

CHAPTER LIV.

An Act to regulate the erection of Mill Dams near the highway. March 5, 1868.

- SECTION 1.** How right obtained for running a raceway across public highways.
2. To present petition to Supervisors or Common Council—what to contain.
 3. To post notices specifying time for meeting to make personal examination of highways to be affected.
 4. Power to subpoena witnesses and take testimony.
 5. When to make report.
 6. When petitioner to have right to erect and maintain such dam.
 7. Rights of persons building dam previous to the passage of this act.
 8. Petitioner to pay all costs.
 9. When act to take effect.

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

SECTION 1. When any person is desirous of erecting and maintaining a mill dam upon his own land across any water course not navigable, or digging a raceway across any highway, and deems it necessary to raise the water by means of such dam, so as to overflow any highway, or otherwise obstruct, impair or render less commodious for the public travel, any highway, he may obtain the right from any township supervisors, or common council of any city in which said highway is situated, to erect and maintain said dam or dig said raceway across any highway in the manner and upon the terms hereafter provided.

SEC. 2. He shall present to the supervisors of the township, or common council of any city in which said highway is to be so affected from the raising of such dam or digging such raceway, a petition by him signed, setting forth the place as near as may be where said dam is to be erected, or said raceway is to be dug, also the height the dam will be raised, and the width the raceway will be dug, the purpose to which the water-power will be applied, and

Right to build raceway across highways.

To file petition—what to contain.

such other facts as are necessary to show fully the object of said petition.

To post notices for time of meeting to examine highways.

SEC. 3. The supervisors of any township or common council of any city on receiving such petition, shall post or cause to be posted, in three of the most public places in the township or city, notices in writing, setting forth the time and place they will meet to make a personal examination of the highway to be affected by the erection of said dam or digging said raceway, also the name of the petitioner and the object and prayer of said petitioner, which notices shall be posted at least ten days before the time of meeting for such examination.

Power to take testimony.

SEC. 4. The supervisors or common council, as the case may be, shall meet at the time and place specified in the notice and proceed to examine the point at which said dam is proposed to be erected and raceway dug, and the highway to be affected by the raising of said dam or digging said raceway, and shall have power to subpoena witnesses and take testimony touching the subject of their examination.

When to report.

SEC. 5. The supervisors or common council of any city, shall within thirty days after completing their examination, make a report in writing, granting or refusing the prayer of the petitioner. If the supervisors or common council, as the case may be, grant the prayer of the petitioner, in whole or in part, they shall fully and explicitly set out in their report the terms and conditions upon which said right is granted to said petitioner, which said report together with the petition shall be duly recorded in the township records, by the township clerk.

When to have right to erect dam.

SEC. 6. Whenever such petitioner, his heirs or assigns, shall fully comply with all the terms and conditions of the report of the supervisors, or common council, as the case may be, he shall have the right to erect and maintain such dam or dig such raceway, and use the same as fully as he might have done before the laying out of said highway.

Time for complying with the provisions of this act.

SEC. 7. Any person having already erected such a dam or dug such a raceway as above provided for, shall have the right to avail himself of the provisions of this act within one year by complying with the same as above provided.

Who to pay costs.

SEC. 8. The petitioner shall pay all costs and expenses of the proceedings and examination had by virtue of this act, at his request, whether the prayer of his petition be granted or otherwise.

SEC. 9. This act shall take effect and be in force from When act to take effect. and after its passage.

Approved March 5, 1868.

CHAPTER LV.

An Act to amend title two, chapter thirty-eight, General Statutes, relating to Public Lands.

March 5, 1868.

SECTION 1. Amendment to Section 57, Title 2, Chapter 33, General Statutes. All lands donated for University purposes to be appraised and sold—disposition of proceeds.

2. Not to affect the powers conferred by provisions of previous act.
3. When act to take effect.

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

SECTION 1. Title two, chapter thirty-eight, of the general statutes, is hereby amended by adding at the end thereof as follows, that is to say :

Sec. 57. All lands donated to the state of Minnesota by the United States, by act of congress entitled, an act donating to the states of Minnesota and Oregon certain lands reserved by congress for the territories of Minnesota and Oregon, for university purposes, approved March second, one thousand eight hundred and sixty-one, and an act of congress entitled an act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July second, one thousand eight hundred and sixty-two; and any part or portion of such lands, upon the written request of the board of regents of the university of Minnesota, to the commission^r of the state land office, shall be appraised and sold, and the minimum price thereof shall be the same, and permits for the cutting of timber thereon, and upon any part of the same

Lands to be appraised and sold—disposition of proceeds.