

with the examination in the same manner as though said person had first been brought before him; but no case shall be so removed after a second adjournment had therein, and only one removal shall be allowed in the same case.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1899.

CHAPTER 160.

H. F. No. 304.

An act to amend sections one thousand eight hundred and thirty-three (1833), one thousand eight hundred and thirty-four (1834), one thousand eight hundred and thirty-five (1835) and one thousand eight hundred and thirty-six (1836) of the General Statutes eighteen hundred and ninety-four (1894) of the State of Minnesota, relating to the laying out of temporary public cart-ways.

Public cart-ways.

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

SECTION 1. That section one thousand eight hundred and thirty-three (1833), General Statutes eighteen hundred and ninety-four (1894), be and the same is hereby amended so as to read as follows:

Sec. 1833,
G. S. 1894,
amended.

Sec. 1833. That whenever any two or more owners of pine lands in this state shall wish to have a temporary public cart-way, or a right of way for a flume for transporting logs and lumber, laid out they may make application therefor in writing to the supervisors of the town in which such cart-way or flume-way is desired; or, if the same be not within any organized town, then to the commissioners of the county; and such supervisors or commissioners shall thereupon proceed to lay out such temporary cart-way or flume-way in all respects as provided by the law in force at the time of such applications, in relation to laying out permanent public cart-ways by town supervisors, except as hereinafter provided; and the cart-ways or flume-ways hereby authorized shall not be less than one (1) nor more than two (2) rods in width if laid out separately, and not less than two (2) nor more than three (3) rods in width if laid out together as one way; *provided*, that any flume-way that may be constructed upon any way as provided for herein shall be subject,

Cartway
through pine
lands, pro-
ceedings for.

as far as the same are applicable, to all the provisions of title eight (8), chapter thirty-two (32), General Statutes eighteen hundred and ninety-four (1894), of the State of Minnesota, relating to sluice-dams.

Sec. 1834,
G. S. 1894,
amended.

SEC. 2. That section one thousand eight hundred and thirty-four (1834), General Statutes one thousand eight hundred and ninety-four (1894), be and the same is hereby amended so as to read as follows:

Road, how
laid out.

Sec. 1834. When any such application shall be made, the supervisors or commissioners, at the time of examining such proposed ways, shall also, after such investigation as they deem necessary, determine the necessity of laying out such ways for the purpose of removing the saw-logs, timber, or lumber from any pine or other timbered lands, and the length of time that such way will be necessary, and they shall state such time in their order laying out such way, and at the expiration of such time said way shall cease. But no such way shall be laid out along or upon, or so as to occupy, any road made or caused to be made by the owner of said land, or by any person with the consent of such owner and used by the person or persons making the same, unless such owner shall consent thereto in writing. If the owner of any land across which such way is desired shall appear in person or by authorized agent or attorney before the commissioners or supervisors at the time and place fixed by them to determine such necessity, and shall designate a route for such way, which, in their opinion, shall be reasonably direct and practicable for the purpose desired by such applicants, *it shall be their duty, in case they determine such way to be necessary, to lay the same upon the route designated by such owner.*

Sec. 1835,
G. S. 1894,
amended.

SEC. 3. That section one thousand eight hundred and thirty-five (1835), General Statutes eighteen hundred and ninety-four (1894), be and the same is hereby amended so as to read as follows:

Expenses of,
to be paid by
persons apply-
ing for same.

Sec. 1835. All the expenses of laying out and all damages awarded for the taking of lands for such ways shall be paid by the persons applying for the same. They shall be public ways, but not tax shall be levied or collected for making, opening, or maintaining the same. The persons applying for the same may enter upon, open and work any such way at any time after it is laid out, upon paying all the costs and expenses of such proceedings, and upon paying to the several parties in interest, or to the town or county treasurer, as the case may be, for them, all the damages assessed in favor of the owners of lands traversed by such way, nor shall any appeal from

an award of damages suspend the right to work and use such way, if the applicants for the same, or any of them, shall file in the court to which such appeal may be taken, a bond with sureties and in an amount approved by the court to which such appeal may be taken, conditioned for the payment of all damages and costs which may be finally awarded in favor of the appellant in such proceedings. An appeal from the award of damages may be taken by the applicants in the same manner as by the persons whose lands are traversed by such way, and in such case the filing of the bond hereinbefore mentioned to secure all costs and damages finally awarded to any such land-owner shall have the same effect in securing the right to open, work and use such way as the actual payment of such damages and costs.

Appeal from award of damages.

SEC. 4. That section one thousand eight hundred and thirty-six (1836), General Statutes eighteen hundred and ninety-four (1894), be and the same is hereby amended so as to read as follows:

Sec. 1836, G. S. 1894, amended.

Sec. 1836. In case such proposed way does not lie within an organized town, the notices required to be posted in connection with the proceedings for opening the same may be posted in three public places at the county seat, and the records of such proceedings required by law to be filed in the office of the town clerk shall be filed in the office of the county auditor.

Proceedings, notices, etc., in unorganized town.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 11, 1899.

CHAPTER 161.

H. F. No. 556.

An act to regulate the breeding and domesticating of deer.

Deer, breeding of.

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

SECTION 1. That all breeders or domesticators may after being and known to have been in the business of breeding and domesticating deer for a period of three (3) years have the right to sell, kill, dispose of and ship any deer, carcass, saddle or part of venison in the manner herein provided for; *provided*, that none but male deer shall be killed and sold as venison in all seasons of the year.

Breeders established for 3 years may sell deer, etc.