

CHAPTER XLVIII.

March 6, 1863.

An Act to amend chapter thirteen (13), of the General Statutes of Minnesota, relating to Roads, Cartways and Bridges.

- SECTION 1. Amendment to Section 13, Chapter 13, General Statutes. Power of Overseers of Highways.
2. Amendment to Section 33. What constitutes a Town Road—duty of Supervisors.
3. Amendment to Section 66. What constitutes a County Road—damages how determined.
4. Amendment to Section 67. Duty and power of County Commissioners.
5. When act to take effect.

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

SECTION 1. That section thirteen of said chapter be amended so as to read as follows :

Powers of overseers of highways.

Road overseers have power, and it is hereby made their duty, whenever any public highway becomes obstructed or unsafe from any cause whatever, to call upon any or all persons liable to poll tax in his district to come with such tools or teams as the overseer may direct, and work upon such highway in removing obstructions, or repairing dangerous places ; and for all such labor, performed under the direction of the road overseer, by any person, in excess of the road tax assessed against him for the year, the road overseer shall give a receipt stating the value of such labor, and said receipt shall be received in payment of any road tax due from any person to said district in that or any succeeding year, and any road overseer who fails to perform his duty as required by law shall be subject to prosecution therefor by the supervisors of this town, and upon conviction thereof shall be liable to a fine of not less than five dollars nor more than fifty dollars, and justices of the peace shall have jurisdiction upon complaint made on oath to hear and determine all causes arising under this section.

SEC. 2. That section thirty-three of said chapter be so amended as to read as follows :

Every road located by town authority is a town road, and the supervisors of the town may change or vacate any such road, or lay out any new road when petitioned for by any number of freeholders not less than six residing within one mile of the road so to be changed, vacated, or laid out, or when petitioned for by any number of freeholders not less than twelve residing in said town, the petition shall set forth in writing a description of the road and what part thereof is to be changed, or vacated, and if for a new road the names of the owners of the lands, if known, over which the road is to pass, the point at which it is to commence its general course, and the point near which it is to terminate: *Provided*, That the said supervisors shall not have power to vacate or change any state or county road, nor shall they vacate any portion of any mail route, or change the same in manner so as to increase the distance, and when any change is made in any mail route the supervisors shall cause the same to be immediately opened and made passable. *Provided*, That state and county roads not opened within five years from the time they are laid out, may be vacated the same as town roads.

Town roads—
duty of supervisors.

SEC. 3. That section sixty-six of said chapter be amended so as to read as follows :

Sec. 66. Every road located by state or county authority is a county road, and shall only be changed or vacated by an order of the county commissioners, as provided for in section thirty-three of said chapter as amended by this act. All damages claimed in the location of any state road through any of the organized counties of this state shall be determined by the provisions of this chapter, the same as in the location of a county road, and the organized counties through which any state road is located shall be liable for such damage.

County roads—
damages how
determined.

SEC. 4. That section sixty-seven of said chapter be so amended as to read as follows :

Sec. 67. The county commissioners have a general supervision of county roads, and have power to appropriate such sums of money from the county treasury as they think advisable for opening, vacating, re-surveying or otherwise improving such roads, not exceeding in any one year, the sum or ratio of one thousand dollars to each five hundred thousand dollars of assessed valuation of real estate in such county. *Provided*, That additional sums

Power of county
commissioners.

may be appropriated, but shall not be expended except upon ratification thereof by a vote of the people, to assist in building bridges and opening and repairing county roads, to be expended under their direction. *Provided further,* That the towns through which any county road may pass, shall keep such road in repair, the same as other roads in their towns.

When act to take
effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER XLIX.

February 12, 1868

An Act to amend section forty-eight (48), of chapter thirteen (13), of the General Statutes, relating to roads, cart-ways and bridges.

SECTION 1. Amendment to Section 48, Chapter 13, General Statutes. The amount of damages to be audited by the Supervisors—damages to be paid by the Town.

2. When act to take effect.

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

SECTION 1. That section forty-eight (48), of chapter thirteen (13), of the general statutes of this state, be and the same is hereby amended so as to read as follows:

Supervisors to
audit amount of
damages—town
to pay the same.

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