

CHAPTER 394—S. F. No. 699.

An Act to amend sections 1165, 1166, 1167 and 1168 Revised Laws of Minnesota, 1905, relating to roads in more than one town, to petitions therefor, to proceedings, views, reports and hearings thereon, to the award of damages therefor and to the establishment, alteration, or vacation of such roads.

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

Section 1. That section 1165, Revised Laws of Minnesota, 1905, be amended so as to read as follows:

1165. **Roads in more than one town—Petition**—Whenever twenty-four freeholders of any county containing one hundred or more voters, or twelve freeholders of any county containing less than one hundred voters, petition the county board for the establishment, alteration or vacation of any road or of any roads which connect with each other running into more than one town, or partly in one or more towns and partly on the line between one or more towns, or on the line between two or more towns, of said county, or along the shore of any lake wholly or partly in such county, or into a town or towns and the unplatted part of any village or villages therein, such road or roads not being within a city, setting forth the beginning, course and termination, or beginnings, courses and terminations, of the road or roads, and the names of the owners of the land, if known, through which the same may pass, said petition shall be filed with the auditor, who shall forthwith lay the same before said board, if in session, and if not, at their first session thereafter. If the petition relate to a road, or roads, partly in a town or towns, and partly in the unplatted portion of a village or villages, before it shall be acted upon by the county board it shall have attached thereto a certified copy of a resolution of the village council or of each village council, as the case may be, approving the same.

Sec. 2. That section 1166, Revised Laws of Minnesota, 1905, be amended so as to read as follows:

1166. **Proceedings**—On receiving such petition, if it appears reasonable on its face, the board shall order a hearing thereon, designating in such order the time and place, and shall appoint from its members a committee to examine the route or routes of such road or roads and fix the time and place upon such route or upon any one of such routes, at which said committee will meet for the purpose. At least twenty days before the time fixed for such committee meeting, and not less than thirty days before the time of said hearing the board shall cause posted notice of the time and place of such meeting and hearing to be given in each town affected, setting forth a copy of the pe-

tion. Proof of such notice shall be made by affidavit of the person posting the same.

Sec. 3. That section 1167, Revised Laws of Minnesota, 1905, be amended so as to read as follows:

1167. **View and report**—At the time and place designated said committee shall meet and examine the road or roads proposed to be established, altered, or vacated, and in such examination they may employ a surveyor. After such examination, they shall report to the board at its next session, setting forth, if a new road or roads or any alteration or alterations be proposed, the courses and distances thereof, and recommending the granting or rejection of the petition.

Sec. 4. That section 1168, Revised Laws of Minnesota, 1905, be amended so as to read as follows:

1168. **Hearing—Damages—Determination**—At the time and place designated, said board shall hear all parties interested, as to the necessity for, and as to the amount of damages to land owners by reason of such establishment, alteration or vacation, and may adjourn such hearing from time to time, if necessary. It shall determine the damages which will be sustained by the several owners through whose land such road or roads may pass, assessing each parcel separately. If the board determine that the same is necessary and of sufficient advantage to warrant the payment of the damages assessed, it shall declare the road or roads established, altered or vacated in accordance with the petition. Otherwise it shall declare the petition dismissed. If the petition be granted, the board shall direct the auditor to notify the boards of the several towns affected thereby, who shall carry out its determination with respect to that part of the road or roads within their respective towns. All damages resulting from the establishment, alteration, or vacation of any county road or roads shall be paid by the county.

Sec. 5. This act to take effect and be in force from and after its passage.

Approved April 22, 1909.

CHAPTER 395—S. F. No. 763.

An Act prohibiting the payment of additional compensation to officers and employes of the state out of the contingent fund in certain cases, and providing a penalty for the violation of this act.

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

Payment out of contingent funds prohibited.—Section 1. In all cases where the compensation of an officer of the state is fixed by law at a specified sum, it shall be unlawful for any such offi-