

CHAPTER 424—H. F. No. 1520

An act authorizing the county board to establish public portages.

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

Section 1. Portage defined.—A portage, as used in this Act, shall be a passage way, two rods in width, extending from one navigable water to another navigable water or from a navigable water to a public highway.

Sec. 2. Petition to establish portage.—Ten or more freeholders of any county may petition the County Board to establish a portage in such county. Such petition shall set forth with reasonable definiteness the point of beginning and the point of termination of such portage. Thereupon, at its next meeting, if the County Board shall decide that such petition is reasonable, it shall order a public hearing thereon and shall designate in such order the time and place for such hearing. At least 30 days before the time set for such hearing it shall cause posted notice of the time and place thereof to be given in a public place in the court house and in two public places in each town through which such proposed portage shall pass.

Sec. 3. Hearing on petition.—At such hearing the County Board shall hear all parties interested as to the necessity for such portage and as to the cost of acquiring the land necessary for such portage.

Sec. 4. Survey to be made.—In case the County Board, after such hearing, shall conclude that such a portage would be of sufficient public advantage, it shall order the County Surveyor or the County Highway Engineer to determine the most practicable course for such a portage, to survey such course and to submit an estimate as to the cost of constructing such a portage. In case the cost of construction shall appear to the Board to be commensurate with the public advantages to be derived from such portage it shall declare the portage established, setting forth definitely in such order the point of beginning, the course and the point of termination of such portage.

Sec. 5. Damages.—The damages sustained by reason of establishing, altering or vacating any portage may be ascertained by the agreement of the owners and the County Board; and, unless such agreement is made, or the owners release in writing, all claim to damages, the same shall be assessed and awarded before such portage is opened, worked, used, altered or vacated. Every such

agreement and release shall be filed with the county auditor and shall be final as to the matters therein contained. In ascertaining the damages which will be sustained by any owner, the board shall determine the money value of the benefits which the establishment, alteration or vacation, as the case may be, will confer, and deduct such value, if any, from the damages, if any, and award the difference, if any, as damages.

Sec. 6. Boards shall establish portage.—If the petition be granted, the board shall provide for the laying out and construction of such portage, in the case of the establishment of a new portage or the alteration of an existing portage or portages, and carrying into effect the vacation of an existing portage or portages, when such action is petitioned for.

Sec. 7. Damage to be paid by county.—All damages resulting from the establishment, alteration or vacation of any portage shall be paid by the county.

Sec. 8. Appeal to district court.—Any person aggrieved by the decision of a County Board establishing, altering or vacating or refusing to establish, alter or vacate any portage, or by any award of damages made by such County Board, may appeal therefrom to the district court of such county within 30 days after such award is made.

Sec. 9. May be altered or vacated.—A public portage may be altered or vacated in the same manner as it may be established.

Approved April 22, 1933.

CHAPTER 425—H. F. No. 1536

An act to appropriate \$1,500 to the Railroad and Warehouse Commission to defray expenses in connection with hearing on freight rates for potatoes before the Interstate Commerce Commission.

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

Section 1. Appropriation for investigation for freight rates on potatoes.—The sum hereinafter named is hereby appropri-