

CHAPTER LXX.

AN ACT SUPPLEMENTARY TO AN ACT ENTITLED AN ACT AUTHORIZING THE JUDGE OF ANY DISTRICT COURT TO APPOINT COMMISSIONERS TO LAY OUT ROADS THROUGH TWO OR MORE COUNTIES WITHIN HIS JUDICIAL DISTRICT, APPROVED MARCH FOURTH, EIGHTEEN HUNDRED AND SEVENTY-TWO.

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

SECTION 1. The commissioners appointed under and by virtue of the act entitled "An act authorizing the judge of any district court to appoint commissioners to lay out roads through two or more counties within his judicial district," approved March fourth, eighteen hundred and seventy-two, shall appraise and fix the amount of damages to be paid to each land owner for the right of way for the road, by them laid out, over or across his lands, unless such right of way shall be, by the owner, duly and voluntarily released to the board of county commissioners of the county in which such land is situate; and in their report the said commissioners shall include and set forth separately each appraisal of such damages or compensation made by them and all voluntary releases of the right of way taken by them.

SEC. 2. Any person deeming himself or herself aggrieved by such appraisal of such commissioners, may demand a jury trial to determine the amount of damages or compensation to which he is entitled for the right of way for such road over his or her land. Such demand for jury trial shall be in writing, signed by the demandant, his or her agent or attorney, and filed in the office of the clerk of the court in the county in which the commissioners' report is filed, within thirty days after the entry of the order of the court confirming the report of the commissioners. A failure to so file a demand for jury trial shall be deemed and regarded as a consent of the land owner to the appraisal made by the commissioners. When any such demand for jury trial shall be so made and filed, the trial so demanded shall be had at the term

Damages for right of way, how appraised.

Remedy of person aggrieved by appraisal.

of the district court next thereafter to be held in the county in which the land to which such demand applies, is situate, unless continued for cause. If the land is situate in a county different from the one in which the commissioners' report is filed, the clerk in whose office such report and demand are filed, shall make and certify a copy of said demand and so much of the commissioners' report as applies to the same, and transmit the said copy to the clerk of the district court in the county in which such land is situate, and he shall file the same in his office. The board of county commissioners or the county attorney of the county in which the land so taken for a road is situate, may in like manner and with like effect, demand a jury trial to determine the amount of damages to be paid in any one or all of the cases within such county, and the like proceedings shall thereupon be had.

County may also demand a jury trial.

SEC. 3. When the amount of the damages or compensation to be paid to any one or more of the owners of land taken for such road shall have been finally determined by proceedings under the provisions of this act, the board of county commissioners of the county in which such land is situate, shall provide for the payment of and pay the same in the manner provided by law for the payment of the like damages or compensation for land taken for a county highway or road laid out and established by the board of county commissioners.

Damages, when determined, how paid.

SEC. 4. The provisions of this act may, in the discretion of the court, be applied to the appointment and proceedings of the commissioners in any and all cases in which they have been appointed under or by virtue of the provisions of the act to which this act is supplementary.

Extension of this act.

SEC. 5. This act shall be in force from the time of its passage.

Approved March 10, 1873.