

CHANGES

—IN THE—

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

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CHAPTER XIII.

ROADS, CARTWAYS, AND BRIDGES.

*§ 16. **Time for paying commutation money.** Every person intending to commute for his assessment, or any part thereof, shall, within two days after he is 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. (*Id.* § 16, *as amended* 1879, c. 51, § 1.)

See page 257.

*§ 37a. **Duty of surveyor of road.** Whenever a surveyor makes a survey of any road or cartway, when the center of such road or cartway does not follow some section line or some subdivisional line of a section, he shall note the distance to the point on any course at which such course shall intersect any section line, and the distance such point of intersection of the road and section line is from the most convenient section, quarter section, or meander corner, as established by government survey; and the notes of such intersections shall be incorporated into the order laying out or altering such road or cartway. (1879, c. 85, § 1.)

See page 260.

*§ 46a. **Road between town and city.** Whenever the supervisors of any town, and the trustees or common council of any incorporated city or village, shall receive a petition, praying for the location of a road, or for the altering or discontinuing of any road, on the line between such town and incorporated city or village, such road shall be laid out, altered, or discontinued by two or more of the supervisors of such town, and a majority of the common council or trustees of such incorporated city or village. (1879, c. 101, § 1.)

*§ 46b. **Appeal from decision.** The decision of such supervisors and common council or trustees, in relation to such road, may be appealed from in the same manner as provided in the laws of this state for appeals from the decisions of supervisors in relation to town roads. (*Id.* § 2.)

*§ 46c. **Application of laws.** The laws of this state, which apply to a road on the line between two towns, shall be applicable to all roads on the line between any town and an incorporated city or village. (*Id.* § 3.)

See page 261.

On page 261, in 14th line of *§ 47, for *persons petitioning therefor* read *town*. (*Id.* § 47, *as amended* 1877, c. 50, § 1, and 1879, c. 51, § 2.)

See page 261.

*§ 62. **Appeal to the district court—trial.** In case the amount of damages claimed exceed one hundred dollars, appeal may be taken, within thirty days, to the district court of the county in which said damages are sustained, by filing in the office of the clerk of such court a bond, to be approved by the judge of such district court, or the court commissioner, or the county auditor of the county, of the same nature as provided in the two preceding sections of this chapter, and by the service of a written or printed notice of such appeal upon the chairman of the board of supervisors or the county commissioners, as the case may be, signed by the party making the appeal, or his attorney. Such appeal shall bring before the appellate court the propriety of the amount of damages, and all matters referred to in such notice of appeal. Unless the parties otherwise agree, the matter shall be submitted to a jury and tried as other appeal cases are tried, and the court or jury, as the case may be, shall re-assess the damages aforesaid, and make the verdict conform to the justice and facts in the case; but the rule for ascertaining and fixing such judgment shall be based upon the same principles as the supervisors or commissioners were required to adopt in originally determining the same; and, upon judgment being rendered, the clerk of said court shall serve a certified transcript of such judgment upon the chairman on whom the notice of appeal was served as aforesaid. If the determination of

the board of supervisors or commissioners appealed from be affirmed, or if the amount of damages allowed be reduced in said district court, the party appealing shall pay all costs and disbursements incurred in said court; but if the amount of damages allowed be increased, or if such determination shall be altered, modified, or reversed in said district court, otherwise than as to the amount of damages, said costs and disbursements shall be paid by the town or county, as the case may be, said costs and disbursements to be taxed and adjusted as in other cases in said district court, and judgment entered therefor in like manner. (1873, c. 5, § 62, as amended 1881, c. 23, § 1.)

See page 264

*§ 63. **Proceedings after decision of the appeal—payment of damages—orders.** When an appeal shall have been made from the determination of any board of supervisors or county commissioners, and such determination shall have been rendered [reversed] or altered, the supervisors or commissioners from whose determination such appeal was taken, shall proceed to lay out, alter, or discontinue such highway, in conformity with the decision of such appeal; and the proceedings thereon shall be the same as if they had originally so determined to lay out, alter, or discontinue such highway. The amount of damages finally determined and awarded, whether by the supervisors or by the court or jury, together with all the charges of officers and other persons necessarily employed in laying out, altering, or discontinuing any town road, shall be audited by the supervisors, specifying the amount of damages and charges due each individual, and the respective amount shall be certified to by the said supervisors and by them deposited with the town clerk and paid by the town. Before any road shall be opened or used, an amount of town orders, equal to the damages assessed to each individual, shall be duly issued and deposited with the said town clerk for the use and benefit of said individual, and shall be delivered to him upon demand. The issuing and depositing of said orders shall be deemed to be sufficient security for the payment of said damages. In no case shall any town be compelled to pay any damages that may be awarded in laying [out,] altering, and discontinuing any county road. (1873, c. 5, § 63, as amended 1876, c. 27, § 1; 1881, c. 26, § 1.)

See page 264.

*§ 65a. **Seeding public highways.** That any person living upon or owning land fronting on any of the public highways of this state, may, for the purpose of seeding the same down to grass, plow and level the said highways for said purpose, and seed the same to grass to within eight feet of the center of the same: *provided*, that nothing herein contained shall be construed to authorize the said parties to work upon the same to the hindrance or detriment of the travel upon said roads, or to authorize any compensation for the same. (1879, c. 97, § 1.)

See page 265.

*§ 73a. **Furnishing field notes and description of road.** That upon the written request of the board of supervisors of any township in this state the county auditor of the county wherein such township is situated shall furnish a copy of the description and field notes and plat (if any) of each territorial, state, and county road running into or through such township, as appears by the description, field notes, and plat on file or of record in his office. (1873, c. 5, as amended 1881, c. 152, § 1.)

*§ 73b. **Recording field notes or plat—effect of.** Upon the filing of such copy in the town clerk's office, the town clerk shall record the same in the road record book of the township, and such record shall be *prima facie* evidence of the existence of such road according to the description and plat so on file. (*Id.* § 2.)

See page 266.

Add to *§ 97, p. 270:

And said supervisors, in their discretion, in all cases where any such cartway exceeds one mile in length, may expend upon such cartway any highway labor, poll tax, road tax, road or bridge money, the same as upon any highway in said town. (*As amended* 1879, c. 4, § 1.)