

CHAPTER CXXVIII.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF ST. LOUIS COUNTY, AND THE CITY COUNCIL OF DULUTH, TO MAKE CERTAIN ABATEMENTS OF TAXES.

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

SECTION 1. The board of county commissioners of said Saint Louis county are hereby authorized to make such an abatement of taxes assessed against real property in the said county, for the year eighteen hundred and seventy-three, for state purposes, as shall more nearly equalize the same with other counties in this state. *Provided*, That the said taxes for state purposes in said Saint Louis county shall not be reduced below the sum of two thousand three hundred and twenty-five dollars. *And provided further*, That in case the tax for eighteen hundred and seventy-three has been paid by any person, the county treasurer shall refund to such tax-payer his proportion of such abatement.

SEC. 2. The board of county commissioners of said Saint Louis county, and the city council of the city of Duluth, are hereby authorized to make such abatement in the taxes for county and city purposes for the year eighteen hundred and seventy-three as they may deem advisable.

SEC. 3. The auditor of state shall, on notice from the auditor of said Saint Louis county, credit said county of Saint Louis with the amount of such abatement as shall be made under this act.

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

Approved February 28, 1874.

CHAPTER CXXIX.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GOODHUE, TO SURVEY, LOCATE, LAY OUT AND OPEN PUBLIC HIGHWAYS IN SAID COUNTY.

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

SECTION 1. That the board of county commissioners of the county of Goodhue, be and they hereby are authorized and empowered to survey, locate, lay out and open for public use and travel, any and all roads, highways and traveled routes in said county, and also to name or number such highways therein as they may see fit as hereinafter provided.

SEC. 2. Whenever any or either of the county commissioners of said county shall make and file in the office of the county auditor for said county a petition in writing, praying for the survey, location or laying out of any highway therein, stating the point of beginning and the general course thereof, and the place at or near which the same shall terminate, and the names of the owners of the lands over which the same will pass if known to the petitioner or petitioners, the said board of county commissioners shall appoint a committee not exceeding three in numbers, and consisting of members of said board, to whom said petition shall be referred.

SEC. 3. That said committee as soon as practicable after their appointment as aforesaid, shall examine such proposed route, and cause a survey thereof to be made if necessary, and shall also fix upon a time and place when and where they will meet for the purpose of hearing any reasons that may be offered for or against granting the prayer of such petition, and also to ascertain the amount of damages that any person or persons may sustain by reason of the granting of the same.

SEC. 4. That said committee shall give notice to all persons interested, of the time and place of meeting as aforesaid by posting up in three of the most public places in the town in which such proposed highway is situate, or in case that the same shall pass through more than one town, then in each of the several towns through which the same may pass, written notices of the time and place of such meeting, which said notices shall be so posted up as aforesaid, at least twenty days previous to the day appointed for such meeting.

SEC. 5. That said committee shall meet at the time and place in said notices designated, and hear any reasons that may be offered for or against the granting of the prayer of said petition, and also ascertain the amount of damages, if any, that may be sustained by any person or persons, by reason of the granting thereof, and such committee may continue such meeting from day to day, until the object for which the same was appointed is fully consummated.

SEC. 6. After such committee shall complete their examination and inquiry as aforesaid, they shall make a report in writing of their proceedings therein to the said board of county commissioners, at their next session thereafter, which said report shall contain a

general description of the highway as surveyed or located as aforesaid, and a statement of the amount of damages, if any, sustained by any person or persons by reason of the location of the same as stated in said survey, and recommending therein, according to the opinion of a majority of such committee either that the prayer of such petition be granted or rejected, and that damages be awarded to the persons and in the amounts stated in said report.

SEC. 7. The said board of county commissioners shall upon the presentation of said report as aforesaid determine from the face thereof whether or not the prayer of said petition should be granted, and shall also award to any persons entitled thereto, such damages after deducting the benefits arising from such highway, as they may actually sustain by reason of the granting thereof. And if the prayer of such petition be granted the said board shall make an order in writing, describing such highway as surveyed, located and laid out as aforesaid, and ordering and declaring the same to be a public highway, and the same from the date of such order shall for all purpose be taken and deemed to be a public highway, and the public shall be entitled to the use of same for that purpose. That there shall be attached to or incorporated in said order a plat of said highway as surveyed, located or laid out which said plat shall be deemed a part of said order.

SEC. 8. Any person feeling himself aggrieved by any award of damages made by said county commissioners as aforesaid, may appeal therefrom to the district court for said county of Goodhue, upon complying with the following requisites within twenty days after the date of the order mentioned in the last section, viz.: Such person shall within the time aforesaid serve upon the chairman of the board of county commissioners a notice of appeal, particularly specifying the grounds of such appeal, and shall also make and file with the auditor of said county a bond to the said county commissioners in an amount and with sureties to be approved by said auditor, conditioned that he will prosecute such appeal with effect in said district court and pay all costs that may be adjudged against him therein, and abide the order of the court therein, and shall file with said auditor a copy of such notice of appeal, with proof of service thereof as aforesaid. Upon complying with the provisions aforesaid, such appeal shall be deemed complete, and said auditor shall thereupon transmit to the said district court a certified copy of the award of damages to said appellant and said copy of said notice of appeal, and the district court shall thereupon become possessed of said appeal, and shall try and determine the same in like manner as appeals from justice courts are tried and determined therein; *Provided*, That such appellant shall at least eight days before the first day of the next general term of said district court, after said appeal

is taken, serve upon the county attorney for said county a notice of the trial thereof, in like manner as notices of trial are served in cases originally commenced in the district court. That any judgment entered on such appeal shall be of the same force and effect as judgments rendered in actions originally commenced in the said district court.

SEC. 9. That a copy of such judgment rendered upon such appeal, properly certified by the clerk of said district court, shall be filed with the said auditor, and shall become a part of the records of said office.

SEC. 10. That the petition, resolution, order or minutes of appointment of said committee, report of committee, field notes, plat, awards of damages, copy of judgments of the district court, and other papers pertaining to such highway, shall be securely attached together and shall remain on file in said auditors office, and shall become and be a part of the records of said office and shall be received in evidence in all the courts of said state as conclusive evidence of the facts therein stated.

SEC. 11. That all laws inconsistent with the provisions of this act are hereby repealed; *Provided*, That nothing hereinbefore contained shall be so construed as to deprive the town supervisors of the several towns of said county of the supervision and care of roads, or of the right to alter or discontinue any roads, or lay out new roads, as now provided by the laws of said state, but such laws shall remain in full force and effect; *And provided further*, That nothing herein contained shall apply to any street in any incorporated city or village in said county.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 2, 1874.

CHAPTER CXXX.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF DAKOTA COUNTY TO HOLD EXTRA SESSIONS, AND PRESCRIBING THEIR DUTIES.

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

SECTION 1. The board of county commissioners in and for the