

CHAPTER IV.

An Act to provide for laying out, altering, discontinuing, working and repairing Roads and Bridges.

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

ARTICLE I.

OF ROADS, HIGHWAYS AND BRIDGES.

Town Supervi-
sors to have su-
perintendance of
roads and bridges

SECTION 1. The Supervisors in the several towns in this State, shall have the care and superintendance of roads and bridges therein, and it shall be their duty to give directions for the repairing of the roads and bridges in their respective towns, to regulate the roads already laid out, and to alter each of them, as they, or a majority of them, shall deem proper. as hereinafter provided; to cause the roads and the bridges which are or may be erected over streams intersecting roads to be kept in repair; to divide the respective towns into so many road districts as they shall deem convenient, by writing under their hands, to be lodged with the Town Clerk, and by him entered in the town records; such division to be made annually, if they shall deem it necessary, and in all cases to be made at least within twenty days after the annual town meeting: to assign to each of the said road districts such of the inhabitants liable to work on highways, as they shall think proper, having such regard to proximity of residence as may be, and to require the overseers of highways, from time

to time, as often as they shall deem necessary, to warn all persons liable to work on roads to come and work thereon, with such tools, carriages, cattle or teams, as the said overseers, or either of them shall direct.

SUPERVISOR TO RENDER ACCOUNT, ETC.

SEC. 2. The Supervisors in each town shall render to the annual town meeting an account in writing, stating the labor assessed and performed in such town, the sums received by such Supervisor for fines and commutations, and all other moneys received under this Act; a statement of the improvements necessary to be made on the roads and bridges, and an estimate of the probable expense of making such improvements beyond that of the labor to be assessed in that year, that the road tax will accomplish; also a statement in writing of all expenses and damages in consequence of laying out, altering or discontinuing roads.

Supervisors shall render account to annual town meeting

OVERSEERS OF HIGHWAYS.

SEC. 3. It shall be the duty of the overseers of highways in each town to repair and keep in order the roads within their several districts for which they shall have been elected; to warn all persons from whom labor is due to work on the highways, at such times and places within their several districts as they may think proper; to collect all fines and commutation money, and to execute all lawful orders of the Supervisors, and to deliver to the Town Clerk, within sixteen days after election or appointment, a list, subscribed by such overseer, of the names of all the inhabitants in his road district, who are liable to work on the highways.

Overseers of highways—their duties

VACANCY IN THE OFFICE OF OVERSEER.

SEC. 4. If any person chosen or appointed to the office of overseer of highways, shall refuse to serve, or if his office shall become vacant, the Supervisors of the town shall by warrant under their hands, appoint some other person in his stead, and the overseer so appointed shall have the same powers, be subject to the same orders, and liable to the same penalties as overseers chosen at town meetings.

Vacancy how filled

TOWN CLERK TO NOTIFY PERSON SO APPOINTED.

SEC. 5. The Supervisors making the appointment, shall cause such warrant to be forthwith filed in the office of the Town Clerk, who shall give notice to the person appointed, as in other cases.

Town clerk to notify person appointed

NEGLECT OF OVERSEER.

SEC. 6. Every overseer of highways who shall refuse or neglect to perform any of the duties of this Act, or which may be lawfully required of him by the Supervisors of his town, shall, for every such refusal or neglect, forfeit the sum of ten

Neglect of overseer

dollars, to be sued for by the Chairman of the Board of Supervisors of the town, and when recovered to be applied by him in making and improving the roads and highways therein.

SUPERVISORS WHEN AND WHERE TO MEET.

Supervisors when and where to meet SEC. 7. The Supervisors of each town shall meet at the Town Clerk's office within eighteen days after they shall be chosen, on such day as they shall agree upon, and afterwards at such other times and places as they shall think proper.

SUPERVISORS TO ASSESS HIGHWAY LABOR AND ROAD TAX.

Supervisors to assess labor and road tax SEC. 8. The Town Clerk shall deliver the list filed by the overseers to the Supervisors, who shall proceed to ascertain, estimate and assess the highway labor and road tax to be performed and paid in their town the next ensuing year.

PERSONS TO BE ASSESSED.

Who assessed SEC. 9. Every male inhabitant being above twenty-one years and under the age of fifty, excepting paupers, idiots, lunatics, and such others as are exempt by law, shall be assessed not less than two days nor more than four days in each year. Supervisors shall assess a road tax on all real estate liable to taxation of the town, to any amount they may deem necessary, not exceeding fifty cents on each one hundred dollars of value as valued on the assessment roll of the preceding year. They shall affix the name of each person named in the list so furnished by the overseers, the number of days assessed to each person for highway labor, and also a description of each tract of land, and the name of the owner, if known, with the valuation thereof, as taken from the assessment roll of the previous year, and the amount of the road tax assessed thereon in a separate column; the list so prepared shall be signed by the Supervisors, and deposited with the Town Clerk, to be filed in his office.

TOWN CLERK TO MAKE COPY OF LIST.

Town Clerk to make copy of list SEC. 10. The Supervisors shall direct the Town Clerk to make a copy of each list, shall sign such copies, after which they shall cause the several copies to be delivered to the respective overseers of highways of the several districts in which the highway labor is assessed.

One copy for each overseer shall contain the name and number of days assessed to each person, the other the land road tax.

NAMES OF PERSONS OMITTED.

Overseer may add names omitted SEC. 11. The names of persons left out of such list, and of new inhabitants, shall from time to time be added to the several lists, and they shall be rated by the overseers in the same proportion to work on the highways as others rated by the Supervisors on such list.

ARTICLE TWO.

NOTICE TO PERSONS LIABLE TO WORK ON ROADS.

SEC. 1. It shall be the duty of overseers of highways to give at least three days' notice to all persons assessed to work on highways, and living within the limits of their respective districts, of the time and places when and where they are to appear for that purpose, and with what implements; but no person being a resident of the town shall be required to work on any highway other than in the district in which he resides, but may elect to pay any land road tax in labor in the district in which said land is situated. Such labor shall be at the disposition of the overseers of their respective districts.

Overseer shall give three days' notice

SEC. 2. The overseers of highways shall have power in case that any bridge shall be washed away or damaged, or in case that any road shall be obstructed by the falling of timber after the road labor has been exhausted, to call out any or all persons liable to a poll tax in his district, and repair any bridges or remove any obstruction of timber; *Provided*, That if it should not be necessary to call out all such persons in such district, then the overseer shall give to each of the persons called out a receipt for the amount of said labor, and such receipt shall be received by any road overseer and be applied in payment of any road tax assessed against the holder of the same in any succeeding year.

Power of overseers in certain cases

SEC. 3. Every person liable to work on the highways, shall work the whole number of days for which he shall have been assessed, but every such person, other than the overseers of highways, may elect to commute for the same, or for some part thereof, at the rate of one dollar per day, in which case such commutation money shall be paid to the overseers of highways of the district in which the person commuting shall reside, to be applied and expended by the overseer in the improvements of the roads and bridges in the same district.

Persons liable to work may commute

PAYMENT OF COMMUTATION MONEY.

SEC. 4. Every person intending to commute for his assessment, or any part thereof, shall within twenty-four hours after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him by such notice, and the commutation shall not be considered as made until such money is paid.

Commutation money when paid

TEAMS ETC., MAY BE REQUIRED.

SEC. 5. Every overseer of highways shall have power to require a team or cart, wagon or plow, with a pair of horses or oxen and a man to manage them, from any person having the same within his district, who shall have been assessed two days or more, and who shall not have commuted his assess-

Overseer may require teams, wagons, etc.

ment—the person furnishing the same, upon such requisition, shall be credited for two days for each day's service therewith.

SUBSTITUTES.

Sec. 6. Every person assessed to work on the highways, and warned to work, may appear in person or by an able bodied man as a substitute, and the person or substitute so appearing shall actually work ten hours in each day, under a penalty of fifteen cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

Persons may appear by substitute

PENALTY FOR NEGLIGENCE OR REFUSAL TO WORK.

Sec. 7. Every person so assessed and duly notified, who shall not commute, and who shall refuse or neglect to appear as above provided, shall forfeit for every day's refusal or neglect the sum of two dollars. If he was required to furnish a team, carriage, man or implements, and shall refuse or neglect to comply, he shall be fined as follows:

Penalty for refusal to work

For wholly omitting to comply with such requisition, four dollars for each day.

For omitting to furnish a cart, wagon or plow, one dollar for each day.

For omitting to furnish a pair of horses or oxen, one dollar and fifty cents for each day.

For omitting to furnish a man to manage the team, one dollar and fifty cents for each day.

COMPLAINT FOR NEGLIGENCE OR REFUSAL.

Sec. 8. It shall be the duty of every overseer of highways, within six days after any person so assessed and notified shall be guilty of any refusal or neglect for which a penalty or fine is prescribed in this Act, unless a satisfactory excuse shall be rendered to him for such refusal or neglect, to make complaint to one of the Justices of the Peace of the town.

Complaint, when and to whom made

JUSTICE TO ISSUE SUMMONS.

Sec. 9. The Justice to whom such complaint shall be made, shall forthwith issue a summons, directed to any constable of the town, requiring him to summon such delinquent to appear forthwith before such Justice, at some place to be specified in the summons, to show cause why he should not be fined according to law for such refusal or neglect; which summons shall be served personally, or by leaving a copy at his abode.

Justice shall issue summons

PROCEEDINGS ON RETURN OF SUMMONS.

Sec. 10. If upon the return of such summons no sufficient cause shall be shown to the contrary, the Justice of the Peace shall impose a fine as is provided in this Act, for the offence.

Proceedings on return of summons

complained of, and shall forthwith issue a warrant under his hand, directed to any constable of the town where such delinquent shall reside, commanding him to levy such fine, with the costs of proceedings, on the goods and chattles of such delinquent.

DUTY OF CONSTABLE.

SEC. 11. The Constable to whom such warrant shall be directed shall forthwith collect the moneys therein mentioned. Duty of Constable He shall pay the fine when collected, to the Justice who issued the warrant, who is hereby required to pay the same to the same to the overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district over which he is overseer.

PENALTY—HOW APPLIED.

SEC. 12. Every penalty collected for neglect or refusal to appear and work on the highways, shall be set off against his assessment upon which it is founded, estimating each two dollars collected as a satisfaction for one day's work. Penalty—how applied

ACCEPTANCE OF EXCUSE NOT TO RELEASE DUTY OF ROAD LABOR.

SEC. 13. The acceptance by an overseer of any excuse for refusal or neglect shall not in any case exempt the person excused from commuting for working the whole number of days for which he shall have been assessed during the year. Excuse not to release liability to labor

COMPENSATION OF OVERSEERS.

SEC. 14. Every overseer of highways shall be entitled to one dollar per day, to be paid out of fines and commutation money, for every day he is necessarily employed in the execution of his duties as overseer; *Provided*, That he shall in no case receive a sum of money exceeding ten dollars in any one year for such services beyond the amount of his own highway labor and road tax, the number of days to be accounted to and audited by the Supervisor of the town. When there are no funds from fines or commutations the Supervisors may pay the overseers out of any other fund in their hands, raised for the purpose of repairing and making roads and bridges. Compensation of Overseers

LAND ROAD TAX.

SEC. 15. It shall be the duty of the overseer of highways to warn all residents of his district against whom a land road tax is assessed, giving them three days' notice to work out the same on the highways, and he shall receive such tax in labor from every able-bodied man or his substitute, at the rate of one dollar per day, and any person or his agent may pay such tax in road labor at the rate of one dollar per day, or any person may pay such tax in money, if he elect so to do. Land road tax—three days' notice to be given.

PAYMENT OF TAX TO BE NOTED.

SEC. 16. It shall be the duty of the overseers of highways when such land tax has been paid, either in money or labor, to write the word "paid," directly against each name or tract in his list on which the same has been paid.

Payment of tax to be noted

RETURN OF OVERSEERS.

SEC. 17. Every overseer of highways shall deliver to the Supervisor of his town, on or before the first day of September of each year, the list furnished by the Supervisors containing the land road tax, with his certificate thereon, that on all tracts of land in said list opposite which the word "paid" is not written, such tax is due and remains unpaid, according to the best of his knowledge and belief.

Overseers return when made

PENALTY FOR NEGLECT.

SEC. 18. If any overseer shall refuse or neglect to deliver such list, with his certificate, as provided in the last Section, he shall for every offence, forfeit the sum of five dollars, and also the amount of tax remaining unpaid, to be recovered by the Supervisors of such town, and applied by them in improving the bridges and roads of such town.

Penalty for neglect

DUTY OF SUPERVISORS SEVERALLY.

SEC. 19. It shall be the duty of the Supervisors of the several towns to receive the lists of the overseers of highways, pursuant to the preceding Section, and lay the same before the Board of Commissioners at their annual meeting, and to cause the amount of such arrearages of road tax to be levied on the lands so returned, and to be collected in the same manner that the contingent charges of the county are levied and collected, and to order the same, when collected, to be paid over to the Supervisors of the town, to be by them applied to the construction of roads and bridges.

Duty of Supervisors

ROAD LABOR.

SEC. 20. It shall be the duty of every overseer of highways to have at least three-fourths of the road labor assessed in his district worked out or actually expended on the highways previous to the first day of August in each year.

When road labor shall be performed

OVERSEER TO MAKE RETURN.

SEC. 21. Every overseer of highways shall, on the second Tuesday next preceding the time of holding the annual town meeting in his town, within the year for which he is elected or appointed, render to one of the Supervisors of the town an account in writing, containing—

Overseer's return—what to contain.

First—The names of all persons assessed to work on the highways in the district of which he is overseer.

Second—The names of all those who have actually worked on the highways, with the number of days they have worked.

Third—The names of all those who have been fined, and the sums in which they have been fined.

Fourth—The names of all those who have commuted, and the manner in which the moneys arising from fines and commutations have been expended by him.

PAY OVER MONEY.

SEC. 22. Every such overseer shall also then and there pay to the Supervisors all moneys remaining in his hands unexpended, to be applied by the Supervisors on the roads and bridges in the town. Overseer to pay over money

IN CASE OF REFUSAL, ETC.

SEC. 23. If any overseer shall refuse or neglect to render such account, or if, having rendered the same, he shall refuse or neglect to pay any balance which may then be due from him, he shall for every such offence forfeit the sum of five dollars, to be recovered with the balance of the moneys remaining in his hands, by the Supervisors of the town, and applied to the making or improving of roads and bridges in such town. Penalty for neglect

ARTICLE III.

ALTERATION OR DISCONTINUANCE OF ROADS.

SEC. 1. The Supervisor of the town may alter or discontinue any road, or lay out any new road when petitioned by any number of legal voters not less than six, residing within one mile of the road so to be altered, discontinued or laid out; said petition shall set forth in writing a description of the road, and what part thereof is to be altered or discontinued, and if for a new road, the names of the owners of the land, known, over which the road is to pass, the point at which it is to commence, its general course, and the point near which it is to terminate; *Provided*, That the said Supervisors shall not have power to vacate, alter or change any State road, any portion of which passes through any of the unorganized counties of the State, nor shall they vacate any portion of any mail route, or change the same in any manner so as to make the same materially longer, and when any change is made in any such route, the Supervisors shall cause the same to be immediately opened and made passable; *Provided*, That State roads not opened within two years from the time they are laid out may be vacated as other roads. Supervisors may alter or discontinue roads

COPY OF NOTICES TO BE POSTED.

SEC. 2. Whenever any number of legal voters determine to petition the Supervisors for the alteration or discontinuance of a road, they shall cause a copy of the petition to be posted in some public place in the town. Notices to be posted.

of any road, or laying out of any new road, they shall cause a copy of their petition to be posted up in three of the most public places of the town twenty days before any action shall be had in relation thereto.

PROCEEDINGS OF SUPERVISORS.

Proceedings of
Supervisors

SEC. 3. Whenever the Supervisors shall receive a petition in compliance with the two preceding Sections, they, or a majority of them, shall within ten days after the expiration of the twenty days named in Section two (2), personally examine the proposed alteration, discontinuance or route for the new road proposed, and shall hear any reasons that may be offered for or against altering, discontinuing or laying out the same.

If they shall consider such alteration, discontinuance, or laying out necessary and proper, and that the public interest will be promoted thereby, they shall grant the prayer of the petitioners as hereinafter provided.

SURVEY.

Survey to be
made—plat filed

SEC. 4. Whenever the Supervisors shall determine to lay out any new road, or alter any old one, they shall cause a survey to be made by a competent surveyor, who shall make a report to them of such survey, accompanied with a plat, particularly describing the route by metes and bounds, courses and distances; they shall incorporate such report and survey, accompanied with the plat, in an order to be signed by them, declaring such road so altered or laid out to be a public highway, which order together with the petition, shall be deposited with the Town Clerk, who shall note the time of filing the same, but on refusal, shall note the fact on the back of such petition.

DUTY OF TOWN CLERK.

Duty of Town
Clerk

SEC. 5. It shall be the duty of the Town Clerk whenever any order of the Supervisors for laying out, altering or discontinuing a road shall be received by him, to carefully file the same, and the time hereinafter limited for appealing from such order shall be computed from the time of filing the same; but the Town Clerk shall not record such order, until a final decision is made, and not then unless such order is confirmed.

DAMAGES.

Damages—how
ascertained and
settled

SEC. 6. The damages sustained by reason of laying out or opening, or altering any road, may be ascertained by the agreement of the owners and the Supervisors, and unless such agreement be made, or the owners shall, in writing, release all claim to damages, the same shall be assessed in the manner hereinafter prescribed, before the same shall be opened, or

worked or used. Every agreement and release shall be filed in the Town Clerk's office, and shall forever preclude such owners of such lands from all further claim for such damages. In case the Supervisors and the owners of land claiming damages cannot agree, it shall be the duty of the Supervisors to assess the damages at what they may deem just and right to each individual claimant with whom they cannot agree, and deposit a statement of the amount of damages so assessed to each individual with the Town Clerk, who shall note the time of filing the same. It shall be the duty of the Supervisors in all cases of assessing damages, to estimate the advantages and benefits the new road or alteration of an old one, will confer on the claimants for the same, as well as the disadvantages. And any person living on United States Land, who shall have filed his declaratory statement for the same, in the proper land office, shall, for all the purposes of this Act, be considered the owner of said land.

APPEALS.

SEC. 7. Any person or persons, being owners or agents for any tract of land over which any highway, altered, discontinued, or laid out, shall run, feeling themselves aggrieved by any order made by the Supervisors, may appeal from the same at any time within thirty days after the filing of such order in the Town Clerk's office; such appeal shall note the time such order was filed, and shall be made to three County Commissioners. Appeals—when and how taken

All persons who wish to make an appeal from such order, shall act in concert and make their appeal to the same three Commissioners.

MODE OF APPEAL.

SEC. 8. Every such appeal shall be in writing, addressed to the three Commissioners aforesaid, and signed by the party or parties appealing.

It shall briefly state the ground on which it is made, and whether it is brought in relation to damages assessed by the Supervisors, or in relation to the alteration, discontinuance, or laying out of the road, or whether it is brought to reverse entirely the determination. Proceedings in case of appeal

The appeal shall be left with one of the three County Commissioners by the person or persons appealing, and such person or persons shall also leave a notice of such appeal to the other County Commissioners to whom the appeal is made.

PROCEEDINGS OF COMMISSIONERS IN CASE OF APPEAL.

SEC. 9. It shall be the duty of the Commissioners to whom the appeal is made, as soon as may be convenient, after the expiration of thirty days from the filing of the order in the Town Clerk's office, from which the appeal is made, to agree on a time when and where they will meet to consider Proceedings of Commissioners

the same; which shall be at some place deemed convenient at or near the road to be examined.

NOTICE OF HEARING.

SEC. 10. The person or persons making the appeal, shall **Notice of hearing to be given** cause a notice in writing, of the time and place agreed on by the three Commissioners, when and where they will meet, to be served on each of the Supervisors from whose order they appeal, and also on at least three of the petitioners who petitioned in relation to such road; which notice shall be served at least eight days before the time named therein, by delivering one to each Supervisor, or leaving one at each of their dwellings, and in like manner shall notice be served on three petitioners.

TRIAL OF APPEAL.

SEC. 11. It shall be the duty of the three County Commissioners aforesaid, to meet at the time and place mentioned in the notice, and to hear the proofs and allegations of the parties. They shall have power to issue process to compel the attendance of witnesses, and may adjourn from time to time, as may be necessary. Their decision, or that of any two of them, shall embrace the whole matter in controversy. They shall first consider the propriety and expediency of locating, altering, or discontinuing the road; secondly, the subject of damages, if such subject was embraced in the appeal under which they are acting, and they shall fix on the amount of damages which, in their judgment, is right and just to be paid to each person claiming, but no person shall be entitled to a re-assessment of damages unless his name appears in the appeal in reference to that subject. **Proceedings on trial of appeal**

COMPENSATION OF COMMISSIONERS IN CASE OF APPEAL.

SEC. 12. Every such Commissioner shall be entitled to receive two dollars for each day employed in hearing and deciding such appeal, to be paid by the party appealing when the determination of the Supervisors is sustained, but if reversed to be paid by the town. **Compensation of Commissioners**

APPEAL FROM DECISION OF SUPERVISORS.

SEC. 13. Upon the refusal of the Supervisors to alter, discontinue, or lay out any new road petitioned for as prescribed in Section one (1) of this Article, any one of the petitioners may appeal from such determination in the same manner and subject to the same provisions and restrictions as relates to persons who feel themselves aggrieved by a determination of the Supervisors to alter, discontinue or lay out a new road. **May appeal from decision of supervisors**

DUTY OF SUPERVISORS.

SEC. 14. When an appeal shall have been made from the

dermination of the Supervisors refusing to lay out, alter or discountine a road, and the County Commissioners shall reverse such determination, such County Commissioners shall alter, discountine, or lay out the road applied for, as the case may be, and in doing so shall proceed in the same manner in which Supervisors of towns are directed to proceed in like cases.

Duty of Supervisors in such cases

Such roads shall be opened by the Supervisors of the town in the same manner as if laid out by themselves.

PROCEEDINGS WHEN COMMISSIONERS CANNOT ATTEND.

SEC. 15. In case the term of office of any County Commissioner shall expire before the determination of such appeal, he shall continue to act in the premises the same as if he had been re-elected.

Proceeding when term of office has expired

DAMAGES—HOW PAID.

SEC. 16. The amount of damages as finally settled by the County Commissioners, or as agreed on by the Supervisors, together with all charges of officers and other persons employed in laying out or discountining any road, shall be audited by the Supervisors with the amount of damages and charges due each individual, which account shall be certified to and deposited with the Town Clerk, and paid by the town.

Damages—how paid

PROCEEDINGS WHEN SUPERVISORS OF DIFFERENT TOWNS DISAGREE.

SEC. 17. Whenever the Supervisors of any town shall disagree with the Supervisors of any other town of the same county, or of another county, relating to the laying out of a new road, or the alteration of an old road, which shall extend into both of such towns, the Supervisors of such towns shall meet together at the request of either disagreeing Supervisors and make their decision on the subject of disagreement.

Proceedings when Supervisors disagree

DISCONTINUANCE OR ALTERATION OF ROADS ON TOWN LINE.

SEC. 18. Whenever the Supervisors of any town receive a petition praying the location of a new road, altering or discountining of an old one, on the line between two towns, such road shall be laid out, altered or discontinued, by two or more of the Supervisors of each of said towns, either on such line or as near thereto as the convenience of the ground will admit, and they may so vary the same, either to the one side or the other of such line, as they may think proper.

Discontinuance of roads on town line

ROAD DISTRICTS.

SEC. 19. It shall be the duty of the said Supervisors, when there may be such highways, to divide each highway into two or more road districts, in such manner that the labor and expense of opening, working and keeping in repair such highways through each of the said districts may be equal, as near

Road districts—how divided

as may be, and to allot an equal number of such districts to each of said towns.

ALLOTMENT OF DISTRICTS.

Allotment of districts

SEC. 20. Each district shall be considered as belonging wholly to the town to which it may be allotted, for the purpose of opening and improving the road and keeping it in repair, and the Supervisors shall cause such highway, and the position and allotment thereof, to be recorded in the office of the Town Clerk in each of said towns.

ALLOTMENT OF ROADS.

Allotment of roads

SEC. 21. All roads heretofore laid out on the line between any two towns, shall be divided, allotted, recorded, and kept in repair in the manner above directed.

TIME FOR REMOVAL OF FENCES.

Twenty days' notice to be given for removal of fences

SEC. 22. Whenever the Supervisors shall have laid out any public road through any enclosed, cultivated or improved lands, in conformity with the provisions of this Act, and their decision shall not have been appealed from, they shall give the owner or occupant of the land through which such road shall have been laid, twenty days' notice, in writing, to remove his fences. If such owner does not remove his fences within twenty days, the Supervisors shall cause such fences to be removed, and shall direct the road to be opened and worked; *Provided*, That no enclosure shall be ordered opened between the first day of April and October.

IN CASE OF APPEAL.

Provision in case of appeal

SEC. 23. If the decision of the Town Supervisors shall have been appealed from, then the twenty days' notice shall be given after the decision of the County Commissioners upon such appeal shall have been filed in the office of the Town Clerk of the town, except in cases provided for in Section one (1) of Article three (3), of this Act.

PUBLIC ROADS.

Public roads may be changed

SEC. 24. Public roads and parts of roads, whether Territorial, State, or County, now legally existing, are declared the highways of towns in which they shall be, and may be altered, discontinued, or re-opened by their respective town authorities as other roads.

PUBLIC ROADS TO BE FOUR RODS WIDE.

Width of public roads

SEC. 25. All public roads to be laid out by the Supervisors of any town shall not be less than four rods wide; *Provided*, That the Supervisors of the several towns shall have the power to lay out cartways two rods wide, when petitioned for in accordance with Article three (3), Section one (1), of this Act; and the cost of surveying the same shall be paid for

by the person or persons for whose benefit such cartway shall be laid out.

SEC. 26. The same powers and duties in and by this Act conferred and imposed upon Town Supervisors are also conferred and imposed upon the city councils of the several cities in this State; and in addition, it shall be the duty of the city council to appoint some qualified elector of each road district in the city to be overseer of roads of such district; and the overseers of roads, the city clerks, the justices of the peace, and the constables of the several cities in the State shall have and exercise the same powers and perform the same duties, and be subject to the same liabilities as are in and by this Act conferred and imposed upon the town overseers of roads, town clerks, town justices of the peace, and town constables; and all the provisions of this Act, shall be applicable to the several cities in this State as well as to the townships conforming the same always to the foregoing provisions of this Section.

SEC. 27. Chapter eleven (11) of the Public Statutes, and Articles twenty-one (21), twenty-two (22), twenty-three (23), and Section eleven (11), of Article fourteen (14), of an Act, entitled "An Act to provide for Township Organization," approved August thirteenth, A. D. one thousand eight hundred and fifty-eight, and all Acts, or parts of Acts inconsistent with this Act be and the same are hereby repealed.

SEC. 28. This Act shall take effect and be in force from and after its passage.

AMOS COGGSWELL,
Speaker of the House of Representatives.
IGNATIUS DONNELLY,

President of the Senate.

Approved March ninth, one thousand eight hundred and sixty.

ALEX. RAMSEY.

SECRETARY'S OFFICE, MINNESOTA, }
March 9th, 1860.

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. H. BAKER, Secretary of State.