

## CHAPTER 75.

H. F. No. 110.

*An act to declare certain highways abandoned and vacated and to provide for the restoration of the use of the land to the owner.*

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

Applies to counties of 200,000 or more.

Discontinuance of public roads or highways.

Posting of notices.

Notice to contain description of road or highway.

SECTION 1. That any public road or other highway or any part thereof in any county in this state having a population of two hundred thousand or more, and not within the limits of any incorporated city or village which has been acquired, or established by common law dedication, by prescription or by use and occupancy, under the statute, or in any manner other than by grant, by deed or by statutory proceedings of condemnation, or of which there is no public record, which shall have been or shall be unused as a route of public travel and on which no highway taxes have been or shall be expended for the period of three years, shall be deemed and are hereby declared to be discontinued, abandoned and vacated and the title and the right, to the use of the same shall at once revert to the original owner, his successors or grantees without any proceeding to vacate except as hereinafter provided.

SEC. 2. Any person having an interest in the land traversed by any such unused road or highway and claiming an abandonment of the same or any part thereof shall post at least six (6) notices in conspicuous places in the town through which said road passes. Two of which notices shall be posted, one at each end of such portion of such claimed abandoned highway, give thirty days' notice in writing to the board of supervisors of the town wherein the same is situated, notifying them of his claim of abandonment, before inclosing any such abandoned highway or doing any act which would render the same unfit for use as a public highway. *Provided, however,* that in cases where the same shall have been inclosed for three years or more at the date of the passage of this act, no such notice shall be required. Such notice shall contain a description of the highway or portion thereof upon which abandonment is claimed, which description may be in general terms without technical accuracy, but sufficient for identification. All inclosures of

such abandoned highways or fences across same shall be so constructed as to be conspicuous and safe.

SEC. 3. If any such board of supervisors, after having received the notice provided for in the preceding section, shall determine that any such highway or part thereof described in such notice has not been abandoned as a public highway as provided in section one of this act, they shall, within thirty days from the date of the service of such notice upon them, so notify the person claiming the abandonment in writing and such person claiming such abandonment shall not inclose or in any manner interfere with such highway till the question of abandonment shall have been lawfully determined; and if such board of supervisors fail to serve the notice as provided in this section, they shall be deemed to have waived all right to question the abandonment of such highway or portion thereof.

Notice to be given in writing.

SEC. 4. Any justice of the peace or any court of record in any such county shall have power to hear and determine all questions of abandonment which shall arise under this act, with the usual right to the interested parties to appeal.

Under jurisdiction of justices of peace.

*Provided, however,* that nothing herein contained shall be construed to apply to any litigation now pending which involves the legality or validity of any such highways.

SEC. 5. All acts and part of acts inconsistent herewith are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 19, 1903.

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## CHAPTER 76.

H. F. No. 107.

*An act to appropriate money for betterments and repairs at the Minnesota State Training School, Red Wing.*

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

SECTION 1. The sum of \$5,000 is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, or so much thereof as may be necessary,

Appropriation for Minn. Training School.