

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

Approved March 5, 1874.

CHAPTER XCVII.

AN ACT TO PROVIDE FOR THE LAYING OUT AND ESTABLISHING CERTAIN STATE ROADS BETWEEN THE CITIES OF MINNEAPOLIS, IN HENNEPIN COUNTY, AND ST. PAUL, IN RAMSEY COUNTY.

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

SECTION 1. That the county commissioners of Hennepin and Ramsey counties are hereby authorized and required to locate, survey and establish a state road ; commencing at the state university, in the city of Minneapolis, thence continuing University avenue in a direct line as near as practicable to the county line, thence easterly by the most direct and practicable route conforming to the old territorial road wherever practicable to secure the best location, to Melrose avenue, in the city of St. Paul ; also, that the said county commissioners are hereby authorized and required to locate, survey and establish a state road from the state university aforesaid in an easterly direction, conforming as nearly as practicable to the section line between sections twenty-four and twenty-five (24 and 25) in township twenty-nine (29), in range twenty-four (24), and between sections nineteen and thirty (19 and 30) in township twenty-nine (29), range twenty-three (23), to the county line ; thence eastward on or near said line to Lake Como or the city limits of Saint Paul, adopting, so far as practicable, any road now established in Ramsey county, or near said line.

SEC. 2 That the county boards of Hennepin and Ramsey counties shall, at their meeting on the first Monday in April, A. D. eighteen hundred and seventy-four, appoint from their members a committee who shall meet at the state university on or before the twentieth day of April, A. D. eighteen hundred and seventy-four, and then and there proceed to discharge their duties under this act, and employing a competent surveyor and chairman [chainman] to assist in locating said road. That failure to meet or to act as above required at the specified time shall not inviolate this act, but that action shall be had after said dates as early as practicable.

SEC. 3. Said commissioners shall cause accurate plats of the survey and location of the said roads to be made, particularly describing the route by courses and distances, and at each mile station along the line of said roads a stone post shall be set, marked thereon the distance from the point of starting.

SEC. 4. The said roads shall be one hundred (100) feet in width from the line of the city limits of Minneapolis to the line of the city limits of Saint Paul, and the width of the remainder of said roads inside the city limits of Minneapolis and St. Paul shall be left as laid out and platted by the city, and the roadway shall be opened sixty feet in width, and made in good condition for travel at the expense of the counties through which the said roads pass, and the expense of locating said roads shall be paid by the counties according to the distance they may run in each county.

SEC. 5. The said commissioners shall, at the time of locating said roads appraise the damages to be paid to each person through whose land the same may pass, after taking into consideration the advantages and benefits that may be derived from said roads and shall file in the office of the county auditor of each of said counties of Hennepin and Ramsey, a statement of such appraisal of damages for lands therein taken for said roads, which shall be paid by the county in which the land is situated. That said commissioners shall, as far as practicable, obtain from owners of lands releases of right of way of said roads, and in all such cases shall make no appraisal of damages or benefits.

SEC. 6. Any person deeming himself or herself aggrieved by said appraisal, may appeal therefrom to the district court of the county in which such lands are situated, by serving a notice of such appeal upon the county attorney of said county, and a copy thereof on the chairman of the county board, and also filing in the office of the county auditor of said county, a copy of said appeal, with proof of same thereof on the county attorney and chairman of said board. The county auditor shall then certify a copy of said appeal and appraisal to the district court, within ten days after filing the notice of appeal in his office. *Provided*, That all appeals shall be taken within thirty days after the filing of the appraisal in the office of the county auditor.

SEC. 7. The said commissioners, after completing their duties under this act, shall file the surveys and plats of said roads, with their report locating the same and awarding damages in the county auditor's office of their respective counties. After which said boards shall be declared established, and the damages assessed paid by the counties in which the land is situated.

SEC. 8. The county commissioners of Hennepin and Ramsey counties in their discretion shall make appropriations to open said

roads; and the aldermen of the cities of Minneapolis and St. Paul, and the town and city supervisors of the towns, cities and counties through which said roads pass, shall cause the same to be opened and made in good condition for travel on or before the first day of December, A. D. 1874.

SEC. 9. This act shall be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XCVIII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO PREVENT THE RUNNING AT LARGE OF CATTLE AND OTHER DOMESTIC ANIMALS WITHIN THE COUNTIES OF DODGE, OLMSTED, GOODHUE AND MARTIN, AND THE SEVENTH SENATORIAL DISTRICT OF WINONA COUNTY, APPROVED MARCH TENTH, EIGHTEEN HUNDRED AND SEVENTY-THREE.

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

SECTION 1. That chapter sixty-six of the special laws of eighteen hundred and seventy-three be amended so as to read as follows:

Sec. 1. That it shall be unlawful for any person or persons to allow any cattle, horses, or other domestic animals, owned by them, or of which they may be in possession, or have control, to run at large upon the public highways, or upon the lands of any other person or persons, during any season of the year, unless properly herded. *Provided*, That the provisions of this section shall not apply to any portion of the state of Minnesota except the counties of Dodge, Goodhue, Olmsted and Martin, and the seventh senatorial district of Winona county. *Provided further*, That a majority of the legal voters at any annual town meeting in the county of Olmsted may by resolution allow such animals to run at large in their respective towns.

SEC. 2. The owners or occupants of lands may distrain all beasts doing damage upon his lands, lying and being in the counties and district aforesaid, and when any such distress is made, the distrainer shall keep such beasts in some secure place, other than the public pound, until his damages are appraised, and within twenty-