

ship supervisors, or county commissioners, such right-of-way as shall be necessary and required by such railroad company, or for any public road or cartway, and upon such terms and conditions as may be agreed upon between the executor, administrator or guardian and said railroad company, or the township supervisors or board of county commissioners, subject to the approval of the probate court.

Sec. 4591,
G. S. 1894,
amended.

SEC. 2. That section No. one hundred and eighty-four (184), of chapter forty-six (46), of the General Laws of eighteen hundred and eighty-nine (1889), being section four thousand five hundred and ninety-one (4591), of General Statutes of eighteen hundred and ninety-four (1894), be and the same is hereby amended to read as follows:

Approval of
probate
court, how
obtained.

SEC. 4591. Such approval may be obtained upon filing in the probate court a verified petition of the railroad company or the township supervisors, or county commissioners, and the executor, administrator or guardian setting forth the name of the decedent, or ward, the corporate name of the railroad company, or the name of the township or county, a description of the land to be used or taken, and for what purpose, the amount to be paid, and that such amount is the full value of the lands so taken and the damages to the remainder of the lands.

To such petition shall be attached or indorsed thereon, the agreement mentioned in section one hundred and eighty-three (183).

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 13 1899.

H. F. No. 322.

CHAPTER 197.

Towns, organiza-
tion of in
certain cases.

An act to provide for the organization of towns by the board of county commissioners in certain cases.

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

Proceeding by
petition, no-
tice of hear-
ing, etc.

SECTION 1. Whenever thirteen (13) or more legal voters residing in any two (2) contiguous congressional townships in this state but which are embraced in separate organized towns containing more than two (2) congressional townships each, shall petition the board of county commissioners of the county in which such towns are situated, setting forth the facts that such towns are

so divided by lakes, rivers, marshes, or other natural impediments, or that by reason of the large area of such towns it is inconvenient for any considerable portion of the citizens of such towns, or either of them, to transact town business, and requesting that said congressional townships, as named in said petition, be set off from said towns and organized into a separate town, the said board of county commissioners shall immediately appoint a time and place of hearing upon said petition, and cause to be posted in three (3) public places in each of the towns to be affected by the organization of such new town a copy of said petition and a notice of the time and place of such hearing, and cause to be served a copy of such notice and petition on the town clerk of each of said towns, such notice and petition to be served and posted at least fifteen (15) days before the day of hearing.

SEC. 2. If, upon such hearing, said board of county commissioners shall find that the facts, as stated in said petition, are true and that the public interest will be subserved by the organization of said congressional townships into a separate town, they may thereupon set off such townships and organize the same into a separate town.

Facts to be found by county board and town organized.

SEC. 3. Said board of county commissioners shall establish the boundaries of such new town as may thus be organized, provide for first election of officers therein, and for naming said town in the same manner as provided by chapter ten (10) of the General Statutes of the year eighteen hundred and ninety-four (1894), for establishing boundaries, naming of, and first election of officers in newly organized towns; *provided, however*, that nothing in this act shall be so construed as to release any property in and belonging to any portion of such newly organized town from any tax levied or assessed prior to the setting off thereof from another town, or to release or discharge any of said property from the payment of any bonded or other indebtedness existing against the towns from which such newly organized town was taken, at the time of the separation thereof.

Boundaries to be determined.

New town not to be released from existing tax.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 13 1899.