

Duty of County
Commissioners

organized as a town under this act, the board of county commissioners shall forthwith proceed to fix and determine the boundaries of such new town, and to name the same; and said board of county commissioners shall make a full record of all their proceedings in relation to laying off said town, and file the same with the county auditor.

Approved March 6th, 1862.

CHAPTER LXVIII.

An Act to provide for the Opening, Establishing, Changing and Vacating of County Roads.

- SECTION 1. Petition for locating, changing, or vacating any road may be laid before board of county commissioners.
2. Powers of board of county commissioners.
 3. Committee may examine road to be changed or vacated.
 4. When committee to make report.
 5. Petition to be granted if majority of county commissioners so agree.
 6. Damages assessed to be paid by the county interested.
 7. Compensation of committee appointed to examine highways.
 8. What to be constituted a county road.
 9. County commissioners to have general supervision of county roads.
 10. Repeal of acts inconsistent with this.
 11. Act, when to take effect.

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

Petition may be
laid before Coun-
ty Commissioners

SECTION 1. That if twenty-four freeholders of any county in this State containing one hundred or more legal voters, and twelve freeholders of any county containing less than one hundred legal voters shall petition the board of commissioners of such county for the location, establishment, change or vacation of any highway running into more than one town of said county, setting forth in such petition the beginning, course and termination of the highway proposed to be located, established, changed or vacated, together with the names of the owners of the

lands through which the same may pass, the auditor of such county shall lay said petition before the board of county commissioners, at their next session thereafter.

SEC. 2. When the board of county commissioners to whom such petition shall have been presented are satisfied that at least thirty days notice thereof has been given, before the session of such board at which such petition is to be heard, by posting up notices in three of the most public places in each of the towns through which such highway is proposed to be located, changed or vacated, the board of commissioners shall appoint from the members thereof a committee to examine such proposed location, establishment, change or vacation, and the board if necessary shall designate a time when and a place where such committee shall meet upon such route.

Powers of Boards
of County Com-
missioners

SEC. 3. At the time and place designated, said committee shall meet, and shall proceed to examine the highway proposed to be located, changed or vacated, and in such examination may employ a competent surveyor.

Who to examine
road to be chang-
ed or vacated

SEC. 4. After such committee shall have completed their examinations, they shall make a report of their proceedings, setting forth the highway proposed to be located, established, changed or vacated, by course and distance, and recommending therein according to the opinion of a majority, either that the prayer of the petitioners shall be granted or rejected, a copy of which report shall be returned to the board of commissioners at their next session thereafter.

When to make
report

SEC. 5. At the next meeting of the board of commissioners, they shall proceed to determine the prayer of such petition, and such board shall declare it granted if a majority of the board so agree and shall direct the auditor to notify the supervisors of the several towns in which such road is located or established, or change or vacation is made, when such supervisors shall cause to be opened so much of such highway as lies in their respective towns.

Petition—how
granted

SEC. 6. If at the session of the board of commissioners at which the report of the road committee appointed to examine such highway is presented, any person over whose land such road passes shall remonstrate against granting the prayer of the petition, setting forth in writing that he is damaged in a sum mentioned, by the location, change or vacation of such highway, to the truth of which he

By whom dama-
ges to be paid

shall take and subscribe an oath, such board shall determine from the face of the report and the evidence before them, the amount of damages sustained, and whether the damages so assessed are greater than the utility of the proposed highway or change, and if in their judgment they shall deem the road of sufficient advantage to the county to warrant the paying of the damages assessed by the board, they shall declare such highway located, changed or vacated, and all damages declared assessed shall be paid by the county interested; but if they shall determine that the damages assessed are greater than the advantage of the proposed location or change, they shall order the petition dismissed.

Compensation of
committee on ex-
amination

SEC. 7. Such committee, appointed to examine such highway shall receive each one dollar and fifty cents per day for every day they may be necessarily employed, and such surveyor shall receive such compensation as the board may determine.

What to be con-
stituted a county
road

SEC. 8. Every State road or other continuous road passing through or into more than one organized county, is hereby declared a county road, and shall only be altered, changed or vacated by an order of the board of county commissioners. All damages claimed in the location of any State road through any of the organized counties of this State shall be determined by the provisions of this act, the same as in the location of a county road, and the organized counties through which each State road is located shall be liable for such damages.

Who to have gen-
eral supervision
of roads

SEC. 9. The county commissioners shall have a general supervision of county roads, and they shall have power to appropriate such sums of money from the county treasury as they may think advisable, not exceeding one thousand dollars in any one year *Provided*, That additional sums may be appropriated, but shall not be expended except upon a ratification thereof by a vote of the people, to assist in building bridges and in opening and repairing county roads to be expended under their direction; *Provided*, That any money appropriated by the county commissioners to roads or bridges shall be considered as part of the one thousand dollars by law allowed to be expended for extraordinary purposes; and *Further provided*, That the towns through which any county road may pass, shall keep such road in repair the same as other roads in their towns.

SEC. 10. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal of former acts

SEC. 11. This act shall take effect from and after its passage.

Approved March 1st, 1862.

CHAPTER LXIX.

An Act to Prevent the Obstruction of the Public Highways.

- SECTION 1. Penalty for obstructing any public highway in this State. What to be deemed a public highway.
2. Justices of the peace to have jurisdiction to determine all cases arising under this act.
3. Disposition of moneys received for fines.
4. Act, when to take effect.

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

SECTION. 1. Any person who shall at any time obstruct any of the public highways in this State with fences, logs, brushwood, timber or other material, with intent to prevent the free use thereof by the public, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding twenty-five (25) dollars, nor less than ten dollars, with costs of suit, or undergo imprisonment in the county jail not less than ten nor more than twenty-five days. *Provided*, That in all such cases, five years use by the public of any road, and the repair thereof by the public authorities, shall be deemed sufficient to establish a public highway within the intent and meaning of this section. Penalty for obstructing highways

SEC. 2. Justices of the peace shall have jurisdiction on complaint made on oath, to hear and determine all cases arising under this act. Who to have jurisdiction in all cases

SEC. 3. All fines recovered under the provisions of