

CHAPTER 115—S. F. No. 896.

An Act to fix the time of holding general terms of the district court for the Tenth Judicial District of the State of Minnesota.

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

Section 1. Terms of court in Tenth District, changed as to Houston county.—That general terms of the District Court shall be held each year in the several counties constituting the Tenth Judicial District of Minnesota at the times herein described as follows:

In Fillmore county on the fourth Tuesday in May and the second Tuesday in November.

In Freeborn county on the first Monday in February, the second Monday in May and the fourth Monday in September.

In Houston county on the last Tuesday in April and the first Tuesday in December.

In Mower county on the second Tuesday in January and the second Tuesday in June.

Sec. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved April 12, 1915.

CHAPTER 116—H. F. No. 738.

An Act to amend Sections 4, 6, 13, 15, 16, 18, 20, 32, 33, 38, 41, 42, 55, 59, 60, 73, 80, 86, and 89 of Chapter 235, Laws 1913, which said Chapter is entitled: "An Act relating to public highways; the powers and duties of counties, towns, villages and cities in relation thereto; the creation of a State Highway Commission, prescribing its powers and duties, appropriating money therefor, and providing for the payment of state aid for the construction and improvement of roads, and authorizing and directing the levy of taxes for highway purposes."

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

Section 1. Powers of county boards as to county roads and towns having no jurisdiction over county roads in certain counties.—That Section 4 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Section 4. All county roads shall be established, constructed and improved by the several county boards. The county board of any county may appropriate from its road and bridge fund to any town in its county, such sums of money as are available and which it deems advisable to aid such towns in the construction and maintenance of roads therein; provided, that in

counties having a population of one hundred fifty thousand (150,000) inhabitants or over, such county aid may be expended in accordance with the provisions of Chapter 164, Laws 1905, as amended by Chapter 208, Laws 1909. The town through which any county road may pass shall maintain and keep it in repair. Provided, however, that in counties having a population of one hundred fifty thousand inhabitants (150,000) or over and which now have or hereafter may have a county superintendent of highways or other officer to superintend the construction or improvement of roads within its confines, the several towns thereof shall have no jurisdiction over county roads.

Sec. 1½. Village councils may appropriate fund to assist in maintaining roads and bridges leading into villages.—That Section 6 of Chapter 235, Laws of 1913, be and the same is hereby amended so as to read as follows:

"The council of any village, borough or of any city of the fourth class or the town board of any town, may appropriate and expend such reasonable sums as it may deem proper to assist in the improvement and maintenance of roads lying beyond its boundaries and leading into it, and of bridges thereon, whether they are within or without the county in which it is situated. Such municipalities may also engage in the manufacture of crushed rock for use on public highways, and said crushed rock may be conveyed, by gift or sale, to other municipalities for such use.

Sec. 2. Highway commission to supervise work for which it makes appropriations.—That Section 13 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Sec. 13. Appropriations.—*All appropriations for the highway commission shall be expended under its supervision and all unexpended funds appropriated for any year shall be carried over to the credit of the commission for subsequent years.*

All accounts and expenditures shall be certified by the chairman of said commission, and paid by the state treasurer upon warrants drawn by the state auditor.

Sec. 3. Apportionment of funds by highway commission.—That Section 15 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Section 15. Apportionment of road and bridge funds.—On or before the first Tuesday in March of each year the highway commission shall estimate the probable sum of money that will accrue to the state road fund during that year, and apportion the same among the different counties of the state, as herein provided, and shall immediately send a notice to the state auditor and to the board of county commissioners of each county stating the amount that such county shall be entitled to receive for said year out of said funds. Not less than one nor more than three

per cent of the state road and bridge fund available in any year shall be apportioned to any county.

Any funds in excess of one-half of one per cent of the total funds available for allotment in any one year, allotted to any county in any year, which, for a period of two years after such allotment shall remain unused and unexpended by such county, or for work done in such county, shall revert to the unapportioned funds in the state road and bridge fund and be thereafter and during the next succeeding year, apportioned the same as other funds added to such state road and bridge fund, by taxation or otherwise, are apportioned.

Sec. 4. Preference to be given to state roads in expenditure of state money and limit of allotment to each county.—That Section 16 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Section 16. Allotment—How used and expended.—Twenty per cent of the allotment so made to any county shall be used only for maintenance of state roads and bridges thereon.

Payment shall be made by the state only for such proportion of the cost of maintenance of any road as is hereinafter specified with reference to the payment of state aid for the construction or improvement of a state road.

It shall be the duty of the county commissioners of each county in which state roads have heretofore or may hereafter be designated, to provide for the proper maintenance of the same in accordance with the rules and regulations to be prescribed by the highway commission. *In the expenditure of funds for maintenance preference shall be given to state roads improved as such.*

The cost of such maintenance shall be paid by the state from the proportion of allotment to each county for maintenance purposes above specified, to an amount not exceeding the proportion so made available for maintenance purposes. Such payment shall be made upon reports to the highway commission by the county auditor, to be approved by the highway commission, in substantially the same manner as is herein provided for the payment of the state's part of the cost of the construction and improvement of state roads.

Not to exceed twenty-five per cent of the apportionment from the state road and bridge fund of any county, remaining after the amount for maintenance has been deducted, may, when deemed advisable by the county board, be expended on *county or town roads*, to be paid in substantially the same manner as is herein provided for the payment of other state aid for the construction and improvement of state roads; provided that only such proportion of the cost of the construction, improvement or repair of any county or town road shall be paid from such

county's allotment as is herein provided with reference to the payment for the construction or improvement of a state road.

The amount which shall be paid by the state out of the allotment of the road and bridge fund, to any county as state aid, in the construction or improvement of any road or bridge in any county in any year, shall be as follows:

In counties where the assessed value of the property for taxation purposes is less than five million (\$5,000,000) dollars, *not less than 80 per cent nor more than 90 per cent*; in counties with a taxable valuation of five million dollars (\$5,000,000) and less than ten million dollars (\$10,000,000), *not less than 70 per cent, nor more than 85 per cent*; in counties with a taxable valuation of ten million dollars (\$10,000,000) *and not exceeding fifteen million dollars (\$15,000,000) not less than 60 per cent, nor more than 80 per cent*; in all other counties, *not less than 50 per cent, nor more than 75 per cent*. *The per cent to be paid by any county of the cost of construction, improvement and maintenance of any state road in such county shall be determined by the county board within the limits herein prescribed.* In determining the taxable valuation hereinbefore provided for, the assessed valuation of moneys and credits provided for in Chapter 285, General Laws 1911, shall be excluded. The proportion of cost of constructing any road or bridge above specified, shall be paid by the state only in case the funds in allotment to any given county, over and above the amount set aside for maintenance, as herein provided, shall be sufficient therefor.

Sec. 5. Villages and cities to receive same proportion as counties.—That Section 18, of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Sec. 18. Designation of state roads—Revocation of designation.—Any county board may, with the consent of the highway commission, designate any established road, or specified portion thereof, in its county, not within the corporate limits of any borough, village or city, as a state road, and construct or improve the same in accordance with the regulations of the state highway commission relative to state roads.

When any county board has designated any road as a state road as herein provided, the county auditor shall transmit a copy of the resolution to the state highway commission, together with a description of the road so designated. It shall be the duty of the commission to thereupon determine whether sufficient funds will be available from the state road and bridge fund for the improvement of said road as a state road and also determine the desirability of such designation with reference to the relation of such road to other state roads, or its relation to other roads and traffic conditions in such county, and if it determine such question in the affirmative, then and in such case, the highway com-

mission may, by its order in writing, to be filed with the county auditor, consent to the designation of such road as a state road.

Whenever it shall be made to appear to the highway commission that the board of county commissioners of any county have refused to grant an application to it made by at least ten freeholders, residents of such county, to designate any established road or part thereof as a state road, the highway commission may consider such application *de novo*, and if in its opinion, sufficient funds will be available for the improvement of such road, and its designation and improvement as a state road is desirable because of the relation of such road to other state roads or traffic conditions in such county, the highway commission may by its written order designate such road or part thereof, as a state road without a prior designation thereof by the county board or its concurrence in such designation. A copy of such order shall be filed with the county auditor.

The council of any village or city of the fourth class, may, with the consent of the highway commission, and the county board of the county in which such village or city is situated, designate any street or road within its corporate limits, not less than sixty (60) feet in width, as a state road when the street or road so designated will constitute a direct connecting link with the parts of a state road leading to and out of any such village or city. The county board of such county shall signify its consent by resolution and in and by such resolution shall designate the amount which may be paid out of the allotment made to such county as state aid in the construction or improvement of any such street. No greater amount than is so designated by the county board shall be paid as state aid for the construction or improvement of such street. The consent of the highway commission to the designation of any such street or road within the corporate limits of any village or city of the fourth class shall be obtained by such village or city in substantially the manner and upon consideration of the same conditions as is herein provided for the granting of its consent to the designation of highways by county boards as state roads. Any street or road within any village or city of the fourth class, so designated, may be improved as other state roads and state aid paid therefor. The village or city clerk, as the case may be, shall make substantially the same report as is herein required to be made by a county auditor with reference to state roads designated by the county board, and payment of the state's share of the cost of construction and improvement thereof shall be made in substantially the same manner and upon substantially the same conditions precedent as is herein provided for the payment of state aid to counties; provided, however, that the payment to be made by the state shall be made from the allotment to the county in which

such village or city is situate. *The village or city shall receive the same proportion of the cost of the construction or improvement of any such street or road as is payable by the state as to other state roads in the county in which such village or city is situate, not to exceed fifteen hundred dollars (\$1,500.00) per mile.*

Any roads which may have been at any time designated as state roads may, by joint action of the county board and the highway commission, be abandoned or changed as such.

Said state engineer shall make or cause to be made all necessary surveys, establish grades and prepare plans and specifications for all state roads, except roads in counties which now have or hereafter may have a county superintendent of highways or other officer to superintend the construction and improvement of roads within its confines, and shall cause to be superintended all work done on such designated state roads. Such work may be done under contract or by day labor, as the county board and highway commission may direct, and a report thereof shall be made by the superintendent thereof in duplicate as may be required by the highway commission, one copy of which shall be delivered to the county auditor and one to the state engineer.

Sec. 5A. Appointment of assistant engineers and prescribing of duties.—That Section 20 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Sec. 20. Assistant engineers—Duties.—*The highway commission shall appoint as many assistant engineers throughout the state as they may deem necessary for the purpose of superintending all work done on state roads. Such assistant engineers shall devote their entire time to their official duties; may be assigned to one or more counties as deemed advisable, and shall act under the instructions of the state engineer, and the rules and regulations of the highway commission. It shall be the duty of said assistant engineers to make all necessary surveys, estimates and specifications for work to be done on state roads and for that purpose they shall have the co-operation and assistance of the state engineer or any of his deputies or assistants. It shall also be the duty of said assistant engineers upon the request of any board of county commissioners or any board of town supervisors, within their respective towns and counties, to advise and consult with such county or town boards in the construction or improvement of county or town roads; to make plans and specifications when so required; to exercise supervision over such construction or improvement, when requested to do so by the town board of supervisors or the board of county commissioners, and lend every possible assistance to the local road authorities in bettering the public highways. All persons appointed by the highway commission shall be appointed solely on their merits and qualifications.*

The highway commission shall pay all the expenses of the assistant engineers and all expenses incidental to the making by them of surveys, estimates, plans and specifications for work to be done on public roads, including the expenses of such engineers incidental to the supervision by them of the construction or improvement of any public road.

Sec. 6. Designation of county roads by county board.—That Section 32 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Sec. 32. Establishment, alteration, or vacation by county boards.—County roads, other than those established by judicial authority, shall be established, altered or vacated only by the county board. Damages resulting from the establishing, altering or vacating such roads shall be determined in the manner hereinafter provided, and shall be paid by the counties through which they pass. All proceedings in establishing, altering or vacating roads shall be recorded in a public record book, designated as the "Book of County Roads."

The county commissioners of any county are hereby authorized and empowered to constitute and declare any public highway or road in such county outside of the corporate limits of any incorporated city or village therein, a county road; and they are hereby given general supervision over such roads, with full power to appropriate such sums of money from the county treasury of such county as they may deem advisable for improving the same; provided, that nothing contained in this section shall be so construed as to relieve the supervisors or town overseer of highways of any town in such county from any of the duties imposed upon them by existing laws relating to roads, cartways and bridges, nor to repeal any existing special law relating to roads, cartways and bridges applicable to such county.

In any county of this state having two hundred thousand (200,000) inhabitants or over, or which may hereafter have two hundred thousand (200,000) inhabitants or over, the county commissioners thereof are hereby authorized and empowered to extend any street or avenue beyond the city or village limits of any city or village in such county to connect with any road or highway in any adjoining county, which extension, however, shall not exceed one mile in length; and said county commissioners are given full power to change, alter, improve or repair such extension of road within such county, and to appropriate such sum or sums of money from the county treasury of such county as they may deem advisable therefor; provided, that in no case shall the location of such road wherewith such extension shall be connected, be changed at the point where the same now crosses the county line between such county and such adjacent county or counties.

Sec. 7. Roads forming connecting link in adjoining towns.—That Section 33 of Chapter 235, Laws 1913 be and the same is hereby amended so as to read as follows:

Sec. 33. Roads in more than one town—Petition.—When ever twenty-four freeholders of any county petition the county board for the establishment, alteration or vacation of any road or of any roads which connect with each other running into more than one town, or partly in one or more towns and partly on the line between one or more towns, or on the line between two or more towns, in such county, or along the shore of any lake wholly or partly in such county, or into a town or towns and the unplatted part of any village or villages therein, such road or roads not being within a city, or *any road wholly within a town, which constitutes a direct connecting link with two or more roads in the towns adjoining the town in which such road is, or is to be located,* setting forth the beginning, course and termination or the beginnings, courses and terminations of the road or roads, and the names of the owners of the land, if known, through which the same may pass, and file the same with the auditor, he shall forthwith lay the same before the board, if in session, and if not, at their first session thereafter. If the petition relate to a road or roads, partly in a town or towns, and partly in the unplatted portion of a village or villages, before it shall be acted upon by the county board it shall have attached thereto a certified copy of a resolution of the village council or of each village council, as the case may be, approving the same.

Sec. 8. County superintendent to have charge of all highways in counties having a population of more than 150,000.—That Section 38 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Sec. 38. General supervision in town board.—The town board of each town shall have general care and supervision of all town roads therein, and such care and supervision of county roads therein as is prescribed by the provisions of this act, and shall procure machinery, implements, tools, stone, gravel, and other material required for the construction and repair thereof, provided, that in counties having a population of one hundred fifty thousand (150,000) or over and which now have or hereafter may have a county superintendent of highways or other officer to superintend the construction or improvement of roads within its confines, the town board shall not have jurisdiction over county roads.

Sec. 9. Dragging fund and use of same.—That Section 41 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Section 41. Dragging of roads and tax therefor.—The county auditor of each county shall annually extend upon the

tax lists of his county, in the same manner as is provided by law for extending the county school tax, a tax of one mill on the dollar of the taxable property in each town, outside the corporate limits of any borough, village or city in any such town; provided that in towns having an assessed valuation of one million (\$1,000,000) Dollars or more the amount of such tax shall not exceed one thousand (\$1,000) dollars. The tax so levied shall be collected and the payment thereof enforced in the same manner as is provided by law for the collection and enforcement of other town taxes extended by the county auditor. The county treasurer shall settle with and pay over to the town treasurer such taxes when collected at the time and in the manner now provided by law with reference to other town taxes.

The proceeds of such tax levy shall be kept in a separate fund to be known as the "Dragging Fund," and shall be expended by the town board only for the expense of procuring a suitable number of drags and dragging the roads of the town.

The town board in each town, on recommendation of the town or *district* road overseer *may* enter into contracts for the dragging of the roads of the town or *district*, giving preference to the main travelled road and roads constituting mail routes within their respective towns; provided, however, that the compensation which may be agreed to be paid for each time a road is dragged shall not exceed one dollar per mile for each mile of road dragged.

The contract price shall be paid from the "Dragging Fund," in the same manner as other claims against the town, after approval by the road overseer.

Sec. 10. Appointment of district overseers.—That Section 42 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Section 42. Town and district road overseers.—*Each town shall constitute one road district, except when otherwise provided. When directed so to do by the voters of the town at the annual town meeting, the town board shall divide each town into as many road districts, not exceeding four, as shall be directed by the voters at the annual town meeting. Provided that for the year 1915 the town board may of its own volition divide the township into such road districts. Provided further, if a town constitutes but one road district the road overseer may appoint one or more competent assistants, subject to the approval of the town board. It shall be the duty of the town board to appoint a road overseer for each district, who shall have charge, under the supervision of the town board of the construction of all town roads in his district and the maintenance of all town and county roads therein. No member of the town board shall be eligible for appointment as town road overseer. The compensation of the road overseer*

shall be fixed by the town board at a sum not to exceed three dollars (\$3.00) per day for the time actually employed in the performance of *his* duties. Before entering upon his duties *he* shall give a bond to the town with sureties to be approved by the town board, in the sum of two hundred fifty dollars (\$250.00) conditioned for the faithful discharge of his duties and to return to the town all the property of the town which may come into his custody. The overseer shall hold office at the pleasure of the town board.

Provided, that such road overseer shall have no jurisdiction over county roads in any county which now has or hereafter may have a population of one hundred fifty thousand (150,000) inhabitants, or over, and a county superintendent of highways or other officer to superintend the construction and improvement of roads within its confines.

Sec. 10½. **Establishment of cartways.**—That Section 55 of Chapter 235 of the laws of 1913, be and the same is hereby amended so as to read as follows:

Sec. 55. **Cartways.**—Any town board may establish a cartway two rods wide on petition of not less than five voters, freeholders of such town. All their proceedings shall be the same as provided in this act for establishing town roads. The cost and expenses thereof, and the damages awarded for lands taken therefor, shall be paid by the town, as in the case of town roads, and a record of such cartway shall be filed with the town clerk; provided, that, when a road or cartway is established which will not be a continuous road from one highway to another, one-half of the damages to the land through which it passes shall be paid by the persons benefited thereby.

Town boards shall, on petition of the owner of a tract of land, of not less than five acres in area, who has no access thereto except over the lands of others, establish a cartway not more than two rods wide connecting his land with a public road. The amount of damages, if any, to be paid by the petitioner to the town before such cartway is opened.

Any town board may expend road or bridge funds upon a legally established cartway the same as on town roads if in the judgment of such board the public interests require it.

Sec. 11. **Report of town or district overseer as to opening ditches through private lands.**—That Subdivision 1 of Section 59 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Sec. 59. **Drainage of town roads.**—Subdivision (1). Whenever the town or district overseer of roads shall file with the town board his affidavit stating that a road passing through or into said town runs into or through a swamp, bog or other low land, and that it is necessary or expedient that a ditch should be

opened through private lands, the probable length, width, and depth of such ditch, the termini and general course of the same, a description of the land over which said ditch will pass, the names of the owners thereof, if known, and that such road through such low ground cannot, without extraordinary expense, be made passable unless such ditch or ditches are opened, the chairman of said board shall prepare a notice, therein fixing a time, not less than six or more than sixty days from the date thereof, when said board will meet at a place to be described in the notice, and personally examine the premises. Such chairman shall cause said notice, together with the affidavit, to be filed in the office of the town clerk, who shall make true copies of such notice and deliver them to said overseer. Said overseer shall personally serve the same upon each of such land owners, if residents of the county, and upon the occupants of such lands where the owners are not residents of such county. Such ditch or ditches shall be laid out upon such lines as the owners of the land desire, when it is practicable and can be done without extra cost.

Sec. 12. Duties conferred upon town boards, county boards town clerks and county auditors.—That Section 59 of Chapter 235, Laws 1913, be and the same is hereby further amended by adding thereto a new subdivision as follows:

Subdivision 8. State roads.—*The foregoing provisions of this section shall be applicable to state roads, and in such cases the powers and duties hereinbefore conferred and imposed upon town boards, shall be and they are hereby conferred and imposed upon county boards; the powers and duties conferred and imposed upon a town clerk are hereby conferred and imposed upon the county auditor. The affidavit referred to in subdivision 1 may be made by any member of the county board. It shall be the duty of the county board to keep any ditch opened by it under the provisions of this section, in good condition and free from obstructions. The notices specified in the foregoing subdivisions may be served by any person designated by the county board for that purpose.*

Sec. 13. When expense for repair is to be paid by county or township.—That Section 60 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Sec. 60. Special duties of overseer.—Whenever any public road in a town becomes obstructed or unsafe from any cause, the overseer shall immediately repair such road, and render his account therefor to the town board, in case of a town or county road, and to the county board in case of a state road.

Sec. 14. Cutting down hedges and trees by town and county boards.—That Section 73 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Sec. 73. Town and county boards may cut down hedges and trees within road limits.—Subdivision (1). The town boards of supervisors, *as to town and county roads, and the county board as to state roads*, are hereby given the right and power to determine upon the necessity and order the cutting down of hedges and trees within road limits. Provided, that trees, other than willow trees, shall not be so cut down unless the center of such trees is more than six (6) feet from the side of any road as established by statutory proceedings or dedicated specifically to public use; provided, such trees or hedges, or either of them, interfere with keeping the surface of the road in good order, or cause the snow to drift onto or accumulate upon said road in quantities that materially obstruct travel.

Subdivision 2. Owner to be notified.—When a board shall determine that such cutting down of hedges or trees within the limits of such roads is necessary, or that the same would aid materially in keeping such roads in repair or free from snow, it shall notify the owner or owners of the abutting lands of such decision and order the trees or hedges cut down within ninety days after such notice. If the said owner or owners fail or refuse to comply with such notice and order within the time specified, the said board shall have the power to cause such trees or hedges to be cut down at the expense of the town or county. The timber and wood of such trees shall belong to the said owner or owners of the abutting land, provided they pay the expense of cutting down said trees or hedges and remove the same from the roadside within sixty (60) days. If such timber or wood is not removed within said time, the board shall sell the same or destroy it if it cannot be sold at a profit, and if sold, pay the proceeds thereof into the road and bridge fund of said town or county as the case may be.

Subdivision (3). Expenses to be paid out of road and bridge fund.—The town boards of supervisors and the county boards are hereby granted the further right and power to appropriate and pay out of *their respective* road and bridge fund, or from any other fund available the cost of cutting down such trees and hedges and the removal or destruction of the same, if done at public expense.

Sec. 15. Construction of culverts.—That Section 80 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Sec. 80. Town and county boards to construct culverts.—The town boards, *as to town roads, and the county boards, as to county and state roads*, are hereby required to install one substantial culvert for an abutting owner in cases where by reason of grading a public highway, the same is rendered necessary for a suitable approach upon said highway over driveways from abutting lands.

Sec. 16. **Final payment not to be made until after examination and approval.**—That Section 86 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Sec. 86. **Final payment on road contract.**—Final payment shall not be made on any contract for road work by any county or town board *until the county board or town board, as the case may be, has examined the work and certified that the same has been properly done and performed according to contract and a certificate to that effect, signed by a majority of the members of the board making the inspection, shall have been filed in the office of the county auditor of the county, or town clerk of the town, as the case may be.* Any county auditor or any town clerk who issues a warrant or an order in final payment upon a road contract where the amount involved in such contract exceeds the sum of two hundred dollars, until such certificate shall have been filed, shall be deemed guilty of a misdemeanor. The provisions of this section shall not apply to any county now having or which may hereafter have a population of one hundred fifty thousand (150,000) inhabitants or over and a county superintendent of highways, or other officer to superintend the construction or improvement of roads within its confines.

Sec. 17. **County attorney to prosecute violations.**—That Section 89 of Chapter 235, Laws 1913, be and the same is hereby amended so as to read as follows:

Sec. 89. **Obstruction of or damage to highways.**—Any person who shall obstruct any of the public highways of this state in any manner, or who shall dig any holes therein, or remove any earth, gravel or rock therefrom, or any part thereof, or who shall in any manner obstruct any ditch on the side of any such highways, and thereby damage the same, shall be guilty of a misdemeanor. It is hereby made the duty of *the county attorney* to prosecute all violations of the provisions of this section, occurring in his county.

Approved April 14, 1915.

CHAPTER 117—H. F. No. 960.

An Act amending Section 5812, General Statutes 1913; relating to the loaning of money in sums of two hundred dollars or less by corporations doing business in cities of the first class, and prescribing the rates of interest and regulations for such business.

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

Section 1. **License not to be granted until statement is filed showing that dividends did not exceed eight per cent.**—That Section 5812 General Statutes 1913, be amended so as to read as follows: