

APPROVED—May twenty-second, one thousand eight hundred and fifty-seven.

S. MEDARY.

SECRETARY'S OFFICE, Minnesota, }
SAINT PAUL, July 22nd, 1857. }

I hereby certify the foregoing to be a correct copy of the original bill now on file in this office.

CHAS. L. CHASE,
Secretary of Minnesota Territory.

CHAPTER LXII.

A Bill for an Act relating to Public Roads.

- SECTION 1 Provides for the election of two Road Commissioners in each county.
- 2 Requires the Commissioners to take an oath of office.
- 3 In connection with the County Surveyors to constitute the Board of Road Commissioners.
- 4 Upon application of twelve free holders, they may lay out, alter or discontinue roads.
- 5 Manner of deciding upon applications.
- 6 Shall examine personally the roads, and hear reasons.
- 7 Duties prescribed in laying out and altering, or discontinuing a Road.
- 8 Required to record and describe all roads laid out.
- 9 Damages may be determined by agreement, not exceeding \$200.
- 10 When damages are not satisfactory, they may be submitted to a Jury.
- 11 Bond for costs to be executed, and provisions governing the costs in certain awards of the Jury.
- 12 Twelve disinterested freeholders to be summoned as the Jury.
- 13 Jury to be sworn, view the road, hear the statements, and make their appraisal.
- 14 Mileage and Jury fees.
- 15 Damages against the county to be presented to the County Board, and paid out of County Treasury.
- 16 Authority to alter Roads.
- 17 Relates to the Removal of Fences obstructing roads laid out.
- 18 All roads to be surveyed within one year from the passage of the Act granting them; and roads laid out to be completed in one year.
- 19 Trees may be planted on each side of public roads—damages for their injury.
- 20 Provisions of this Act to be general.
- 21 Roads hereafter to be laid out, shall be in accordance with this Act.

Be it enacted by the Legislative Assembly of the Territory of Minnesota:

SECTION 1. At the first general election held in this Territory after the passage of this Act, there shall be elected two Road Commissioners in each organized county, and the per

sons having the highest number of votes, shall serve for the period of two years; the person having the next highest number of votes, shall serve one year; and at each annual election thereafter, there shall be elected one Road Commissioner in each county to serve two years, or until his successor is duly elected and qualified; *Provided*, That if at said first election, two or more persons should have an equal number of votes, their grade shall be determined by lot, by the Sheriff, in presence and under the direction of the Judge of Probate for the county; and *Provided further*, That such Commissioners may be appointed to hold their offices until the next general election; such appointment to be made as in case of vacancies in county offices.

Elect two Road Commissioners.

Sec. 2. Each person elected or appointed as a Commissioner, shall within ten days after being notified of his election or appointment, take and subscribe an oath, to support the Constitution of the United States, the organic Act of this Territory, and faithfully and impartially to discharge the duties of his office as such Commissioner, before the Judge of Probate or some other person authorized to administer oaths, and such oath shall be administered without fee, and certified by the officer before whom it was taken, with the date of taking the same, and such person before entering upon the duties of his office, shall cause said oath so certified, to be filed within ten days, in the office of the Register of Deeds of the county for which he is elected.

Oath of office.

Sec. 3. Said Commissioners, when so elected and qualified as hereinbefore provided, shall together with the County Surveyor, constitute a Board of Road Commissioners, who shall have power in the manner, and under the restrictions hereinafter provided, to lay out and establish upon actual survey, such new roads in their respective counties as they may deem necessary and proper, and to alter the same, or discontinue such old roads, as shall appear to them to have become unnecessary.

Board of Road Commissioners

Sec. 4. Whenever any twelve or more freeholders residing in any county shall wish to have a road laid out, altered or discontinued in such county, they may make application in writing to the Road Commissioners of the county in which they reside, for that purpose, and the said Commissioners shall proceed to lay out, alter or discontinue such road, if in their opinion the public good will thereby be promoted.

Application for road, or altering one

Sec. 5. Upon application made to the Commissioners for the laying out, altering or discontinuing any road, they shall make out a notice and fix therein a time and place at which they will meet, and decide upon such application; and the applicant shall, at least ten days previous to such time, cause such notice to be given to all the occupants of the lands through which such road may pass; which notice shall be served personally or by copy left with, or at the usual place of abode of each occupant of such lands; and such notice shall also be posted up in three or more public places in said county at

Public notice of application

least twenty days before the time of such meeting of the Commissioners; every such notice shall specify as near as practicable, the road proposed to be laid out, altered or vacated, and the several tracts of lands through which the same may pass.

Commissioners to examine road SEC. 6. The Commissioners, upon being satisfied that the notices required in the preceding section have been duly given, proof of which may be shown by affidavit or otherwise, as they may require, shall proceed to examine personally such proposed road, and shall hear any reasons that may be offered for or against laying out, altering or discontinuing the same, and decide upon the application as they shall deem proper.

Report of Commissioners to be filed SEC. 7. Whenever the Commissioners shall lay out, alter or vacate any road, they shall cause an accurate survey thereof to be made when necessary, and they shall make out a description of the road so laid out, altered or vacated, and incorporate the same in an order to be signed by them, which, with a copy of the field notes and plat of the survey of the same attached, together with the application, copy of notice and affidavits, or other proof of notice required as aforesaid, shall be filed and recorded in the office of the Register of Deeds, within ten days after the completion of the survey of the same, who shall note the time of recording the same in the Record-Book kept for that purpose; and the Commissioners shall receive for their services the sum of three dollars per day, to be paid out of the County Treasury if the application be granted; otherwise, to be paid by the applicants.

Describe more fully roads laid out SEC. 8. The Commissioners shall have power, and it shall be their duty to cause such of the roads used as highways, as have been lawfully laid out but not sufficiently described, and such as have been lawfully laid out and used as such up to the present time, but not fully and sufficiently recorded, to be ascertained, described, and entered of record in the office of the Register of Deeds.

Damages SEC. 9. Upon the laying out or altering any road in this Territory, if damages shall be claimed therefor by any owner through whose land the same shall be laid, the amount of such damages may be determined by agreement between the Commissioners and such owner; provided the damages thus allowed by the Commissioners shall not in the aggregate, exceed two hundred dollars in any county upon any one road so laid out or altered by them. Every such agreement shall be reduced to writing, and signed by such owner and the Commissioners, and filed in the office of the Register of Deeds of the proper county, and every such agreement and every release of damages given, shall forever preclude such owner from all further claim for damages.

SEC. 10. If any owner of lands through which a road shall be laid out or altered by the Commissioners, shall not be satisfied with the sum offered for damages by such Commis-

sioners, or if no sum be offered, he may within thirty days ^{Appeal to a Jury} thereafter apply to a Justice of the Peace of the same, or an adjoining precinct, for a Jury, to assess and appraise such damages, which application shall be in writing describing the premises, and any number of persons claiming damages on account of such road, may join in such application. The Road Commissioners shall have at least six days notice of the time and place of such meeting.

SEC. 11. Any person applying for a Jury as mentioned in the preceding Section, shall by himself or agent, execute to the Road Commissioners and file with the Justice a bond with one or more sureties, to be approved by such Justice ^{Bond required costs} conditioned to pay all costs arising from such appeal and appraisal damages, provided such Jury shall not award a larger amount of damages than were offered by the Commissioners; or in case the Commissioners shall not have made any offer of damages, then conditioned to pay all such costs if the Jury shall not award any damages; and where damages are allowed by the Commissioners, and appeal is taken to a Jury, the award of which shall not exceed the amount allowed by the Commissioners, then all costs arising from such appeal and appraisal of damages shall not constitute an offset pro rata, against the amount of damages allowed, and if the costs exceed the damages, then judgment shall be rendered for the excess.

SEC. 12. Upon the filing of such bond, the Justice shall issue a precept to some Constable of an adjoining precinct, ^{Summoning the Jury} neither interested nor of kin to any person through whose land such road is laid, directing him to summon twelve disinterested freeholders of his precinct, not of kin to the owner or occupant of such land, to meet at a time and place to be specified in such precept, to appraise the damages sustained by the laying out or altering of such road.

SEC. 13. At the time and place appointed for the appearing of such a jury, they shall be sworn by the Justice, justly ^{Jury sworn—shall hear the proof—and make a appraisal} and impartially to make such appraisal, and shall proceed to view such road, and hear the statements and proofs of the parties if they deem necessary, and they shall make return of their appraisal to the Justice, which shall be certified by such Justice and filed with the Register of Deeds, and if the amount of the appraisal by such jury shall exceed the amount offered by the Commissioners, or in case no sum shall have been offered by the Commissioners, then, if the jury award any damages, the costs and expenses shall be paid by the County; but if the Jury shall not award any damages, or more than was offered, the costs and expenses shall be paid by the applicant, and the Justice shall render judgment and issue execution for the same.

SEC. 14. Each person duly summoned, who shall attend as a juror, shall be allowed six cents a mile for each mile necessarily traveled from his place of abode to the place

^{Jurors fees}

of meeting, and fifty cents for his services on such jury, and the Justice shall be entitled to one dollar for his fees.

Charges against the counties. SEC. 15. All damages consequent upon laying out or altering any road as finally settled upon, pursuant to the provisions of this Act, and all lawful charges against a County for the services of any jury in the assessment of damages, or for the fees of any Justice or Constable provided for in this Act, shall be laid before the County Board and allowed, and the amount allowed shall be paid from the County Treasury.

SEC. 16. The Road Commissioners of each County through which any United States or Territorial Road shall pass, may alter the same within the limits of their County; but they shall not so alter any such road as to increase the distance thereby, except in avoiding obstacles which render a direct course impracticable; neither shall the connection of United States or Territorial Roads be broken at County lines.

Removal of fences SEC. 17. Whenever the Commissioners shall have laid out or altered any road through any enclosed, cultivated or improved lands, they shall give the owner or occupant of such lands notice in writing, to remove his fences within such time as they shall deem reasonable, not less than thirty days after giving such notice; but no person shall be required to remove such fence between the first day of April and the first day of November in any year, and if such owner or occupant shall not remove his fence within the time required in such notice, the Commissioners shall cause such fences to be removed, and shall direct such road to be opened.

Survey of roads granted by law SEC. 18. The survey and platting of all Territorial Roads shall be completed within one year, from the passage of the act granting them, and every road already laid out, except such roads as were laid out on land before it was pre-empted or entered, no part of which shall have been opened within one year from the time of its being so laid out, and and every such road hereafter to be laid out, no part of which shall be opened within the like period shall cease to be considered as a public road.

Trees may be planted—Penalty for injury, SEC. 19. Any person owning or occupying land adjoining any public road, may plant or set out trees on each side of said road contiguous to his land, which trees shall not be set in the road more than ten feet from the margin thereof, and if any person shall maliciously cut down, destroy or injure any tree that may have been, or shall be so planted or set out, or which shall have been left on the side of such road within ten feet of such margin, he shall be liable to treble damages to the owner or occupant of such adjoining land.

This Act is general SEC. 20. The provisions of this act relating to roads shall be construed to extend to all parts of the Territory, except where special provisions, inconsistent therewith, have been, or shall be made by law in relation to particular towns, counties, cities or villages, and all acts or parts of acts in-

consistent with the provisions of this act are hereby repealed.

Sec. 21. All public county roads hereafter to be laid out, shall be laid out in accordance with the provisions of this act, and the laws not inconsistent therewith.

All roads to be laid out, according to this Act.

J. W. FURBER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

APPROVED—May twenty-third, one thousand eight hundred and fifty-seven.

S. MEDARY.

SECRETARY'S OFFICE, Minnesota, }
SAINT PAUL, July 22, 1857. }

I hereby certify the foregoing to be a correct copy of the original bill on file in this office.

CHAS. L. CHASE,

Secretary of Minnesota Territory.

CHAPTER LXIII.

A Bill to incorporate the American and European Emigrant Aid Company.

- SECTION 1. Incorporators and name of Company.
 2 Object and purposes of the Company.
 3 Authorized to purchase and convey Real Estate, and other lawful Acts.
 4 Capital Stock—Shares.
 5 To be under the control of a Board of Directors—Elections—Vacancies.
 6 Power of the Board of Directors.
 7 Commissioners named to procure subscriptions, and call first meeting.

Be it enacted by the Legislative Assembly of the Territory of Minnesota:

SECTION 1. F. L. Harris, Peter Morris, Henry G. Baily, Wm. Freeborn, Jesse Ramsey, Furber, F. J. Whitlock, Wm. P. Murray, Joseph R. Rolett, H. D. Huff, Lewis Stone, Wm. D. Lowry, F. Baasen, T. J. Allen, W. A. Jones, R. Graves, R. A. Smith, J. W. Reynolds, and others, their associates, successors and assigns are hereby constituted a corporation under the name and style of the American and European Emigrant Aid Company. Incorporators