor. ('21 c. 323 § 18)

2560. Designation state aid roads—Revocation—

Sub. 1. The county board of any county may, with the consent of the commissioner of highways, designate any established road, or specified portion thereof, in its county, not within the corporate limits of any borough, village or city, as a state aid road, and construct or improve the same in accordance with the regulations of the commissioner of highways relative to state aid roads.

Sub. 2. Any such board may also, with the consent of the commissioner of highways, designate as a state aid road, any street or road within the corporate limits of any village, borough or city of the fourth class.

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Sub. 3. When any county board has designated any road as a state aid road as herein provided, the county auditor shall transmit a copy of the resolution to the commissioner of highways, together with a description of the road so designated. It shall be the duty of the commissioner of highways to thereupon determine whether sufficient funds will be available from the state road and bridge fund for the improvement of said road as a state aid road and also determine the desirability of such designation with reference to the relation of such road to other state aid roads, or its relation to other roads and traffic conditions in such county and if he determines such questions in the affirmative, then, and in such cases, the commissioner of highways may, by his order in writing, to be filed with the county auditor, consent to the designation of such road as a state aid road.

Sub. 4. Any street or road within the corporate limits of any borough, village or city of the fourth class designated as a state aid road, as hereinbefore provided, may be improved by the county as other state aid roads are improved, and state aid paid therefor in the same manner and to the same extent as other state aid roads lying within the county wherein such borough, village or city is situated; provided, however, that the grade of any such street shall not be changed without the consent of the governing body of any such borough, city or village; and provided further, that the plans and specifications for any improvement thereof shall be approved by such governing body before such work is commenced.

Sub. 5. Whenever it shall be made to appear to the commissioner of highways that the board of county commissioners of any county has refused to grant an application to it made by at least ten freeholders, residents of such county, to designate any established road or part thereof as a state aid road, the commissioner of highways may consider such application de novo, and if, in his opinion, sufficient funds will be available for the improvement of such road, and its designation and improvement as a state aid road is desirable because of the relation of such road to other roads or traffic conditions in such county, the commissioner of highways may by his written order designate such road or part thereof as a state aid road without a prior designation thereof by the county board or its concurrence in such designation. A copy of such order shall be filed with the county auditor.

Sub. 6. Any roads which may have been at any time designated as state aid roads, may, by joint action of the county board and the commissioner of highways, be abandoned or changed as such; provided, that in case the county board of any county fails or neglects for the period of ten days after being notified by the commissioner of highways, to properly maintain any state aid road which it is required to maintain, then the commissioner of highways shall have power to revoke the designation of such highway as a state aid road. ('21 c. 323 § 19)

2561. Designation of road on county line as state aid road—Whenever the county boards of adjoining counties make application to the commissioner of highways for the designation of an established road running on or near the boundary line between two counties, as a state aid road, said commissioner of highways shall investigate the desirability of such designation, and, if he shall decide that it is desirable so to do, shall so designate such road and determine and fix the part of the cost of the improvement and maintenance thereof to be paid by each county. ('21 c. 323 § 20)

2562. Maintenance of state aid roads—

Sub. 1. It shall be the duty of the county board of

each county in which state aid roads have heretofore or may hereafter be designated, to provide for the proper maintenance of the same in accordance with the rules and regulations of the commissioner of highways.

Sub. 2. In the expenditure of the funds for maintenance, preference shall be given to state aid roads improved as such, and especially such state aid roads, to the cost of construction or improvement of which the United States has contributed.

Sub. 3. In case the county board of any county fails or neglects to maintain any state aid road, as to which it is hereinbefore directed preference shall be given in the expenditure of the funds set aside for maintenance purposes, in accordance with rules and regulations promulgated by the commissioner of highways, he may cause the same to be maintained and to pay the expense thereof from the "Reserve Maintenance Fund." He shall have power to enter into contracts for the performance of work or he may purchase the necessary tools and materials and employ the necessary labor and cause the same to be done by day labor; provided, however, that the amount so expended in any one county in any one year shall not, together with the funds allotted to such county during such year, exceed an amount equal to three per cent of the total state road and bridge fund available for allotment and expenditure during such year; and, provided further, that an amount equal to any sum so expended by the commissioner of highways in any county during any one year shall at the time of the next allotment of the state road and bridge fund be deducted from the allotment which would otherwise be made to such county and the amount so deducted shall be credited to the reserve maintenance fund; provided, further, however, that no county shall by reason of any such deduction receive in any one year less than one-half of one per cent of the total state road and bridge fund provided and expended during such year. ('21 c. 323 § 21)

2563. Procedure for constructing or improving state aid roads—Whenever the county board of any county shall determine to build or improve any state aid road for which aid is to be claimed, they shall proceed as follows:

If the estimated cost of such work does not exceed five hundred dollars (\$500), the said board shall cause surveys, when necessary, to be made therefor, and shall thereupon receive bids for all or part of said work and let the contract to the lowest responsible bidder, or may cause the same to be done by labor employed therefor. In case the estimated cost exceeds five hundred (\$500) dollars the said county shall cause surveys, plans and specifications thereof to be made and submit the same to the commissioner of highways for approval, and when such plans and specifications are approved, the said county board shall proceed to do said work by contract or labor employed therefor, as the county board and the commissioner of highways may direct. The work shall be done under the supervision of the county highway engineer, who shall in all matters pertaining to such work act under the rules and regulations of the commissioner of highways.

In case it shall be determined to do the work by contract, the county board may agree in such contract to pay the contractor, on account of the contract price, an amount not exceeding eighty-five per cent of the value of the work from time to time actually completed, as shown by monthly estimates thereof, based on the contract price, made by the engineer in charge of the work, and in such case it shall be lawful for the county auditor to issue a warrant on the county treasurer to the contractor for an amount equal to the specified per-

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centage of the value of the work so completed and specified in the engineer's monthly estimate, without allowance of a claim therefor by the county board. ('21 c. 323 § 22)

2564. State aid, how paid—After any county board shall have completed any work on a state aid road for which state aid is claimed, the auditor of such county shall make a statement to the commissioner of highways showing the location, nature and cost of such work, and shall also submit a detailed report from the county highway engineer in charge showing all such details concerning the same as may be required by the commissioner of highways. On receipt thereof the said commissioner of highways shall proceed to examine such reports, and if he finds the same satisfactory and that the work has been done in substantial compliance with the plans and specifications therefor, and the contract therefor, if any, he shall certify the same to the state auditor who shall issue a warrant for the state's share thereof as shown by said report, payable to the treasurer of such county, but in no case shall said warrant, with all other warrants, exceed the amounts allotted to such county. ('21 c. 323 § 23)

2565. Powers of county board—

Sub. 1. County boards shall have general supervision of county roads, including those within their respective counties established by judicial authority, with power to appropriate and expend such sums of money from the county road and bridge fund as they may deem advisable for opening, vacating, resurveying or improving the same in towns and villages of such county or for the building or repairing of bridges upon any public road in any town or village, borough or city of the fourth class in the county, or for purchasing necessary road material, machinery, tools and supplies, provided, that before any such sums shall be appropriated and expended by such county board on any road or bridge within the limits of any village, borough or city of the fourth class in such county, such expenditures upon such road or bridge shall be first authorized by the council of such village, borough or city of the fourth class.

Sub. 2. The county board of any county may appropriate from its road and bridge fund to any town in its county, such sums of money as are available and which it deems advisable to aid such towns in the construction and maintenance of roads therein, and such appropriation may be directly expended by the county board, upon which roads as shall be designated by the town board; provided, that in counties having a population of two hundred twenty-five thousand (225,000) inhabitants or over, such county aid may be expended in accordance with the provisions of Chapter 164, Laws 1905, as amended by Chapter 208, Laws of 1909.

Sub. 3. The board may appropriate and expend money for the construction and maintenance of roads in another county having a road or roads immediately tributary, and running into the county appropriating such money, when it deems it for the best interest of the public.

Sub. 4. The county board shall provide and set apart a fund for the construction and maintenance of roads and bridges in such county, to be known as the "County Road and Bridge Fund," upon which shall be drawn all warrants for the construction and maintenance of state aid and county roads and bridges in such county, as determined by such boards or as required by the provisions of this act.

Sub. 5. The county board at its July meeting may include in its annual tax levy an amount not exceeding ten mills on the dollar of the taxable valuation for the county road and bridge fund. Such taxes may be additional to the amount permitted by law to be levied for

other county purposes. ('21 c. 323 § 24; amended as to subd. 2 by '23 c. 439 § 4) (§ 25 repealed '23 c. 439 § 5)

2566. County bonds for paving—When authorized by the voters as hereinafter provided, the county board of any county is authorized to issue bonds for the purpose of macadamizing any established road or roads therein, or surfacing the same with any hard material or in any other way making a permanent improvement thereon, when the expense of so doing exceeds the amount of any appropriation the county board is authorized to make therefor.

Sub. 1. Whenever fifty or more voters of the county who are also freeholders, petition for such improvement, and file such petition with the county auditor, he shall lay the same before the county board at its next regular, special or adjourned meeting.

Sub. 2. It shall be the duty of the county commissioners to consider such petition and if they find it contains the requisite number of signatures, they shall order an estimate of the cost of such improvement to be made by the county highway engineer.

Sub. 3. If such estimate is furnished more than six months prior to the time of holding the next general election, the county board may, if it deems it desirable, order the holding of a special election in the county for the purpose of voting on the question of making such improvement and issuing bonds therefor. No special election shall be ordered when a general election will be held within six months after the estimate of the engineer is filed with the county auditor. If a special election is ordered, the county auditor shall cause ballots to be prepared setting forth a statement of the proposed improvement and description of the road or roads to be improved, with the words "yes" and "no" thereafter, with appropriate spaces for voting.

Persons voting in favor of the proposition shall put a cross (X) after the word "yes," and those opposed after the word "no." If not submitted at a special election the auditor shall cause the same to be submitted at the next general election. In either event the votes on such question shall be returned and canvassed as is provided by law with reference to other questions submitted to the voters. If a special election shall be ordered the same shall be held substantially in the manner provided by law for the holding of general elections, and the auditor shall cause published notice thereof to be given in the official paper of the county for three successive weeks prior thereto, giving a description of the road or roads to be improved and a statement of the improvement proposed and the estimated cost thereof. If a majority of the voters voting at the election vote in favor of the improvement, then the county board shall issue the bonds of the county as hereinafter provided and cause the improvement to be made.

Sub. 4. The bonds so issued shall bear interest, evidenced by coupons, at a rate not exceeding six per cent per annum, payable annually; such bonds may be made payable in equal installments, the first of which shall become due and payable not less than five years after the date thereof and the last of which installments shall become due and payable not more than twenty years after the date thereof. Said bonds shall not be sold for less than par and accrued interest, and the proceeds thereof shall be used by the county only for making the improvement specified in the proposition as submitted to the voters, such bonds shall not be valid until registered by the county auditor and his certificate of registration endorsed thereon. The county auditor shall thereafter levy a sufficient tax to pay the interest and principal of said bonds as the same shall accrue, which tax shall be collected as other

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197-NW 741
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23-G.S. 2640
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7-NW 624
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1-M 312
3-NW 914

foreman, as to any one road, shall not exceed such amount as shall have been previously specified by resolution of the county board. Said county board may also authorize the overseer, superintendent or foreman to deduct from the sum that may be due any workman, any amount due from said workman for board to any person, and to issue to such person a time check for the total amount due as board from any one or more workmen, according to the form of check approved by the public examiner.

Sub. 2. Any overseer, superintendent or foreman so authorized, shall, on the 15th and last days of each calendar month, issue to all persons who have performed manual labor in the carrying on of such work, or who have furnished tractors, trucks, teams, wagons, plows or scrapers, a time check, so-called, for all labor performed by the person to whom the same is issued for labor on the road designated, or for the hire of tractors, trucks, teams and wagons, plows or scrapers upon the road work specified therein, prior to the date of the issuance of same, and as to which no time check has been previously issued.

Sub. 3. Such time check shall be substantially in the form which shall be prescribed by the public examiner.

Sub. 4. The overseer, superintendent or foreman issuing any such time check shall fill in all the blank spaces therein, indicating therein the hours of labor performed on each date. He shall sign the same before delivering it to the person in whose favor it is issued. Such time checks shall be made out in duplicate; one copy thereof shall be delivered to the claimant and the other shall be forthwith delivered to the county auditor. The auditor shall not issue a warrant to the claimant until he shall have compared the copy delivered to him with the copy delivered to the claimant, nor in any event unless the two copies are alike, nor shall he issue such warrant unless the copy presented by the claimant shall have been verified by the oath or affirmation of the claimant, nor until such claimant shall surrender to the auditor the copy of such time check delivered to him. Every such overseer, superintendent, foreman, or county highway engineer, is hereby authorized to administer such oath or affirmation to any such claimant. Upon the surrender to him of such time check the auditor may issue a warrant therefor which warrant shall be payable by the county treasurer. The auditor shall endorse upon the time check so surrendered, the date of payment thereof and the number of the warrant issued therefor.

Sub. 5. If any person who would otherwise be entitled to the issuance to him of a time check on the 15th or last day of any month quits the employment of the county, or is discharged therefrom before such dates, the overseer, superintendent or foreman, as the case may be, shall thereafter and within twenty-four hours after the termination of such employment, issue to such person a time check as herein provided.

Sub. 6. It shall be unlawful for any person to issue any such time check in the assumed capacity of overseer, superintendent or foreman, without first having been authorized so to do by the county board. It shall be unlawful for the overseer, superintendent or foreman to knowingly issue and deliver to any person any false or fraudulent time check. It shall be unlawful for any person to alter or change any time check issued by an overseer, superintendent or foreman. Any person violating any of the provisions of this section shall be guilty of a felony and punished by imprisonment in the state prison for not more than five years.

Sub. 6A. In lieu of the time check system hereinbefore provided, any county board may adopt a payroll

system for the payment of the claims hereinbefore in this section referred to. Such payroll shall be in such form as shall be prescribed by the public examiner. It shall include a detailed statement as to time of employment and rate of compensation of each claimant, together with the total amount of each claim, shall be signed by the individual claimants and shall be verified by the overseer, superintendent or foreman under whose immediate direction the work is done. It shall be approved as to items by the county highway engineer and submitted to the county board for allowance or disallowance. All other provisions of this act relating to the payment of the claims specified in the first paragraph hereof by time check, in so far as the same may be applicable, shall apply to the payment of such claims by the payroll system provided for in this subdivision.

Upon the allowance of any such payroll the items appearing thereon shall be paid by auditor's warrants forthwith, which warrants shall be made payable to the respective claimants whose names shall be signed to said pay roll and to no others.

Sub. 6B. The County Board in any county of the state now or hereafter having at any time an area of over 5,000 square miles and an assessed valuation of more than \$300,000,000, may authorize the county auditor and the county treasurer by time checks to pay the claims of laborers, truck drivers, shop mechanics and other workmen, whether skilled or unskilled for labor performed for such county on county roads and bridges, county tool or warehouses, repairing county road tools, road machinery, or motor equipment or doing any other work under a road superintendent or foreman which has to do with county road construction or maintenance. The County Board may authorize the road superintendent or foreman designated by it to have charge of any of the work hereinbefore specified to issue time checks therefor in substantially the same manner as hereinbefore provided, for paying labor and the claims of persons furnishing teams and wagons on county road work, provided, however, funds shall be first set apart for such work by said county board and authority be granted to any such road superintendent or foreman to issue time checks for said work not to exceed the sum so appropriated for said work. ('21 c. 323 § 30, amended '23 c. 167)

2571. Power of town board.

Sub. 1. The town board of each town shall have general care and supervision of all town roads therein, and such care and supervision of county roads therein as is prescribed by the provisions of this act, and shall procure machinery, implements, tools, stone, gravel and other material required for the construction and repair thereof; provided, that in counties having a population of one hundred and fifty thousand (150,000) or over the town board shall not have jurisdiction over county roads.

Sub. 2. The town board may appropriate money from the town road and bridge fund to aid in the construction or improvement within the town of any county road or any road which has been designated as a state aid road. Any money so appropriated shall be paid into the county road and bridge fund and shall be used only for the purpose designated by the town board at the time it makes such appropriation.

Sub. 3. The town board shall render to the annual town meeting a report in writing, containing:

1. The amount of road taxes levied and the amount collected during the preceding year, and also all money paid into the road and bridge fund from all other sources.

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2. A statement of the improvements needed on roads, cartways and bridges for the ensuing year, with an estimate of their probable expense.

3. A statement of all expenses and damages occasioned by establishing, altering or vacating roads and of all sums expended for machinery, implements, tools, stone, gravel and other material, during the year, with an estimate of the amount required for the ensuing year.

4. A statement of the improvements made on roads, cartways and bridges during the preceding year, with a statement of expenditures therefor. A copy of such statement shall be filed with the county auditor. ('21 c. 323 § 31, amended as to subd. 2 by '23 c. 439 § 6)

2572. Town bonds for paving.

Sub. 1. Whenever it shall seem advisable and for the general public good, to improve any established highway in any town by macadamizing the same, or by using any hard material, or in any other way making a permanent improvement thereon, at an expense greater than any amount the town or county is authorized to make appropriation for, the question of making such improvement may be submitted to a vote under the following conditions: Whenever fifteen or more voters of such town, who own real estate therein, or occupy the same under the homestead or pre-emption laws of the United States or under contract from the state, shall file with the town clerk a petition asking for such improvement, and for a submission of the same to a vote of the people, said clerk shall immediately call a meeting of the town board, who shall make and file an estimate in writing of the probable expense of the improvement. Said clerk shall submit the proposition to the voters of the town at their next annual meeting, or if so requested, in said petition, he shall call a special town meeting to vote upon it, giving notice thereof as provided by law. At such special town meeting the polls shall be open from nine o'clock A. M. until five o'clock P. M. The ballot shall contain a statement of the question and the estimated cost, and the vote shall be "yes" or "no." If sixty per cent of the vote cast favors the proposition, the town board shall at once contract for the improvement.

Sub. 2. To provide funds for such improvement, the town board shall issue the bonds of the town to an amount not exceeding the estimated cost of the proposed improvement, and in no case exceeding, together with the outstanding indebtedness of the town, five per cent of the assessed valuation thereof. The bonds so issued shall bear interest, evidenced by coupons, at rate not exceeding six per cent per annum, payable annually, and shall become due in ten equal installments, the first of which shall become due and payable not more than eighteen months after date, and annually thereafter. Said bonds may be sold by the town board at not less than par, and the proceeds shall be disbursed, by the town board, in the same manner that other funds are disbursed, for labor and material for said improvement. Said bonds shall not be valid until registered with the county auditor, who on receiving satisfactory evidence that the provisions of the law relating to their issue have been complied with, shall register the same in his office and indorse his certificate of registration on said bonds; and shall thereafter, in due manner and season, levy a sufficient tax to pay interest and principal of said bonds as the same shall accrue, to be collected as other taxes are collected. ('21 c. 323 § 32)

2573. Taxation for road purposes by towns.

(a) All real and personal property in each town liable to taxation, other than "moneys and credits" so taxed, shall be taxed for road purposes, and all road taxes hereafter levied shall be paid in cash.

(b) The electors of each town shall have power at their annual town meeting to determine the amount of money which shall be raised by taxation for road and bridge purposes, not exceeding, however, fifteen (15) mills per dollar on the taxable property of the town. The tax so voted shall be extended, collected and payment thereof enforced in the same manner and at the same time as is provided by law for the extension, collection and enforcement of other town taxes.

(c) After the annual town meeting, in case of emergency, the town board may levy a tax on the property in its town for road and bridge purposes in addition to the tax, if any, voted at the annual town meeting for road and bridge purposes, in an amount not to exceed five (5) mills on the dollar of the assessed value of the property in the town, and any tax so levied by the town board shall forthwith be certified to the county auditor for extension and collection.

(d) The town board may thereafter pledge the credit of the town by issuing town orders not exceeding, however, the amount of the additional tax so levied by the town board for road and bridge purposes, in payment for work done or material used on the roads within the town. ('21 c. 323 § 33)

2574. Town dragging fund and tax—The county auditor of each county shall annually extend upon the tax lists of his county, in the same manner as is provided by law for extending the county school tax, a tax of one mill on the dollar of the taxable property in each town, outside the corporate limits of any borough, village or city in any such town; provided, that in towns having an assessed valuation of one million (1,000,000) dollars or more, the amount of such tax shall not exceed one thousand (1,000) dollars. The tax so levied shall be collected and the payment thereof enforced in the same manner as is provided by law for the collection and enforcement of other town taxes extended by the county auditor. The county treasurer shall settle with and pay over to the town treasurer such taxes when collected at the time and in the manner now provided by law with reference to other town taxes.

The proceeds of such tax levy shall be kept in a separate fund to be known as the "Dragging Fund" and shall be expended by the town board only for the expense of procuring a suitable number of drags and dragging the roads of the town; in putting straw on sandy roads and removing snow from town and county roads; provided, however, that if on the first day of April in any year there shall be an unexpended balance in said fund, which unexpended balance exceeds in amount the sum of one hundred (\$100) dollars, the town board may transfer all or part of the amount in such dragging fund in excess of one hundred (\$100) dollars, to the town, road and bridge fund; provided, however, such transfer shall not be made until it shall first affirmatively appear that the town board has theretofore procured a suitable number of drags and that the roads of the town have been properly dragged.

The town board in each town, on recommendation of the town or district road overseer, may enter into contracts for the dragging of the roads of the town or district, giving preference to the main traveled roads and roads constituting mail routes within their respective towns; provided, however, that the compensation which may be agreed to be paid for each time a road is dragged shall not exceed one dollar per mile for each mile of road dragged.

The contract price shall be paid from the "dragging fund" in the same manner as other claims against the town, after approval by the road overseer. ('21 c. 323 § 34)

2575. Town road overseer—Each town shall constitute one road district, except when otherwise provided. When directed so to do by the voters of the town at the annual town meeting, the town board shall divide each town into as many road districts, not exceeding four, as shall be directed by the voters at the annual town meeting. Provided, that, if a town constitutes but one road district the road overseer may appoint one or more competent assistants, subject to the approval of the town board. It shall be the duty of the town board to appoint a road overseer for each district, who shall have charge, under the supervision of the town board of the construction of all town roads in his district and the maintenance of all town and county roads therein. No member of the town board shall be eligible for appointment as town road overseer. The compensation of the road overseer shall be fixed by the town board for the time actually employed in the performance of his duties. Before entering upon his duties he shall give a bond to the town, sureties to be approved by the town board, in the sum of two hundred and fifty (\$250.00) dollars, conditioned for the faithful discharge of his duties and to return to the town all the property of the town which may come into his custody. The overseer shall hold office at the pleasure of the town board.

Provided, that such road overseer shall have no jurisdiction over county roads in any county which now has or hereafter may have a population of one hundred fifty thousand (150,000) inhabitants.

Whenever any public road in a town becomes obstructed or unsafe from any cause, the overseer shall immediately repair such road, and render his account therefor to the town board, in case of a town or county road, and to the county board in case of a state aid road. ('21 c. 323 § 35)

2576. Lighting of highways—The town board of any town is hereby authorized to light any public highway within its territorial jurisdiction where such lighting is necessary for the safety of travel upon such highway at night. The cost of the installation and maintenance of such lights shall be paid from the town road and bridge fund. ('21 c. 323 § 36)

2577. Expense of township line roads.

Sub. 1. In all cases where a road other than a state aid road or trunk highway is on the line between two towns, whether such towns are in the same county or not, it shall be the duty of such towns to bear jointly and in equal shares the expense of constructing and maintaining any bridge on such road, the construction of which is made necessary by the construction of a drainage ditch or by reason of the changing, widening or alteration of any drainage ditch, or by reason of the altering or changing of any water course.

Sub. 2. In any proceeding for the establishment and construction of any drainage ditch or the changing, widening or alteration of any such ditch, or the altering of any water course, as specified in Sub. 1 of this act, each of the towns charged by the provisions of this act with the obligation of constructing and maintaining any bridge because of any such improvements, shall be awarded and paid one-half of the total damages awarded on account of the obligation to construct and maintain any such bridge. ('21 c. 323 § 37)

2578. Improvement of ferries by municipalities—The council of any village, borough or of any city of the fourth class or the town board of any town, may appropriate and expend such reasonable sums as it may deem proper to assist in the improvement and maintenance of roads lying beyond its boundaries and leading into it, and of ferries and bridges thereon whether they are within or without the county in which it is situated. Such municipalities may also

engage in the manufacture of crushed rock for use on public highways and said crushed rock may be conveyed, by gift or sale, to other municipalities for such use. ('21 c. 323 § 38, amended '23 c. 374)

2579. Delegation by city of authority to improve highway—Any city of the fourth class in this state may delegate to an adjoining municipality the authority to improve any public highway within such city connecting it with such an adjoining municipality or it may make a joint contract with such adjoining municipality for the improvement of such highway, under the joint supervision of both municipalities.

If the authority to improve such highways is delegated to any adjoining municipality by such city it may cause to be paid over from time to time for such improvement during the progress thereof or upon the completion thereof, to such municipality or such contractor as may make such improvement, any money that such city may have in its treasury available for the payment of such improvement. ('21 c. 323 § 39)

2580. Town road drainage tax.

(a) In any town wherein the voters shall at the annual meeting, vote as hereinafter provided to authorize the town board so to do, the town board may levy and assess on the real and personal property in the town, other than moneys and credits taxed under the provisions of Chapter 285, Laws 1911, a tax not to exceed in amount ten mills on the dollar of the assessed value of such property, which tax so levied shall be known as the "Town Road Drainage Tax." Such tax shall be additional to all other taxes which the town is or may hereafter be authorized to levy and the amount of such tax so levied and collected shall be deemed to have been levied and collected for road and bridge purposes within the meaning of any law limiting the amount of taxes which may be levied or voted at the annual town meeting.

(b) Such tax shall be certified to the county auditor, extended and collected and paid over to the town treasurer in the same manner as other town taxes and payment thereof shall be enforced in the same manner and with like penalties and interest as other town taxes. The proceeds of such tax shall constitute the town road drainage fund, which shall be expended by the town board in paying the cost and expenses of draining the public roads within the town.

(c) When a petition signed by ten or more freeholders and voters of a town shall be presented to the town clerk at least twenty days before the time of holding the annual town meeting, praying that the question of the authorizing the town board to levy and assess a town road drainage tax be submitted to the voters of such town, the town clerk shall include in his notice of such annual town meeting a notice that such question will be voted on at such meeting. Such question shall be voted on by ballot and it shall be the duty of the clerk to provide, at the expense of the town, a suitable number of ballots which may be printed or written or partly printed and partly written in substantially the following form, to-wit:

Shall the town board be authorized to levy (Yes.... and assess a "Town Road Drainage Tax?" (No....

(d) If a majority of the votes cast on the proposition be in the affirmative, the town board shall have authority to levy annually a tax as hereinbefore provided until such time as the electors at an annual town meeting upon like procedure shall have voted by a majority vote of those voting on the question to withdraw from the town board authority to levy such Town Road Drainage Tax. The votes on such question shall be canvassed and the result declared and recorded in the manner provided by law with reference to the election of town officers. ('21 c. 323 § 40)

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233nw 827	
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154-M	246
156-M	440
158-M	304
191-NW	598
194-NW	775
195-NW	284
197-NW	741
25	367
154-M	360
158-M	304
191-NW	913
23-G.S.	668

2581. Establishment of road by judicial proceedings.

Sub. 1. Whenever a petition praying for the location, alteration or vacation of any highway running into or through two or more counties, or on or partly on the line dividing two or more counties, in any judicial district in this state, signed by twenty legal voters and taxpayers resident in said counties, shall be presented to a judge of the district court in said district, or whenever a petition praying for the location, alteration or vacation of any highway running into or through two or more counties, on or partly on the line dividing two or more counties in two or more judicial districts in this state, signed by twenty legal voters and taxpayers, resident in said counties, shall be presented to a judge of the district court of one of the 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, alter or vacate such road as directed by the judge in accordance with prayer of the petition; provided, that no road shall be ordered by the judge to extend more than six miles outside of the judicial district in which the application is made, and such road shall be extended beyond the district only for the purpose of commencing or ending at some village or public road. Provided, however, that in cases where said road, if a new road, or, if an old road, the part thereof to be altered or vacated runs through or into two or more counties situated in two or more judicial districts, the judge to whom the petition was presented shall appoint commissioners from each of the counties affected by said road, not exceeding five in all, and direct them to lay out, alter or vacate said road accordingly; and it shall be the duty of said commissioners to meet at such times and places as may be necessary and to proceed to lay out, alter or vacate said road in like manner as provided herein in other cases. At the time of filing of such petition, one or more of such petitioners shall give bond with good and sufficient surety, payable to the State of Minnesota to be approved as to amount and sureties by the judge to whom such petition is presented, such bond to be conditioned to pay all expenses and costs in case the court or judge thereof shall fail to establish such proposed road.

Sub. 2. Three weeks' published and posted notice of the presentation of such petition shall be given in each of the counties affected, at least thirty days in advance thereof. Such notice shall contain a copy of the petition, the name of the judge to whom it will be presented, and the time and place of presentation; and proof of such notice shall be filed with the clerk before the hearing. Such notice shall also be served, in the same manner as the service of the summons in a civil action, upon each county and organized town in which, or along the boundary of which, such proposed road is sought to be established, and proof of the service of such notice on such counties and towns shall be filed with the clerk of said court before the hearing.

Sub. 3. The commissioners shall appoint a surveyor, an axman, and two chainmen, to survey such road, if so directed by the court. The surveyor shall make plats of the location of such road, in which the county lines and all stakes, trees, monuments and distances shall appear, and file one of such plats for record with the register of deeds of each county in or through which said road is located. The surveyor shall receive two dollars for each plat so filed.

Sub. 4. Said commissioners shall appraise and fix the damages to be paid to each landowner by reason of the establishment, alteration or vacation of such road over and across his lands, unless such right of way

be voluntarily released to the county in which such land is situated; and in their report they shall set forth each appraisal made by them, and all releases of the right of way. Such damages, when finally determined, and all expenses incurred in the establishment, alteration or vacation, including compensation for right of way, shall be paid by the counties through, into or between which such road passes, each county paying its just proportion, as determined by the court. The county shall provide for and pay such damages as in the case of a county road. Said commissioners shall receive for their services three dollars each per day and eight cents for each mile of necessary travel.

Sub. 5. Said commissioners shall report their proceedings at the term of the district court, held in the county where such proceedings were begun, next after the completion of their duties, and any person aggrieved by its action may then appear and be heard upon such report; and the court upon such hearing, may consider the propriety of establishing, altering or vacating such road, and may confirm or reject such report. The confirmation shall be final and the order of confirmation, if a road be thereby established or altered, shall direct the time and manner of opening the same for public use. The clerk of court shall within thirty days after filing of the same, transmit a certified copy of the order to the auditor of each county through or into which such road passes; upon receipt of such order the county board shall proceed in accordance with its terms to open so much of the road as lies within its county for public use.

Sub. 6. Any person aggrieved by such appraisal may demand a jury trial to determine the amount of damages to which he is entitled for the right of way for such road over his land. Such demand shall be in writing, signed by the person making it, his agent or attorney, and filed with the clerk of the district court with whom the report is filed, within thirty days after the entry of the order of confirmation. A failure to file such demand shall be deemed a consent to the appraisal made. A trial so demanded shall be had at the next term held in the county in which the land is situated, unless continued for cause. If the land is situated in a county other than that in which the report is filed, the clerk with whom such report and demand are filed shall certify a copy of said demand, and of so much of the report as applies thereto, to the clerk of the trial county who shall file the same. The county board or county attorney of the county in which land so taken is situated may in like manner and with like effect demand a jury trial to determine the damages to be paid in any one or all of the cases within such county, and the like proceedings shall thereupon be had. ('21 c. 323 § 41)

2582. Establishment, alteration, or vacation by county boards.

Sub. 1. County roads, other than those established by judicial authority, shall be established, altered or vacated only by the county board. Damages resulting from the establishing, altering or vacating such roads shall be determined in the manner hereinafter provided, and shall be paid by the counties through which they pass. All proceedings in establishing, altering or vacating roads shall be recorded in a public record book, designated as the "Book of County Roads."

Sub. 2. The county commissioners of any county are hereby authorized and empowered to constitute and declare any public highway or road in such county outside of the corporate limits of any incorporated city or village therein, a county road; and they are hereby given general supervision over such roads, with full power to appropriate such sums of money from the county treasury of such county as they may deem ad-

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visible for improving the same; provided, that nothing contained in this section shall be so construed as to relieve the supervisors or town overseer of highways of any town in such county from any of the duties imposed upon them by existing laws relating to roads, cartways and bridges.

Sub. 3. In any county of this state having two hundred thousand (200,000) inhabitants or over, or which may hereafter have two hundred thousand (200,000) inhabitants or over, the county commissioners thereof are hereby authorized and empowered to extend any street or avenue beyond the city or village limits of any city or village in such county to connect any road or highway in any adjoining county, which extension, however, shall not exceed one mile in length; and said county commissioners are given full power to change, alter, improve or repair such extension of road within such county, and to appropriate such sum or sums of money from the county treasury of such county as they may deem advisable therefor; provided, that in no case shall the location of such road wherewith such extension shall be connected, be changed at the point where the same now crosses the county line between such county and such adjacent county or counties.

27 2582 227 Sub. 4. Whenever twenty-four freeholders of any county petition the county board for the establishment, alteration or vacation of any road or of any roads which connect with each other running into more than one town, or partly in one or more towns and partly on the line between one or more towns, or on the line between two or more towns, in such county, or along the shore of any lake wholly or partly in such county, or into a town or towns and the unplatted part of any village or villages therein, such road or roads not being within a city, or any road wholly within a town, which constitutes a direct connecting link with two or more roads in the towns, adjoining the town in which such road is or is to be located, setting forth the beginning, course and termination or the beginning, course and terminations of the road or roads, and the names of the owners of the land, if known, through which the same may pass, and file the same with the auditor, he shall forthwith lay the same before the board, if in session, and if not, at their first session thereafter. If the petition relate to a road or roads partly in a town or towns, and partly in the unplatted portion of a village or villages, before it shall be acted upon by the county board it shall have attached thereto a certified copy of a resolution of the village council or of each village council, as the case may be, approving the same.

Sub. 5. If such petition appears reasonable on its face the board shall order a hearing thereon, designating in such order the time and place for such hearing and shall also appoint from its members a committee to examine the route or routes of such road or roads and fix the time and place upon such route or upon any one of such routes, at which said committee shall meet for the purpose. At least twenty days before the time fixed for such committee meeting, and not less than thirty days (30) before the time of said hearing the board shall cause posted notice of the time and place of such meeting and hearing to be given in each town affected, setting forth a copy of the petition. Proof of such notice shall be made by affidavit of the person posting the same. Such affidavit shall be filed with the county auditor and be by him kept with the other papers relating to such proceedings.

Sub. 6. At the time and place designated, said committee shall meet and examine the road or roads proposed to be established, altered or vacated, and in such examination they may employ a surveyor. After

such examination, they shall report to the board at its next session, setting forth, if a new road or roads or any alteration or alterations of any existing road or roads be proposed, the course and distances thereof, and recommending the granting or rejection of the petition.

Sub. 7. At the time and place designated, said board shall hear all parties interested as to the necessity for, and as to the amount of damages to land owners by reason of such establishment, alteration or vacation, and may adjourn such hearings from time to time, if necessary. It shall determine the damages which will be sustained by each owner through whose land such road or roads may pass, and with whom it cannot agree as hereinafter provided, or who is unknown, specifying the amount of damages, if any, awarded to each land owner and describing each parcel of land separately. If the board determines that the establishment of the road is desirable and of sufficient advantage to warrant the payment of damages assessed, it shall declare the road or roads established, altered or vacated in accordance with the petition. Otherwise, it shall declare the petition dismissed.

Sub. 8. The damages sustained by reason of establishing, altering or vacating any road may be ascertained by the agreement of the owners and the county board; and, unless such agreement is made, or the owners release in writing, all claim to damages, the same shall be assessed and awarded before such road is opened, worked, used, altered or vacated. Every such agreement and release shall be filed with the county auditor and shall be final as to the matters therein contained. In ascertaining the damages which will be sustained by any owner, the board shall determine the money value of the benefits which the establishment, alteration or vacation, as the case may be, will confer, and deduct such value, if any, from the damages, if any, and award the difference, if any, as damages.

Sub. 9. If the petition be granted, the board shall provide for the laying out and construction of such road, in the case of the establishment of a new road or the alteration of an existing road or roads, and carrying into effect the vacation of an existing road or roads, when such action is petitioned for.

Sub. 10. All damages resulting from the establishment, alteration or vacation of any county road shall be paid by the county.

Sub. 11. Any taxpayer of the county or any person aggrieved by any determination of a county board, either establishing, altering or vacating or refusing to establish, alter or vacate any road, or by any award of damages made by such county board may appeal therefrom to the district court of such county within the time and in the manner and with effect as is hereinafter provided. ('21 c. 323 § 42; amended as to subd. 5 by '23 c. 439 § 7).

2583. Establishment, alteration or vacation by town boards—

Sub. 1. Any town board may alter or vacate a town road or establish a new road in its town upon a petition of not less than eight voters of the town, who own real estate, or occupy real estate under the homestead or pre-emption laws or under contract with the state, within three miles of the road proposed to be established, altered or vacated. Provided, however, that in any town not having eight (8) voters, who own real estate or occupy real estate under the homestead or pre-emption laws or under contract with the state, within three (3) miles of any proposed road, the town board of such town may alter, or vacate a town road, or establish a new road in the town upon a petition signed by a less number of voters, of such

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town, who own real estate or occupy real estate under the homestead or pre-emption laws or under contract with the state in such town. Such petition shall contain a description of the road, and what part thereof is to be altered or vacated, and, if a new road, the names of the owners of the land, if known, over which such road is to pass, its point of beginning, general course and termination.

Sub. 2. The petition shall be filed with the town clerk, who shall forthwith present it to the town board. Said board, within thirty days thereafter, shall make an order describing as nearly as practicable the road proposed to be established, altered or vacated, and the several tracts of land through which it passes and fixing a time and place when and where it will meet and act upon said petition. The petitioners shall cause personal service of such order to be made upon each occupant of such land at least ten days before such meeting, and also cause ten days' posted notice thereof to be given.

Sub. 3. At the time and place designated, the board shall meet, and on proof, by affidavit, of the giving of such notice, it shall examine the road proposed to be established, altered or vacated, hear all parties interested, and determine whether it will grant or refuse the petition. If it be refused, the fact shall be noted on the back thereof.

Sub. 4. If the petition be granted, the board, if it deem it necessary, shall cause a survey to be made. When the center of such road does not follow a section line, or some subdivisional line of a section, the surveyor shall note the distance to the point on any course at which such course will intersect a section line, and the distance of such point of intersection from the most convenient section, quarter-section, or meander corner, as established by government survey; and the notes of such intersections, and a description of the road so established, altered or vacated, shall be incorporated in an order to be signed by the board.

Sub. 5. The damages sustained by reason of establishing, altering or vacating any road may be ascertained by the agreement of the owners and the town board; and, unless such agreement is made, or the owners release, in writing, all claims to damages, the same shall be assessed and awarded before such road is opened, worked or used. Every agreement and release shall be filed with the town clerk, and shall be final as to the matters therein contained. The board shall assess the damages of each claimant with whom it cannot agree, or who is unknown, specifying the amount awarded to each and briefly describing each parcel of land. In ascertaining the damages which will be sustained by any owner the town board shall determine the money value of the benefits which the establishment, alteration or vacation, as the case may be, will confer, and deduct the benefits, if any, from the damages, if any, and award the difference, if any, as damages.

Sub. 6. Within five days after the date of the order establishing, altering or vacating a road, the board shall make its award of damages, and file such order and award, together with all petitions, affidavits and orders relating thereto, with the town clerk; but said clerk shall not record such final order within the period of thirty days, nor, in case of an appeal, until a final decision is had thereon, and not then unless such order is confirmed. In case said board does not file such order within twenty days, it shall be deemed to have rejected the application. After the order is confirmed, the same and the award shall be by said town clerk recorded and sent to the county auditor, who shall file and preserve the same. He shall give his receipt therefor to the clerk, who shall file the

same and make an entry thereof in the record relating to such road.

Sub. 7. The order establishing, altering or vacating any road, or a certified copy of the record thereof, shall be received in all courts as competent evidence of the facts therein contained, and shall be prima facie evidence of the regularity of the proceedings prior to the making thereof, except upon the hearing of an appeal.

Sub. 8. The determination of a town board refusing to establish, alter or vacate any road shall be final, unless appealed from, for one year from the filing of its order; and no petition for establishing, altering or vacating such road shall be acted upon within the time aforesaid. In case its determination granting a petition is appealed from and reversed, it shall not within one year from date of such determination entertain a petition having the same or a similar object.

Sub. 9. Orders of a town board establishing, altering, vacating or refusing to establish, alter or vacate any road or cartway, or awarding damages, may be appealed from by the person or persons and in the manner and with the effect hereinafter provided. ('21 c. 323 § 43)

2584. Dedication of land for road—

Sub. 1. One or more owners may dedicate land for a road or cartway by making application therefor, in writing, to the town board, describing the land and the purpose of its dedication, and filing such application with the clerk. The clerk shall present the same to the town board which, within ten days after such filing, may make an order declaring the land described to be a public road or cartway. When so declared, such land shall be deemed duly dedicated for the purpose expressed in the application, and no damages shall be assessed therefor.

Sub. 2. Any person owning land to exceed forty acres constituting part of an island within any meandered lake may, at his own expense, erect a wagon bridge across such portion of the lake as may separate his land from the nearest town road on shore, provided such structure shall not interfere with the use of that part of the lake for the passage of such water craft as would otherwise pass that point, but before proceeding with the construction of such bridge, proper plans and specifications therefor shall be prepared and submitted to and approved by the town board of the township in which such bridge is to be constructed. Upon the completion of any bridge constructed in accordance with the provisions of the preceding paragraph, the town board shall examine and approve the same and shall indorse such approval upon the plans and specifications therefor, and thereupon the same shall be filed in the office of the town clerk of the township in which such bridge is located and such bridge shall thereupon become a part of such town road and open to the use of the public as such. ('21 c. 323 § 44)

2585. Cartways—

Sub. 1. Any town board may establish a cartway two rods wide and not more than three rods wide on petition of not less than five voters, freeholders of such town. All their proceedings shall be the same as provided in this act of establishing town roads. The cost and expense thereof and the damage awarded for lands taken therefor, shall be paid by the town, as in the case of town roads, and a record of such cartway shall be filed with the town clerk; provided, that, when a road or cartway is established which will not be a continuous road from one highway to another, one-half of the damages to the land through which it passes shall be paid by the persons benefited thereby.

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See 2588⁵

Sub. 2. Town boards shall, on petition of the owner of a tract of land of not less than five acres in area, who has no access thereto except over the lands of others, establish a cartway not more than two rods wide connecting his land with a public road. The amount of damages, if any, to be paid by the petitioner to the town before such cartway is opened.

Sub. 3. Any town board may expend road or bridge funds upon a legally established cartway the same as on town roads if in the judgment of such board the public interests require it. ('21 c. 323 § 45; amended as to subd. 1 by '23 c. 439 § 8)

2586. Section line roads—In towns which have not been organized, or in which no public roads have been established, the section lines shall be considered public roads, to be opened to the width of two rods on each side of such lines, upon the order of the county or town board, as the case may be, without any survey being had, unless it be necessary on account of variations caused by natural obstacles, subject, however, to the provisions of this act, in relation to the assessment of damages and the right to appeal. ('21 c. 323 § 46)

2587. Roads on town line—

Sub. 1. Whenever any town board receives a petition similar to that required for establishing a town road, praying for the location, alteration, or vacation of a road on the line between that and an adjoining town, it shall immediately notify the town board of such adjoining town, and the town board of each of said towns, or a majority of each acting together as one board, shall determine said petition. They shall be governed, as to notice, survey, hearing, award of damages, filing and recording papers, and in all other matters pertaining to their duties by the regulations in this act provided for the government of town boards in establishing, altering or vacating town roads. A copy of the proceedings shall be filed in the town clerk's office in each town.

Sub. 2. Before making an order establishing a road under the provisions of this section, the two town boards shall divide the length of the proposed road into two parts, which parts may be of unequal length. Such division shall be so made as to divide as nearly equal as possible the cost and expense of constructing and maintaining the entire road to be established, and assigning to each of said parts one-half of such cost and expense.

Sub. 3. After such division shall have been made the town boards shall thereupon by agreement determine which of such parts shall thereafter be opened, constructed and maintained by each. If the town boards cannot so agree the matter shall be determined by lot.

Sub. 4. It shall be the duty of the town boards of the respective towns, parties to the laying out of a road under the provisions of this section, to proceed forthwith, to open and construct its share of such road and thereafter maintain the same.

Sub. 5. Whenever such a petition is presented to the council of a city or village, and the town board of a town, praying for the location, alteration or vacation of a road on the line between such town and the city or village, such board and council, or a majority of each, acting together as one board, shall determine said petition in the same manner in all respects as provided in the preceding section and the provisions of the preceding section shall apply to the town board and city or village council. ('21 c. 323 § 47)

2588. Appeal—

Sub. 1. Any person aggrieved by any determination of a county or town board or of a town board and city or village council, either establishing, alter-

ing or discontinuing, or refusing to establish, alter or discontinue, any public road, or, by any award of damages made by such town or county board, may appeal therefrom, within thirty days after the filing of such determination or award, to the district court of the county, by filing with the clerk of such court a bond in the sum of not less than two hundred and fifty (\$250.00) dollars, approved by the judge or by the court commissioner or auditor of such county, conditioned to pay all costs arising from such appeal in case the determination or award is sustained, and by service of a notice of appeal as provided in the next section.

Sub. 2. In case the town or county board determines to establish, alter or discontinue a road, or refuses so to do, any taxpayer of the county, as to a county road, and any taxpayer of the town, as to a town road, through which such road or any part thereof, passes, shall have the same right of appeal.

Sub. 3. The notice of appeal shall state briefly the grounds of appeal—whether it relates to the damages assessed, or to the establishing, altering or discontinuing a road, or to the refusal so to do, and whether it is taken to reverse entirely the decision of the board, or some portion thereof, and, if the latter, what portion. It shall be signed by the party appealing, or his attorney, and be served upon the chairman of the town or county board, as the case may be. A copy thereof, when the appeal is from the action of a county board, shall be filed with the auditor of the county, and when from that of the town board, with the clerk of each town in which such road may be located.

Sub. 4. Such appeal shall be entered upon the calendar for trial at the next general term of the court occurring more than twenty (20) days after the appeal is perfected. Except where the parties otherwise agree, the court or jury shall reassess the damages, unless such reassessment is rendered unnecessary by the determination of other matters involved; but its proceedings shall be based upon the same principles which the board was required to follow in its determination. Upon final judgment being rendered, the clerk shall file a certified transcript thereof, with the county auditor, if the appeal was taken from the action of the county board, and with the clerk of each town affected by such determination, if the appeal was from the action of a town board. If the determination appealed from be affirmed or if the damages be reduced, the appellant shall pay costs and disbursements; but if such damages be increased, or such determination be altered, modified, or reversed otherwise than as to amount of damages, such costs and disbursements shall be paid by the town or county, as the case may be; the same to be fixed and allowed as in other cases, and judgment entered therefor in like manner.

Sub. 5. When on appeal the determination of any town or county board is reversed or altered, the board from whose determination such appeal was taken shall proceed to establish, alter or vacate such road, in conformity with the decision of such appeal; and the proceedings thereon shall be the same as if they had originally so determined to establish, alter or vacate such road, provided, however, that where an appeal is or has been taken involving only the amount of damages awarded by a county board, the county board may, in its discretion, notwithstanding such appeal, proceed forthwith to establish, alter or vacate such road and open, construct, alter or change the same as though no such appeal had been taken, but in such case the county shall forthwith upon the final determination of such appeal pay to the person en-

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2588⁵
243nw 74

2588⁵
239nw 913
See 2585²

2588
154-M 521
192-NW 121

2588
06-NW 447
2588
165-M 303
167-M 187
208-NW 757

titled thereto such damages and costs, as shall be awarded on such appeal. The amount of damages finally determined and awarded, whether by the town or county board, or by the court or jury, together with the charges of officers and other persons necessarily employed in establishing, altering or vacating any road, shall be audited by the board making the original assessment. Such board shall, in its report of such audit, specify the amount of damages, and charges due each individual, and such amounts shall be certified to by the board so auditing the same, and, in case of town roads, deposited with the town clerk, and paid by the town, and in the case of county roads, with the county auditor, and paid by the county. Before any town road is opened or used an amount of town orders equal to the damages assessed for each individual shall be duly issued and deposited with the town clerk for the use and benefit of said individual, and delivered to him on demand. The issuing and depositing of said orders shall be deemed to be sufficient security for the payment of said damages. ('21 c. 323 § 48)

2589. **Established roads**—Every road established by the public authorities, where no appeal has been taken within the time limited therefor, is hereby declared a public road to all intents and purposes, and all persons who have neglected to appeal within the time prescribed by law, shall be forever debarred from any further redress. ('21 c. 323 § 49)

2590. **Dedication by user**—Whenever any road or portion thereof shall have been used and kept in repair and worked for at least six years continuously as a public highway, the same shall be deemed dedicated to the public, to the width of two (2) rods on each side of the center line thereof and be and remain until lawfully vacated, a public road, whether the same has ever been established as a public highway or not. ('21 c. 323 § 50)

2591. **Use of railroad right of way**—The continued use of any road by the public upon and parallel to the right of way of any railway company shall not constitute such road a legal highway, or a charge upon the town in which the same is situated, and no right shall accrue to the public or any individual by such use. ('21 c. 323 § 51)

2592. **Alteration of road**—Whenever a road shall be changed by order of a county or town board, the road as it existed before the change shall remain open to public travel for two years from the date of the order; but the board may vacate such road within said two years when it deems the new road to be fit for public travel at all times of the year. ('21 c. 323 § 52)

2593. **Field notes, plat, etc.**—

Sub. 1. Upon the written request of any town board, the auditor of the county in which such town is situated shall furnish a copy of the description, field notes, and plat, if any, of any territorial, state or county road running into or through such town, on file or of record in his office. On receipt of such copy the board shall file it with the clerk, who shall record the same in the road record book of the town. Such record shall be prima facie evidence of the existence of such road as described therein.

Sub. 2. Upon the written request of the commissioner of highways, the clerk of any court, the auditor of any county, the town clerk of any town, or the recorder or clerk of any village, borough or city, shall furnish a copy of the proceedings, documents and plats, if any, relating to the establishment of any road or the procuring of the right of way of any such road, which has or may be taken over by the State of Minnesota as a trunk highway. Such copy shall be

filed in the records of the commissioner of highways and shall be prima facie evidence of the existence of such road as described therein. The legal fee for such copy or copies may be paid from the trunk highway fund. ('21 c. 323 § 53)

2594. **Removal of fences**—Whenever a town or a county board has established a road through inclosed, cultivated or improved lands, under any of the provisions of this act, and its decision has not been appealed from, or, if appealed from, its order has been sustained, it shall give each owner or occupant of land through which such road is established twenty days' notice, in writing, to remove his fences, and, if he does not remove them within such time, it shall cause them to be removed, and the road to be opened and worked. ('21 c. 323 § 54)

2595. **Contracts for bridges and roads**—²⁵⁹⁵214-NW 888

Sub. 1. **Bridges**—No contract for the construction or erection of a bridge shall be entered into by any county, town, village or city of the fourth class where the contract price of such bridge exceeds the sum of five hundred (\$500.00) dollars; unless plans and specifications for the proposed bridge shall be filed with the county auditor, in case of county contracts, or with the town, village or city clerk respectively, in case a contract is to be entered into by a town, village or city of the fourth class, at least three weeks prior to the time when such bids are to be considered and the contract entered into, nor shall any contract be let without first advertising for bids or proposals therefor in a legal newspaper, published in the county. Such advertisement shall be published once a week for three successive weeks, the last publication to be made at least ten (10) days and not more than thirty (30) days before (preceding) the time fixed for receiving bids and letting the contract, and shall state the time and place of receiving bids and awarding the contract, and shall refer to the fact that plans and specifications are on file in the office hereinbefore specified.

At least three weeks before the time fixed for receiving bids, the county auditor, in case of a county contract, and the clerk of the town, village or city in case of a town, city or village contract, as the case may be, shall mail a copy of such printed notice, by registered mail to the commissioner of highways. The commissioner of highways shall file all such notices so received by him, and the same shall be subject to inspection by all persons interested therein. The commissioner of highways shall, from time to time, cause printed lists of such notices to be made and shall, without charge therefor, furnish copies thereof to interested persons on application.

Sub. 2. **Roads**—No county or town shall contract for the construction or improvement of any road where the contract price exceeds five hundred (\$500.00) dollars, unless plans and specifications shall have been made and prepared and filed as provided in Subdivision 1 of this section, nor until advertisements for bids have been published as therein provided for. ('21 c. 323 § 55)

2596. **Final payment on contracts**—Final payment shall not be made on any contract for road work by any county or town board until the county board or town board, as the case may be, has examined the work and certified that the same has been properly done and performed according to contract and a certificate to that effect, signed by a majority of the members of the board making the inspection, shall have been filed in the office of the county auditor of the county, or town clerk of the town, as the case may be. Any county auditor or any town clerk who issues a warrant or an order in final payment upon a road

2590	
156-M	157
194-NW	333
198-NW	421
2592	
154-M	361
191-NW	913

2592		9
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55-M		36
71-M		18
92-NW		65
14-NW		
2592		
54-M	358	
91-NW	913	
2592 Et seq.		
3		9
59-M		14

contract where the amount involved in such contract exceeds the sum of two hundred (\$200.00) dollars, until such certificate shall have been filed, shall be deemed guilty of a misdemeanor. The provisions of this section shall not apply to any county now having or which may hereafter have a population of one hundred fifty thousand (150,000) inhabitants or over. ('21 c. 323 § 56)

2597. Warning signs by contractors—

Sub. 1. Whenever a town board, county board or the commissioner of highways shall enter into a contract for the construction and improvement of any road, or any culvert, or bridge thereon they shall as a condition of such contract, provide therein that the contractor shall place suitable warning signs, at the highways intersecting such road so to be constructed or improved, warning the public, if such is the case, that such road so under construction or improvement is impassable at a designated place or distance from such warning sign. Such signs shall be placed at such places as will obviate the necessity of unnecessary travel by persons not otherwise aware of the impassable condition of such roads. Provided, however, that nothing in the provisions of this act shall make any town, county or the state liable in damages for the failure of a town or county board or the commissioner of highways to provide in any contract for the erection of a warning sign, such as is herein provided for; or the failure of any contractor to erect same in accordance with the provisions of this act.

Sub. 2. The contractor, foreman or person in charge of work or repairs on any public road shall, whenever the doing of such work or repairs necessitates the closing of a part of such road to traffic, post signs stating that such road is under repair, and describing the direction and distance of the detour necessary to avoid the part of the road being repaired. Such sign shall be posted at the intersection of the road under repair with the road to be traveled while detouring, and also at appropriate intervals along such road. Violations hereof shall be a misdemeanor, and punishable accordingly. ('21 c. 323 § 57; amended '23 c. 439, § 12)

2598. Side roads—The county board of each county, and the town board of each town, may establish side roads and ford crossings, adjacent to or near any bridge over a stream in its county or town, when such bridge was built at an expense of not less than one thousand (\$1,000.00) dollars and forms a part of a public road. Such side road shall intersect such main road at the nearest practicable point. It shall not be less than two nor more than four rods wide. In all other respects the same proceedings shall be had as are required by law for establishing county or town roads as the case may be. ('21 c. 323 § 58)

2599. Detours—The commissioner of highways in the case of construction work on trunk highways, the county board in the case of construction work on state aid and county roads, and the town board in the case of construction work on town roads, may by suitable order or resolution, establish a temporary road around such construction work and may procure the necessary right of way by purchase or condemnation, in the manner provided by statute. ('21 c. 323 § 59)

2600. Drainage of roads—

Sub. 1. Whenever a road, which has been or is to be constructed or improved, into, through or over a swamp, bog, or other low land, and it is necessary or expedient that a ditch or ditches should be constructed or opened across private lands a petition for such ditch or ditches may be made as hereinafter provided; which petition shall contain an affidavit setting forth the above named facts and the probable length, width

and depth of such ditch or ditches, the termini and general course of the same, a description of the land or lands over which said ditch or ditches will pass, the names of the owners thereof, if known, and that such road cannot, without extraordinary expense, be made passable or maintained unless such ditch or ditches are constructed or opened.

(a) In the case of a town or county road, such petition may be made by the town road overseer of the town in which such road is located, or by two resident freeholders of such town and filed with the town clerk of such town, who shall notify the town board accordingly.

(b) In the case of a county or state aid road, such petition may be made by the county highway engineer of the county in which such road is located, and filed with the county auditor of such county, who shall present the same to the county board at the next regular or special meeting.

(c) In case of a trunk highway such petition may be made by the commissioner of highways and filed with the clerk of the district court in the county where such ditch or the greater portion thereof is proposed to be located.

Sub. 2. Upon the filing of the petition as herein provided, the town board, the county board or the judge of the district court, as the case may be, shall appoint and order a competent civil engineer to make a survey of the proposed ditch or ditches and make a report thereupon to such board or court, as the case may be, which report shall include a map of the territory affected, showing the land and public roads or highways likely to be affected by the ditch or ditches proposed to be constructed to furnish drainage to such highways, and shall include the profile showing the depth and size of said ditch or ditches, and if a tile drain, the size and depth of tile. Said report shall also contain an estimate of the damages and benefits which will accrue to each tract of land or public road affected by reason of the construction of such ditch or ditches. The county board may appoint the county highway engineer, or the judge of the district court may appoint an employe of the highway department to make such survey and report.

Sub. 3. Upon the filing of said report with the town clerk, the county auditor or clerk of the district court, as the case may be, the said auditor or clerk shall immediately notify the board or judge, as the case may be, of the filing of said report, and the said auditor or clerk, with the approval of said board or judge, shall fix a time and place for a hearing thereon, not less than six nor more than sixty days from the date of filing of said report.

Sub. 4. The said auditor or clerk, as the case may be, shall, personally or by any person whom he shall authorize for that purpose, serve upon each owner of land which may be affected, if a resident of the county, upon the occupants of such lands where the owners are not residents of said county, a notice of such hearing, together with a statement of the estimated damages or benefits against the land of such owner. The said auditor or clerk shall also send a copy of such notice, together with a statement of estimated damages or benefits to the chairman of any county or town board, or the commissioner of highways, charged with the supervision of any road or highway affected.

The person serving such notice shall make and file a report thereof, stating the facts, and if it appears from such returns that the owners of said lands, or any of them, are not residents of the county, or no occupant resides on the lands, then the said auditor or clerk shall cause three weeks' published notice to be given, which shall be deemed sufficient notice.

2600
55-M 72
92-NW 188
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3-G.S. 2557

600 Et seq.
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Sub. 5. At the time and place specified in the notice, the said board or court, as the case may be, shall hear any reasons for or against the laying out, location or construction of said ditch or ditches, and all evidence offered by any interested person or persons, relative to the pecuniary advantage or disadvantage which shall accrue to any tract of land or public road by reason of the establishment and construction of such ditch or ditches and determine upon the advisability of opening or constructing such ditch or ditches. If the said board or court determines that it is expedient and advisable to open and construct such ditch, it shall make an order establishing and opening the same, and shall assess the money value of the damages in excess of the benefits, if such damages exceed the benefits, which damages in its judgment will be just and equitable compensation to the owner of any tract of land for the right to open or construct the ditch or ditches onto, through or over his land, including the right to enter upon such land whenever necessary for the purpose of cleaning out or repairing it. If the money value of the benefits which will accrue to any tract of land or public road by reason of the construction and maintenance of such ditch or ditches, shall exceed the damages, said board or court shall assess the difference as benefits to the lands, and the state, town, county, city or village liable for the maintenance of any road, as the case may be, benefited by the construction of said ditch or ditches. Such determination of benefits and damages shall be made in tabular form setting forth the description of the lands and of the roads benefited and the names of the owners thereof, if known, and the benefits and damages which will accrue to each. The damages or benefits in any case may be determined by stipulation between parties interested, made public at said hearing, and which stipulation shall be subject to approval by the board or court conducting the hearing.

Sub. 6. In case of such stipulation or determination of the amounts by such board or court, said board or court shall extend the benefits or damages, as the case may be, in such tabular statement. If such proceeding is before the town board or the county board, any land owner may appeal from the amount awarded as damages or benefits, in like manner as in the case of appeals from orders establishing or refusing to establish town or county roads. If such proceeding is in the district court any land owner deeming himself aggrieved by an order of the court determining the amount of his benefits or damages may demand a jury trial to determine the amount of such benefits or damages in the same manner as is provided by law in judicial ditch proceedings. Such tabular statement shall be attached to the order establishing the ditch, if such order be made, and filed with the said auditor or clerk and any person whose lands or any town, county, city or village or the state whose public roads are assessed for benefits may, within twenty days thereafter, pay the amount thereof to the town or county treasurer, who shall issue a receipt therefor. On presentation of such receipt to the said auditor or clerk he shall mark the amount of the assessment so paid with the words "Paid and Satisfied." After the expiration of twenty days, if no appeal shall have been taken the town clerk or the clerk of the district court in the case of such orders filed with them, shall certify such tabular statement of assessment to the county auditor.

Sub. 7. The county auditor shall, after the expiration of the time for appeals, certify such statement to the register of deeds of such county, who shall record the same. All of the provisions of section 5544, General Statutes 1913, shall apply to such assess-

ments. Such assessments shall bear interest at the rate of six per cent per annum from the date of such filing, and shall be collected in the manner provided by section 5548, General Statutes 1913, as amended by section 5 of chapter 300, Laws 1915, and when paid or collected shall be paid into the town treasury in case such ditch is ordered by the town board, into the county road and bridge fund if such ditch is ordered by the county board, and into the state treasury for credit to the trunk highway fund if such ditch is ordered by the district court, and shall be expended in paying the cost of constructing and maintaining such ditch.

Sub. 8. All assessments against any public road as shown in tabular statement shall constitute a valid claim against the road and bridge fund of any town, county, village or city, or trunk highway fund of the state, responsible for the maintenance of any public highway improved by such ditch or drain, and may be enforced as other valid claims against such municipal corporation.

Sub. 9. When the amount of damages to be paid to the owners of land taken for such ditch shall have been finally determined in accordance with the provisions therefor contained in this act, the town board or the county board, as the case may be, in the case of such ditch or ditches being ordered by such town or county board, and the commissioner of highways, in the case of such ditch or ditches being ordered by the court, shall provide for and make payment in such manner as may be provided by law for the payment of damages taken for a public road.

Sub. 10. The word ditch as used in this act shall be held to include any open, covered or tile drain.

Sub. 11. If an order establishing such ditch or ditches is not appealed from within twenty days after the filing of such order, the town board, the county board or the commissioner of highways, who may have charge of the road affected as the case may be, shall proceed to construct such ditch or ditches. After such ditch has been opened and constructed, the said authorities shall keep the same in good condition and free from obstructions, and for that purpose may enter upon the lands through which it passes and whenever it becomes necessary.

Sub. 12. Any person who shall dam up, obstruct, or in any way injure any such ditch, shall be liable in a civil action for double the damages assessed for such injury by the court or jury trying the case, and shall also be guilty of a misdemeanor.

Sub. 13. Whenever any such drainage ditch shall cross the right of way of any railroad, the owner of such railroad shall forthwith, upon demand of the town board in the case of a ditch ordered by the town board, and of the county board in the case of a ditch ordered by the county board, and of the commissioner of highways in the case of a ditch ordered by the district court, at its own expense and without compensation, carry such ditch under and across its right of way and construct necessary culverts therefor. ('21 c. 323 § 60; amended as to subd. 7, 13, by '23 c. 439 §§ 9, 10)

2601. Strength of bridges—All bridges hereafter constructed on any public street or highway in any county, township, town or village in the State of Minnesota, shall be of sufficient strength to support, with perfect safety, any wagon, engine or other vehicle with a weight of twenty tons on two axles with ten-foot centers, with not to exceed three-fourths of said weight concentrated on one axle, when driven at a speed of not to exceed three miles an hour. ('21 c. 323 § 61)

2602. Toll bridges—

Sub. 1. Any corporation organized for the purpose, or any counties, towns, cities or villages interested, may jointly or separately lease or erect and operate or repair a bridge or bridges over any navigable stream constituting a boundary thereof and construct suitable approaches thereto, and such approaches may include the improvement of main highways for a distance not exceeding ten miles from the bridge. A county, town, city or village shall be deemed interested in bridges located outside of and within three miles of its corporate boundaries as well as those within or along its boundaries. Before any such bridge is erected over the Minnesota or Mississippi rivers, the location and plan thereof shall be approved by the governor. Bridges over the Minnesota river below the city of Le Sueur shall be built with a suitable draw of not less than eighty foot opening, or in lieu of such opening shall be built at such clear height above the ordinary highwater stage as shall be sufficient to accommodate the ordinary navigation of the river. All bridges over navigable waters of the United States shall receive the approval of the secretary of war before construction. All draws shall be opened on reasonable signal or notice to allow the passage of vessels.

Sub. 2. The county board of any county interested shall have power to levy, at or after the time of making a contract for the construction or repair of any such bridge, a tax on all the taxable property of the county, sufficient to pay such county's agreed share of the cost of the construction or repair of such bridge and approaches and interest thereon. Such tax shall be collected in annual installments corresponding to the amounts of interest and principal of certificates or bonds as herein provided falling due from year to year. The county board may issue and sell from time to time special bridge certificates of indebtedness or bonds of the county sufficient in amount to pay the county's agreed share of the cost of the construction or repair of such bridge and approaches and engineering and other expenses incidental thereto, the principal of which certificates of indebtedness or bonds shall mature and be payable in not more than fifteen annual instalments as nearly equal as practicable, and the first annual instalment of principal shall mature not more than five years after the contract is ordered. Such certificates or bonds shall be sold in the manner provided by section 1856, General Statutes 1913, to the purchaser who will pay the par value thereof, at the lowest interest rate, and the certificates or bonds shall be drawn accordingly, but the rate of interest shall in no case exceed six per cent per annum, payable annually or semi-annually. The county auditor shall extend the tax so levied by the county board in sufficient amounts from year to year to cover the interest and principal as they mature. The credit of the county shall be pledged to the payment of the principal and interest of such certificates or bonds. Certificates or bonds under this section may be issued by a four-fifths vote of the Board of County Commissioners without submission to the voters of the county; provided, that the aggregate amount of certificates and bonds so issued after April 1, 1921, shall not exceed one-fourth of one per cent of the assessed valuation of the taxable property of the county exclusive of moneys and credits.

Sub. 3. Any corporation maintaining a bridge under this section may charge and receive the following rates of toll from all persons using the same: For each foot passenger or bicycle rider, five cents; for each hog, sheep or calf, two cents; for each head of cattle, five cents; for each vehicle or sleigh drawn by

one animal, twenty cents; for each additional animal used, five cents; for each automobile, twenty cents; for any other vehicle or animal, a reasonable rate of toll. Such rates of toll may be changed by law whenever the net annual income from such bridge shall exceed a reasonable percentage of the cost thereof. ('21 c. 323 § 62)

2603. Free use of toll bridge—Any counties, towns, cities or villages interested may secure the free public use of any toll bridge now or hereafter built across any streams in this state, and may jointly or severally, together or separately enter into any contract with the owner of such bridge, or with each other, or with each other and the owner of such bridge, as they shall deem proper, to secure such free public use of such bridge, whether by purchase, lease or otherwise. ('21 c. 323 § 63)

2604. Bridges over ditches—That in all cases in this state where a public drainage ditch has been or shall hereafter be constructed wholly or partly along a boundary line between towns or counties and the excavated material or a portion thereof has been or shall hereafter be deposited on the said boundary line or within two rods on either side thereof, the cost of construction and maintenance of all bridges heretofore or hereafter constructed across any such ditch along said boundary line shall be paid for and borne equally by the town or county wherein such bridges are or shall be constructed and situated, and the town or county adjoining said boundary line. ('21 c. 323 § 64)

2605. Bridges over state drainage ditches—Whenever the State Drainage Commission shall have heretofore constructed, or partly constructed, an outlet for a state ditch under the provisions of chapter 138 of the General Laws of Minnesota for 1911, and which state ditch was constructed under the provisions of chapter 221 of the General Laws of Minnesota for 1893, which outlet has been constructed across a town road at a point other than where the channel of a stream or river which has been widened and straightened and used for such outlet, crosses such town road, the county board of a county in which such outlet has been so constructed, is hereby authorized, empowered and directed to construct a substantial bridge suitable for public travel across such outlet ditch on such town road, at the place where such outlet ditch is constructed across such town road, and such bridge shall be paid for out of the road and bridge fund of such county. ('21 c. 323 § 65)

2606. Reconstruction, repairs and maintenance of bridges on county and town roads—

Sub. 1. It shall be the duty of the county to reconstruct, repair and maintain all bridges on county roads, more than fifty feet in length. In case any bridge on a county road more than fifty feet in length is totally wrecked or destroyed and the county charged with the duty of reconstructing, repairing and maintaining such bridge has not sufficient money in its road and bridge fund to defray the cost and expense of reconstructing, repairing and maintaining such bridge, the county board may borrow money therefor by the issuance of certificates of indebtedness, which certificates shall be payable in not more than five years from the date thereof and shall bear interest at not to exceed six per cent per annum. Such certificates shall be sold to the highest bidder. The same shall not be sold for less than par and accrued interest, if any, and the principal and interest thereof shall be paid from the road and bridge fund.

Sub. 2. Whenever it shall become necessary to reconstruct or repair a bridge on any town road, or a bridge not more than fifty feet in length on any county

road, in any town or towns or upon any town line in this state and such bridge is unsafe for travel, or has been condemned by the proper authorities and the town or towns charged with the duty of maintaining such bridge fails, neglects or omits to construct, reconstruct or repair the same, or provide for the expense or cost of so constructing, reconstructing or repairing the same, the county board of any such county in which said town is located shall have the power and authority to reconstruct and repair any such bridge upon giving notice to the town board of said town or towns of their intention to do so and fixing the time and place for a hearing as to the necessity and advisability of such reconstruction or repair.

Sub. 3. When any county board shall have reconstructed or repaired any such bridge as hereinbefore provided, such county board shall cause to be prepared an itemized statement, in duplicate, of the cost of such reconstruction or repair. One of such statements shall be filed with the county auditor and the other filed in the office of and with the town clerk of said town. And such town clerk shall forthwith notify the several members of the town board that such a statement has been filed and that a meeting of said board to act thereon will be held at his office at a time within ten days thereafter specified by such clerk in such notice. Such board shall meet at said time and levy a special tax upon all the taxable property of the town sufficient to pay the amount expended by the county in such reconstruction or repair of such bridge. Said town board shall certify said tax on or before October 15, next succeeding to the county auditor, and the county auditor shall extend the same with other town taxes upon the tax list of said town. Mandamus may be brought by such county against such town for failure of its board to do any of the things prescribed within the time fixed for the doing of the same; provided, that if such tax would exceed one-eighth of one per cent of the assessed valuation of such town, then the county shall bear one-half of such expense so far as the same shall exceed one-eighth of one per cent. When two or more towns are interested in said bridge, the statement hereinbefore provided for shall be made in as many copies as there are towns interested and one more, and the county board shall apportion to each interested town the amount which each town should properly pay toward the work done by the county, and such amount shall be levied by the town boards of each town after the filing of the cost of the bridge and the amount belonging to each town with the town clerk thereof. The proportion which each town shall pay shall be determined at the hearing upon the necessity and advisability of reconstructing or repairing such bridge. ('21 c. 323 § 66)

2607. Impassable roads—Complaint by Freeholders—

Sub. 1. Whenever a complaint in writing to the county board of the county reciting that a described road in or on the line of a town therein is neglected by the town charged by law with its maintenance and repair, and which said complaint is signed by five or more freeholders of said town or of an adjoining town in said county, and that by reason of such neglect such road is not reasonably passable, the county board shall by resolution fix a time and place when and where it will consider the complaint, and thereupon the county auditor shall mail a copy of the complaint, together with a notice of the time and place when and where the county board will meet to consider the complaint, to the town clerk of the town, and shall also notify the persons signing the complaint of the time and place of such meeting. At the

designated time and place the county board shall consider such complaint and hear and consider such testimony as may be offered by the officers of the town, or the persons filing the complaint, relative to the truth of the matters therein set forth. The chairman of the board or the presiding officer thereof may administer oaths to witnesses and require them to testify under oath.

Sub. 2. If upon such hearing the county board shall be of the opinion that the complaint is well founded, it shall by resolution direct the town board to do such work or to make such improvements as it shall deem necessary to put such road in a passable condition. Such resolution shall specify generally the work which it is so deemed necessary to do. The county auditor shall cause a copy of such resolution to be mailed to the town clerk of the town complained of, and if such town for a period of thirty (30) days after the mailing of such notice shall fail or neglect to do the work or make the improvements set forth in such resolution, the county board may cause such work to be done or improvement made and pay therefor from the county road and bridge fund; provided, however, that the amount annually spent by any county board in any town under the provisions of this act shall not exceed one mill on the dollar of the taxable valuation of said town.

Sub. 3. When any county board shall have performed any work or made any improvement on any such road it shall cause to be prepared in duplicate an itemized statement of the cost of such work or improvement. One of such statements shall be filed with the county auditor and the other copy thereof shall be by the county auditor mailed to the town clerk of said town. The town clerk shall forthwith notify the several members of the town board that such a statement has been filed and that a meeting of the town board to act thereon will be held at a time to be specified in such notice, not later than ten days after the receipt of such notice from the county auditor. The town board shall meet at the time and place specified in the notice so given by the clerk and levy a special tax upon all the taxable property in the town in an amount sufficient to pay the amount expended by the county in performing such work or making the improvement. Such tax so levied shall be certified to the county auditor on or before October 15 next succeeding, and the county auditor shall extend the same with other town taxes upon the tax list of such town. Provided, however, if the town board shall, for any reason, fail to act as herein provided, the county auditor is hereby authorized and directed to levy such tax and extend the same with other town taxes upon the tax list of such town. Such tax shall be collected and the payment thereof enforced in the same manner and subject to the same penalties and interest as other town taxes. When collected such tax shall be paid into the county treasury to the credit of the county road and bridge fund, and in making his settlements with the town, the county treasurer is hereby authorized to withhold from payment to the town the amount of such special tax theretofore collected. ('21 c. 323 § 67; amended as to subd. 1 by '23 c. 439 § 13)

2608. Seeding along highways—Any person living upon or owning land fronting on a public rural highway, a portion of which is not in actual use or needed for public travel, may plow, level, and seed the same to grass, except within one rod of the center. But he shall not by such work interfere with the travel upon the road, or the improvements of the same, or be entitled to compensation therefor, or acquire title to any portion of said road thereby. Any person, other than

one having supervision of the road under authority of the town or county board, or commissioner of highways, who shall plow up or dig up any part of the road, except as above specified, shall be guilty of a misdemeanor. ('21 c. 323 § 68)

2609. Hedges and trees—

Sub. (1). The town boards of supervisors, as to town and county roads, outside the corporate limits of cities and villages, the county boards as to state aid roads, and the commissioner of highways as to trunk highways, are hereby given the right and power to determine upon the necessity and order the cutting down of hedges and trees within the road limits after having given ten days' written notice to the owner or owners of the abutting land and an opportunity to be heard. Provided, that trees, other than willow trees, shall not be so cut down unless such trees or hedges, or either of them, interfere with keeping the surface of the road in good order, or cause the snow to drift onto or accumulate upon said road in quantities that materially obstruct travel. The said boards and commissioner, respectively, shall also have power to properly mark or light dangerous places on the public highways, and take such measures as may be necessary to protect travel thereon.

Sub. (2). When the respective board or the commissioner of highways shall determine that such cutting down of hedges or trees within the limits of such roads is necessary, or that same would aid materially in keeping such roads in repair or free from snow, it shall notify the owner or owners of the abutting lands by written notice, of such decision and order the trees or hedges cut down within thirty days after such notice. If the said owner or owners fail or refuse to comply with such notice and order within the time specified, the said board or commissioner of highways shall have the power to cause such trees or hedges to be cut down. The timber and wood of such trees shall belong to the said owner or owners of the abutting land; provided, they pay the expense of cutting down said trees or hedges and remove the same from the roadside within said thirty days. If such timber or wood is not removed within said time, the board or commissioner of highways, as the case may be, shall have the power to sell or dispose of the same or destroy it if it cannot be sold, and if sold, shall pay the proceeds thereof to the owner or owners of the abutting lands after deducting the cost of such cutting and sale.

Sub. (3). The town boards of supervisors and the county boards are hereby granted the further right and power to appropriate and pay out of their respective road and bridge fund, or from any other fund available, the cost of cutting down such trees and hedges and the removal or destruction of the same, if done at public expense, and the cost of marking or lighting dangerous places on said highways. ('21 c. 323 § 69)

2610. Tunnels under roads—Every owner of land on both sides of a public road may tunnel under such road to permit stock to pass from one side to the other, but he shall, at his own expense, construct such tunnel so as not to endanger the public in the use of such road. Before constructing such tunnel, the land owner shall obtain from the town board of the town in which it is located, if the road is a town road, or from the county board of the county in which it is located, if the road is a county or state aid road, or from the commission of highways, if the road is a trunk highway, an approval of the place, the kind of tunnel, and the manner of its construction. Bridges over tunnels shall be not less than sixteen feet wide, properly protected with railings, and constructed of

such materials as shall be agreed upon by the respective board or commissioner of highways, as the case may be, and if, within one year after the construction of such bridge, the board or commissioner of highways, as the case may be, shall deem it or its appurtenances insecure, it may cause the same to be put in the proper condition at the expense of its owner, and, whenever said board or commissioner of highways shall deem the tunnel out of repair, it may cause the necessary repairs to be made at the expense of such owner. In either case the reasonable cost of such repairs shall be certified to the county auditor and by him assessed upon the land in the same manner as the road taxes. Provided, that when any such public road is not on a section or sectional subdivision line, the owner of the lands on both sides of such road shall be permitted to construct an appropriate tunnel to be approved as aforesaid, which tunnel the owner shall maintain at his own expense for the first year and which shall be thereafter maintained by the town, county, or state, as the case may be. ('21 c. 323 § 70)

2611. Roads on mineral lands—Whenever a public road crosses mineral land or other lands, outside the limits of any city, village or borough, which the owner or lessee desires to mine in such way as to remove the supports of the road or to improve said land by building any structure or building thereon, he may, at his own expense, change such road to other land, and make a new road thereon, suitable for public travel; provided, that no change of road on lands other than mineral lands shall be made unless the same be first approved by the town board and the commissioner of highways, and the new road be first constructed and approved by said town board and said commissioner of highways, and, if he cannot obtain such land upon reasonable terms, the county or town board, or the city or village council, as the case may be, upon requisite petition, shall make such change under the provisions of law for establishing roads; provided, however, that before any such road is changed a sixty-day notice of the intention of the owner or lessee thereof to change the same shall be served upon the board of the municipality in which the road is situated, by filing with the clerk thereof a declaration of such intention in the form of said notice; and, provided, however, that the said owner or lessee shall be liable to the owner or occupant of any land abutting upon said road or any affected by such change to the extent of the damage sustained by reason of such change, and for the recovery of which an action may be brought after such change is made. In case such board or council or the commissioner of highways, desire to establish a road over mineral lands, it or he may agree with the owner or lessee of the land that, in case he shall consent to its establishment, its location shall be changed upon his request; provided, however, that before such road will be changed by any such board, council or commissioner of highways, ninety days' notice thereof shall be posted in three conspicuous places along said road, which said notice shall state the time when said road shall be changed. ('21 c. 323 § 71)

2612. Town and county boards to construct culverts—The town boards as to town roads, and the county boards, as to county and state aid roads, are hereby required to install one substantial culvert for an abutting owner in cases where, by reason of grading a public highway, the same is rendered necessary for a suitable approach upon said highways over driveways from abutting lands. ('21 c. 323 § 72)

2613. Condemnation of gravel beds—Whenever the commission of highways, or any county or town board or common council of any village or city shall deem it

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necessary for the purpose of building or repairing public roads or streets within his or its jurisdiction, he or it may procure by purchase or condemnation, in the manner provided by law, any plot of ground, not exceeding twenty acres, containing gravel or stone, or clay, or sand or one or more of such road materials, suitable for road purposes, together with the right of way to the same of sufficient width to allow teams to pass, and on the most practicable route to the nearest public road. ('21 c. 323 § 73)

2614. Special railroad rates for road materials—The railroad and warehouse commission is hereby authorized to make schedules of intra-state rates for railroads for the transportation of sand, gravel, crushed rock and other materials, to be used in the construction or maintenance of public roads and streets by or under the direction of public authorities, which rates may be lower than those charged for transporting the same kind of freight for all other purposes. ('21 c. 323 § 74)

2615. Obstruction of or damage to highways—
 Sub. 1. Any person who shall obstruct any of the public highways of this state in any manner or who shall dig any holes therein, or remove any earth, gravel or rock therefrom, or any part thereof, or who shall in any manner obstruct any ditch on the side of any such highways, and thereby damage the same, shall be guilty of a misdemeanor. It is hereby made the duty of the county attorney to prosecute all violations of the provisions of this section, occurring in his county.

Sub. 2. Any person or persons who wilfully, maliciously, or with intent to annoy, shall in any manner deface, damage or tamper with any structure, work, material, equipment, tools, signs, marker, signals, paving, guard rails, drains, or any other highway appurtenances, on or along any public highway or road or the right of way thereof, shall be guilty of a misdemeanor, provided that nothing herein shall restrict the actions of persons who shall or may have proper authority therefor.

Sub. 3. Any person who in any manner places, puts or maintains any advertisement within the limits of a public highway, or who in any manner paints, prints, places, puts or affixes, or causes to be painted, printed, placed or affixed any advertisement on or to any stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, danger-signal, guide-sign, guide-post, billboard, building, or other object within the limits of a public highway, shall be guilty of a misdemeanor; Provided, however, that none of the provisions of this act shall prohibit the placing of public notices on billboards erected for that purpose by authority of the governing body of a municipality. Any advertisement in or upon a public highway in violation of the provisions of this subdivision may be taken down, removed, or destroyed by direction or authority of the commissioner of highways in the case of state trunk highways, by the county board in the case of county and state aid roads and by the town board in the case of town roads. ('21 c. 323 § 75; amended as to subd. 3, by '23 c. 439 § 11)

2616. Moving buildings over roads—Any person, firm or corporation moving or causing to be moved, any building or structure upon, across or along any public road, street, alley or highway, whether within or without any city, village or borough of the state, shall so move such building or structure as not to unnecessarily interfere with, damage or destroy any bridges, trees, hedges, fences, telephone or electric power poles, wires, or cables upon such road, street, alley or highway.

Whenever it shall be necessary to displace or temporarily remove any guard rails on any bridge, or any fence, telephone or electric power poles, wires, or cables to permit the moving of any building or structure upon, along or across any such public road, street, alley or highway, the person, firm or corporation owning or maintaining such fence, poles, wires or cables, shall not be required to displace or temporarily remove the same nor shall any guard rails on any bridge be displaced or removed until the reasonable costs of such displacement or temporary removal have been paid or tendered by the person, firm or corporation, requiring such displacement or temporary removal; provided, however, that nothing in this section shall apply to any work being done upon any such public road, street, alley or highway by or for any municipality, nor to the moving of any building or structure 18 feet in height or less within the limits of any incorporated city. ('21 c. 323 § 76)

2617. Removing snow—It shall be the duty of the town board of each town, so far as funds are available for the expense thereof, to keep all town, county and judicial roads therein in a passable condition by the removal of snow therefrom; and for that purpose the road overseer is authorized to employ, by and with the consent of the town board, such men and teams and other equipment as may be necessary for the purpose. The town board may also provide for the erection of snow fences when deemed advisable.

It shall be the duty of the county board, so far as funds are available for the expense thereof, to keep all state aid roads and state rural highways therein in a passable condition by the removal of snow therefrom. ('21 c. 323 § 77)

2618. Marking of trails by associations—

Sub. 1. Any corporation or association organized to promote the improvement, marking or blazing of any continuous highway, may apply to the commissioner of highways for the permission to mark or blaze such highway within the state.

Sub. 2. The application shall be in the form prescribed by the commissioner of highways, and shall give the proposed name, route, color combination and design to be used in such marking or blazing. Said application shall be accompanied by a fee of \$25.00 which shall be paid into the trunk highway fund.

Sub. 3. The commissioner of highways shall consider such application, and if he deems it advisable, shall by order, give permission for such marking or blazing, with such changes in design or route, as he may specify. Such order shall specify the name, color combination and design, and the route which is to be used. Thereupon said corporation or association shall have the exclusive right to the use of such name, color combination and design in trail or highway designation and marking, provided that nothing herein shall limit the right of the commissioner of highways, to move, remove or change any such markings on the trunk highways.

Sub. 4. Any person or persons, other than the corporation or association to whom such permit has been issued, who shall use for similar or like purpose this name or color combination and design for the use of which permission has been so given, shall be guilty of a misdemeanor.

Sub. 5. When any such corporation or association shall cease to exist, or when the interest in any such designated highway or trail, name and markings has ceased, the commissioner of highways may, after investigation, by order cancel such permit and right. ('21 c. 323 § 78)

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ROADS 2621 501
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2619. Repeal—All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

The following laws and parts of laws are hereby expressly repealed, to-wit:

Sub. (1) Sections 2488 to 2551 inclusive, Sections 2557 to 2577 inclusive, Sections 2590 to 2593 inclusive, and Section 2600 of the General Statutes 1913.

Sub. (2) All of Chapter 235 General Laws 1913, except Sections 65, 66, 67, 68, and 69. Also all of Chapter 508 of the General Laws 1913.

Sub. (3) All of Chapters 21, 100, 116, 160, 180, 182, 252 and 330 of the General Laws 1915.

Sub. (4) All of Chapters 43, 52, 181, 259, 318, 366, 479 and 495 of the General Laws 1917 and also all of Chapter 119 General Laws 1917 except Section 22 thereof.

Sub. (5) All of Chapters 24, 67, 172, 200, 209, 263, 264, 265, 273, 285, 307, 323, 349, 362, 450, 482 and 484 of the General Laws 1919.

Sub. (6) All of Chapters 15 and 18 of the Special Session Laws 1919.

Sub. (7) All laws and parts of laws not herein expressly repealed are hereby continued in full force and effect.

Sub. (8) In the event that any provision or paragraph or part of this act shall be questioned in any Court and shall be held to be invalid the remainder of the act shall not be invalidated but shall remain in full force and effect.

Provided, however, that the express or implied repeal by the provisions of this act, of any law now in force shall not affect any action or proceedings now pending in any court, or any cause of action which has already accrued under such law so repealed, or any proceeding which at the time of the passage of this law has been instituted for the establishment, vacation, alteration, laying out, construction or repair of any road or the assessment and payment of damages therefor or the collection and enforcement of any taxes levied or assessed for road purposes, including road labor assessed, and any such taxes uncollected at the time of the passage of this act shall be collected and the payment thereof enforced under the provisions of law existing at the time of such levy and assessment. ('21 c. 323 § 79)

2620. This act may be referred to and cited as "The Public Highways Act of Minnesota." ('21 c. 323 § 80)

The following laws apply only to particular counties: County expenditures on roads and bridges in cities and villages ('15 c. 73)

Leasing of streets for overhead structures ('15 c. 291)
Transfer of money from sanatorium to road and bridge fund legalized ('17 c. 47).

Maximum rate of taxation fixed by board of tax levy for road and bridge purposes ('17 c. 339).

Roads constructed under federal aid to be supervised by state highway commission ('17 c. 433).

Appropriation of moneys for road, street and bridge work in certain cities ('19 c. 60).

Compensation of highway engineers and employes ('19 c. 66).

Construction of roads on county lines and taxation therefor ('19 c. 198).

Issuance and sale of bonds for permanent improvement of certain state roads ('21 c. 166).

Maximum rate of taxation fixed by board of tax levy and estimate of county board for road and bridge fund included in tax levy ('21 c. 228, amended '23 c. 231).

Bond issuance and tax levy for construction and maintenance of roads and bridges ('21 c. 395).

Employment of road clerks for county road and bridge work ('23 c. 23; '23 c. 99).

County expenditures on roads and bridges in towns ('23 c. 57; '23 c. 169).

Power of county commissioners to fix and apportion tax levy for road and bridge purposes ('23 c. 200).

Purchase of dredge or ditching machine for construction of county road ditches ('23 c. 217).

GENERAL PROVISIONS APPLICABLE TO ALL ROADS

2621. Meeting and passing vehicles—Subdivision (1). When persons meet on any road or bridge, traveling with vehicles, each shall seasonably drive to the right of the middle of the traveled part of such road or bridge, so that the vehicles may pass without interference.

The driver of any vehicle passing another vehicle traveling in the same direction shall drive to the left of the middle of the traveled part of the road, and if such road be of sufficient width to permit such passing, the driver of the leading vehicle shall not obstruct the same.

Subdivision (2). The driver of any vehicle approaching or crossing a street or highway intersection shall give the right of way to any other vehicle approaching from his right on the intersecting street or highway, and shall have the right of way at such crossing over any vehicle approaching from his left on such intersecting street or highway. The provisions of this subdivision shall be applicable in boroughs, villages and cities, except at such street intersections therein where and when a police officer shall be in actual charge of the regulation of traffic at any such intersection of streets. ('13 c. 235 § 65, amended '17 c. 119 § 22) [2552]

58-555, 557, 60+545; 74-436, 437, 77+238; 110-158, 124+831; 140-285, 168+351; 141-240, 169+805; 145-35, 176+173; 146-118, 177+944; 146-205, 178+882; 147-95, 179+647; 148-167, 181+323; 150-90, 184+571; 150-285, 184+1026; 150-362, 185+376; 152-377, 188+994; 152-519, 189+435; 190+993; 191+447; 193+690.

2622. Intemperate drivers—No person owning or having control of a coach or vehicle traveling upon any road for the conveyance of passengers, shall employ any person to drive the same who is addicted to the excessive use of intoxicating liquors.

Every person who violates any provision of this section shall forfeit for each offense such sum as the court shall fix, not exceeding fifty dollars, and shall also be liable to any party injured for all damages sustained by reason of such offense; provided, that complaint for such violation shall be made within three months, and every action for damages shall be begun within one year thereafter. ('13 c. 235 § 66) [2553]

2623. Leaving horses unfastened—No driver of any vehicle used for the conveyance of passengers for hire, shall leave the horses attached thereto, while any passenger remains in or upon the same, without securely fastening such horses or leaving some suitable person in charge thereof; and, if any driver shall violate the provisions of this section, he and his employer shall, in an action for damages instituted by any person injured by reason of the violation of this section, be deemed guilty of negligence. ('13 c. 235 § 67) [2554]

2624. Traction engine—Whistle, etc.—Every engineer, owner, or other person in charge of a traction engine propelled along a road, who shall blow or permit the whistle of such engine to be blown within five hundred feet of a team passing on such highway, if the team can be seen from the position of such engine, or who shall not stop the same at least one hundred feet before meeting a horse or team traveling on such road, unless on a side hill where such stoppage might expose the flues of the engine and cause an explosion, and not start the same until such horse or team shall have passed the engine, shall be guilty of a misdemeanor. ('13 c. 235 § 68) [2555]

2625. Traction engine—Bridges—Every owner, engineer, or other person in charge of a traction engine, before taking such engine across a culvert or bridge, shall place extra planking thereon for the protection

2620 Note 83, 361, 356, 384
2620 Note 25 - 42
2621 Et. seq. 25 - 416, 201-NW 296, 201-NW 606
2620N 29 - 189

2622 170-M 44, 213-NW 3, 2622 11 - 365¹⁸, 25 - 416²⁶, 25 - 416²⁹, 209-NW 750

of the same, and neglect to do so shall render him liable for one-half the expense of repairing any damage caused by his failure to do so; provided, the amount so paid by him shall not exceed fifty dollars. Such sum may be recovered in a civil action against the owner. ('13 c. 235 § 69) [2556]

2626. Animals on highways—It shall be unlawful for any itinerant person or persons to hitch or turn loose on any public highway in this state any horses, cattle or other animals for the purpose of feeding the same or for the purpose of temporarily camping on such public highway for a period to exceed twelve hours and within six miles of the previous camping place of said person or persons. ('15 c. 279 § 1)

2627. Penalty for violation—Any resident in this state may enter complaint before any court having jurisdiction against any person or persons violating this section and it shall be the duty of such court to issue a warrant for the arrest of such person or persons complained of, and have them brought forthwith before said court for examination, and if found guilty of such violation as charged, said person or persons shall be punished by a fine not exceeding fifty (\$50.00) dollars or by imprisonment in the county jail for not more than thirty days. ('15 c. 279 § 2)

2628. Commissioner of highways may condemn bridges—Upon the complaint of the commissioner of highways as to trunk highways, the county board of any county as to state aid and county roads, the town board of any town as to town roads, filed with the railroad and warehouse commission, that any highway bridge over any railroad is unsafe for the accommodation of the travel thereon on account of the strength or width thereof, the width, manner of construction or grade of the approaches thereto, the clearance thereof above the rails or for any other cause, the commission shall forthwith proceed to investigate the matters contained in the complaint giving the complainant and railroad company an opportunity to be heard, at a time and place to be fixed by the commission, after such notice as the commission may deem reasonable. Upon such hearing, or any appeal from the order of the commission made thereon, a certified copy of any order of the commissioner of highways or resolution of the county board or town board, as the case may be, condemning such bridge on account of its noncompliance with the provisions of any existing law relating to the construction of bridges on highways, shall be deemed prima facie evidence of the facts therein recited, and that such bridge is unsafe for travel. ('21 c. 368 § 1)

2629. May order bridges reconstructed—Upon such hearing the commission shall decide the matters set forth in the complaint, and make a report in writing thereof, including the findings of fact. If it finds the facts set forth in the complaint to be true, it shall make its order directing the railroad company within a time set forth therein to reconstruct or repair such bridge in such manner as the commission may direct. ('21 c. 368 § 2)

2630. Appeal—Any railroad company, or the commissioner of highways, or the county or town making the complaint, may appeal from an order of the commission to the district court of the county in which such bridge is located, and in case of such appeal, the same proceedings shall be had as is now provided by law for an appeal from orders of the commission, except as herein otherwise provided. ('21 c. 368 § 3)

2631. Failure to comply—Penalty—Any railroad company failing to comply with any order of the commission shall be liable to a penalty of \$50.00 for each and every day of such noncompliance, to be collected by the attorney general for the trunk highway fund

in the case of a bridge on a trunk highway, and by the county attorney for the county road and bridge fund in the case of a bridge on a county or town road. ('21 c. 368 § 4)

2632. Vehicles of certain width prohibited—No motor vehicle shall be operated on the highways of this state whose width, including load, is greater than ninety-six inches, except traction engines whose width shall not exceed one hundred and eight inches, a greater height than twelve feet six inches or a greater length than thirty feet, and no combination of vehicles coupled together shall be so operated whose total length, including load, shall be greater than eighty-five feet, provided that in special cases vehicles whose dimensions exceed the foregoing may be operated under permits granted as hereinafter provided. ('21 c. 396 § 1)

2633. Weight of load limited—No vehicle of four wheels or less, whose gross weight, including load is more than twenty-eight thousand pounds; no vehicle having a greater weight than twenty-two thousand and four hundred pounds on one axle, and no vehicle having a load of over eight hundred pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width in the case of rubber tires to be measured between the flanges of the rim) shall be operated on the highways of the State of Minnesota; provided that in special cases vehicles whose weight, including loads, exceed those herein prescribed may be operated under special permits granted as hereinafter provided. ('21 c. 396 § 2)

2634. Permit—Where secured—The Special Permit required by Sections No. 1 and 2 of this act, for the operation of a vehicle whose size or weight with load exceeds the limits prescribed in this act, shall be in writing and be issued at the discretion of the Commissioner of Highways or of those local authorities who have charge of the highways and bridges over which such vehicle is to operate. Such permit may be issued for a single trip or for a definite period not beyond the date of expiration of the vehicle registration, and may designate the highways and bridges to be used. No motor vehicle or traction engine equipped with so-called "mud-hooks" shall be operated upon any public highway and no motor vehicle or traction engine shall be operated upon any public highway with lugs, or other hard protuberances upon the bearing surface of the wheels, except in particular places where and at times when the same are necessary. ('21 c. 396 § 3)

2635. Violation a misdemeanor—Any person who shall operate a vehicle on the highways of the State of Minnesota in violation of this act shall be guilty of a misdemeanor. ('21 c. 396 § 4)

2636. Restricting use of roads—The Commissioner of Highways, or the governing board of any municipality having jurisdiction of roads therein shall have the authority to restrict the character and weight of motor traffic upon earth or gravel roads under their jurisdiction when weather or soil conditions would, in their judgment, result in such traffic destroying or excessively damaging such roads. When such Commissioner or board find it necessary to place restrictions on the kind and weight of motor traffic on such roads, the road shall be posted with plainly printed notices at both ends of such section of roads on which traffic is to be restricted, also at the points where such roads leave the nearest town, and when practicable, proper notices shall be published in the local newspapers. All such notices shall state the loads and kind of vehicles prohibited from using such roads. ('21 c. 396 § 6)

2637. Municipalities not to expend money outside of state—That no municipality "of the second class" in the State of Minnesota shall hereafter appropriate or

21	—	2633
25	—	396-R
27	—	416-R
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29	—	407

use any of its funds or make or incur any expenditure, indebtedness or obligation whatsoever for or in the construction, maintenance or repair of any road, roadway, driveway or highway of any kind whatsoever, located or situated outside the boundaries of said state or in aid of any thereof, or in connection therewith. ('21 c. 106 § 1)

2638. Not liable for failure—That no municipality shall ever be liable in any way whatsoever for any failure to repair or maintain any such road, roadway, driveway or highway and no action shall be prosecuted or maintained against any such municipality or any of its officers for or on account of any such failure. ('21 c. 106 § 2)

2639. Not to apply to bridges—The provisions of this act shall not apply to any bridge which shall span any water forming the boundary of this state. ('21 c. 106 § 3)

2640. State to reimburse counties for money expended on trunk highways—That the State of Minnesota hereby agrees to reimburse, to the extent hereinafter provided, all counties for moneys expended by them subsequent to February 1, 1919, or hereafter to be expended by them under the provisions of this act in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota, and to be hereafter more definitely fixed and determined by the Commissioner of Highways. ('21 c. 522 § 1)

2641. Manner and time of reimbursement—That said reimbursement shall be made only in the manner, at the time, and to the extent herein provided:

(a) To the extent that the proceeds derived from the issuance of bonds by any counties under Chapter 265, Laws of Minnesota for 1919, or any other general law of this state, shall have been heretofore so expended, the State of Minnesota hereby agrees to pay out of the Trunk Highway Fund, and only out of that fund, the principal of such bonds at maturity, and it shall be the duty of the county boards of the counties availing themselves of the provisions hereof to certify to the Commissioner of Highways on or before August 1, 1921, full data concerning such bonds on blanks prepared and furnished by said Commissioner, setting forth the date of issue and sale, the date of maturity, the amount, rate of interest, and such other facts as may be required by said Commissioner.

The State of Minnesota hereby agrees to reimburse said counties for all interest accruing on said bonds subsequent to February 1, 1919, and paid by said counties, and for all interest hereafter to accrue thereon, but if the rate of interest on said bonds exceeds five per cent per annum such reimbursement shall be computed on the basis of five per cent, instead of the actual rate. It shall be the duty of the counties to pay such interest in the first instance and in accordance with the terms of said bonds. The county auditor of any county claiming such reimbursement for interest shall certify to said Commissioner, on blanks to be prepared and furnished by him, complete data showing that the county is entitled to the reimbursement for interest as hereby provided. Said interest certificates shall be filed in the office of said Commissioner, to be numbered in the order of such filing, and be paid in the order of filing out of that portion of the Trunk Highway Fund set aside for payment of interest and for refundment purposes. Interest shall not be allowed or paid on said interest certificates. The moneys so paid to any county shall be credited to the fund out of which such interest was paid by such county.

(b) To the extent that moneys derived from taxes, State Highway aid, or temporarily transferred from any bond, interest, or sinking funds, shall heretofore have been by any county so expended in such road

work, the State of Minnesota hereby agrees to reimburse such county out of the Trunk Highway Fund, and only out of that fund, for the moneys thus expended, together with interest thereon as included in the principal of bonds issued under this sub-division. Warrants both paid and unpaid which evidence such expenditure shall be included in such reimbursement. It shall be the duty of the county board of any county, desiring such reimbursement, to issue bonds of the county in an amount equal to the amount thus expended, including interest thereon from the respective dates of such expenditures to the date of such bonds, at the rate of five per cent per annum. Such bonds shall mature in not less than ten, nor more than twenty years and bear interest at not more than six per cent per annum, payable semi-annually, and shall be sold conformably to Section 1856, General Statutes 1913. Such county board is hereby authorized to issue and sell such bonds without regard to said county's net indebtedness. The State of Minnesota hereby agrees to pay out of the Trunk Highway Fund, and only out of that fund, the principal of such bonds at their maturity. When such bonds, shall have been so issued, it shall be the duty of the county board so issuing said bonds to certify to the Commissioner of Highways, full data concerning such bonds on blanks to be prepared and furnished by said Commissioner, setting forth the date of issue and sale, the date of maturity, the amount, rate of interest, and such other facts as may be required by said Commissioner. The State of Minnesota hereby agrees to reimburse said counties for all interest accruing on said bonds, but if the rate of interest on said bonds exceeds five per cent per annum, such reimbursement shall be computed on the basis of five per cent per annum, instead of the actual rate. It shall be the duty of the counties to pay such interest in the first instance and in accordance with the terms of said bonds. Thereupon the county auditor shall certify to the Commissioner, on blanks to be prepared and furnished by said Commissioner, complete data showing that the county is entitled to the reimbursement of interest as herein provided. Said interest certificates shall be filed in the office of said Commissioner, be numbered in the order of such filing, and be paid in the order of such filing out of that portion of the Trunk Highway Fund set aside for the payment of interest and for refundment purposes. Interest shall not be allowed or paid on such interest certificates. The proceeds derived from the issuance and sale of such bonds shall be placed in the fund of said county out of which the original expenditure was made, but shall first be applied to the payment of any outstanding unpaid warrants referred to in this sub-division and sub-division (f) hereof and issued or to be issued for so permanently improving roads. No bonds shall be issued or sold by any county under the provisions of this section until the Commissioner of Highways shall have certified that said bonds are such as will be paid by the state at their maturity.

(c) To the extent that moneys derived from taxes shall have been by any county so expended, and thereafter funding or refunding bonds shall have been issued by such county to pay warrants covering such expenditures, the State of Minnesota hereby agrees to pay out of the Trunk Highway Fund, and only out of that fund, the principal of such funding or refunding bonds at maturity, and it shall be the duty of the county boards of the counties availing themselves of the provisions hereof to certify to the Commissioner of Highways on or before August 1, 1921, full data concerning such bonds on blanks to be prepared and furnished by such commissioner, setting forth the date of issue and sale, the date of maturity, the amount,

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rate of interest and such other data as may be required by said Commissioner. The State of Minnesota hereby agrees to reimburse said counties for all interest accruing on said bonds subsequent to February 1, 1919, and paid by said counties, and for all interest hereafter to accrue thereon, but if the rate of interest on said bonds exceeds five per cent per annum, such reimbursement shall be computed on the basis of five per cent, instead of the actual rate. It shall be the duty of the counties to pay such interest in the first instance and in accordance with the terms of said bonds. Thereupon the county auditor shall certify to the said Commissioner, on blanks to be prepared and furnished by said Commissioner, complete data showing that the county is entitled to the reimbursement herein provided. Said interest certificates shall be filed in the office of said Commissioner, be numbered in order of such filing, and paid in the order of such filing out of the portion of the Trunk Highway Fund set aside for the payment of interest and refundment purposes. Interest shall not be allowed or paid on such interest certificates. The moneys so paid to any county shall be credited to the fund out of which such principal or interest was paid by such county.

(d) To the extent that the proceeds derived from the issuance and sale of bonds heretofore authorized prior to January 1, 1921 by any counties under Chapter 265 of the Laws of Minnesota, 1919, or any other law of this State, shall be hereafter so expended under the direction, approval and supervision of the Highway Commissioner upon contracts made by any county with the express approval of the Highway Commissioner, the State of Minnesota agrees to pay out of the Trunk Highway Fund, and only out of that fund, the principal of such bonds, at maturity. It shall be the duty of the county boards of the counties availing themselves of the provisions hereof to certify to the Commissioner of Highways within six months after said proceeds shall have been so expended, full data concerning such bonds on blanks to be prepared and furnished by said Commissioner, setting forth the date of issue and sale, the date of maturity, the amount, rate of interest, and such other facts as may be required by the Commissioner. The State of Minnesota hereby agrees to reimburse such counties for all interest accruing on such bonds and paid by such counties, but if the rate of interest on such bonds exceeds five per cent per annum, such reimbursement shall be computed on the basis of five per cent per annum, instead of the actual rate. It shall be the duty of the counties to pay such interest in the first instance and in accordance with the terms of said bonds. Thereupon the county auditor shall certify to the said Commissioner on blanks to be prepared and furnished by said Commissioner complete data showing that the county is entitled to the reimbursement herein provided. Said interest certificates shall be filed in the office of the Commissioner, be numbered in the order of such filing, and be paid in the order of such filing out of the portion of the Trunk Highway Fund set aside for the payment of interest and refundment purposes. Interest shall not be allowed or paid on such interest certificates. The moneys so paid to any county shall be credited to the fund out of which such principal or interest was paid by such county. Provided that the total amount of bonds for which the State of Minnesota shall be liable for reimbursement under the provisions of the foregoing Subdivision "d" on contracts not yet entered into, shall not exceed the sum of nine Million Dollars (\$9,000,000).

(e) To the extent that the proceeds of any bonds hereafter issued and sold by any county under the provisions of any existing law shall be so expended

for the purpose of completing only under the direction and supervision of the Commissioner of Highways, the permanent improvement of such portion of any Trunk Highway heretofore partially improved by such county for the expenditure on which as already made by such county it shall be entitled to reimbursement under the foregoing provisions of this act, the State of Minnesota hereby agrees to pay out of the Trunk Highway Fund, and only out of that fund, the principal of such bonds provided that none of such bonds shall mature in less than five nor more than twenty years from the date of issue.

It shall be the duty of the county boards of the counties availing themselves of the provisions hereof to certify to the Commissioner of Highways within six months after the completion of any such work full data concerning such bonds on blanks to be prepared and furnished by the Commissioner, setting forth the date of issue and sale, the date of maturity, the amount, rate of interest, and such other facts as may be required by said Commissioner.

The moneys paid to all counties hereunder shall be credited to the fund out of which such principal was paid by any such county.

(f) Moneys actually paid out by any counties in so permanently improving roads subsequent to February 1, 1919, but in accordance with the terms and provisions of contracts dated prior to February 1, 1919, shall not for the purposes of this act be regarded as moneys expended by such counties. Except in so far as the State Highway Commissioner shall specifically so order in the interests of the Highway system. Moneys hereafter to be paid out by any counties in accordance with the terms and provisions of contracts heretofore, but subsequent to February 1, 1919, entered into by such counties for so permanently improving roads shall be regarded as money heretofore expended within the meaning of this act.

(g) The foregoing provisions shall not include reimbursement for any moneys so expended by any counties and derived from Federal aid.

(h) The moneys paid out by any county to any township, borough, village or city, in reimbursing such township, borough, village or city for so permanently improving roads or any part thereof described in Article 16 of the Constitution of the State of Minnesota, heretofore and subsequent to February 1, 1919, shall be regarded and dealt with as moneys expended by such county in permanently improving roads or any part thereof; provided, such work shall have been done in accordance with plans and specifications approved by the Commissioner of Highways. Before any payment shall be made by any county, to any such township, borough, village or city, the plans and specifications for such work, the work done and the contract price paid therefor, shall be first approved by the Commissioner of Highways, by order made and filed in his office, a certified copy of which order shall be filed with the county auditor of any such county. That thereafter the county board of any such county shall authorize the county auditor to issue his warrant on the road and bridge fund of such county in the amount so approved by the Commissioner of Highways to such township, borough, village or city. Any such warrants paid, or warrants so issued and not paid for lack of funds, may be funded or refunded by such county in the manner provided herein for the funding and refunding of moneys expended by such county derived from taxes or other funds.

(i) Whenever the words "permanently improving" are used in this act they shall be construed to mean permanently improving any road described in Article 16 of the Constitution of the State of Minnesota, in

accordance with plans and specifications therefor approved by the Commissioner of Highways.

(j) In the event that any provision or paragraph or part of this act shall be questioned in any court and shall be held to be invalid, the remainder of the act shall not be invalidated, but shall remain in full force and effect. ('21 c. 522 § 2)

2642. Counties re-insured for road bonds—That the State of Minnesota hereby agrees to reimburse in the manner and to the extent hereafter provided, all counties for moneys heretofore expended by them subsequent to February 1, 1919, in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota. ('23 c. 184 § 1)

2643. Amount of reimbursement—To the extent that moneys derived from taxes, State Highway aid, or temporarily transferred from any bond, interest, or sinking funds, shall heretofore, and subsequent to February 1, 1919, have been by any county so expended in such road work in constructing and installing culverts and bridges in roads that have heretofore been permanently designated as State Trunk Highways and on which the contract for road construction other than bridges and culverts was let subsequent to February 1, 1919, and prior to April 25, 1921, and the expenditures for which road construction work other than culverts and bridges have been certified and accepted by the Commissioner of Highways for reimbursement, the State of Minnesota hereby agrees to reimburse such county out of the Trunk Highway Fund and only out of that fund, for the moneys thus expended, for culverts and bridges, together with interest thereon as included in the principal of bonds to be issued under this act. Warrants, both paid and unpaid, which evidence such expenditure shall be included in such reimbursement. ('23 c. 184 § 2)

2644. Bonds to be issued—It shall be the duty of the county board of any county desiring such reimbursement to issue bonds of the county in an amount equal to the amount thus expended, including interest thereon from the respective dates of such expenditures to the date of such bonds, at the rate of five per cent per annum. All of the provisions of subdivision (b) of Section 2 Chapter 522 Laws 1921, shall apply to the issuance of such bonds, the maturity thereof and to the payment of the principal and interest thereof. The proceeds derived from the issuance and sale of such bonds shall be placed in the fund of said county out of which the original expenditures were made but shall first be applied to the payment of any outstanding unpaid warrants referred to in this act. No bonds shall be issued or sold by any county under the provisions of this act, until the commissioner of Highways shall have certified that said bonds are such as will be paid by the state at their maturity. ('23 c. 184 § 3)

2645. County boards may issue bonds for road and bridge purposes—The county board of any county is hereby authorized, without a vote of the people, to issue and sell from time to time the bonds of said county to such an amount as in the judgment of the board may be necessary for the purpose of paying the expense to be incurred in permanently improving any road or roads, including temporary trunk highways, in said county, which have not been definitely fixed and determined by the commissioner of highways as trunk highways, but the aggregate indebtedness of any county, inclusive of bonds issued hereunder, shall not at any time exceed fifteen per cent of the assessed valuation of the county's taxable real property; provided, however, that the amount of bonds issued hereunder by any county shall, together with bonds heretofore authorized by such county under the provisions of chapter 265, Laws 1919, in no case exceed in the aggregate the sum of \$250,000.00. ('23 c. 320 § 1)

2646. Definitions—The words "permanently improve" as used herein shall mean any work approved by the commissioner of highways as hereinafter specified which is essential or preparatory to the paving of such road with a proper durable hard-surface type of paving. ('23 c. 320 § 2)

2647. Commissioner of highways to approve routes and plans—Before any bonds shall be issued under the provisions hereof, the route and termini of the road or roads proposed to be permanently improved and the plans and specifications for such improvement shall be approved by the commissioner of highways. Before any contract for such improvement shall be let, such contract, including the price thereof, shall be approved by the commissioner of highways; and the contract shall be performed and the improvement made under the direction and supervision of the commissioner of highways. The approval of such route, termini, plans and specifications, and the fact that the road is one for the permanent improvement of which bonds may be issued hereunder, shall be conclusively evidenced by a certificate to that effect signed by the commissioner of highways, in which the road or roads proposed to be improved shall be designated by proper description or reference. ('23 c. 320 § 3)

2648. Form of bonds—Interest—Sale of bonds—Such bonds shall be in such form and denominations, shall bear such rate of interest not exceeding six per cent per annum payable semi-annually, shall become due and payable at such time or times not more than twenty years from their date, and shall be sold in such manner, as the county board and the commissioner of highways shall determine, may contain an option permitting their redemption on any interest date, shall be signed by the chairman of the county board and countersigned by the county auditor, and shall be sold conformably to the provisions of section 1856, General Statutes 1913, for not less than par and accrued interest. ('23 c. 320 § 4)

2649. Use of proceeds—The proceeds of such bonds shall be used for the permanent improvement of the road or roads designated in the resolution authorizing their issuance; and if any part of such proceeds remains unexpended after the completion and acceptance of said improvement, such unexpended surplus may by said board be paid into the trunk highway fund, in which event such surplus shall be expended by the commissioner within one year after the receipt thereof upon trunk highways within said county. In case the proceeds from such bonds issued by any county should for any reason be insufficient to pay for the completion of any contract for the making of the improvement for which they were issued, such contract shall be carried out by the county so far as such proceeds shall permit, and the remainder of such contract shall be assumed by the commissioner of highways and paid for out of the trunk highway fund, but only if and when the highway being so improved shall be designated as a trunk highway. ('23 c. 320 § 5)

2650. Funds to be credited to trunk highway fund—In case any county shall authorize the issuance of bonds under this act, and thereafter and prior to the letting of a contract for the making of such improvement the road on which such improvement is to be made shall be designated as a trunk highway, the county may pay the proceeds from such bonds into the trunk highway fund to be expended by the commissioner of highways in the making of such improvement upon the route and under the plans and specifications therefor approved by the commissioner prior to the issuance of said bonds. ('23 c. 320 § 6)

2651. Bonds to be issued prior to January 1, 1925—The powers conferred by this act are additional to all other powers conferred by law; but no bonds shall be

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issued hereunder unless authorized by resolution of the county board adopted after the passage of this act and prior to January 1, 1925. ('23 c. 320 § 7)

2652. Counties to be reimbursed from state highway funds—The state of Minnesota hereby agrees to reimburse, to the extent hereinafter provided, all counties for moneys expended by them under the provisions of this act between the passage thereof and January 1, 1925, in permanently improving, in accordance with plans and specifications therefor, approved by the commissioner of highways, roads described in Article 16 of the Constitution of Minnesota and to be hereafter definitely fixed and determined by the commissioner of highways as trunk highways. Moneys paid by any county upon any contract hereunder shall be deemed to have been expended as of the date of such contract. Moneys paid by any county into the trunk highway fund and expended by the commissioner of highways under the provisions of sections 4 and 6 hereof shall be deemed to have been expended by such county as of the date of such payment into said fund. Such reimbursement shall be made according to the provisions of chapter 522, Laws 1921, and particularly of subdivision (a) of section 2 thereof, exclusive of amendments thereto, so far as applicable hereto, except that the certificate by the county board required by said subdivision (a) shall be made and filed forthwith upon the issuance of said bonds and in no case later than April 1, 1925. ('23 c. 320 § 8)

2653. State to reimburse municipalities for moneys expended on trunk highways—That the state of Minnesota hereby agrees to reimburse, out of the trunk highway fund and only out of that fund, to the extent and in the manner hereinafter provided, all counties for moneys expended by them subsequent to February 1, 1919, or hereafter to be expended by them under the provisions of this act in permanently improving roads described in Article 16 of the Constitution of the state of Minnesota, as the same have heretofore been or will hereafter be definitely located and determined by the commissioner of highways. ('23 c. 346 § 1)

2654. Limitation to reimbursement—The moneys paid out by any county to any township, borough, village or city in reimbursing such township, borough, village or city for so permanently improving roads or any part thereof described in said Article 16 under contracts therefor entered into by such township, borough, village or city heretofore and subsequent to February 1, 1919, shall be regarded and dealt with as moneys expended by said county in permanently improving such roads or any part thereof, provided such work shall have been done in accordance with plans and specifications heretofore or hereafter approved by the commissioner of highways; but such reimbursement shall be made only to the extent of the proportionate cost of an eighteen foot roadway upon such road, exclusive of gutters and curbs. ('23 c. 346 § 2)

2655. Commissioner of highways to determine who is entitled to reimbursement in certain cases—In the case of townships, boroughs, village or cities which shall have so improved any such roads or any part thereof under contracts entered into heretofore and subsequent to February 1, 1919, and such work shall have been done under plans and specifications which had not been approved by the commissioner of highways prior to the doing of said work, the commissioner of highways may examine and test such improvement and determine the bearing quality and durability thereof, and further determine, upon the basis of bearing quality and durability, the value of such improvement as compared with the value thereof had the same been constructed in accordance with the plans and specifications in use by the commissioner of highways,

on the basis of prevailing costs at the time of the letting of such contract, and when such value has been so determined the commissioner may approve the plans under which such improvement was made for reimbursement as hereinafter provided to the amount of the value of such improvement as so determined, but the amount of such reimbursement shall in no case exceed the amount expended for said improvement. ('23 c. 346 § 3)

2656. Same—In the case of townships, boroughs, villages or cities which shall have so improved any such roads or any part thereof under contracts entered into heretofore and subsequent to April 25, 1921, and in accordance with plans and specifications therefor approved by the commissioner of highways prior to the commencement of work under such contract, the amount of such reimbursement shall be the reasonable value of such improvement on the basis of prevailing costs at the time of the letting of such contract, but the amount of such reimbursement shall in no case exceed the amount expended for said improvement. ('23 c. 346 § 4)

2657. Municipalities to file statement with county auditor—Before any payment shall be made by any county to any such township, borough, village or city, the plans and specifications for such improvement shall be first approved by the commissioner of highways by order made and filed in his office, a certified copy of which order shall be filed with the county auditor of any such county, which order shall specify the amount in which such township, borough, village or city is entitled to reimbursement. That thereafter the county board of any such county shall authorize the county auditor to issue his warrant on the road and bridge fund of such county in the amount so specified by the commissioner of highways to such township, borough, village or city. Any such warrants paid or warrants so issued and not paid for lack of funds may be funded or refunded by such county in the manner provided by subdivision (b) of section 2 of chapter 522, Laws 1921. All of the provisions of said subdivision (b) shall apply to the issuance of such bonds and to the payment of the principal and interest thereof. ('23 c. 346 § 5)

2658. Property owners to be reimbursed in certain cases—The moneys thus paid to any township, borough, village or city shall be credited to the fund out of which the cost of such improvement was paid; provided, however, that in the event any portion of such cost shall have been assessed against property benefited thereby or paid by any township, borough, village, city, school district or county, the governing body of such township, borough, village or city shall equitably apportion said moneys according to the amounts so contributed, in cash or by assessment, to the cost of said improvement, either by cash reimbursement or by reduction of such assessments. ('23 c. 346 § 6)

2659. Application—The moneys paid out and bonds issued by any county under the provisions of Chapter 254, Laws 1911, Chapter 52, Laws 1915, and Chapter 378, Laws 1921, in or for the permanent improvement of any such road, subsequent to February 1, 1919, which work shall have been done in accordance with plans and specifications approved by said commissioner of highways, shall be regarded and dealt with as so expended or issued by said county under the provisions of this act, and reimbursements therefor shall be made and such county bonds dealt with in like manner as is provided by said Chapter 522, Laws 1921; provided within six months after the passage of this act, or after the transaction affected, such county shall furnish said commissioner of Highways, the data with respect thereto contemplated by said Chapter 522; and

moneys thus paid to any county shall be equitably apportioned by the County Board thereof according to amounts contributed by reason of assessments of benefits or otherwise, to the cost of such improvement; either by cash reimbursement or by reduction of such assessments. ('23 c. 346 § 7)

2660. Sections held invalid not to affect other sections—In the event that any provision or paragraph or part of this act shall be questioned in any court and shall be held to be invalid, the remainder of the act shall not be invalidated, but shall remain in full force and effect. ('23 c. 346 § 8)

2661. Trunk highway route number 71 established—There is hereby added to the trunk highway system and created and established an additional route, to be known as route No. 71, which shall begin at a point on route No. 27 at Little Falls and extend thence in a general easterly direction connecting with the village of Onamia, Waukon and Isle and thence in a north-easterly direction to a point connecting with Trunk Highway No. 5 affording intervening and adjacent communities a reasonable means of communication each with the other and other places within the state. ('23 c. 358 § 1)

2662. Same laws to apply—That all of the provisions of law relating to the trunk highway system shall apply to the trunk highway route hereby created and established. ('23 c. 358 § 2)

Additional acts superseded by general road act and of only temporary effect, which have not been included:

- '05 c. 131, relating to road districts in counties having 75,000 inhabitants and over 5,000 square miles in area.
- '05 c. 164, giving boards of county commissioners exclusive control of expenditures for roads in counties having more than 150,000 inhabitants.
- '05 c. 226, legalizing payments to road and bridge funds.
- '07 c. 169, legalizing establishment and vacation of highways.
- '07 c. 399, relating to the bridging of streams forming boundary lines of the state.
- '09 c. 196, relating to roads in counties having more than 200,000 and less than 270,000 inhabitants.
- '09 c. 425, relating to bridges over navigable streams forming state boundary.
- '09 c. 435, relating to road taxes in villages.
- '13 c. 342, relating to roads in cities of the first class.
- '15 c. 44, amended '19 c. 522, county tax for road purposes.
- '15 c. 73, expenditures by counties and cities.
- '15 c. 94, assistance of city by county in bridging Mississippi River.
- '15 c. 312, providing that counties without funds should receive share of road and bridge funds.
- '15 c. 328, use of road fund for paving.
- '17 c. 75, Federal aid road law accepted.
- '17 c. 433, report of state highways in counties having over 150,000 receiving Federal aid.
- '19 c. 145, amended '21 c. 228; '23 c. 231, tax for roads in counties having over 300,000 inhabitants.
- '19 c. 151, road bond issues by one county for use in another.
- '19 c. 214, expenditure of county funds for roads into adjoining states.
- Ex. Sess. '19 c. 18, acceptance of Government war materials by commissioner of highway for use on roads.
- '21 c. 106, cities of second class not to spend money for roads outside of state.
- '21 c. 378, legalizing rural highways.
- '23 c. 129, highways to meandered lakes.
- '23 c. 381, appropriations by county boards for aid in interstate bridges.

FERRIES.

2663. Ferries—License—No person shall establish, operate, or maintain, upon any water in this state, any ferry upon which to carry or transport persons or property for hire, without first obtaining a license therefor from the county board. (1246) [2610]

2664. Notice of application—Any person intending to apply for a ferry license shall give two weeks' posted notice of such intention, stating therein, as near as possible, the points between which he proposes to operate such ferry, and shall file such notice, with proof of posting, with the auditor of the county in which the ferry is situated, at least ten days prior to the presentation of his application; but no notice

of an application for a renewal of a license shall be required. (1247) [2611]

2665. License—Requisites—On proof of the posting and filing of such notice, and on being satisfied that the applicant is a suitable person, that a ferry is necessary at the point specified, and that such point is not within half a mile of any other established ferry, the county may grant the license applied for, for a period specified therein, not exceeding ten years. All licenses so granted shall be sealed with the seal of the board, signed by its chairman, and attested by the auditor. (1248) [2612]

2666. Licensee to give bond—Before receiving such license, the applicant shall give bond to the county, to be approved by such board, in a penal sum of not less than five hundred dollars, conditioned that he will keep the ferry in proper condition for use, and attend the same at all times fixed by law for operating it; that he will neither demand nor take illegal tolls; and that he will faithfully perform all other duties enjoined upon him by law. Such bond shall be filed with the auditor. (1249) [2613]

2667. License fee—The county board shall fix ferry licenses at such sums as it may deem reasonable, but not less than five dollars nor more than two hundred dollars per annum. The licensee shall pay the license fee yearly in advance to the county treasurer, taking duplicate receipts therefor, one of which he shall file with the auditor within ten days from its date. All ferries shall be deemed situated in the county where the ferry house is situated, and the license fee shall be required only in such county. (1250) [2614]

2668. Ferries between counties—Where a stream over which a ferry license is applied for runs between two counties, the county board of each county shall have full jurisdiction in the premises, and, when either board has exercised such jurisdiction and established a ferry, no other board shall exercise any jurisdiction over the same. When the stream forms a part of the boundary line of the state, the county board of the county in this state bordering on such stream may grant a license and exercise all the powers herein conferred, so far as the same do not conflict with the rights of other states. And when application shall be made in two counties separated by a stream for a ferry license over such stream at the same point, the board of the county in which notice of application was first filed with the county auditor shall have sole jurisdiction in the matter. (1251) [2615]

2669. Equipment and attendance—Every licensed ferryman shall provide and keep sufficient and safe boats in good repair for the conveyance of persons and property, and a sufficient number of hands to manage them, and shall give proper attendance from daylight until dark. He shall also attend at any hour of the night, when called upon, for the purpose of conveying the United States mail, or any person desiring, with or without a team or vehicle, to cross on said ferry. But when the stream is impassable by reason of high water, wind, storm, or drift ice, or when it is frozen over, no damage shall be recovered for failure or refusal to carry persons or property across such stream. (1252) [2616]

2670. Tolls—Penalties—The county board shall establish at each ferry the tolls for passengers, horses, carriages, and other things there transported. Every ferryman who neglects to keep such boats and give such attendance as provided for in this chapter, or demands or receives more than the amount designated by said county board, shall forfeit twenty dollars, and be liable for all damages caused thereby, either or

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both of which may be recovered by an action on his bond. (1253) [2617]

2671. Ferries in cities—The provisions of this chapter relating to ferries shall not apply to any stream so far as the same is bordered by any city or village. The council of such city or village shall have the sole right to grant ferry licenses across such stream as far as the same borders thereon, and to make and enforce such regulations for such ferries, ferry licenses, and fees as it may deem proper, except that such licenses shall not be granted for a longer term than ten years. But this section shall not be so construed as to abridge the rights of the county board in any county other than the one in which such city or village is situated. Every ferryman licensed by a council hereunder shall have the same rights, and be subject to the same liabilities as those licensed by county boards. (1254) [2618]

See '19 c. 429, authorizing villages situate upon any river forming a state boundary to operate ferries.

MOTOR VEHICLES.

2672. Definitions—Wherever in this act the following terms are used, they shall be construed to have the meaning herein ascribed to them:

"Application for Registration" shall have the same meaning as "listing for taxation," and when a motor vehicle is registered it is also listed.

"Commercial Freighting," shall mean the carriage of things other than passengers, for hire, between points not wholly within the limits of the same city, village or borough: provided, that local dray lines carrying baggage or goods to or from a railroad station from or to places in the vicinity thereof shall not be construed to be engaged in commercial freighting.

"Commercial Passenger Transportation," shall mean the carriage of passengers for hire between points not wholly within the limits of the same city, village or borough; provided that local bus lines carrying passengers from a railroad station from or to places in the vicinity thereof shall not be construed to be engaged in commercial passage transportation.

"Highway." Any public thoroughfare for vehicles, including streets in cities, villages and boroughs.

"Motor Vehicles." Any self-propelled vehicle not operated exclusively upon railroad tracks, and any vehicle propelled or drawn by a self-propelled vehicle.

"Owner." Any person, firm, association or corporation owning or renting a motor vehicle, or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty (30) days.

"Tractor." Any motor vehicle designed or used for drawing other vehicles, but having no provision for carrying loads independently.

"Trailer." Any vehicle designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

"Semi-Trailer."—A vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight or that of its load rests upon and is carried by the towing vehicle.

"Truck."—Any motor vehicle designed or used principally for carrying things other than passengers and includes a motor vehicle to which has been added a cabinet box, platform, rack or other equipment for the purpose of carrying merchandise other than the person or effects of the passenger.

"Registrar."—The registrar of motor-vehicles, designated in this act.

"Sworn Statement." Any statement required by or made pursuant to the provisions of this act, made

under oath administered by an officer authorized to administer oaths.

"Dealer."—Any person, firm or corporation engaged in the business of manufacturing, selling or purchasing of motor vehicles, who has been registered as such in accordance with the requirements of this act. ('21 c. 461 § 1, amended '23 c. 418 § 1)

(This act by its more comprehensive scope repeals '11 c. 365 § 1 amended '15 c. 33 § 1, covering the same subject matter appearing originally as G. S. '13 § 2619).

111-488, 127+495; 131-363, 154+204; 149-396, 184+12; 150-376, 185+390; 152-529, 189+418; 193+961.

2673. Exemptions—Vehicles owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, the State or any political sub-division thereof, shall be exempt from the provisions of this act requiring payment of tax or registration fees, but all such vehicles except those owned by the Federal Government, municipal fire apparatus, police patrols and ambulances, the general appearance of which is unmistakable, shall be registered as herein required and shall display number plates furnished by the registrar at cost; but the exemption herein provided shall not apply to any vehicle unless the name of the State Department or the political subdivision owning such vehicle shall be plainly printed on both sides thereof. Tractors used solely for agricultural purposes, for drawing threshing machinery or for road work other than hauling material, implements of husbandry temporarily moved upon the highway, road rollers and small trailers of less than 1,000 pounds capacity used only with pleasure vehicles on occasional trips shall not be taxed as motor vehicles using the public streets and highways and shall be exempt from the provisions of this act. Motor vehicles, which are used only for the purpose of carrying sawing machines, well drilling machines or other similar machines, either permanently or temporarily attached to them, shall be subject to the registration tax as herein provided, but the machine so attached shall not be subject to this tax but shall be listed for taxation as personal property as provided by law. ('21 c. 461 § 2, amended '23 c. 418 § 2)

2674. Rate of tax—(a) Motor vehicles, except as set forth in Section 2 hereof, using the public streets or highways in the state of Minnesota shall be taxed in lieu of all other taxes thereon, except Wheelage taxes, so-called, which may be imposed by any borough, city or village, as provided by law, and shall be privileged to use the public streets and highways, on the basis and at the rates for each calendar year as follows:

Motor vehicles for carrying passengers and hearses 2 3/4 % of value.

Provided that the minimum tax on all passenger motor vehicles under 2,000 pounds weight except as hereinafter provided shall be \$12.00 and the minimum tax on all passenger motor vehicles 2,000 pounds and over in weight shall be \$15.00.

Trucks, tractors, trailers and semi-trailers 2 3/4 % of value.

Provided that the minimum tax on all trucks and tractors of 1 ton and under manufacturers' rated carrying or hauling capacity shall be \$15.00 except that the minimum tax on trucks converted from passenger vehicles on which the minimum tax is \$12.00 shall be \$12.00 and the minimum tax on all trucks and tractors of over 1 ton and under 2 tons manufacturer's rated carrying or hauling capacity shall be \$20.00, and the minimum tax on all trucks and tractors of 2 ton or over and under three tons manufacturers' rated carrying or hauling capacity shall be \$30.00 and the minimum tax on all trucks and tractors of 3 tons or over and under 4 tons manufacturers' rated carrying or hauling capacity

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shall be\$60.00 and the minimum tax on all trucks and tractors of 4 tons and over and under 5 tons manufacturers' rated carrying or hauling capacity shall be \$85.00 and the minimum tax on all trucks and tractors of 5 tons and over and under 6 tons manufacturers' rated carrying or hauling capacity shall be \$125.00 and the minimum tax on all trucks and tractors of 6 tons and over manufacturers' rated, carrying or hauling capacity shall be\$150.00 and the minimum tax on trailers and semi-trailers shall be\$2.00 for each ton or fraction thereof of such capacity.

Trucks and trailers engaged in commercial freighting on regular time or route schedule and busses and carriers of passengers for hire engaged in commercial passenger transportation, other than taxi cabs and vehicles engaged in livery business.....10% of value, provided that the minimum tax on all commercial passenger busses of over fifteen passenger seating capacity shall be Three Hundred Fifty Dollars (\$350.00), and on those of fifteen and less and over five passenger seating capacity, other than taxi cabs and vehicles engaged in livery business shall be Two Hundred Fifty Dollars (\$250.00).

Motor cycles without side car\$3.00
 Motor cycles side car additional\$2.00

Value until the end of the first calendar year of vehicle life, construing the year of the model designation as the first year of such life shall be construed to mean the "base price for taxation" as hereinafter defined.

For the purpose of fixing a base price for taxation from which depreciation in value at a fixed per centum per annum can be computed, such price is defined as follows:

The base price for taxation of a motor vehicle of which a similar or corresponding model, as defined in Section 21 of this act, was being manufactured on November 1st preceding the year for which the tax is levied, shall be the manufacturers' list price of such similar or corresponding model in effect on such November 1st. The base price for taxation of a motor vehicle of which no such similar or corresponding model was manufactured until after such November 1st shall be the manufacturers' list price at the factory when the vehicle taxed was first manufactured. The base price for taxation of a motor vehicle of which no such similar or corresponding model has been manufactured since a time prior to such November 1st shall be the price fixed by the registrar as a reasonable manufacturers' list price at the factory on such November 1st if such vehicle has been then manufactured at prevailing costs.

Value during each succeeding year of vehicle life shall be construed to mean such base price for taxation, less ten per cent for the second year, less twenty per cent for the third year, less thirty per cent for the fourth year, less forty per cent for the fifth year, less fifty per cent for the sixth year, less sixty per cent for the seventh year, and less seventy per cent for the eighth and each subsequent year.

When a motor vehicle shall become first subject to taxation between July 31st and October 1st, the tax for the remainder of the calendar year shall be one-half the tax for a whole year.

When a motor vehicle shall become first subject to taxation after September 30th and on or before December 31st, the tax for the remainder of the calendar year shall be one-fourth the tax for a whole year.

(b) Motor vehicles not subject to taxation as provided in the foregoing section, but subject to taxation as personal property within the state of Minnesota, shall be assessed and valued at thirty-three and one-

third per cent of the true and full value thereof and be taxed at the rate and in the manner provided by law for the taxation of ordinary personal property; provided, that if the person against whom any tax has been levied on the ad valorem basis because of any motor vehicle shall, during the calendar year for which such tax is levied, be also taxed under the provisions of this act, then and in that event, upon proper showing, the Minnesota tax commission shall grant to the person against whom said ad valorem tax was levied, such reduction or abatement of assessed valuation or taxes as was occasioned by the so-called ad valorem tax imposed.

(c) The owner of every motor vehicle, not exempted by section 2, or 14, shall, so long as it is subject to taxation within the state, list and register the same and pay the tax herein provided annually, provided, however, that any dealer in motor vehicles to whom dealer's plates shall have been issued as herein provided, shall, upon due application on the date set for the annual renewal of registration and payment of tax, be entitled to withhold the tax upon any motor vehicle held by him solely for the purpose of sale or demonstrating or both and upon which the tax as a user of the public highways, shall become due, until the motor vehicle shall be sold or let for hire to a person not such a dealer, or until used upon the public highways, but no longer than until October 1st, following, when the whole tax shall become immediately payable with all arrears.

(d) Any act required herein of an owner may be performed in his behalf by a duly authorized agent. Any person having a lien upon, or claim to, any motor vehicle may pay any tax due thereon to prevent the penalty for delayed registration from accruing, but the registration certificate and number plates shall not be issued until legal ownership is definitely determined.

(e) The proceeds of the tax imposed on motor vehicles under this act shall be collected by the registrar of motor vehicles and paid into the state treasury and credited to the Trunk Highway Sinking Fund.

(f) No borough, village or city shall impose any tax or license fee or bond of any kind for the operation of any motor vehicle operated upon trunk highways in this state on interurban or intervillage routes and engaged as a common carrier of passengers or freight for hire through any such borough, village or city. ('21 c. 461 § 3, amended '23 c. 418 § 3)

2675. Motor vehicles must be registered—No motor vehicle, except as is exempted by Section 2 of this act, shall use or be operated upon the public streets or highways of the state of Minnesota in any calendar year until it shall have been registered as hereinafter required, and the motor vehicle tax and fees herein provided shall have been duly paid and the "number plates" issued therefor shall be duly displayed on such vehicle. No motor vehicle, except as provided by Section 2 of this act, which shall for any reason not be subject to taxation, as herein provided shall use or be operated upon the public streets or highways of this state until it shall have been duly registered as herein provided, and shall duly display number plates as required by the provisions of this act. ('21 c. 461 § 4, amended '23 c. 418 § 4)

2676. Owner shall list—(a) Every owner of any motor vehicle in this state, not exempted by Section 2 or Section 14 hereof, shall on or before February 15th, in each calendar year and in any event as soon after January 1st as he shall become the owner thereof, file with the registrar on a blank provided by him, a listing for taxation and application for the registration of such vehicle, stating the name and address of the owner, and the nature of his ownership, the name and address of the person from whom purchased, name

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of manufacturer, name of motor-vehicle, year manufactured, year and number of the model, engine and car number, type of body, the list price thereof at the factory, the weight of the vehicle in pounds, and its rated load carrying capacity or seating capacity, the number of cylinders, and such other informations as the registrar may require. The said owner shall make an oath or affirmation before some officer authorized by law to administer oaths or affirmations that the statements made are correct and true; and any false statement wilfully and knowingly made in regard thereto shall be deemed perjury and punished accordingly; provided, however, that such listing for taxation and application for registration need not be sworn to when the applicant is listing the same vehicle for taxation and registration for the second or any succeeding time. The listing and application for registration by dealers or manufacturers' agents within the state, of motor vehicles received for sale or use within the state shall be accepted as compliance with the requirements of this act imposed upon the manufacturer.

(b) Upon the installation of any new motor or the addition or change of type of any body in or upon any registered motor vehicle, the owner shall file with the registrar a new application setting forth such change, together with the payment of any additional tax to which the motor vehicle by such change has become subject, and shall apply for a revision of the registration made. ('21 c. 461 § 5, amended '23 c. 418 § 5).

2677. Registrar shall issue registration certificate—The registrar shall file such application and upon approval thereof and upon payment of the motor vehicle tax, as herein provided, together with all arrears and penalties, if any, and upon the delivery to him of the duly endorsed registration certificate of the former owner as hereinafter provided, or proof of loss provided in lieu thereof, shall assign to it a distinctive number and issue to the owner a "registration certificate," which shall contain the name, place of residence, with street and number, if in a city, and post-office address of the owner, a specific description of the vehicle, and the number assigned, together with a place on the face of the certificate in which the owner shall immediately upon receipt thereof place his signature and, on the reverse side thereof, an assignment and notice of sale or termination of ownership with places for the signature of both seller and purchaser, and a place for assignment of his credit for the tax. The registration certificate shall be retained by the owner until expiration or surrender as herein provided. In the case of listing and registration by manufacturers' agents or dealers of motor vehicles not using the public highways no registration certificate shall be issued, but a duplicate of such list may be retained by the dealer or manufacturer as the registration certificate. Whenever in administering this act, convenience or necessity requires the registration certificate may also be called or referred to as the "registration card." ('21 c. 461 § 6, amended '23 c. 418 § 6)

2678. Registrar shall furnish number plates—The registrar upon such approval and payment shall also issue to the applicant such number plates bearing the abbreviation of the state name and the number assigned, as are required by law. Such plates, or some distinguishing part thereof, shall be of a different color or shade each year, and there shall be marked contrast between the color of the plates and the numerals, and letters thereon, and the plates shall be so lettered or spaced or distinguished as to suitably indicate the classification of the vehicle, according to the regulations of the registrar. In lieu of the issue of new number plates, the registrar may furnish, on each

annual renewal of registration, a year plate to distinguish the year of registration and classification of the vehicle, and shall furnish therewith screws or other means of attachment to the number plate. Said plate shall bear the identical number shown on the number plates to which it is to be attached, and the calendar year for which it is issued and it shall be valid only for such year. The number herein provided for may be a combination of a letter or sign with numbers. After being issued for use upon a motor vehicle no number plate or number shall be transferred to another vehicle during the same calendar year, unless the vehicle for which the same was theretofore issued shall have been permanently lost, destroyed or removed from the state. ('21 c. 461 § 7, amended '23 c. 418 § 7)

2679. Registrar to register only on proof of ownership—(a) The registrar shall approve no application, and issue no number plates for any motor vehicle, except such as may have come direct from the manufacturer, or from another state, unless and until the registration certificate theretofore issued or proof of loss thereof by sworn statement shall be delivered to the registrar, and he shall satisfy himself from his records that all taxes and fees due hereunder shall have been paid, and indorsements upon the said certificate or sworn proof of loss in writing signed by the seller and purchaser, shall furnish proof that the applicant for registration is paying or receiving credit for the tax upon the vehicle of which he is the rightful possessor; or, in case such certificate or proof is not available, the registrar or his deputy shall satisfy himself of such fact by personal view of the motor vehicle serial and motor number and by proof of the claim of ownership thereof.

(b) Motor vehicles brought into Minnesota from other states shall not be registered or have number plates issued therefor until such registration certificate or other evidence of title as may reasonably be required from the registrant within that state be surrendered to the registrar in the same manner as certificates of this state, or in lieu thereof, such view and evidence of the chain of ownership be had as will assure the payment of the proper tax so long as the motor vehicle shall be in the State. ('21 c. 461 § 8, amended '23 c. 418 § 8)

2680. Certificate to expire on Dec. 31—The registration certificate provided for herein and the right to use the number plates shall expire upon the termination of ownership of any person in the motor vehicle for which the same was issued, or at midnight on December 31st of the year for which issued, provided that during the months of January, February and March in each year, upon delivery of such application duly executed to the office of the registrar on or before February 15th, accompanied by payment of the proper tax and fee such vehicle shall be deemed to be registered subject to the cancellation, amending or approval of the registration by the registrar, and such vehicle may be used upon the public streets or highways prior to the issuance of the number plates for that year, provided the number plates duly issued for that vehicle and to the same owner for the previous calendar year shall be duly displayed; and provided further, that upon transfer of any motor vehicle and due notice and registration thereof and upon payment of the proper tax and fee, the new certificate and new plates to which the applicant may be entitled shall be forthwith issued. ('21 c. 461 § 9; amended '23 c. 418 § 9)

2681. Transfer of ownership—(a) Upon the transfer of ownership, destruction, theft, dismantling as such, or the permanent removal by the owner thereof from this state of any motor vehicle registered in ac-

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cordance with the provisions of this act, the right of the owner of such vehicle to use the registration certificate and number plates assigned such vehicle shall expire, and such certificate and any existing plates shall be, by such owner, forthwith returned with transportation prepaid to the registrar with a signed notice of the date and manner of termination of ownership, giving the name and postoffice address, with street and number, if in a city, of the person to whom transferred; provided, however, that whenever the ownership of a motor vehicle shall be transferred to another who shall forthwith register the same in his name, the registrar may permit the manual delivery of such plates to the new owner of such vehicle. Whenever any person seeks to become the owner by gift, trade or purchase of any vehicle for which a registration certificate has been theretofore issued under the provisions of this act, he shall join with the registered owner in transmitting with his application the said registration certificate with the assignment and notice of sale duly executed upon the reverse side thereof, or in case of loss of such certificate, with such proof of loss by sworn statement in writing as shall be satisfactory to the registrar. Upon the transfer of any motor vehicle by a manufacturer or dealer, for use within the state, whether by sale, lease or otherwise, such manufacturer or dealer shall, within three days after such transfer, file with the registrar a notice or report containing the date of such transfer, a description of such motor vehicles, and the name, street and number of residence, if in a city, and postoffice address of the transferee, and shall transmit therewith the transferee's application for registration thereof.

(b) Upon the transfer of any automobile engine or motor, except a new engine or motor, transferred with intent that the same be installed in a new automobile, and whether such transfer be made by a manufacturer or dealer or otherwise, and whether by sale, lease or otherwise, the transferor shall within two days after such transfer, file with the registrar, a notice or report containing the date of such transfer and a description, together with the maker's number of said engine or motor, and the name and postoffice address of the purchaser, lessee or other transferee. ('21 c. 461 § 10; amended '23 c. 418 § 10)

2682. Refunds—After the tax upon any motor vehicle shall have been paid for any year, refund shall be made only for errors made in computing the tax or fees and for the error on the part of an owner who may in error have registered a motor vehicle that was not before, nor at the time of such registration, nor at any time thereafter during the current past year, subject to such tax in this state. Such refundment shall be made from any funds in possession of the registrar and shall be deducted from his monthly report to the State Auditor. A detailed report of such refundment shall accompany the report. The former owner of a transferred vehicle by an assignment in writing indorsed upon his registration certificate and delivered to the registrar within the time provided herein may sell and assign to the new owner thereof the right to have the tax paid by him accredited to such new owner who duly registers such vehicle. Any owner whose vehicle shall be destroyed or permanently removed from the state, shall be entitled to deduct from any tax which shall become thereafter due during the same year from such owner upon another vehicle one-half the annual tax theretofore paid on such vehicle, if the motor vehicle is permanently destroyed or removed from the state before August 1 and one-quarter of the annual tax theretofore paid on such vehicle if it is permanently destroyed or removed from the state after July 31 but before October 1. No

refund, however, shall be made if the vehicle is not permanently destroyed or removed from the state until after September 30. ('21 c. 461 § 11; amended '23 c. 418 § 11)

2683. Registrations subject to suspension—All registrations and issue of number plates shall be subject to amendment, suspension, modification or revocation by the registrar summarily for any violation of or neglect to comply with the provisions of this act. In any case where the proper registration of a motor vehicle is dependent upon procuring information entailing such delay as to unreasonably deprive the owner of the use of his motor vehicle, the registrar may issue a tax receipt and plates conditionally. In any case when the registrar for cause has revoked a registration, he shall have authority to demand the return of the number plates and registration certificates, and, if necessary, to seize the number plates issued for such registration. ('21 c. 461 § 12; amended '23 c. 418 § 12)

2684. Motor vehicles from other states may run for 2 months without registering—Motor vehicles temporarily within the state, owned by non-residents and which have been properly registered or licensed under the laws of the country or state of the owner, and which carry license number plates according to the laws of such state, and which are accompanied by the registration certificate (if any) used therefor by such state, in the possession of the owner or his agent, may use the public streets and highways of this state for a period no longer than two months in any calendar year without further tax; provided, however, that a non-resident owner of a motor vehicle so registered in such other country or state shall, not later than ten days after commencing to operate said vehicle, or to cause or permit the same to be operated, on any public highway within this state, apply to the registrar for registration of such vehicle, and shall state in addition to such other matters as may be required by the registrar, the name and postoffice and residence address of the applicant, together with the registration number of said vehicle in the country or state in which the same shall be registered. Upon receipt of said application, the registrar, if satisfied of the facts stated therein, shall, without charge to the applicant, register said motor vehicle and furnish to the applicant a registration certificate, indicating that the holder thereof has complied with the requirements of this act. This section shall not apply to motor vehicles used in commercial freighting or to motor vehicles of more than seven passenger seating capacity used in carrying passengers for hire. ('21 c. 461 § 13; amended '23 c. 418 § 13)

2685. Manufacturers not using highways need not register—Manufacturers within the state, of motor vehicles which shall not use the public highways, and manufacturers or dealers distributing motor vehicles which shall not have used the public highways in the state and are not for sale in this state from points in this state to other states, shall be exempt from the provisions of this act requiring the listing and registration thereof. ('21 c. 461 § 14; amended '23 c. 418 § 14)

2686. Manufacturers and dealers numbers—Every manufacturer or dealer in motor vehicles, may make application upon a blank provided by the registrar, for a general distinguishing number for use upon all vehicles owned or controlled by him, and used exclusively in his business for demonstrating purposes, and upon vehicles while being driven or moved upon the public highways between his place of business and any place to which or from which such vehicle may be moved, as provided by Section 16, without being deemed to be using the public streets or highways.

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With such application he shall pay \$12.00 per pair for all such number plates required by him. All of said vehicles owned or controlled by such manufacturer or dealer shall be regarded as registered under such general distinguishing number until sold or let for hire. A manufacturer or dealer to whom such a number has been issued shall be known as a licensed manufacturer or dealer. The registrar shall furnish to every manufacturer or dealer whose vehicles are registered in accordance with the provisions of this section, number plates of suitable design, the plates to have displayed upon them the number which is assigned to the vehicles of such manufacturer or dealer, together with such mark as may enable such plates to be distinguished from one another; provided, that no dealer or manufacturer shall be issued any dealer's plate in any year unless and until all listings, registrations, notices and reports required of such dealer or manufacturer shall have been duly made, and all taxes, fees and arrears due from him shall be duly paid. Provided, further, no motor vehicle bearing such plates shall be used on any public street or highway, except for the purpose in good faith of exhibiting or demonstrating the same to a prospective purchaser, or for the purpose of moving the same between the places above specified. ('21 c. 461 § 15; amended '23 c. 418 § 15)

2687. All machines must be registered—Exceptions—Every motor vehicle (except those exempted in Section 2 of this act) shall be deemed to be one using the public streets and highways and hence as such subject to taxation under this act if such motor vehicle has since April 23, 1921, used such public streets or highways, or shall actually use them, or if it shall come into the possession of an owner other than as a manufacturer, dealer, warehouseman, mortgagee or pledgee. But, new and unused motor vehicles in the possession of a dealer solely for the purpose of sale, and used or second-hand motor vehicles which have not theretofore used the public streets or highways of this state which are in the possession of a dealer solely for the purpose of sale and which are duly listed as herein provided, shall not be deemed to be vehicles using the public streets or highways. The driving or operating of a motor vehicle upon the public streets or highways solely for the purpose of demonstrating it, in good faith, to prospective purchasers or solely for the purpose of moving it from points outside or within the state to the place of business or storage of a licensed dealer within the state or solely for the purpose of moving it from the place of business of a manufacturer, or licensed dealer within the state to the place of business or residence of a purchaser outside the state, shall not be deemed to be using the public streets or highways in the state within the meaning of this act or of Article 16 of the Constitution and shall not be held to make the motor vehicle subject to taxation under this act as one using the public streets or highways, if during such driving or moving the dealer's plates herein provided for shall be duly displayed upon such vehicle. ('21 c. 461 § 16; amended '23 c. 418 § 16)

2688. Duplicate plates—In the event of the defacement, loss or destruction of any number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances of the defacement, loss, destruction or theft of the number plates, together with any defaced plates and the payment of the fee of two dollars, shall issue a new set of plates especially designed for that purpose by the registrar and so marked and numbered that they can be readily distinguished from the originals. The registrar shall then note on his records the issue of such new number plates and shall proceed in such manner as he may deem advisable to cancel and call

in the original plates so as to insure against their use on another motor vehicle. Duplicate registration certificates plainly marked as duplicates may be issued in like cases upon the payment of a 25-cent fee. ('21 c. 461 § 17; amended '23 c. 418 § 17)

2689. Transfer of ownership—Every owner or transferor of a motor vehicle who fails or delays for more than three days to surrender the registration certificate and existing number plates as herein provided shall, before he shall be entitled to sell and assign his right to have the tax paid by him credited to the transferee as herein provided, pay to the registrar a fee of 25 cents for each day (not exceeding twenty days) of such delay, and two dollars per month thereafter for each month or fraction thereof (not exceeding five months) of such delay; and every owner or person charged with the duty to register a motor vehicle or pay any tax hereunder who fails or delays for more than three days to register the same or pay such taxes as herein provided shall, before he shall be entitled to complete his registration as herein provided, pay to the registrar, a like fee. A filing with, or delivery to the registrar of any application, notice, certificate or plates as required by this act shall be construed to be within the requirements of this act if made to the registrar or his deputy at an office maintained therefor, or if deposited in the mail or with a carrier by express with postage or carriage charges prepaid, and properly addressed to the registrar within two days after the transfer of ownership or other occurrence upon which this act provides for such filing or delivery. ('21 c. 461 § 18; amended '23 c. 418 § 18)

2690. Date when taxes become due—The tax required under this act to be paid upon a motor vehicle shall become due as soon as such vehicle shall first use the public streets or highways in the state, and upon January 1st in each year thereafter. Taxes due upon January 1st shall be paid upon transfer of ownership in the vehicle, and in any event on or before February 15th and shall be delinquent after February 15th unless paid. Taxes falling due between February 15th and December 31st shall become delinquent upon the expiration of three days after the same become due, unless paid. All taxes imposed under the provisions of this act shall be deemed the personal obligation of the registered owner and the amount of such tax, including added penalties for the non-payment thereof, shall be a first lien upon the vehicle taxed, paramount and superior to all other liens thereon whether previously or subsequently accruing thereon; and in addition to any other remedy herein prescribed, the state shall have a right of action against the owner for the recovery of the amount of any delinquent tax thereon, including the penalties accruing because of the non-payment thereof or for the enforcement of the tax lien thereon hereby declared, or both, in any court of competent jurisdiction. The county attorney of the county in which such motor vehicle is owned shall perform such service in the matter of the commencement and prosecution of such suit or in the prosecution of any other remedy for the enforcement of such tax as the attorney general may require. ('21 c. 461 § 19; amended '23 c. 418 § 19)

2691. Registrar to file statement of delinquents with clerk of court—Sheriff to collect tax—The registrar on the second Monday in July next after any tax herein provided for shall become delinquent, and on or before the tenth secular day of each subsequent month of the year shall certify, to and file with the clerk of the District Court of the proper county, a statement of all delinquent taxes imposed under the provisions of this act, and such certified statement so filed shall be prima facie evidence of the correctness of the tax or taxes therein stated to be delinquent. On or before

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the tenth secular day next thereafter, any owner whose name is included in such certified statement may file with the clerk of said court an answer verified as pleadings in civil actions, setting forth his defense or objections to the tax or penalty against him. The answer need not be in any particular form, but shall clearly refer to the tax or penalty intended to be contested, and shall set forth in concise language the facts constituting his defense or objection to such tax or penalty. The issues raised by such answer shall stand for trial at any term of the court in such county in session when the time to file answer shall expire, or at the next general or special term appointed to be held in such county; and, if no such term be appointed to be held within thirty days thereafter, then the same shall be brought to trial at any general term appointed to be held within the judicial district, upon ten days' notice. The county attorney of the county within which such taxpayer resides shall prosecute the same. At the term at which such proceedings come on for trial they shall take precedence over all other business before the court. The court shall without delay and summarily hear and determine the objections or defense made by the answers and at the same term direct judgment accordingly, and in the trial shall disregard all technicalities and matters of form not affecting the substantial merits. If the taxes and penalties shall be sustained, the judgment shall include costs.

Upon the fifteenth secular day next after the filing of such certified statement, the said clerk shall issue his warrants to the sheriff of the county as to all taxes and penalties embraced in the certified statement, except those to which answer has been filed, directing him to proceed to collect the same. If such taxes are not paid upon demand, the sheriff shall distrain sufficient goods and chattels belonging to the person charged with such taxes, if found within the county, to pay the same, with a penalty of ten per cent and all accruing costs, together with twenty-five cents from each delinquent taxpayer as compensation to said clerk. Immediately after making distress, the sheriff shall give at least ten days' posted notice in the town or district where the property is taken, stating that the property, or so much thereof as will be sufficient to pay the taxes for which it is distrained, with penalties, and the costs of distress and sale, will be sold at public vendue at a place and time therein designated, which time shall not be less than ten days after such taking. If such taxes and penalties and accrued costs are not paid before the day designated, the sheriff or his deputy shall proceed to sell the property pursuant to the notice.

If the sheriff is unable, for want of goods and chattels whereon to levy to collect by distress or otherwise the taxes or any part thereof assessed under the provisions of this act, he shall file with the clerk of the court within sixty days following the receipts of such warrants a list of such delinquent taxes, with an affidavit of himself, or the deputy sheriff entrusted with the collection thereof, stating that he has made diligent search and inquiry for goods and chattels from which to collect such taxes and is unable to collect the same. He shall note in the margin of such list the place to which any delinquent taxpayer may have removed, with the date of his removal, if he is able to ascertain the fact. At the time of filing such list he shall also return all the warrants with endorsements thereon showing his doings in the premises, and the clerk shall file and preserve the same. On or before the expiration of seventy days after the receipt of such warrants by the sheriff, the clerk shall deliver such list and affidavit to the registrar, who shall by comparison of such list with the records in his office

ascertain whether or not all motor vehicle taxes reported by him to the clerks as delinquent, except those included in such list, have been paid into the office of the registrar.

As to all delinquent motor vehicle taxes not collected by distress and sale as herein provided, the registrar shall promptly file with the clerk of the district court of the proper county a revised certified statement showing the names of the owners to be delinquent and the amount of tax and penalties owned by each. Within ten days thereafter the clerk shall issue a citation to each delinquent named in the revised list, stating the amount of the tax and penalty and requiring such delinquent to appear on the first day of the next general or special term of the district court in the county, appointed to be held at a time not less than thirty days after the issuance of such citation, and show cause, if any there be, why he should not pay such tax and penalty. The citation shall be delivered for service to the sheriff of the county where such person may reside or be. If such person, after service of citation, fails to pay such tax, penalty and costs to the sheriff before the first day of the term, as aforesaid, or on said day to show cause as aforesaid, the court shall direct judgment against him for the amount of such tax, penalty and costs. When the sheriff is unable to serve the citation, he shall return the same to the clerk with his return thereto attached to that effect and thereupon, or, if the court decides that service of such citation made or attempted to be made, or the issuance thereof by the clerk, was illegal, the clerk shall issue another like citation requiring such delinquent to appear on the first day of the next general or special term to be held not less than thirty days thereafter in the county, and show cause as aforesaid, and if he fails to pay or to show cause, the court shall direct judgment as aforesaid. Whenever the sheriff has been unable to serve any citation theretofore made or attempted to be made, or the issuance thereof by the clerk was illegal, the clerk shall issue another like citation requiring such delinquent to appear as in the case last provided and with like effect; provided, that all citations other than the first shall be issued only upon the request of the county attorney.

When the person to whom the citation is issued is not a resident of the state so that personal service thereof cannot be made, the citation may be served by publication thereof and by attachment as provided by law in a civil action against non-resident defendants, upon affidavit of the county attorney, but no bond on such attachment or entry of judgment shall be required. The citation shall be prima facie evidence of the correctness of the tax or taxes therein stated to be delinquent. No omission of any of the things by law required in relation to such taxes or anything required by any officer to be done prior to the issuance of such citation shall be a defense or objection to such taxes, unless it be also made to appear to the court that such omission has resulted to the prejudice of the party objecting and that such taxes have been unfairly or unequally assessed; and in such case but no other the court may reduce the amount of such taxes and give judgment accordingly. It shall, however, always be a defense to such taxes that the same have been paid or that the property, because of which the same were assessed, was not subject to taxation.

The clerk shall receive as fees for issuing the citation and perfecting the judgment \$1.50 in cases not contested, and in contested cases such fees as are allowed by law in civil actions, and for each citation issued in cases where the sheriff shall fail after diligent search to find the defendant, twenty-five cents. All such fees and costs shall be entered, taxed and made a part of the judgment and be paid to said clerk when

and as collected. Execution shall be issued upon the judgment at the request of the county attorney and shall state that the judgment was obtained for delinquent motor vehicle taxes, and no property shall be exempt from seizure thereunder, and such execution may be renewed and reissued in the same manner as provided by law in case of executions upon judgments in civil actions.

The sheriff or his deputy shall be allowed the same fees for collecting such taxes and for making distress and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat to the place of making distress, unless such distress is made by his deputy, in which case the same shall be computed from the residence of the deputy. Such fees shall be added to the tax and collected by the sheriff. If any of such fees cannot be collected by the sheriff, they may be audited and paid by the registrar from any funds in his possession appropriated for maintenance of the registrar's department on duly itemized and verified claims filed with him by such sheriff and any sums so paid by said registrar as sheriff's fees shall be deducted from his monthly report to the state auditor. A detailed report of such refundments shall accompany said report.

If the sheriff shall refuse or neglect to collect any tax levied under the provisions of this act where the same is collectible, or to file a delinquent list and affidavit as herein provided, he shall be held for the whole amount of such taxes collected, and the same shall be deducted from any bills presented by him to and allowed by the county board, and the amount thereof shall be transmitted to the registrar as herein provided for.

Every judgment for motor vehicle taxes shall be docketed and thereafter become a lien upon the real property of the debtor in the county within which the judgment was rendered to the same extent as other judgments for the recovery of money, and may be docketed in other counties in like manner and with like effect. Whenever a judgment shall hereafter be entered and docketed for the recovery of taxes herein provided for, the same shall bear interest until paid at the rate of 6% per annum. Upon payment to the registrar of any motor vehicle tax for which judgment has been obtained, together with the fees, costs and interest due, the registrar shall deliver a certificate of such fact to the clerk, who shall file the same and satisfy the judgment upon the margin of the record thereof, stating the date of payment, and shall note the satisfaction upon the docket. Out of said sum so collected on any such judgment, the registrar shall remit to the clerk of said court and the sheriff of the proper county any unpaid fees due either of said officers under the provisions of this act. ('21 c. 461 § 20; amended '23 c. 418 § 20)

2692. Manufacturers to file statement—Every manufacturer of a motor vehicle sold or offered for sale within this state, either by the manufacturer, distributor, dealer or any other person, shall, on or before the first day of November in each year, file in the office of the registrar a sworn statement showing the various models manufactured by him, and the retail list price, rated carrying capacity and manufacturer's shipping weight of each model being manufactured November 1st of that year; and shall also file with the registrar, in such form as manufacturers usually use for advertising, complete specifications of the construction of each model that has been manufactured by him. Upon each change in such price, carrying capacity or weight and upon the manufacture of each new model thereafter, such manufacturer shall in like

manner file a new statement setting forth such change. Models shall be deemed similar if substantially alike and of the same make. Models shall be deemed to be corresponding models, for the purpose of taxation under Section 3 of this act, if of the same make and having approximately the same weight and type of body and chassis and the same style and size of motor. The registrar may refuse to register any new or first hand vehicle in this state unless the manufacturer thereof has furnished to the registrar the sworn statement herein provided, for the model of the motor vehicle that is offered for registration. Such list price, rated carrying capacity and listed weight of the vehicle, as set forth in the manufacturer's statement shall be the price, weight or carrying capacity on which the tax of a motor vehicle shall be computed under Section 3 of this act unless grossly at variance with fact. Where the body or any material part of a complete vehicle, except pneumatic tires, is added to the motor vehicle, the price or value thereof shall be added to the list price upon which to compute the tax. The registrar shall have authority to fix the value, carrying capacity and weight of any rebuilt or foreign car or any car on which a record of the list price, carrying capacity or weight is not available in his office. ('21 c. 461 § 21; amended '23 c. 418 § 21)

2693. Secretary of state to be registrar—(a) The Secretary of State shall be the registrar of motor vehicles of the state of Minnesota, and it shall be his duty to exercise all the powers granted to and perform all the duties imposed upon him by this act. The commissioner of highways in his discretion and the county board of any county, in its discretion, may assign such employees of the highway department or of any county respectively, as from time to time may be spared for that service, as inspectors, to obtain information and report to the registrar regarding motor vehicles subject to taxation under this act upon which the tax has not been paid, and to present to the law enforcement officers of the state such complaint; provided, that nothing herein shall be construed to authorize the employment of additional employees for such work nor to authorize additional salary by reason thereof.

(b) Such registrar shall have power to appoint, hire and discharge and fix the compensation of such deputies and employees, purchase or rent such supplies, and to purchase or rent such office and accounting machines as may be required to enable him to properly carry out the duties imposed upon him by the provisions of this act; before entering upon the discharge of his duties, each deputy and each employee having the charge of handling of any money or number plates shall give bond to the state in the sum of at least two thousand dollars or in such larger amount as the registrar may fix conditioned upon the faithful discharge of his duties. Premiums on such bonds shall be paid by the state from money provided for the maintenance of the registrar's office.

(c) The registrar shall keep a suitable record of all motor vehicles registered in his office, indexed, according to registration number, according to name of owner, according to make of car and number of motor and according to such other information as he shall deem advisable. Duplicates of the certificate of registration shall be used, until a more efficient system is evolved, to make the registration number and owners indexes herein required, and such other copies as are desirable. He may furnish to anyone applying therefor transcripts of such records for not less than the cost of preparing the same, provided that any sums in excess of such cost received by the registrar for furnishing such transcripts shall be paid by him into the state treasury. He shall also furnish copies there-

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29 — 330

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— 340

of without charge to the chiefs of police of the cities of Minneapolis, St. Paul and Duluth.

(d) He shall keep a record of all motor vehicles listed for taxation or registered, other than those using the public streets or highways, according to the name of the owner only.

(e) The registrar shall prepare a brief synopsis of this act, and such other matter dealing with regulations in the use of motor vehicles as he may deem advisable, and furnish a copy of same to any person upon application. He shall prepare, before December 1st, preceding any regular legislative session, a report to the legislature containing such information and recommendations as he may deem advisable.

(f) He shall furnish from time to time to the register of deeds of each county in the state forms for listing and for applications for registration as provided herein, and shall before January 1st in each year furnish to the register of deeds of each county and to such other as he shall deem advisable, charts or lists setting forth the tax to which each motor vehicle is subject. The registrar shall immediately destroy all number plates surrendered to him which are unsuitable for further issue and shall cancel all certificates so surrendered. ('21 c. 461 § 22; amended '23 c. 418 § 22)

2694. Duties of registrar—The registrar shall maintain in his office an information bureau to immediately answer such questions through personal inquiry, telephone or letter, as may be answered from his files, and when authorized by an inquirer to telegraph "collect," shall so answer. Registrations shall be completed with the utmost dispatch, in such manner as to render the most efficient service to the public, on the same day that the application is received, except as provided in Section 9 hereof. The telephone and telegraph shall be immediately used in all cases where reverse or "collect" charges are authorized. The registrar or any deputy or employee shall not be liable to any person for mistake or negligence in the giving of information not wilfully calculated to injure such person. The registration system shall be so conducted, and the requirements thereof so construed as to furnish to the public immediate, accurate information as to any single car about which the inquiry may be made, and to furnish the registrar a means of checking back during any year to determine that all motor vehicles subject to taxation and licensing have had the proper tax or fee paid thereon. The mail or carriers by express may be used for any notice for delivery required of the registrar. ('21 c. 461 § 23; amended '23 c. 418 § 23)

2695. Violations—Penalties—Any person who shall, with intent to escape payment of any tax on a motor vehicle as herein provided, delay or neglect to properly list and apply to register the same, or with intent to prevent the payment or collection of the proper tax, fee or lien thereon, violate or neglect to comply with any of the provisions of this act shall be guilty of a gross misdemeanor. ('21 c. 461 § 24; amended '23 c. 418 § 24)

2696. Same—Any person who shall use or cause any motor vehicle to be used or operated in violation of the provisions of this act or while a certificate of registration of a motor vehicle issued to him is suspended or revoked, or who shall knowingly deliver a motor vehicle to another to be used or operated in violation of this act, or who shall violate any of the provisions thereof, shall be guilty of a misdemeanor. ('21 c. 461 § 25; amended '23 c. 418 § 25)

2697. Same—Any person who shall loan or use any number plate or registration certificate upon or in connection with any motor vehicle except the one for

which the same was duly issued, or upon any such motor vehicle after the said certificate or plates or the right to use the same have expired, or any person who shall retain in his possession or shall fail to surrender as herein provided any such number plate or registration certificate shall be guilty of a misdemeanor. Any person who manufactures, buys, sells, uses or displays motor vehicle license number plates, motor vehicle registration certificates, or tax receipts issued by this state or any other state, territory or district in the United States, without proper authority from such state, territory or district of the United States, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 or more than \$100.00 or by confinement of not less than 15 days or more than 90 days or by both such fine and imprisonment. ('21 c. 461 § 26; amended '23 c. 418 § 26)

2698. Same—Any person who shall deface or alter any registration certificate or number plate or retain the same in his possession after the same has been defaced or altered shall be guilty of a misdemeanor. ('21 c. 461 § 27; amended '23 c. 418 § 27)

2699. Invalidity of one part not to affect whole of act—The various provisions of this act shall be severable and if any part or provisions shall be held to be invalid it shall not be held to invalidate any other part or provision hereof. ('21 c. 461 § 28; amended '23 c. 418 § 28)

2700. Date effective—The tax imposed upon motor vehicles for the year 1923 shall be that specified by the provisions of Chapter 461, Laws 1921, and the amount of such tax shall not be changed or affected by any of the provisions of this act; but otherwise this act shall take effect and be in force from and after July 1, 1923. ('23 c. 418 § 29)

2701. Age of driver—No person shall operate or drive a motor vehicle, licensed under the provisions of this law, who is under sixteen (16) years of age unless such person is accompanied at the time by a duly licensed chauffeur, or the owner of the motor vehicle being operated, provided, that such owner, in such case, must be sixteen (16) years of age, or over. ('11 c. 365 § 3) [2621]

2702. All motor vehicles must be registered and carry number plates—No person shall operate or drive a motor vehicle on the public highways of this state unless such vehicle shall have been registered in accordance with the laws of this state, and shall have the number plates assigned to it by the registrar of motor vehicles conspicuously displayed, if a motor cycle, motor cycle side car, trailer or semi-trailer, one only on the rear of such vehicle, if other motor vehicle, one on the rear and one on the front or dash of such vehicle, securely fastened, so as to prevent the same from swinging, and it shall be the duty of the person driving the motor vehicle to keep said plates legible, unobscured and free from grease, dust or other blurring material, so as to be plainly visible at all times.

No person shall display on such vehicle at the same time any number plate of more than one state. ('11 c. 365 § 8; amended '21 c. 472 § 1) [2626]

2703. Size of plates—Such number plates shall be substantially of the following size and form, namely: A plate or placard of metal or enameled or other suitable material eight and one-half inches in length and five and one-half inches in width for one; or two numerals; ten inches in length and five and one-half inches in width for three numerals; thirteen inches in length and five and one-half inches in width for four numerals, two inches in length being added for each additional numeral, on one end of this plate, with letters running vertically from the top, there shall be

2694
25 — 299
2702 - 03
156-M 40
157-M 319
196-NW 269
197-NW 259

2695
7 — 250
62-M 302
02-NW 893

2702
194-NW 10
204-NW 6
23-G.S. 82
—
164-M 2702
136

2703
— 32

the four letters, "Minn." Each letter of this shall be approximately one inch in height, and near one end, and of approximately the same size, there shall be at least the last two numerals of the term of years in which the plate is issued; and on the body of such plate there shall be the distinctive numbers assigned to the vehicle in numerals four inches long, each stroke of which shall be at least one-half inch in width; provided, that motor cycles shall be assigned plates three inches in width and of a height to permit numerals to be placed vertically; across the top of this plate, with letters running horizontally, there shall be the four letters "Minn.," and across the bottom, arranged in the same manner, there shall be at least the last two numerals of the year in which the plate is issued; except that the letters shall be in proportionate size to the small plate; provided further, that in case of a dealer's number plates there shall be, in addition to the foregoing, the letter "D" preceding the numeral or numerals for the dealer in vehicles. The numerals herein referred to may be a combination of a letter or sign with numbers; and the said number plates shall otherwise conform to the requirements for number plates to be issued by the registrar of motor vehicles. ('11 c. 365 § 10; amended '21 c. 472 § 2) [2628]

2704. Bids for plates to be called for—Notice—All number plates required by law shall be secured by the registrar of motor vehicles pursuant to notice and call for bids therefor, such notice to state the quality of material desired in such plates, the specifications thereof and the amount or number desired, and such notice shall be published for three successive days each in a daily newspaper published in St. Paul and Minneapolis, the first publication to be not less than twenty days prior to the time of opening bids. Each bid shall be accompanied by a certified check on a state or national bank of this state for one thousand dollars or such less sum as is equal to ten per cent of the amount of the bid, payable to the state treasurer, the amount of such check to be forfeited to the state in case successful bidder fails to enter into contract and furnish bond within ten days after awarding contract. The lowest and best bid shall be accepted by the state printing commission and it shall enter into a contract with the successful bidder in accordance with such notice and such plans and such bids, provided that the said commission may reject any and all bids. Whenever any penal institution, reformatory or training school of the State of Minnesota shall, through its Board of Control or other body having charge thereof, show to the said printing commission that it is ready and equipped to manufacture for the state any number plates of the type and within the time required and for a cost not in excess of the lowest bid obtainable therefor, such commission may reject all bids and enter into an agreement with such Board of Control or other body, in lieu of the contract herein provided, for the furnishing of such plates, and may waive the provisions hereof for deposit of certified check and for giving bond; otherwise such successful bidder shall within ten days file with the Secretary of State a bond for the amount of such bid, payable to the state and to be approved as to form by the Attorney General, sureties to be approved by the Secretary of State and conditioned for the faithful fulfillment of the terms of such contract by such successful bidder. ('11 c. 365 § 12½; amended '21 c. 472 § 3) [2631]

2705. Lights—Mufflers—Road rules—Every motor vehicle operated upon a public highway of this state shall be provided with adequate brakes sufficient to control the vehicle at all times, and a suitable adequate bell, horn, or other device for signaling, and shall, during the period from one hour after sunset to one hour before sunrise, display at least two lighted

lamps of not to exceed 32-candle power each visible from the front, and one in the rear of such vehicle, to the left of the axis thereof, which shall also display a red light, visible from the rear. The rear vehicle of two or more joined vehicles shall likewise display a rear lamp. The white rays of such rear lamp shall shine upon the number plate carried on the rear of such vehicle, in such manner as to make said plate clearly discernible. Provided, that reflex mirrors capable of receiving the headlight rays of an approaching car and reflecting the same in red colors may be used in addition to a red light in the rear of any vehicle, operated or driven, or parked upon any street or highway. The light of the front lamp shall be sufficient to render clearly discernible on a level road a person, vehicle or other substantial object at least two hundred feet in the direction in which the motor is proceeding. No person shall use or cause to be used after July 1st, 1921, on any motor vehicle operated on any public street or highway, any headlights equipped with a reflector unless the reflector or glass in front of such light be so etched, ground, moulded or constructed that the lighted filament shall appear blurred or all light emitted therefrom and projected above the level of the lighted filament shall be free from brilliant luster. No so-called spotlight or searchlight shall be used upon vehicles traveling public highways, except when such spotlights or searchlights are of such construction as to make it impossible to make the center of the beam of light strike the level highway at a greater distance than 100 feet in front of the motor vehicle; except that when the beam of light is swung 30 degrees to the right or to the left of the straight-ahead position, no limitation is placed on the height to which the beam is raised. All motor vehicles of five tons or over rated carrying or hauling capacity and all motor vehicle trucks, trailers or semi-trailers for which the minimum tax provided for the class of such vehicles has been paid shall after July 1st, 1921, have printed on the left side thereof near the driver's seat in letters at least one inch high, clearly discernible from a passing vehicle the rated load carrying or hauling capacity for which the tax was paid. No such motor vehicle shall be permitted to remain standing upon any public street, highway, or other public way unattended in this state, at any time with the motor running.

Every such motor vehicle using gasoline or motive power shall use a "muffler," so-called, and the same shall not be cut out or disconnected within the limits of any city or village, within the state, or at the time of passing any horse or animal being led, ridden or driven.

A person operating or driving a motor vehicle, shall, on signal by raising the hand, or by request, from a person riding, leading or driving a horse, or horses, or other draft animals, bring such motor vehicle immediately to a stop, and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass, and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal; provided, that in case such horse or animal appears badly frightened, or the person operating such motor vehicle is so signaled or requested to do, such person shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others. The driver of a motor vehicle, when passing a car of a street railway running in the same direction, shall pass only to the right thereof, and in approaching or passing a car of a street railway, which has been stopped to allow passengers to alight or embark, the operator of every motor vehicle shall bring said vehicle to a full stop not

2705 Et seq.	266
38-M	266
11-NW	950
15-NW	861
16-NW	605

2705	76	25	416 ¹⁹	2705
159-M	160	164-M	40	236nw 618
161-M	345	166-M	131	
161-M	418	207-NW	188	
203-NW	630	209-NW	317	
204-NW		211-NW	47	

less than ten feet behind said street car; provided, that said operator may pass such street car where a safety zone is established by the proper authorities, and provided further, that he shall have slowed down and proceeds cautiously. Upon approaching a pedestrian, who is upon the traveled part of any highway, and not upon a sidewalk, and upon approaching a bridge, an intersecting highway, or a curve or a corner in a highway where the operator's view is obstructed, every person operating a motor vehicle shall slow down and give a timely signal with his bell, horn or other device for signaling; provided, however, that no person shall unreasonably obstruct or impede the right of travel upon the public highways of a driver of a motor vehicle, or of a horse, and anyone so doing shall be held amenable under this act. ('11 c. 365 § 13; amended '12 c. 7 § 1; '19 c. 391; '21 c. 472 § 4) [2632]

119-470, 138+781; 125-399, 147+430; 127-188, 149+194; 127-462, 149+940; 127-468, 149+947; 128-460, 151+275; 130-134, 152+267; 133-346, 158+426; 144-333, 175+545; 146-205, 178+501; 146-237, 178+881; 146-273, 178+886; 146-330, 178+1021; 147-338, 180+918, 148-77, 181+346; 148-187, 182+450; 148-397, 185+376; 152-2, 187+705; 152-459, 189+126; 153-394, 190+795; 153-425, 190+609; 154-53, 191+253; 154-329, 191+902.

2706. Substitutes of rear lights on vehicles—In place of the rear light required to be displayed upon motor vehicles, under the provisions of Chapter 472, Laws 1921, there may be substituted and used a plate or placard of glass, or metal enameled, or other material not less than eight and one-half inches, nor more than sixteen inches long and not more than six inches wide, which shall display in cut out or stencil form or in other effective manner, the digits and characters of the license number assigned to such motor vehicle, this illuminated light to be placed and displayed in such manner that it will not interfere with the display of the official number plates required to be displayed upon such vehicle. The design and spacing of the characters or numerals shall be such that the stroke shall be not less than one-half inch in width and the space between the digits or characters not less than one-half inch; the space following the third digit shall be not less than three-quarters of an inch in width, and the openings in such digits as three, five, six and nine shall be made wide enough to avoid confusion with each other and with the digit eight.

The plate or placard, which shall have a ruby-red glass plate of the same dimensions immediately back of and adjacent to it, together with a suitable light placed immediately back of and illuminating them, or shall have a ruby-red electric light or lights immediately back of, and illuminating said plate or placard in such a manner that the said red light efficiently outlines the said numbers and characters on said plate or placard, shall be securely attached to the rear of the motor vehicle. The license plate shall be illuminated between the hours of one hour after sunset and one hour before sunrise while the vehicle is being operated, or parked upon the public highway, and further or other illumination of the official rear number plate than is herein provided shall not be required. ('23 c. 440 § 1)

2707. Driver to sound horn, when—Every person operating or driving a motor vehicle on the public highways of this state shall, when approaching a steep descent, a cross road outside the limits of a city or incorporated village, or points on the highway where the view ahead is not clear, slow down the speed of same, and shall sound his bell, horn or other device for signaling in such manner as to give notice and warning of his approach. ('11 c. 365 § 14; amended '21 c. 472 § 5) [2633]

136-305, 161+716; 148-394, 182+452; 148-397, 184+12.
2708. Parking and driving rules—All vehicles not in motion shall be placed with their right side as near the right-hand side of the highway as practicable, ex-

cept on city streets where traffic is obliged to move in one direction only. Whenever a person riding, driving or leading a horse or other animal, or driving or operating a motor or other vehicle on any public highway, shall meet another person thus riding, driving or leading a horse or other animal, or thus driving or operating a motor or other vehicle, if such persons are moving in opposite directions, each shall slacken his pace, if necessary, and reasonably turn to the right so as to give half of the travel road, if practicable, and a fair and equal opportunity to pass, to the other; or, if they are moving in the same direction, the person overtaking shall pass on the left side of the person overtaken and the person overtaken shall promptly turn to the right so as to give half of the traveled road to the other.

The operator of a motor vehicle, upon meeting or overtaking any horse, or other draft animal driven or in charge of a woman, child or aged person, shall not pass said animal at a rate of speed greater than four miles per hour; provided, that in case said animal exhibits any signs of fright, the operator shall bring his machine to a stop, and, upon request or raising of the hand of the person in charge of said animal, or in case said animal continues to exhibit signs of fright, or in case the person riding, driving or leading said animal cannot control the same, the said operator shall stop the motor of such vehicle, so long as shall be reasonably necessary to prevent damage to property, or life or limb of such person or animal. An operator in rounding curves shall reduce speed and shall keep his vehicle as far to the right on the highway as reasonably possible. Any person shall, at the intersection of public highways, keep to the right of the intersection of the centers of such highways, when turning to the right, and pass to the right of such intersection when turning to the left. An operator intending to turn his vehicle to the left shall drive along the center of the roadway, extend his arm in a horizontal position and slow down. An indicator in the shape of an arrow or the semblance of a human forearm which shall extend when horizontal at least 18 inches from the outer side of the vehicle and which shall be so situated on the vehicle beside the operator as to be clearly visible from a following or approaching vehicle, may be used in lieu of the operator's arm. A vehicle shall have the right of way over another vehicle who is approaching from the left in an intersecting highway, and shall give the right of way to an operator of a vehicle approaching from the right on an intersecting highway. In cities or villages, or any place where traffic is large, or on streets usually congested with traffic of horse-drawn vehicles or street cars, slow-moving vehicles must keep near the right curb, allowing those moving rapidly to keep nearer the center of the street. All vehicles, however, must keep to the right of the center of the street. ('11 c. 365 § 15; amended '21 c. 472 § 6) [2634]

R. L. § 1277 did not impose the absolute duty on signal to stop the motive power in addition to stopping the vehicle. Whether failure to stop the power was negligence must be determined by circumstances (102-377, 113+904). Under 1909 c. 259 § 14, prescribing the rule, "In cities or villages, or any place where traffic is large," etc., as in this section, held, that defendant was properly convicted, though he was not blocking traffic, but merely driving on a part of the street most convenient for him (111-488, 127+495).

Under 1909 c. 259 § 14, held not as matter of law negligent for pedestrian to walk on left side of street or driveway, nor, to avoid rapidly approaching vehicle, to turn to left (112-149, 127+484).

Under 1909 c. 259 §§ 14, 16, a driver, who negligently, because of excessive speed or not having his machine under control, fails to keep to right of intersection of street, when turning to right, but crosses to left, and collides with another vehicle lawfully on that side, whose driver is free from negligence, held responsible for consequent damages (113-190, 129+383).

127-401, 149+654; 128-460, 151+275; 130-46, 153+136; 137-331, 163+530; 137-337, 163+515; 146-205, 178+881; 146-330,

2707 Et seq. 173m 265; 17nw 130; 2708 Et seq. 70-M 155; 12-NW 180; 56-M 109; 2708-09 2708-09 377; 52-M 518; 55-M 206; 57-M 190; 57-M 364; 88-NW 993; 89-NW 435; 3-NW 690; 5-NW 896; 6-NW 478; 8-NW 428; 0-NW 818; 1-NW 435; 2-NW 891

2708 -NW 861; 2708 159-M 76; 159-M 260; 198-NW 809; 206-NW 377; 2708-09 159-M 174

2709R
 27 — 412
 9 — 158
 171m 414
 14nw 280
 — 416
 1-M 313
 1-M 69
 1-M 414
 1-NW 11
 1-NW 280
 2709
 1-M 345
 1-M 382
 1-NW 435
 2709
 — 416
 1-NW 311
 2709R
 117m 222
 225nw 85
 227nw 350
 227nw 854
 228nw 347

178-886; 147-339, 180-108; 148-187, 181-386; 149-396, 184-12; 150-286, 184-1026; 153-393, 190-795, 153-397, 190-992; 154-53, 191-253; 154-102, 191-254; 191-903; 194-323.

2709. New rates of speed for motor vehicles in congested districts—No person shall drive a motor vehicle upon any public highway of this state at a speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb or injure the property of any person. If the rate of speed of any motor vehicle, operated on any public highway in this state, where the same passes through the closely built up portions of any incorporated city, town or village, or where the traffic is more or less congested, exceeds ten (10) miles an hour for a distance of one-tenth of a mile, or if the rate of speed of any motor vehicle, operated on any public highway of this state, where the same passes through the residence portions of any city, town or village, exceeds fifteen (15) miles an hour for a distance of one-tenth of a mile, or if the rate of speed of any motor vehicle operated on any public highway in this state, outside the closely built up business portions, and the residence portions of any incorporated city, town or village, exceeds twenty-five (25) miles an hour for a distance of one-quarter of a mile, such rates of speed shall be prima facie evidence that the person operating such motor vehicle is running at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the way, or so as to endanger the life or limb or injure the property of any person.

If the rate of speed of a motor vehicle, operated on any public highway in this state, in going around a corner or curve in a highway, where the operator's view of the road traffic is obstructed, exceeds six (6) miles per hour, such rate of speed shall be prima facie evidence that the person operating such motor vehicle is running at a rate of speed greater than is reasonable and proper, having regard to the traffic and the use of the way, or so as to endanger the life or limb or injure the property of any person.

If a licensed physician shall have his motor vehicle stopped for exceeding the speed limit, while he is in the act of responding to an emergency call, the registration number of the vehicle, and the driver's license number may be inspected and noted, and the physician shall then be allowed to proceed in the vehicle to his destination, and subsequently such proceedings shall be taken as would have been proper had the person violating the provisions as to speed not been a physician. ('11 c. 365 § 16; amended '17 c. 475 § 1) [2635]

1909 c. 259 § 16, prescribing rate of speed, etc. held constitutional (112-157, 127+473). See 113-190, 129+383. 125-400 147+430; 125-431, 147+434; 127-401, 149+654; 130-134, 153+267; 144-405, 175+536; 144-477, 175+892; 148-77, 180+918; 148-390, 182+452; 148-397, 182+450; 153-313, 190+346; 153-492, 190+794; 154-329, 191+904.

2710. Duty of driver in case of accident—Every driver of a motor vehicle, after knowingly causing an accident, by collision or otherwise knowingly injuring any person, horse or vehicle, shall forthwith bring his motor vehicle to a full stop, return to the scene of the accident, and give to any proper person demanding same, his name, number of his driver's license and registration number of his motor vehicle, and the names and residences of each and every male occupant of said motor vehicle, and upon failure to do so, shall be guilty of a gross misdemeanor. ('11 c. 365 § 17) [2636]

2711R
 27 — 412
 172m 76
 221nw 715
 P — 401
 M — 250
 NW — 413
 NW — 774
 2711
 1-NW 451

153-315, 190+347.

2711. Local regulations prohibited—Exceptions—No city, town, village or other municipality shall make or pass any ordinance, rule or regulation limiting or restricting the speed of motor vehicles, and no ordinance, rule or regulation heretofore or hereafter made

by any city, town, village or other municipality in respect to or limiting the use or speed of motor vehicles shall have any force, effect or validity; provided, however, that nothing in this act shall be construed as limiting or preventing local authorities from regulating motor vehicles offered to the public for hire; and provided further, that local authorities may exclude motor vehicles from any cemetery or ground used for the burial of the dead, and may, by general ordinance or regulation, exclude motor vehicles, used solely for commercial purposes, from any park or part of a park system; and provided further, that the local authorities having jurisdiction over the public parks and boulevards connecting or pertaining to the same, shall not by the terms of this act, be prohibited from adopting and enforcing such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated within and upon any such parks, parkways or boulevards; provided, the rate of speed of motor vehicles, fixed by such ordinances, rules or regulations, shall not be less than the rate fixed for other vehicles; and provided, such authorities shall, by sign, conspicuously placed so as to be easily read by the operator of said motor vehicle, indicate the rate of speed permitted. ('11 c. 365 § 18) [2637]

134-296, 159+627; 136-417, 162+520; 138-265, 164+982.

2712. Board of automobile examiners—Examination and licensing of chauffeurs—Revocation of license—Numbers and badges—Non-resident chauffeurs—

There is hereby created a board of automobile examiners of three members, to be designated by the governor, who shall be men possessing a technical and practical knowledge of the construction, mechanism and operation of motor vehicles, whose term of office shall be for two years, said first terms to expire on the first Tuesday of January, 1917. Said board members are to receive a compensation of five dollars per day and actual expenses, while in session, and all traveling expenses. Blanks, books, etc., for the use of said board are to be furnished by the Secretary of State. It shall be the duty of said board to conduct the examination of all applicants for chauffeur's licenses herein provided for, at such times and such places as shall be designated by the Secretary of State; to pass upon the qualification of such applicants, and to issue to those having a practical knowledge of the construction; mechanism and operation of motor vehicles, a license to be known as a chauffeur's license; provided, that no such license shall be issued to any person under eighteen years of age, or who is an habitual and excessive user of intoxicating liquors, or to any person of defective eye-sight, or other physical infirmity, which in the judgment of said board renders such person incompetent to manage and care for a motor vehicle. Such licenses shall expire on December 31st of each year, and a new license shall be issued to the holder of the expired license upon the payment of one dollar; provided further, that upon the third conviction by any court of a violation of any of the provisions of this act the Secretary of State is hereby empowered and directed to revoke the license of any chauffeur so convicted, and said chauffeur shall not be entitled to receive a new license, or to have an expired license renewed or re-issued within six months after the revocation and expiration of his license, and then only upon and after he has been re-examined by the board, who shall, in their discretion, have the power to refuse to grant such license, if in their opinion the applicant is incompetent to manage and operate a motor vehicle. Application for license to operate a motor vehicle as chauffeur may be made by mail, or otherwise, to the Secretary of State, or his duly au-

2712
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 31 — 196

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 163-M 65
 209-NW 750
 23-G.S. 2622

thorized agent, upon blanks prepared under his authority. Every such application shall be accompanied by a fee of one dollar and fifty cents (\$1.50). In case said applicant upon examination by the board of examiners shall have been found competent, and such fact has been certified to, the Secretary of State, the latter shall furnish to every chauffeur so licensed and whose license has been renewed, a suitable metal badge with the coat-of-arms of the State of Minnesota thereon, and with the distinguishing number or mark assigned to him thereon, said number to be of a different color each year, and the year to be embossed thereon, without extra charge therefor. This badge shall be thereafter worn by such chauffeur pinned upon the outside of his clothing, either upon his breast about midway between his shoulders, or upon the front of his hat or cap, at all times while he is operating or driving a motor vehicle on public highways. Said license shall be valid only during the term of the license of the chauffeur to whom it is issued, as aforesaid. It shall also be the duty of said licensee to have said license at all times in his possession while operating a motor vehicle in this state. Upon the receipt of such an application, the Secretary of State shall thereupon file the same in his office and register the applicant in a book or index which shall be kept in the same manner as the book or index for the registration of motor vehicles, and when the applicant shall have passed the examination provided for in the preceding section, the number or mark assigned to such applicant, together with the fact that such applicant has passed such examination, shall be noted in said book or index. No chauffeur having been licensed as herein provided shall voluntarily permit any other person to possess or use his license or badge, nor shall any person while operating or driving a motor vehicle, use or possess any license or badge belonging to another; provided, however, that a non-resident chauffeur, who has registered under the provisions of law of the foreign country, state, territory or federal district of his residence, substantially equivalent to the provisions of this section, shall be exempt from license under this section; and provided further, that he shall wear the badge assigned to him in the foreign country, state, territory or federal district of his residence in the manner provided in this section; provided further, that in case said chauffeur remains in this state for sixty (60) days or more, he shall be required to comply with all of the provisions of section 19 hereof. ('11 c. 365 § 19: amended '15 c. 33 § 4) [2638]
147-350, 180+229.

2713. Taking into custody for violation of act—Undertaking to appear, etc.—In case any person shall be taken into custody because of any violation of any of the provisions of this act, he shall forthwith be taken before any magistrate or justice of the peace in any city, village or county, and be entitled to an immediate hearing, and if such hearing cannot be had, be released on giving his personal undertaking to appear and answer for such violation, at such time or place as shall then be indicated, secured by a deposit of a sum of money not exceeding twenty-five dollars (\$25.00), or in lieu thereof, in case the person taken into custody is the owner, by leaving the motor-vehicle, and in case the person taken into custody is not the owner, by leaving the motor-vehicle, with a written consent given at the time by the owner, who must be present with such judicial officer. ('11 c. 365 § 20) [2639]

2714. Conviction for intoxication to result in forfeiture of license and disqualification for three months—Whoever operates a motor vehicle while in an intoxicated condition shall be guilty of a misdemeanor.

Provided that any person convicted under this section shall forfeit any license which he may have to operate a motor vehicle under the laws of this state and shall also be disqualified to operate any motor vehicle for a period of three months after the date of such conviction, and provided further that any violation of this provision shall be a misdemeanor. ('11 c. 365 § 21, amended '17 c. 320 § 1) [2640]

2715. Tampering with or damaging vehicle, etc.—No person shall tamper with or drive or operate or use a motor-vehicle without the permission of the owner, and no person shall, without authority of the person in charge, climb upon or into any automobile, whether while the same is in motion or at rest, or hurl stones or any other missiles at the same, or occupants thereof, or shall, while such motor vehicle is at rest and unattended, sound the horn or other signalling device, or attempt to manipulate any of the levers, starting crank, brakes or machinery thereof, or set such vehicle in motion, or otherwise damage or interfere with the same, nor shall any person place upon any street, avenue or highway of this state any glass, tacks, nails or other articles tending to injure automobile tires. ('11 c. 365 § 22, amended '15 c. 33 § 5) [2641]

2716. Suit for damages—Evidence, etc.—Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to persons or property resulting from the negligent use of the highways by a motor-vehicle, or its owner, or his employee or agent, and in all actions and proceedings against the registered owner of a motor-vehicle, for negligence in the operation of such vehicle, or for any violation of this act, the fact that such motor-vehicle has upon it the registration number assigned to such owner under this act, shall be prima facie evidence that such motor-vehicle belonged to such registered owner. ('11 c. 365 § 24) [2643]

130-412, 153+753; 139-392, 166+788.

2717. Taking and removing without consent—Penalty—Any person who enters any warehouse, garage or building of any kind and takes and removes therefrom, for his own use or that of others, any automobile or motor-vehicle, without the knowledge and consent, expressed or implied, of the owner thereof, shall be deemed guilty of a felony and upon conviction thereof shall be punished accordingly.

The fact that such automobile or motor-vehicle was voluntarily returned to its original place by the party taking the same before or after the owner discovers such removal, or the fact that the party taking the same was then and there in the employ of the owner of such property, shall not be deemed a defense in the prosecution of such offender. ('11 c. 365 § 25) [2644]

2718. Violation of act—Penalty—Duty of clerk of court—Reversal of conviction—Any person violating any of the provisions of this act shall be guilty of a misdemeanor; provided, that if any licensed chauffeur is convicted or found guilty of violating any of the provisions of this act, it shall be the duty of the clerk of said court wherein said conviction is had, to make at once a certified report thereof to the secretary of state. Said report shall contain the name and address of the offender, the number of his license, a statement of the charge made against said chauffeur, a brief statement of the evidence and the verdict or decision of the jury or judge trying the same. If any conviction is reversed on appeal, the person convicted may serve on the secretary of state a certified copy of such reversal, whereupon the secretary of state shall enter the same in the proper book or index in connection with the record of such conviction. ('11 c. 365 § 26) [2645]

152-2, 187+705.

2719. Rubber tires or casings to be marked—No person shall sell any rubber tire or casing for use on motor vehicles unless the name of the manufacturer and the year in which the same was made, are conspicuously and permanently marked thereon in raised

type cast with the tire or casing. ('11 c. 358 § 1) [2647]

2720. Violation a misdemeanor—Any person who shall sell or offer for sale a rubber tire or casing in violation of the provisions of this act shall be guilty of a misdemeanor. ('11 c. 358 § 2) [2648]

CHAPTER 13A

VESSELS NAVIGATING LAKES AND RIVERS

2721. Definitions—That the following regulations for preventing collisions shall be followed by all vessels navigating all lakes and rivers of the state of Minnesota:

In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and

Every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The word "steam vessel," shall include any vessel propelled by machinery.

A vessel is "under way" within the meaning of these rules, when she is not at anchor, or made fast to the shore, or ground.

The word "visible" in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere. ('09 c. 278 § 1) [2649]

Section 20 repeals inconsistent acts and parts of acts.

2722. Lights—Within what hours—The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited. ('09 c. 278 § 2) [2650]

2723. Steam vessel under way—A steam vessel, when under way shall carry:

(a) On or in front of the foremast, or, if a vessel without a foremast, then in the fore part of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such character as to be visible at a distance of at least five miles.

(b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red side lights shall be fitted within board screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

(e) All steam vessels (except sea-going vessels and ferry boats), shall carry in addition to green and red lights required by article two, (b), (c) and screens as required by article two (d) a central range of two white lights. The head light shall be so constructed as to show an unbroken light through twenty points

of the compass, namely, from right ahead to two points abaft the beam on either side of the vessel, and the after light so as to show all around the horizon. ('09 c. 278 § 3) [2651]

2724. Sailing vessel—A sailing vessel under way or being towed shall carry at the mast head a white light in a lantern so constructed as to show a clear, uniform and unbroken light visible all around the horizon at a distance of at least five miles. ('09 c. 278 § 4) [2652]

2725. Row boats—Lanterns to be carried—Rowing boats, whether under oar or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision. ('09 c. 278 § 5) [2653]

2726. Risk of collision—Risk of collision can, when circumstances permit, be ascertained by careful watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist. ('09 c. 278 § 5) [2654]

2727. Sailing vessels approaching one another—When two sailing vessels are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

(a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free, with the wind on the same side the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

(e) A vessel which has the wind aft shall keep out of the way of the other vessel. ('09 c. 278 § 6) [2655]

2727a. Steam vessels approaching one another—Rule No. 1. When steam vessels are approaching each other head and head, that is, end on, or nearly so, it shall be the duty of each to pass on the port side of the other; and either vessel shall give as a signal of her intention one short and distinct blast of her whistle which the other vessel shall answer promptly by a similar blast of her whistle, and thereupon such vessels shall pass on the port side of each other, but if the course [s] of such vessels are so far on the starboard of each other as not to be considered as meeting head and head, either vessel shall immediately give two short and distinct blasts of her whistle, which the other vessel shall answer promptly by two similar blasts of her whistle, and they shall pass on the starboard side of each other. The foregoing only applies to cases where vessels are meeting end on or nearly end on, in such a manner as to involve risk of collision; in other words, to cases in which, by day, each vessel sees the mast of the other in a line, or nearly in a line,