

MASON'S MINNESOTA STATUTES

1927

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BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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CHAPTER 13

ROADS

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Department of Highways continued with commissioner of highways. See § 53-36, herein.

GENERAL HIGHWAY ACT

2542. Scope of act—The provisions of this act shall be construed as relating solely to roads, not included within the limits of any city, village or borough, except when highways within cities, villages or boroughs are specifically mentioned. The roads of this state shall for the purpose of this act be designated and referred to as "Trunk Highways," "State Aid Roads," "County Roads" and "Town Roads," and shall be laid out, constructed, improved, repaired and maintained by the authorities hereinafter set forth, as herein provided.

Subdivision (1). The word "Trunk Highways" shall be construed to include all roads established, or to be established under the provisions of Article 16 of the constitution of the State of Minnesota.

Subdivision (2). The words "State Aid Roads" shall be construed to include all roads which have heretofore been designated as state roads, or which may hereafter be designated as state aid roads, except such as may be or have heretofore been annulled or changed, and except such as may be included in the trunk highway system.

Subdivision (3). The words "County Roads" shall be construed to include those which have heretofore been or which hereafter, as herein provided, may be established, constructed or improved under the authority of the several county boards except those heretofore designated as state roads, and also all roads lying within the county, or on the line between counties, established by judicial proceedings.

Subdivision (4). The words "Town Roads" shall be construed to include those roads and cartways which have heretofore been or which as herein provided hereafter may be established, constructed and improved under the authority of the several town boards, and also all roads lying within the town, established by user. ('21 c. 323 § 1)

See generally, 152-267, 188+557; 154-246, 191+598; 192+188: 194+765; 195+285. 153-302, 197+741; 166-416, 208+132.

2543. "Road" and "highway" defined—The words, "road" or "highway," whenever used in this act shall mean, unless otherwise specified, the several kinds of highways as defined in Section 1 of this act, and also cartway, street, alley, avenue, boulevard, together with all bridges or other structures thereon which form a part of the same. ('21 c. 323 § 2)

Section 1 is §2542, herein. 166-416, 208+132.

2544. Width of roads—All roads, except cartways, established by town and county boards, shall be at least four (4) rods wide and when necessary for con-

2542
226nw 398
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25543
2557

2542
175m 583
178m 144
178m 430
227nw 357

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242nw 474
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Art 16-2
Additional
Routes

2542
34 — 28

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175m 395
221nw 527

struction and maintenance, or the safety of public travel, additional right of way and easements for the erection of snow fences may be procured by purchase or condemnation, and the necessity for the taking of such additional right of way and such easements shall be determined by the town board in the case of town roads and by the county board in the case of county roads. ('21, c. 323, § 3; amended '23, c. 439, § 1; '27, c. 227, § 1)

2545. Width of bridges and culverts—All bridges and culverts, and approaches thereto, on any road hereafter established or improved, except cartways, shall be at least sixteen (16) feet wide; and when such bridge in its construction or repair shall be raised three feet or more above the level of the bank on either side of any river, stream, gully or ravine, then such bridge and approaches shall be at least eighteen (18) feet wide and provided with substantial railings. ('21 c. 323 § 4)

2546. Railroad bridge over highway—Whenever any railroad company shall hereafter construct a bridge over a public highway, the same shall be constructed so as to leave a clear opening for the highway at least twenty-eight (28) feet wide and at least fourteen (14) feet clear space from the surface of the highway to the bottom of the bridge; provided, that two openings, each at least fourteen (14) feet wide, shall be sufficient if approved in writing by the commissioner of highways. ('21 c. 323 § 5)

2547. Highway bridge over railroad—Any bridge hereafter constructed on any public highway over the tracks of any railroad, shall be at least eighteen (18) feet wide and the approaches thereto shall be at least twenty-four (24) feet wide and the grade of such approach shall not exceed five (5) feet rise in a hundred (100) feet. Such bridge shall leave a clear space above the railroad rails of at least 21 feet measured vertically; provided, however, that when local conditions preclude compliance with the foregoing requirements, such requirements may be modified by the commissioner of highways upon plans approved by him. ('21 c. 323 § 6)

A bridge constructed and maintained by defendant on a highway crossing its track had steep grades and sharp curves, but had no wheel or rail guard. The evidence justified the jury in finding defendant negligent in failing to provide such rail guard, and that such negligence caused or contributed to plaintiff's injuries, received when an automobile in which he was riding, but not driving, went through the railing and dropped 18 feet to the track below. 157-345, 196+177.

2548. Owner—Persons lawfully occupying United States or state lands shall be considered the owners thereof for the purposes of this act. ('21 c. 323 § 7)

2549. Trunk highways—All trunk highways shall be located, constructed, improved and maintained by the state. The state is hereby vested with all rights, title, easements and appurtenances thereto appertaining, held by, or vested in any of the counties or any legal subdivisions thereof, or dedicated to the public use, prior to the time any such road is taken over by the state as a trunk highway. ('21 c. 323 § 8)
166-416, 208+132.

2550. State aid roads—All state aid roads shall be constructed, improved and maintained by the counties under rules and regulations to be made and promulgated by the commissioner of highways, and the several counties are vested with all rights, title, easements and appurtenances thereto appertaining, held by, or vested in any of the towns or municipal subdivisions thereof, or dedicated to the public use, prior to

the time such road is designated a state aid road. ('21 c. 323 § 9)

2551. County roads—All county roads shall be established, constructed and improved by the several county boards. The town through which any county road may pass shall maintain and keep it in repair; provided, however, that in counties having a population of one hundred fifty thousand (150,000) inhabitants or over, the several towns thereof shall have no jurisdiction over county roads. ('21 c. 323 § 10)

2552. Town roads—All town roads shall be located, constructed, repaired and maintained by town boards, provided that the county boards may aid in the construction, repair and maintenance of such roads. ('21 c. 323 § 11)
211+477.

2553. Commissioner of highways.
Sub. 1. The office of the commissioner of highways, the incumbent whereof shall have the powers, duties, and privileges herein declared, is hereby created; the term of such office shall be two (2) years, and the governor of the state shall appoint a suitable person thereto. The commissioner of highways may be removed from office by the governor at his pleasure. Until the appointment and qualification of the first commissioner of highways under this act, the commissioner of highways previous to the passage of this act shall act as commissioner of highways hereunder.

Sub. 2. The commissioner of highways shall devote his entire time to the performance of his official duties and shall receive as compensation therefor a yearly salary of six thousand dollars, payable monthly.

Sub. 3. Such commissioner of highways shall, before entering upon the performance of his official duties, give bond to the state, to be approved by the governor, in the penal sum of \$25,000, conditioned for the faithful performance of his duties. If a surety company bond is given, the premium thereon may be paid from the funds available for the payment of the expenses of the highway department; provided, however, that the amount of such premium so paid shall be approved as to amount by the state treasurer. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of said commissioner of highways in the performance of his official duties may maintain an action on such bond for the recovery of damages so sustained. The commissioner of highways shall have an official seal with which he shall authenticate his official acts. There shall be engraved on the margin thereof the words, "COMMISSIONER OF HIGHWAYS—STATE OF MINNESOTA," and in the center thereof the same device as is engraved on the great seal of the state.

Sub. 4. The commissioner of highways shall appoint a first assistant commissioner of highways and a second assistant commissioner of highways, one of whom shall be an experienced highway engineer. Each may be removed from office by the commissioner of highways and at his pleasure, with or without cause. The salary of the first assistant commissioner of highways shall be fixed by the commissioner of highways, but in an amount not to exceed the sum of six thousand dollars per year, and the salary of the second assistant commissioner of highways shall be fixed by the commissioner of highways but in an amount not to exceed the sum of five thousand dollars per year, both payable monthly.

Such assistants shall devote all their time to the duties of their offices, and in case of the inability for any

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232nw 718
Art 16

2554-1-1-1
10 - 530
29 - 355
29 - 393
29 - 394
29 - 396
171m 369
175m 103
220nw 408
2554
214nw 653
230nw 908
Sec Art 16
2554
Et seq.
OIL
33 - 110
33 - 154
33 - 351
247nw 509
Sec 668N
2554
Sub. 1
248nw 49
12553

cause of the commissioner of highways to act, the first assistant commissioner of highways shall act as such commissioner of highways with all his powers and duties, and in case of the inability for any cause of such first assistant commissioner to so act, the second assistant commissioner of highways shall act as such commissioner of highways with all his powers and duties.

Except when so acting as commissioner of highways, each of said first assistant and second assistant shall be subject to the direction and orders of the commissioner of highways.

Each such assistant shall, before entering upon the performance of his official duties, give bond to the state to be approved by the governor in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duties. If a surety company bond is given the premium thereon may be paid from the funds available for the payment of the expenses of the highway department; provided, however, that the amount of such premium so paid shall be approved as to amount by the state treasurer. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of either of said assistants in the performance of his official duties may maintain an action on such bond for the recovery of damages so sustained.

The commissioner of highways is hereby authorized to employ such skilled and unskilled help and employees as may be necessary for the performance of his duties under this act, the same to be on such terms and for such compensation as he may deem just and proper. Provided no greater sum shall be paid to employees belonging to the following classes than as hereinafter specified:

- For Bookkeepers, not to exceed.....\$3000.00
- For Stenographers, not to exceed 1500.00
- For Draftsmen, not to exceed..... 2400.00

Provided that the total annual expense for the Highway Department, exclusive of all outside employees and assistants and engineering and inspection work, shall not exceed the sum of One Hundred and Fifty thousand (\$150,000) Dollars per annum. None of such help or employees shall be required to possess any other qualifications than may be prescribed by the commissioner of highways.

Said commissioner of highways, first assistant, second assistant and such help and employees as may be so from time to time appointed or employed shall constitute and be known as the highway department.

Each of such help and employees as may be determined and designated by the commissioner of highways shall, before entering upon the duties of his office or employment, give bond to the state in such penal sum as may be determined upon by the commissioner of highways, to be approved by the governor and conditioned for the faithful performance of his duties. If a surety company bond is given the premium thereon may be paid from the trunk highway fund. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of said help or employees in the performance of his official duties may maintain an action on his bond for the recovery of the damages so sustained.

Sub. 5. The commissioner of highways shall maintain his office at the city of St. Paul. All salaries and expenses connected with the highway department shall be paid from the Trunk Highway Fund. (21 c. 323 § 12)

See § 53-36, herein.

2554. Powers of Commissioner of Highways—

Sub. 1. The commissioner of highways is empowered to carry out the provisions of Section 1 of Article 16, of the Constitution of the state, and is hereby authorized to acquire by purchase, gift, or condemnation as provided by statute all necessary right of way needed in laying out and constructing the trunk highway system, and to locate, construct, reconstruct, improve and maintain such trunk highway system, to contract on an equitable basis with railroad companies for the construction of bridges and approaches necessary for the separation of grades at points of intersection between railroads and trunk highways, to let all necessary contracts therefor, and to purchase all needed road material, machinery, tools and supplies necessary for the construction and maintenance thereof, and to purchase or rent grounds and buildings necessary for the storing and housing of such material, machinery, tools and supplies; and in carrying out the provisions of said Section 1, of Article 16 of the Constitution of the State, is hereby authorized to expend out of the trunk highway fund such portions thereof as may be available for the purposes herein provided, and there is hereby appropriated, annually, from such fund the entire amount thereof or so much as shall be necessary for the location, construction, reconstruction, improvement and maintenance of the trunk highway system including the cost of acquiring title to any needed right of way, and the cost of purchasing or renting grounds and buildings for such storage and housing, the purchase of the necessary road material, tools, machinery and supplies for the construction and maintenance of said trunk highway system and for the compensation of all persons employed and the necessary expenses incurred in the execution of such work, such expenditures to be made as provided in this act. Where any trunk highway runs to any interstate water forming the boundary between Minnesota and any other state and there connects with any interstate bridge across such boundary water or runs into any city or village situated on such water boundary and intersects any street thereof adjacent to and connecting with any such bridge, in every such case all that part of any such bridge within the limits of this state shall be considered as a part of such trunk highway system except where any such bridge is owned by a private person or corporation or is operated as toll bridge and said commissioner is authorized and directed to cooperate with the duly authorized authorities of such adjoining state in the maintenance, repair, construction and reconstruction of any such bridge.

Further as to trunk highways, etc., connecting with or adjacent to interstate bridges, see infra, §§ 2554-1 to 2564-13.

Sub. 2. On the first Tuesday on April of each year it shall be the duty of the commissioner of highways, state auditor and state treasurer following the transfer of the trunk highway fund of any surplus remaining in the trunk highway sinking fund, as provided in this act, to set aside from the total sum in said fund—

1. The proportion of expense of the highway department to be borne by the trunk highway fund authorized by section 12 of this act not to exceed One Hundred Fifty Thousand (\$150,000) Dollars.
2. The proportion of the trunk highway fund provided by this act to be set aside for maintenance.
3. Such sum as may be found necessary for the payment of interest and refundment purposes.

4. Such sum as may be necessary to equal the total sum of the federal aid received from the United States Government for road purposes in Minnesota.

Any sum remaining in the trunk highway fund after setting aside the sums hereinbefore mentioned together with the sum set aside to meet the government aid, and the total amount received as government aid, excepting such portion of government aid as may be required to make connections on the Federal Aid System with adjoining states, shall constitute the portion of the trunk highway fund available for construction purposes for that year. The highway commissioner is hereby authorized to use during the ensuing year for hard surface construction on the trunk highway not to exceed 20% of such construction fund, provided that the commissioner of highways may, in his discretion, if the provisions of federal aid should so require as a condition precedent to receiving such aid, use an additional amount from such fund not to exceed, in any event, an additional thirteen and one-third per cent from such construction fund in any one year. The remainder of such fund shall be used by the commissioner on the trunk highway system for the acquisition of right of way and for construction purposes in grading, draining, gravelling, and bridge and drainage construction on the unfinished portions of the trunk highway system, provided the same shall be expended among the various sections of the state in equitable proportions as far as practicable in the construction of said unfinished portions of the trunk highway. Provided, further, that the commissioner of highways shall have authority to use for construction purposes in grading, draining, gravelling, and bridge and drainage construction on the unfinished portions of the trunk highway system any portion of the funds set aside as herein provided that shall not be needed as a part of the fund so set aside, and is further authorized to use any portion of the trunk highway fund, set aside for maintenance in any one county, for construction purposes in such county when not needed for maintenance therein.

Sub. 3. Until such time as he may definitely locate and permanently construct the several routes of the trunk highway system, he shall select practicable roads along the general location of all other of the several routes, enumerated in Article 16 of the state constitution, which he shall maintain for the benefit of the traveling public, which routes shall be known as temporary trunk highways.

No portion of the trunk highway system lying within the corporate limits of any borough, village or city shall be constructed, reconstructed or improved unless the plans and specifications therefor shall be approved by the governing body of such borough, village or city before such work is commenced, nor shall the grade of such portion of the trunk highway system lying within such corporate limits be changed without the consent of the governing body of such borough, village or city.

Sub. 4 (a) The commissioner of highways shall by order or orders designate such temporary trunk highway or highways, and when the final and definite location of any trunk highway or portion thereof has been by him determined he shall designate the same by order. Provided that when the County Board of any county interested asks for a public hearing with reference to the final location of any Trunk Highway, a hearing shall be held by the Commissioner within the section interested before making any such final location. A copy of such order shall be certified to the

county auditor or auditors of the county or counties wherein such highways are located and such counties or subdivisions thereof shall thereupon be relieved from responsibilities and duties thereon, provided that in case the final location should be other than the location of the temporary trunk highway, the portion of such temporary location which is not included in the final location shall upon notice from the commissioner of highways revert to the county or subdivision thereof originally charged with the care thereof.

(b) When the commissioner shall have designated the permanent location of any trunk highway which takes the place of and serves the same purpose as any portion of an existing road however established, he may make an order vacating such portion of an existing road and in such case shall serve a copy of the order upon the occupants of the lands through which the portion so vacated runs, or, if there be no occupant, post such notice, and shall file a copy thereof with proof of service with the county auditor of the county within which such lands lie. Any person claiming to be damaged by such vacation may at any time within 30 days after the service of such order appeal to the district court of such county for a determination of his damages, by serving notice of such appeal on the commissioner of highways and filing the same with proof of such service in the office of the clerk of the district court. Said appeal shall be tried in the same manner as an appeal from an award in proceedings in eminent domain.

Sub. 5. The commissioner of highways shall adopt a suitable marking design with which he shall mark or blaze the routes so selected, and as the definite final location of each route is opened to traffic the markings shall be changed to such location.

Sub. 6. The commissioner of highways may conduct the work or any part thereof, incidental to the construction and maintenance of the trunk highways by labor employed therefor or by contract. In cases of construction work, the Commissioner of Highways shall first advertise for bids for contracts and if no satisfactory bids are received, he shall have the right to reject all bids and readvertise or do the work by labor employed therefor. When work is to be let under contract he shall publish a notice to that effect, for three successive weeks prior to the date such bids are to be received, in such local newspaper or other periodicals as may be deemed advisable, provided that in case of emergency requiring immediate action, contract may be awarded without published notice.

Sub. 7. Whenever, during the construction work on any trunk highway, it may be necessary to prevent traffic from passing over any portion of such highway, in order to avoid damage to the work under way, the commissioner of highways is empowered to close such portion of the highway to any or all traffic, by causing to be posted in a conspicuous manner, at the ends of the portion of the highway so closed, suitable signs warning the public that such road is closed under authority of law, and by the erection of suitable barricades, fences, dykes or other obstructions. The driver or owner, or both, of any vehicle, self propelled or otherwise passing through, over or around any such barricades, fence or other obstructions so placed, or any person or persons, opening, removing or defacing any such barricade, fence or other obstruction, or any such warning sign, without written permission from the engineer in charge of the work, or any person or persons wilfully, knowingly or maliciously causing any damage

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to the work under construction, shall be guilty of a misdemeanor.

Sub. 8. The commissioner of highways shall once each year publish a map showing the location and status of improvement of the trunk highway system.

Sub. 9. The commissioner of highways shall be the custodian of and preserve the records of the state highway commission as heretofore constituted, and of the official acts and determinations which shall be denominated orders, made by himself or predecessors in office. All of the files and records of the highway department shall, under reasonable regulations, be open to public inspection, and copies thereof certified by the commissioner of highways, as being true copies, shall be received in evidence in any court in this state with the same force and effect as the originals. The attorney general shall be ex-officio attorney for the commissioner and shall give him such legal counsel, advice and assistance as he may from time to time require.

Sub. 10. The commissioner of highways shall keep accurate and complete books of account of such character as may be prescribed by the public examiner, the same to show in detail itemized receipts and disbursements of the trunk highway sinking fund and the trunk highway fund. The books of account shall show (and it shall be the duty of the public examiner to so prescribe) the following, among other facts:

a. The expenses of maintaining the highway department, including the salaries and expenses of the individual members thereof.

b. The amounts of money expended in each county of the state for the construction or maintenance of trunk highways, when, where and upon what job or portion of road expended, so that the cost per mile of such construction or maintenance can be easily ascertained.

c. The amount of road equipment and materials purchased, and when, where and from whom purchased. Such books shall also show the price paid for each item; the original invoice shall form a part of the permanent files and records in said department, and shall be open to public inspection.

d. Any other moneys expended by the state in connection with any other roads than trunk highways, and when, where and upon what portion of road so expended. It shall be the duty of the public examiner to examine the books, accounts, records and files of the highway department at least twice every year, and oftener if he thinks proper; a copy containing a summarized report of such audit shall be filed with the auditor of each county. Provided, however, no money derived from the one mill road tax shall be expended on the trunk highway system, excepting by action of the County Board of the County to whom such money may be allotted.

Sub. 11. The commissioner of highways shall from time to time make and adopt such rules and regulations for the location, construction, improvement and maintenance of state aid roads, as he shall deem suitable, and which shall be printed and copies forwarded to the County Auditor of each county.

Sub. 12. The engineers and technical assistants shall give advice, assistance and supervision with regard to road or highway construction and improvement throughout the state, as may be required and as the rules and regulations of the commissioner of highways may prescribe, and render such other engineering or surveying service as may be required by the Governor for any of the State departments.

Sub. 13. When practicable said commissioner of highways shall investigate and determine the location of road material in the state, ascertain the most approved methods of construction and improvement of roads, and investigate the most approved laws in relation to roads in other states, and hold public meetings throughout the state when deemed advisable. He shall on or before February 1st of each year make a printed report to the governor stating, the condition, management and financial transaction of his department including a statement of the expense incurred in maintaining such department: the number of miles of roads built or improved during the preceding year and their cost; the general character and location of material suitable for road construction; the general character and needs of the roads of the state; and recommend such legislation as he deems advisable. Such report shall be transmitted by the governor to the legislature.

Sub. 14. The commissioner of highways shall each year, so far as time and conditions permit, cause an inspection to be made of all bridges exceeding thirty (30) feet in length. The commissioner of highways shall cause a copy of the report of such examination and recommendations to be transmitted to the county auditor of the county in which the bridge is situated, in case such bridge is not on a trunk highway.

Sub. 15. It shall be unlawful for any member or employe of the highway department to be directly or indirectly interested in any contract for the construction or improvement of any road or bridge constructed or improved under the provisions of this act or in any contract for the repair, purchase or sale of any road machinery, equipment, materials or supplies under the provisions of this act. Any such person violating any of the foregoing provisions shall be deemed guilty of a gross misdemeanor.

Sub. 16. In all cases of payments to be made as herein authorized by the Commissioner out of the Highway Fund, the same shall be made in the following manner: The Commissioner shall furnish verified abstracts of the same, prepared in triplicate, one of which shall be delivered to the State Auditor, one to the State Treasurer and one retained by the Commissioner. Such abstract shall contain the name, residence and the amount due each claimant and shall designate the contract or purpose for which the payment is made.

The copy of the abstracts delivered to the State Auditor shall be accompanied by the original voucher or vouchers, together with the proof of claim for each item included in such abstract. And if there be sufficient money in the proper fund, the State Auditor shall issue his warrant upon the State Treasurer for the gross amount shown by such abstract; and the State Treasurer shall deliver checks to the several persons entitled thereto, as shown by such abstracts, and he shall preserve in his office a record of each check and remittance, showing the date of each issue, the name of the payee and any other facts tending to evidence its payment.

Sub. 17. Provided: That controversies arising out of any contract for construction or repair of highways, entered into by the commissioner of highways, or by his authority, shall be submitted to arbitration if the parties cannot otherwise agree. Three (3) persons shall compose the arbitration board unless a lesser number is agreed on. If a lesser number is not agreed upon, each party shall name one arbitrator and these two shall name a third.

The party desiring arbitration shall make a written demand therefor and shall in such demand name the arbitrator by him selected. He shall also in such de-

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mand set forth all the controversies and claims which he desires to submit to arbitration. Such demand shall be immediately served upon the opposite party, who shall within five (5) days name an arbitrator on his part and shall set forth in writing any additional claims or controversies which he desires to submit to arbitration on his part.

The two persons so named shall immediately meet and designate a third arbitrator. If they cannot agree, within five (5) days either party to the controversy may apply to the district court for the appointment of such third arbitrator.

When such board of arbitration shall have been appointed, an agreement shall be executed as provided by Section 8017, General Statutes 1913. The arbitrators shall thereupon proceed to hear and determine claims and controversies between parties and make award thereon. The proceedings on the hearing and award shall be governed by the Provisions of Sections 8017, 8018, 8019, 8020, 8021 and 8022, General Statutes of Minnesota 1913.

Provided, further, that if either party refuses to sign the agreement to arbitrate, or neglects or refuses to enter into such arbitration or to proceed therewith, such party shall be deemed to have waived all rights, claims and demands and the arbitration shall proceed and an award shall be filed according to the justice of the case.

Provided, further, that no right to demand arbitration shall accrue until the work provided for in the contract shall have been in all things completed. Nor shall any person have the right to discontinue the performance of his contract by reason of anything in this section contained, but such person shall in all things comply with and carry out the determinations and instructions made or given by the commissioner of highways or his representatives; but the question whether or not such contract has been completed may be submitted to arbitration, together with any other controversies as hereinabove specified.

Provided, further, that no more than one arbitration shall be had on questions, claims or controversies growing out of the same contract. Nor shall any such arbitration be demanded after a period of more than sixty (60) days from the date of the completion of the work under such contract. ('21 c. 323 § 13; amended as to sub. 1, 2, 13 by Laws 1923, c. 439, §§ 2, 3, 14; as to sub. 1 by Laws 1925, c. 341; as to sub. 4 by Laws 1927, c. 227, § 3)

Explanatory note—Sub. 1 and 4 only are amended by Laws 1925, c. 341 and Laws 1927, c. 227.

For Gen. Laws 1913, §§ 8017 to 8022, see §§ 9514 to 9515, herein.

159-355, 200+17.

Cities and villages may regulate traffic upon trunk highways by ordinances not in conflict with the state law, but that power cannot be extended so as to encroach upon the authority given the commissioner of highways. 166-416, 208+132.

General Highway Act gives the commissioner of highways the regulation and general supervision of the state trunk highway as well within as without the limits of the cities and villages through which it extends. 166-416, 208+132.

2555. Government war materials—

Sub. 1. The commissioner of highways is hereby authorized to accept from the Federal government, allotments to the state of excess war material suitable for road construction and maintenance purposes and to provide for the use of same in the improvement and maintenance of roads in the state.

Sub. 2. The commissioner of highways is hereby authorized to pay the necessary expense incurred in receiving, placing in use, or delivering such excess war materials from the Federal government and to pay for

the expense so incurred from the trunk highway fund; provided, that any expense so incurred in receiving and delivering material which may be loaned to counties, shall be charged to the counties receiving such material and payment by the county shall be credited to the trunk highway fund.

Sub. 3. The commissioner of highways is hereby authorized to buy such supplies and equipment as may be necessary to carry out the provisions of this act, and to purchase and supply extra parts for excess war materials as may be required to furnish an adequate supply depot for proper upkeep of such material, and to charge the expense thereof to the trunk highway fund; provided, that such extra parts and equipment are furnished to counties shall be delivered at cost and payment by the counties shall be credited to the trunk highway fund. ('21 c. 323 § 14)

2556. Trunk highways sinking fund—The proceeds of the tax imposed and collected on motor vehicles shall constitute the trunk highway sinking fund.

On or before the first Tuesday in April of each year, the commissioner of highways, the state auditor and the state treasurer, shall determine the sum of money required during the year beginning on said first Tuesday in April, for the payment of principal and interest of any bonds which may have been issued and sold under the provisions of section 4, article 16, of the constitution of the state of Minnesota.

After such sum shall have been determined, which shall be evidenced by an order of the commissioner of highways, the state auditor and the state treasurer (a majority of whom may act), the moneys in or accruing to said trunk highway sinking fund, in excess of such requirements, shall be transferred to the trunk highway fund. Not less than 40% of the funds so transferred shall be set aside by the commissioner of highways to be expended in providing for the adequate maintenance of the trunk highway system in the several counties of the state and not more than 4% of the sum set aside for maintenance shall be used in any one county in any one year.

The proceeds of the sale of bonds as authorized by article 16 of the state constitution, moneys received from time to time from the federal government as aid in the construction or maintenance of roads, license fees or charges imposed by law upon motor vehicles or the operators thereof, except wheelage tax, so-called, which may be imposed by any borough, city or village, the balance on hand at the passage of this act in the expense fund of the highway department as created by section 10 of chapter 119, Laws 1917, and moneys otherwise allotted or appropriated therefor or otherwise accruing thereto shall be paid into the treasury of the state and credited to the trunk highway fund.

Moneys set apart for the payment of principal and interest on trunk highway bonds issued by the state and on highway bonds issued by counties and assumed by the state shall be invested, upon request of the commissioner of highways, the state auditor and the state treasurer, by the state board of investment in the class of securities specified and in the manner prescribed by chapter 516, Laws 1921, and acts amendatory thereof and supplemental thereto. All interest and profit from such investments, and all interest earned on moneys in the trunk highway sinking fund and in the trunk highway fund in the state treasury, shall be credited to the fund on which such interest or profit is earned. The state treasurer shall be the custodian of all securities purchased under the provisions of this section. ('21 c. 323 § 15; amended '23 c. 439 § 3½)

Explanatory note—For Laws 1921, c. 516, § 1, see § 6303, herein.
Laws 1917, c. 119, § 10 was repealed by Laws 1921, c. 323, § 79. See infra, § 2619.

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2557. Construction and maintenance of trunk highways in cities and villages—

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Sub. 1. The county board of any county, the council or other governing body of any city, village or borough, or the town board of any town, as the case may be may enter into an agreement with the commissioner of highways for the construction of a roadway or structure, of greater width or capacity than would be necessary to accommodate the normal trunk highway traffic, upon any trunk highway within its boundaries, and may appropriate, from any funds available, and pay into the trunk highway fund such sum or sums of money as may be agreed upon. Provided, that nothing herein contained shall prevent any such city or village from constructing the portions of the street not included in the Trunk Highway System independent of any contract with the commissioner of highways, provided, such construction conform to such reasonable regulations as the commissioner of highways may prescribe as to grade and drainage.

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Sub. 2. Where a trunk highway is located over or along a street in any city, village or borough, which street is or may be improved to a width greater than the normal width of such trunk highway, the council or other governing body of such city, village or borough, as the case may be, may enter into an agreement with the commissioner of highways for the maintenance of such additional width, by the commissioner of highways, and shall from time to time in accordance with such agreement appropriate and pay into the trunk highway fund such sums of money as may be agreed upon. Provided, nothing herein contained shall be construed to prevent any such city or village maintaining such additional width at their own expense independent of any contract with the commissioner of highways. ('21 c. 323 § 16)

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2558. Public utilities and works on trunk highways
—Electric transmission, telephone or telegraph lines, pole lines, railways, ditches, sewers, water, heat or gas mains, flumes or other structures, which under the laws of this state or the ordinance of any village or city may be constructed, placed or maintained across or along any trunk highway or the roadway thereof, by any person, persons, corporation or any subdivision of the state, may be so maintained or hereafter constructed only in accordance with such regulations as may be prescribed by the commissioner of highways, who shall have power to prescribe and enforce reasonable rules and regulations with reference to the placing and maintaining along, across or in any such trunk highway any of the utilities hereinbefore set forth; provided, however, that nothing herein shall restrict the actions of public authorities in extraordinary emergencies. ('21 c. 323 § 17)

166-416, 208+132.

2558-1. Logging railroads across public highways—
Authority to construct—The commissioner of highways, in respect of trunk highways, and the county board, in respect of all other public highways, are hereby authorized and empowered to grant to the owner of any logging railroad permission to locate, construct, and maintain, for such period as such officer or board may determine, a logging railroad across any public highway in this state. ('27, c. 288, § 1)

2558-2. Same — Permits — Construction — Removal—Such permit shall specify the place at which such railroad shall cross the public highway, the time for which it may be maintained thereon, which shall in no case exceed five years, the manner of its construction and maintenance, and the measures that shall be taken for the protection of the highways and of the public using such highway.

The construction and maintenance of such railroad crossing shall be under the supervision and control of the officer or body granting such permit.

The person to whom such permit is granted shall, at the expiration of the time therein limited or at such earlier time as such crossing is not longer necessary, remove such railroad therefrom and restore the highway to such condition as the authority granting such permit shall require. ('27, c. 288, § 2)

2558-3. Same — Bonds of persons constructing — Every person to whom such permit is granted shall execute and deliver to the commissioner of highways or to the county board, as the case may be, a good and sufficient surety bond in such sum as shall be fixed by the authority granting such permit, conditioned for the compliance with and performance of all of the terms and conditions of such permit and of this act. ('27, c. 288, § 3)

2558-4. Same—Highways in cities, villages, or boroughs excepted—The provisions of this act shall not apply to any public highway within the corporate limits of any city, village, or borough. ('27, c. 288, § 4)

2559. State road and bridge fund—

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Sub. 1. For the purpose of state aid in the construction and improvement of public highways, there shall hereafter be levied annually on all taxable property of the state a tax of one mill on each dollar of valuation, to be collected in the same manner as other state taxes, and the money so raised, together with all moneys accruing from the income derived from investments in the internal improvement land fund, or that may hereafter accrue to said fund, and all funds accruing to the state road and bridge fund, however provided, shall constitute the general state road and bridge fund.

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Sub. 2. On or before the first Tuesday in February of each year, the commissioner of highways, the state treasurer and the state auditor shall estimate the probable sum of money that will accrue to the state road and bridge fund during the current year and after first setting aside therefrom an amount not exceeding \$50,000 for a reserve maintenance fund, to be expended as hereinafter provided, shall apportion the balance of the state road and bridge fund among the different counties of the state as herein provided and the commissioner of highways shall immediately send a statement of such apportionment to the state auditor and to the county auditor of each county, showing the amount apportioned to each county for expenditure during such year.

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Sub. 3. Not less than one per cent nor more than three per cent of the state road and bridge fund available in any year and remaining after setting aside the funds hereinbefore provided for, shall be apportioned to any county.

Sub. 4. Any fund in excess of one-half of one per cent of the total state road and bridge fund available for allotment in any one year, which, for a period of two years after such allotment shall remain unused and unexpended by such county, or for work done in such county, shall revert to the unapportioned funds

in the state road and bridge fund and be thereafter and during the next succeeding year apportioned the same as other funds added to such state road and bridge fund by taxation or otherwise.

Sub. 5. Not less than twenty per cent of the allotment so made to any county shall be used for maintenance of state aid roads and bridges thereon, and a greater proportion of the allotment so made may be so used when a greater percentage shall have been declared by resolution of the county board to be necessary for such purpose and such resolution shall have been approved by the commissioner of highways. Payment shall be made by the state to a county only for such proportion of the cost of maintenance of any road as is hereinafter specified with reference to the payment of state aid to such county for the construction or improvement of a state aid road therein. Any payment made by the state to a county for maintenance of trunk highways or state aid roads shall be credited to the county fund out of which the cost of maintaining such road was paid by such county.

Sub. 6. The state's proportion of the cost of such maintenance shall be paid from the proportion of the allotment made to the county set aside for maintenance purposes, to an amount not exceeding the proportion so set aside for maintenance purposes. Such payments shall be made upon reports to the commissioner of highways by the county auditor, after approval by the commissioner of highways, in substantially the same manner as is herein provided for the payment of the state's share of the cost of construction and improvement of state aid roads.

Sub. 7. The amount which shall be paid by the state out of the allotment of the state road and bridge fund, to any county as state aid, in the construction or improvement of any road or bridge in any county in any year, shall be as follows:

In counties where the assessed value of the property for taxation purposes is less than five million (\$5,000,000) dollars, 80 per cent; in counties with a taxable valuation of five million (\$5,000,000) dollars and less than ten million (\$10,000,000) dollars, 70 per cent; in counties with a taxable valuation of ten million (\$10,000,000) dollars and not exceeding fifteen million (\$15,000,000) dollars, 60 per cent; in all other counties, 50 per cent. In determining the taxable valuation hereinbefore provided for, the assessed valuation of moneys and credits provided for in Chapter 285, General Laws 1911, shall be excluded. The proportion of the cost of constructing any road or bridge above specified shall be paid by the state only in case the funds apportioned to any given county, over and above the amount set aside for maintenance, as herein provided, shall be sufficient therefor. ('21 c. 323 § 18)

Explanatory note—For Laws 1911, c. 285, see §§ 2337 to 2349, herein.

2559-1. Temporary loans to trunk highway fund by state treasurer—For the purpose of supplying deficiencies in the trunk highway fund, the treasurer may temporarily loan from other public funds a sum not exceeding in the aggregate the amount of federal aid allotted to the construction of roads under project appropriation by the federal government; provided, that no fund shall be so impaired thereby that all proper demands thereon cannot be met; provided further, that if the said federal aid is not paid, the treasurer shall transfer to such other public funds from the state highway fund such amount as may be necessary to pay any loan or loans made hereunder. ('23, c. 339, §1)

2559-2. Same—Duties of Commissioner of High-

ways—Before the treasurer shall be authorized to grant a loan as provided in section 1, the Commissioner of Highways, shall file with the auditor and treasurer a certificate showing the amount of disbursements from the trunk highway fund which are to be repaid to the state by the federal government. ('23, c. 339, § 2)

Explanatory note—For section 1 see § 2559-1, herein.

2560. Designation state aid roads—Revocation—

Sub. 1. The county board of any county may, with the consent of the commissioner of highways, designate any established road, or specified portion thereof, in its county, not within the corporate limits of any borough, village or city, as a state aid road, and construct or improve the same in accordance with the regulations of the commissioner of highways relative to state aid roads.

Sub. 2. Any such board may also, with the consent of the commissioner of highways, designate as a state aid road, any street or road within the corporate limits of any village, borough or city of the fourth class.

Sub. 3. When any county board has designated any road as a state aid road as herein provided, the county auditor shall transmit a copy of the resolution to the commissioner of highways, together with a description of the road so designated. It shall be the duty of the commissioner of highways to thereupon determine whether sufficient funds will be available from the state road and bridge fund for the improvement of said road as a state aid road and also determine the desirability of such designation with reference to the relation of such road to other state aid roads, or its relation to other roads and traffic conditions in such county and if he determines such questions in the affirmative, then, and in such cases, the commissioner of highways may, by his order in writing, to be filed with the county auditor, consent to the designation of such road as a state aid road.

Sub. 4. Any street or road within the corporate limits of any borough, village or city of the fourth class designated as a state aid road, as hereinbefore provided, may be improved by the county as other state aid roads are improved, and state aid paid therefor in the same manner and to the same extent as other state aid roads lying within the county wherein such borough, village or city is situated; provided, however, that the grade of any such street shall not be changed without the consent of the governing body of any such borough, city or village; and provided further, that the plans and specifications for any improvement thereof shall be approved by such governing body before such work is commenced.

Sub. 5. Whenever it shall be made to appear to the commissioner of highways that the board of county commissioners of any county has refused to grant an application to it made by at least ten freeholders, residents of such county, to designate any established road or part thereof as a state aid road, the commissioner of highways may consider such application de novo, and if, in his opinion, sufficient funds will be available for the improvement of such road, and its designation and improvement as a state aid road is desirable because of the relation of such road to other roads or traffic conditions in such county, the commissioner of highways may by his written order designate such road or part thereof as a state aid road without a prior designation thereof by the county board or its concurrence in such designation. A copy of such order shall be filed with the county auditor.

Sub. 6. Any roads which may have been at any time designated as state aid roads, may, by joint action of the county board and the commissioner of highways, be abandoned or changed as such; provided, that in case the county board of any county fails or neglects for the period of ten days after being notified by the commissioner of highways, to properly maintain any state aid road which it is required to maintain, then the commissioner of highways shall have power to revoke the designation of such highway as a state aid road. ('21 c. 323 § 19)

2561. Designation of road on county line as state aid road—Whenever the county boards of adjoining counties make application to the commissioner of highways for the designation of an established road running on or near the boundary line between two counties, as a state aid road, said commissioner of highways shall investigate the desirability of such designation, and, if he shall decide that it is desirable so to do, shall so designate such road and determine and fix the part of the cost of the improvement and maintenance thereof to be paid by each county. ('21 c. 323 § 20)

2562. Maintenance of state aid roads—

Sub. 1. It shall be the duty of the county board of each county in which state aid roads have heretofore or may hereafter be designated, to provide for the proper maintenance of the same in accordance with the rules and regulations of the commissioner of highways.

Sub. 2. In the expenditure of the funds for maintenance, preference shall be given to state aid roads improved as such, and especially such state aid roads, to the cost of construction or improvement of which the United States has contributed.

Sub. 3. In case the county board of any county fails or neglects to maintain any state aid road, as to which it is hereinbefore directed preference shall be given in the expenditure of the funds set aside for maintenance purposes, in accordance with rules and regulations promulgated by the commissioner of highways, he may cause the same to be maintained and to pay the expense thereof from the "Reserve Maintenance Fund." He shall have power to enter into contracts for the performance of work or he may purchase the necessary tools and materials and employ the necessary labor and cause the same to be done by day labor; provided, however, that the amount so expended in any one county in any one year shall not, together with the funds allotted to such county during such year, exceed an amount equal to three per cent of the total state road and bridge fund available for allotment and expenditure during such year; and, provided further, that an amount equal to any sum so expended by the commissioner of highways in any county during any one year shall at the time of the next allotment of the state road and bridge fund be deducted from the allotment which would otherwise be made to such county and the amount so deducted shall be credited to the reserve maintenance fund; provided, further, however, that no county shall by reason of any such deduction receive in any one year less than one-half of one per cent of the total state road and bridge fund provided and expended during such year. ('21 c. 323 § 21)

2563. Procedure for constructing or improving state aid roads—Whenever the county board of any county shall determine to build or improve any state aid road for which aid is to be claimed, they shall proceed as follows:

If the estimated cost of such work does not exceed five hundred dollars (\$500), the said board shall cause surveys, when necessary, to be made therefor, and shall thereupon receive bids for all or part of said work and let the contract to the lowest responsible bidder, or may cause the same to be done by labor employed therefor. In case the estimated cost exceeds five hundred (\$500) dollars the said county shall cause surveys, plans and specifications thereof to be made and submit the same to the commissioner of highways for approval, and when such plans and specifications are approved, the said county board shall proceed to do said work by contract or labor employed therefor, as the county board and the commissioner of highways may direct. The work shall be done under the supervision of the county highway engineer, who shall in all matters pertaining to such work act under the rules and regulations of the commissioner of highways.

In case it shall be determined to do the work by contract, the county board may agree in such contract to pay the contractor, on account of the contract price, an amount not exceeding eighty-five per cent of the value of the work from time to time actually completed, as shown by monthly estimates thereof, based on the contract price, made by the engineer in charge of the work, and in such case it shall be lawful for the county auditor to issue a warrant on the county treasurer to the contractor for an amount equal to the specified percentage of the value of the work so completed and specified in the engineer's monthly estimate, without allowance of a claim therefor by the county board. ('21 c. 323 § 22)

165-158, 206+49.

2564. State aid, how paid—After any county board shall have completed any work on a state aid road for which state aid is claimed, the auditor of such county shall make a statement to the commissioner of highways showing the location, nature and cost of such work, and shall also submit a detailed report from the county highway engineer in charge showing all such details concerning the same as may be required by the commissioner of highways. On receipt thereof the said commissioner of highways shall proceed to examine such reports, and if he finds the same satisfactory and that the work has been done in substantial compliance with the plans and specifications therefor, and the contract therefor, if any, he shall certify the same to the state auditor who shall issue a warrant for the state's share thereof as shown by said report, payable to the treasurer of such county, but in no case shall said warrant, with all other warrants, exceed the amounts allotted to such county. ('21 c. 323 § 23)

2564-1. Interstate bridges connecting state trunk highway system with systems of adjoining states—Purpose of law—The purpose of this act is to provide for connecting the highway system of the State of Minnesota, including the trunk highway system, with the highway systems of adjoining states by means of interstate bridges. ('25, c. 403, § 1)

Explanatory note—Laws 1925, c. 403 contains the following preamble: "WHEREAS, The United States Government, for many years past, has appropriated millions of dollars to the State of Minnesota in aid of the construction of the highways of this State, and the State of Minnesota expects in the future to obtain similar large sums from the United States Government in further aid of the construction of the highways of Minnesota, including the trunk highway system of this State; and

"WHEREAS, Article 16 of the Constitution of the State of Minnesota providing for the State trunk highway system was proposed and adopted, among other reasons, to enable the legislature of this State to provide for raising the necessary money for highway purposes in order to meet the requirements of the United

States Government to make federal aid available to this State for such purposes; and

"WHEREAS, The United States Government has no authority to appropriate money in aid of highway construction in this State except for the purpose of improving post roads and promoting interstate commerce and travel, which purposes can only be carried out through ample and adequate connection between the highway system of the State of Minnesota and the highway system of the states adjoining Minnesota; and

"WHEREAS, Many of the important trunk and other highways of the State of Minnesota lead to water boundaries between this State and adjoining states, and in order that such highways may adequately serve the public demands for travel and accommodation and to carry out the obligation of this State incurred in accepting and using such federal aid thereon, such highways should be connected with the highways of the adjoining states by inter-state bridges:

"Now, Therefore
"Be It enacted by the Legislature of the State of Minnesota."

See, also, supra. § 2554 (1).

2564-2. Same—Inter-state bridge defined—The term "inter-state bridge" shall mean and include all bridges now existing or which shall be hereafter constructed across boundary waters between the State of Minnesota and any adjoining State, thereby connecting any trunk highway of this State, or any State aid highway of this State, with the highway system of any adjoining state. ('25, c. 403, § 2)

2564-3. Same—State aid highway defined—The term "State aid highway" as herein used shall be taken to mean and include any highway of this State, however the same may have been laid out or located, if the same shall have been or shall hereafter be laid out, constructed or improved by aid from the State Road and Bridge Fund, provided for by Section 16 of Article 9 of the Constitution of the State of Minnesota. ('25, c. 403, § 3)

2564-4. Same—Bridges part of highway system, trunk highway system, state aid highways, or state aid highway system, on certificate by commissioner of highways—Wherever any trunk highway or State aid highway of this State leads to and connects with any such inter-state bridge so that such bridge is essential in order to provide a continuous passage from any such highway of this State to any highway constituting part of the highway systems of any adjoining State, every such inter-state bridge, or so much thereof as lies within the boundaries of this State, is hereby declared to be and the same for all purposes shall be deemed to be an essential and necessary part of the highway system of this State for all purposes, and if so connected with a trunk highway, shall be deemed to be a part thereof, and if so connected with a State aid highway shall be deemed to be a part of such State aid highway, and if so connected with any other road, except a trunk highway, be deemed to be a part of the State aid highway system of this State for all purposes whenever the Commissioner of Highways shall certify that in his judgment such road is of such importance for the purposes of traffic and interstate travel that it should be connected with the highways of the adjoining states by an inter-state bridge. ('25, c. 403, § 4)

2564-5. Same—Construction, etc., of bridges by commissioner of highways—The Commissioner of Highways of the State of Minnesota is hereby authorized and directed to construct, reconstruct, maintain and repair every such inter-state bridge so forming a part of the trunk highway system of this State, or such part thereof as may be necessary in order to connect such highways of this State with the highway system of any adjoining State, and is also authorized and directed to co-operate with the duly

authorized authorities of any such adjoining State in the construction, re-construction, maintenance, repair and operation of any such bridge, and shall have full power and authority to make all agreements with reference thereto with the authorized authorities of adjoining states in reference to all matters included in this section. ('25, c. 403, § 5)

2564-6. Same—Location of bridges—In case of the construction or re-construction of any inter-state bridge the Commissioner of Highways of this State shall have power after hearing to determine the location where and the manner in which such bridge shall be constructed or re-constructed. ('25, c. 403, § 6)

2564-7. Same—Conveyance of bridges by cities or villages—In case any existing inter-state bridge is owned by any city or village in this State, the Commissioner of Highways is authorized to accept a conveyance thereof or of any part thereof from any such city or village, upon such terms and conditions as the Commissioner of Highways shall determine to be just and equitable, and for such purpose shall have full power to co-operate and agree with the duly authorized authorities of any adjoining State, and every such city or village is authorized to convey any such bridge to this State, or to this State and any adjoining State, upon such terms and conditions as may be agreed upon by and between such city or village, the Highway Commissioner of this State and the authorities of such adjoining State. ('25, c. 403, § 7)

2564-8. Same—Acquisition of bridges owned by villages or cities in adjoining states—In case any such inter-state bridge shall be owned and operated by any city or village of any adjoining State, the Commissioner of Highways of this State is hereby authorized to acquire such bridge, or any part thereof, necessary to connect the highways of this State with the highways of such adjoining State, or may acquire the same in co-operation with the duly authorized authorities of any adjoining State, upon such terms and conditions as the Commissioner of Highways of this State may determine to be just and equitable. ('25, c. 403, § 8)

2564-9. Same—Trunk highways to be run on bridges—In case any route of the trunk highway system described in Article 16 of the Constitution, runs into or through any city of the second, third or fourth class, or village situate on the bank of any river or stream forming a boundary between the State of Minnesota and any adjoining State, and an inter-state bridge owned and operated by any such city or village connects such city or village with the highway system of such adjoining State, then and in every such case it is hereby made the duty of the Commissioner of Highways of this State to so specifically designate and locate such trunk highway route so that the same shall run to the State boundary upon such bridge so as to include the same as a part of such trunk highway. ('25, c. 403, § 9)

2564-10. Same—Construction, etc., of bridges by commissioner in certain cases—In case any existing route of any trunk highway of this State runs through or into any city of the second, third or fourth class, or any village of this State situate on any stream or river forming a boundary between Minnesota and an adjoining State where no inter-state bridge exists, and if the Commissioner of Highways of this State shall find after a public hearing that by reason of increased travel a public demand exists for communication between the highway system of Minnesota and such adjoining State at any such city or village, and that a public necessity exists for the construction of an inter-

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state bridge at such city or village and that the construction of such inter-state bridge will improve post roads and promote interstate travel, and that the construction of such bridge would materially increase the public usefulness of such trunk highway and of the highway system of this State and that the public interests of the State require the construction of such inter-state bridge, then upon filing such findings in the office of such Commissioner of Highways the Commissioner of Highways is authorized to designate such interstate bridge as a part of the route of such trunk highway to construct, maintain and repair an inter-state bridge at such point in co-operation with the duly authorized authorities of such adjoining state. ('25, c. 403, § 10)

2564-11. Same—Acquisition by Commissioner of privately owned bridges and toll bridges—In case any inter-state bridge is owned by any private person or corporation or is operated as a toll bridge, the Commissioner of Highways shall not be required to designate the same as a part of the trunk highway or State aid highway systems of this State nor to expend any money thereon for any purpose, but the Commissioner of Highways may acquire any part of any such bridge necessary to connect the highways of this State with the highways of any adjoining State by gift, purchase or condemnation, if such commissioner shall determine, after a hearing, that the public interests require such acquisition by gift, purchase or condemnation, and if and when so acquired the same shall be subject to all of the provisions of this act, and may so acquire, operate, maintain and reconstruct the same in co-operation with the authorized authorities of any adjoining State. ('25, c. 403, § 11)

2564-12. Same—Use of state road and bridge fund—The Commissioner of Highways is authorized to apportion any part of the State Road and Bridge Fund, hereinbefore referred to, for the purpose of aiding in the construction, re-construction, maintenance or repair of any inter-state bridge forming a part of any State aid highway as hereinbefore specified, and any county in this State is hereby authorized to appropriate any money in its Road and Bridge Fund for the purpose of aiding in the construction, re-construction, maintenance or repair of any such inter-state bridge, whether situate within the limits of such county or in any other county in this State. ('25, c. 403, § 12)

2564-13. Same—Separability of law—If any part of this act or section of this act, or any part of any section thereof shall be questioned in any action and shall be held to be unconstitutional, such decision shall not affect any other part thereof. ('25, c. 403, § 13)

2565. Powers of county board—

Sub. 1. County boards shall have general supervision of county roads, including those within their respective counties established by judicial authority, with power to appropriate and expend such sums of money from the county road and bridge fund as they may deem advisable for opening, vacating, resurveying or improving the same in towns and villages of such county or for the building or repairing of bridges upon any public road in any town or village, borough or city of the fourth class in the county, or for purchasing necessary road material, machinery, tools and supplies, provided, that before any such sums shall be appropriated and expended by such county board on any road or bridge within the limits of any village, borough or city of the fourth class in such county, such expenditures upon such road or bridge shall be first author-

ized by the council of such village, borough or city of the fourth class.

Sub. 2. The county board of any county may appropriate from its road and bridge fund to any town in its county, such sums of money as are available and which it deems advisable to aid such towns in the construction and maintenance of roads therein, and such appropriation may be directly expended by the county board, upon which roads as shall be designated by the town board; provided, that in counties having a population of two hundred twenty-five thousand (225,000) inhabitants or over, such county aid may be expended in accordance with the provisions of Chapter 164, Laws 1905, as amended by Chapter 208, Laws of 1909.

Sub. 3. The board may appropriate and expend money for the construction and maintenance of roads in another county having a road or roads immediately tributary, and running into the county appropriating such money, when it deems it for the best interest of the public.

Sub. 4. The county board shall provide and set apart a fund for the construction and maintenance of roads and bridges in such county, to be known as the "County Road and Bridge Fund," upon which shall be drawn all warrants for the construction and maintenance of state aid and county roads and bridges in such county, as determined by such boards or as required by the provisions of this act.

Sub. 5. The county board at its July meeting may include in its annual tax levy an amount not exceeding ten mills on the dollar of the taxable valuation for the county road and bridge fund. Such taxes may be additional to the amount permitted by law to be levied for other county purposes. ('21 c. 323 § 24; amended as to subd. 2 by '23 c. 439 § 4) (§ 25 repealed '23 c. 439 § 5)

156-389, 194+765; 153-302, 197+741.
The county board of Hennepin county may employ in a proper case, engineering service for the construction of approaches to a bridge. 166-261, 207+824.

If regularly such services should be employed through the office of the surveyor, the employment, directly by the board is but an irregularity, of which advantage cannot be taken after the services are performed. 166-261, 207+624.

Omitted laws amended and repealed—Laws 1923, c. 200, authorizing county commissioners in counties with not less than 16 nor more than 18 congressional townships, and not less than 17,000 nor more than 18,000 inhabitants, and not less than \$16,000,000 nor more than \$16,000,000 valuation, to fix and determine the total tax levy for county and town roads and bridge purposes, is repealed by Laws 1925, c. 42, § 1. Section 2 of said Laws 1925, c. 42 reads as follows: "The purpose of this act is to make ineffective the provisions in Chapter 200, General Laws 1923, made applicable to counties of the area, population, and addressed valuation therein described, and to restore, reinstate, and make applicable all former statutes covering the subject matter of said Chapter 200 to the same extent as though said chapter had not been enacted."

Laws 1919, c. 198, authorizing county boards in counties with not less than 55 nor more than 57 congressional townships and assessed valuation of not less than \$5,000,000 nor more than \$10,000,000, to construct roads on section lines dividing separate organized townships or villages, and to levy a tax therefor, is repealed by Laws 1927, c. 83, § 3. Section 1 of said Laws 1927, c. 83 reads as follows: "In every case in which a tax levied on the property in any township or village under the provisions of Laws 1919, Chapter 198, has heretofore been paid into the county treasury and remains unexpended in whole or in part, so much thereof as remains unexpended shall forthwith be paid to such township or village by warrant drawn by the county auditor."

Section 2 of said Laws 1927, c. 83 reads as follows: "In case any tax heretofore levied under said Chapter 198 shall hereafter be paid into the county treasury such tax shall be paid to the township or village within which the same was levied in the manner hereinbefore provided."

Laws 1919, c. 60, § 1 is amended by Laws 1927, c. 361, § 1, to read as follows: "The county commissioners of counties in this state may appropriate such reasonable sums of money as deemed proper to assist in the con-

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struction, improvement and maintenance of roads and streets, and bridges thereon, within the limits of cities within said counties, which such roads and streets, and bridges thereon, connect with, and are extensions of, roads in such counties outside of such cities, but leading into such cities. And such counties may also appropriate such reasonable sums of money as deemed proper to assist in the construction, maintenance and improvement of streets in such cities which are rural mail routes. Provided, however, that this act shall apply only to such cities wherein the assessed valuation of all property therein for taxation purposes, shall exceed ninety-five per cent of the assessed valuation of all property for taxation purposes in the entire county within which such cities are located, and provided further that any moneys appropriated hereunder shall be expended under the direction of the city authorities".

Section 2 of said Laws 1927, c. 361 repeals all inconsistent acts or parts of acts.

2565-1. Appropriations from county road and bridge fund for building and improving bridges and approaches in villages, boroughs, or cities of fourth class—Construction, etc., of bridges—Whenever the council of any village, borough or city of the fourth class may determine that it is necessary to build or improve any bridge or bridges including approaches thereto and any dam or retaining works connected therewith, upon or forming a part of streets, or highways either wholly or partly within its limits, the county board shall appropriate such money as may be necessary therefor from the county road and bridge fund, not exceeding during any year the amount of taxes paid into the county road and bridge fund during the preceding year, on property within the corporate limits of said village or city. Such appropriation shall be made upon the petition of the council, which petition shall be filed by the council with the county board prior to the fixing by said board of the annual county tax levy. The county shall determine the plans and specifications, shall let all necessary contracts, shall have charge of construction, and upon its request warrants in payment thereof shall be issued by the chairman of the board and county auditor from time to time as the construction work proceeds. Any unpaid balance may be paid or advanced by the village or city. On petition of the council, the appropriations of the county board, during not to exceed three successive years, may be made to apply on the construction of the same items and to repay any money advanced by the village or city in the construction thereof. Provided, that this section shall not limit the authority of the county board to appropriate and expend money under the provisions of Section 24, of Chapter 323 of Laws of 1921 as amended by Section 4, of Chapter 439 of Laws of 1923. Provided further that none of the provisions of this act shall be construed to be mandatory as applied to any village or city whose assessed valuation exceeds \$500 per capita of its population. ('25, c. 232, § 1)

Explanatory note—For Laws 1921, c. 323, as amended see § 2565, herein.

2565-2. Appropriations from county road and bridge fund for reconstruction and maintenance of bridges in fourth class cities in certain counties—Amount—Whenever a city of the fourth class is situated in two counties now or hereafter having a population of not exceeding 11,000 and 17,000 inhabitants respectively, and an assessed valuation including moneys and credits of not exceeding \$10,000,000 and \$19,500,000 respectively, the county board of each such county is hereby required to appropriate each year out of the road and bridge fund of such county, such sum as shall be necessary to the reconstruction and maintenance of any bridge that shall have been or may hereafter be constructed by any such city within its limits crossing any stream or river therein, not exceeding, however, in any one

year the amount of tax levied by the county upon property within such city for road and bridge purposes in such year. ('27, c. 356, § 1)

2565-3. Same—Determination of amount required—Payment—The amount required for the reconstruction and maintenance of such bridge or bridges shall be determined on March 1 of each year by a commission consisting of the county highway engineer of each such county and the city engineer or other officer of such city charged with the maintenance and supervision of streets and bridges therein, and shall by them be certified to the county auditor of each such county. The proportion thereof to be paid by each county shall be determined on the basis of the tax for road and bridge purposes levied by such county upon property within such city in the next preceding year.

The county board shall thereupon direct the county auditor to make such payment to the city not later than July 1 next following, and the moneys so paid shall be used by the county for the sole purpose of reconstructing and maintaining such bridge or bridges. ('27, c. 356, § 2)

2566. County bonds for paving—When authorized by the voters as hereinafter provided, the county board of any county is authorized to issue bonds for the purpose of macadamizing any established road or roads therein, or surfacing the same with any hard material or in any other way making a permanent improvement thereon, when the expense of so doing exceeds the amount of any appropriation the county board is authorized to make therefor.

Sub. 1. Whenever fifty or more voters of the county who are also freeholders, petition for such improvement, and file such petition with the county auditor, he shall lay the same before the county board at its next regular, special or adjourned meeting.

Sub. 2. It shall be the duty of the county commissioners to consider such petition and if they find it contains the requisite number of signatures, they shall order an estimate of the cost of such improvement to be made by the county highway engineer.

Sub. 3. If such estimate is furnished more than six months prior to the time of holding the next general election, the county board may, if it deems it desirable, order the holding of a special election in the county for the purpose of voting on the question of making such improvement and issuing bonds therefor. No special election shall be ordered when a general election will be held within six months after the estimate of the engineer is filed with the county auditor. If a special election is ordered, the county auditor shall cause ballots to be prepared setting forth a statement of the proposed improvement and description of the road or roads to be improved, with the words "yes" and "no" thereafter, with appropriate spaces for voting.

Persons voting in favor of the proposition shall put a cross (X) after the word "yes," and those opposed after the word "no." If not submitted at a special election the auditor shall cause the same to be submitted at the next general election. In either event the votes on such question shall be returned and canvassed as is provided by law with reference to other questions submitted to the voters. If a special election shall be ordered the same shall be held substantially in the manner provided by law for the holding of general elections, and the auditor shall cause published notice thereof to be given in the official paper of the county for three successive weeks prior thereto, giving a description of the road or roads to be improved and a statement of the improvement proposed and the esti-

mated cost thereof. If a majority of the voters voting at the election vote in favor of the improvement, then the county board shall issue the bonds of the county as hereinafter provided and cause the improvement to be made.

Sub. 4. The bonds so issued shall bear interest, evidenced by coupons, at a rate not exceeding six per cent per annum, payable annually; such bonds may be made payable in equal installments, the first of which shall become due and payable not less than five years after the date thereof and the last of which installments shall become due and payable not more than twenty years after the date thereof. Said bonds shall not be sold for less than par and accrued interest, and the proceeds thereof shall be used by the county only for making the improvement specified in the proposition as submitted to the voters, such bonds shall not be valid until registered by the county auditor and his certificate of registration endorsed thereon. The county auditor shall thereafter levy a sufficient tax to pay the interest and principal of said bonds as the same shall accrue, which tax shall be collected as other taxes are collected; provided, however, that no such bonds shall be issued by any county when the issuance of the same would make the entire indebtedness of the county exceed fifteen per cent of the assessed valuation of the taxable real property of the county; provided, that in computing the indebtedness of any county, any indebtedness created by the issue of the bonds of such county for the construction of drainage ditches, the cost of which is assessed against the benefited property, shall not be included. ('21 c. 323 § 26)

2567. Issuance of bridge bonds—Whenever the county board of any county in this state shall deem it advisable to construct, repair or renew any bridge or bridges over water within the county or bordering thereon and such county has no outstanding road and bridge bonds issued as such, and such board has been previously petitioned by twenty-five or more voters of the county who are also freeholders, to take such action, such county board may cause the bridge bonds of said county to be issued and sold in an amount not exceeding $\frac{1}{2}$ of 1 per cent of the assessed valuation of the taxable property within said county, without submitting the matter to a vote of the electors of said county. Such bonds shall be signed by the chairman of such board and countersigned by the county auditor and shall be payable not more than twenty (20) years from their date, and shall bear interest evidenced by coupons which shall not exceed six per cent per annum, payable semi-annually, and shall not be sold for less than par and accrued interest. Bonds issued to defray the expense of state rural highways, as same have heretofore been defined by statutes, shall not be considered road and bridge bonds within the meaning of this act. ('21 c. 323 § 27)

2567-1. County bonds or certificates of indebtedness for replacement of bridges destroyed by flood or cyclone—Whenever any bridge or bridges in any county are destroyed by floods or cyclones and there are not sufficient funds available in the county road and bridge fund of such county, to replace such bridge or bridges, the county board may issue and sell the bonds or certificates of indebtedness of the county for such sum as may be necessary to replace any such bridge or bridges. ('11, c. 161, § 1)

2567-2. Same—Sale—Interest on—Said bonds or certificates of indebtedness shall not be sold for less than par nor shall they bear a higher rate of interest than six per cent. They shall be sold upon competitive

bids after two weeks published notice in the official paper of the county and after such other public notice as the county board shall direct. ('11, c. 161, § 2)

2567-3. Same—Tax levy—The county board may levy an annual tax upon the taxable property of the county to pay such bonds or certificates of indebtedness as they shall mature. ('11, c. 161, § 3)

2568. Bonds for bridges over streams marking state boundary—Whenever the county board of any county in this state bordering on a navigable river forming part of the boundary of the state, shall deem it advisable to join with the adjoining state or any county or municipality thereof in constructing and maintaining a bridge over such navigable river and connecting with any public street of an incorporated village within such county, and such county has no outstanding road or bridge bonds and such board has previously been petitioned by one hundred (100) or more voters of such county who are also freeholders, to take such action, such county board may cause the bonds of the county to be issued for one-half of the total cost of such bridge, but not to exceed in the aggregate \$60,000.00 without submitting the matter to the vote of the electors of the county. Such bonds shall be signed by the chairman of such board and countersigned by the county auditor, and shall be payable not more than twenty years from their date and shall bear interest, evidenced by coupons, which shall not exceed six per cent per annum, and shall not be sold for less than par and accrued interest. Bonds issued to defray the expense of state rural highways shall not be considered as road and bridge bonds within the meaning of this act. Provided, however, that only one such bridge may be constructed by any county under the provisions of this act. ('21 c. 323 § 28)

2568-1. County bond reimbursement fund—A fund to be known as the county bond reimbursement fund hereby is created. ('25, c. 250, § 1)

2568-2. Same—Amounts placed in from trunk highway fund—The officers named in Subdivision 2 of Section 2554, General Statutes 1923, are authorized and required annually to set aside from the trunk highway fund created by article 16 of the constitution and to place in the county bond reimbursement fund such amounts as may be required to pay the interest as it accrues on and the principal when due of all county reimbursement bonds issued for permanently improving trunk highways, and to pay such interest and principal out of said county bond reimbursement fund, all to the extent heretofore assumed by the state and to be paid out of the Trunk Highway Fund. ('25, c. 250, § 2)

2569. County highway engineer.

Sub. 1. The county board of each county shall appoint and employ as hereinafter provided and may remove, a county highway engineer, who shall have charge of the highway work of the county and the forces employed thereon, and who shall make and prepare all surveys, estimates, plans and specifications which are required of him. His salary shall be fixed by the county board and be payable the same as other county officers are paid.

Sub. 2. Such county highway engineer may be selected from a list of eligible, competent highway engineers or road builders which list shall be submitted by the commissioner of highways upon request of the county board or when a vacancy exists. Said engineer shall not be required to possess any other qualifications than may be prescribed by the commissioner of highways.

2569
241nw 318
See
4368-60

Sub. 3. The county highway engineer shall devote his entire time to his official duties, and shall before entering upon the duties of his office, give bond to the state in the penal sum of \$3,000, to be approved and filed in the same manner as are the bonds of the other county officers. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of said county highway engineer in the performance of his official duties, may maintain an action on his bond for the recovery of the damages so sustained.

Sub. 4. The county highway engineer shall prepare and submit to the county board at its regular meetings in July, a report of all expenditures and work done since the last report, and an estimate of probable expenditures for the balance of the year. He shall also prepare and submit, prior to the time the levy for county road and bridge purposes is made, a recommendation with estimates of cost, of work which he considers necessary or advisable for the following year.

Sub. 5. Within thirty days after the completion of a construction job, and once each month on other work, he shall submit a report thereof to the county board and to the commissioner of highways, and shall submit such other reports as the rules and regulations of the commissioner of highways shall require.

Sub. 6. On or before January 1st, of each year the county highway engineer shall prepare a complete report covering the highway work of the county, and submit one copy to the county board and one copy to the commissioner of highways.

Sub. 7. In all cases where any other engineer or surveyor is now charged by law with, duties in connection with, and supervision of road or highway work for the county he is hereby relieved at the expiration of his present term, and the county highway engineer at that time is expressly charged with, and he shall then assume such duties, provided that the duties of the County Highway Engineer as specified in this section shall be performed by the county surveyor in all counties in the state having a population of over 225,000. ('21 c. 323 § 29)

Explanatory note—Salary and expenses of county engineer in counties with not less than 41 nor more than 43 congressional townships and population of not less than 25,000 nor more than 30,000, see Laws 1925, c. 91, § 12 et seq.

156-624, note under § 2565.

Chapter 323, Laws 1921, is the general highway law. By section 29 engineers are not appointed in counties having a population in excess of 225,000. In such counties the duties required of highway engineers are cast upon the county surveyors. Section 29 is not unconstitutional as special legislation. 156-389, 194+765.

2569-1. County highway engineer in counties with 400,000 inhabitants or over—Appointment, removal, salary, and general powers—The county board of each county of this state now or hereafter having a population of four hundred thousand (400,000) inhabitants or over may appoint and employ as hereinafter provided whenever necessary, and may remove a county highway engineer, who shall have charge of the highway work of the county and the forces employed thereon, and who shall make and prepare all surveys, estimates, plans and specifications which are required upon highway work. His salary shall be not to exceed the sum of Four Thousand Five Hundred (\$4,500) per annum. ('25, c. 369, § 1)

2569-2. Same—Qualifications—Such county highway engineer shall be a competent, registered highway engineer or road builder. His appointment shall be

first approved by the Commissioner of Highways. ('25, c. 369, § 2)

2569-3. Same—Bond—The county highway engineer shall devote his entire time to his official duties, and shall before entering upon the duties of his office, give bond to the state in the penal sum of \$3,000, to be approved and filed in the same manner as are the bonds of the other county officers. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of said county highway engineer in the performance of his official duties, may maintain an action on his bond for the recovery of the damages so sustained. ('25, c. 369, § 3)

2569-4. Same—Reports and recommendations to county board—The county highway engineer shall prepare and submit to the county board at its regular meetings in July a report of all expenditures and work done since the last report, and an estimate of probable expenditures for the balance of the year. He shall also prepare and submit prior to the time the levy for county road and bridge purposes is made a recommendation with estimates of cost of work which he considers necessary or advisable for the following year. ('25, c. 369, § 4)

2569-5. Same—Reports to county board and commissioner of highways—Within thirty days after the completion of a construction job, and once each month on other work, he shall submit a report thereof to the county board and to the commissioner of highways, and shall submit such other reports as the rules and regulations of the commissioner of highways shall require. ('25, c. 369, § 5)

2569-6. Same—Annual report to county board and commissioner of highways—On or before January first of each year the county highway engineer shall prepare a complete report covering the highway work of the county and submit one copy to the county board and one copy to the commissioner of highways. ('25, c. 369, § 6)

2569-7. Same—Road and highway duties of other county engineers or surveyors transferred to—In all cases where any other engineer or surveyor is now charged by law with duties in connection with and supervision of road or highway work for the county, he is hereby relieved and the county highway engineer is expressly charged with and shall assume such duties, and such other engineer or surveyor shall forthwith on order from the county board turn over to the highway engineer all equipment under his control, together with all plans, plats and records in his office or under his control pertaining to the highway work of the county. ('25, c. 369, § 7)

2570. Payment of labor—Where any county is engaged in constructing, improving, maintaining or repairing any public road by labor employed therefor, it shall be lawful for the county auditor and county treasurer to pay, the claims of the laborers who have performed manual labor on said roads, for such labor, and the claims of persons who have furnished tractors, trucks, teams and wagons or plows or scrapers in the performance of work on such roads for the use of such teams and such equipment, without such claims having first been audited and allowed by the county board, provided such claims shall be evidenced and authenticated as herein provided, and be in the form as hereafter provided.

Sub. 1. The county board may authorize the overseer, superintendent or foreman, designated by it to have charge of the construction, improvement or main-

* 2569 Note
* 29 — 20
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tenance of any road, to issue time checks with reference to such road work, which time checks shall be issued and be in the form hereinafter prescribed, provided, however, that the aggregate amount of the time checks so issued by an overseer, superintendent or foreman, as to any one road, shall not exceed such amount as shall have been previously specified by resolution of the county board. Said county board may also authorize the overseer, superintendent or foreman to deduct from the sum that may be due any workman, any amount due from said workman for board to any person, and to issue to such person a time check for the total amount due as board from any one or more workmen, according to the form of check approved by the public examiner.

Sub. 2. Any overseer, superintendent or foreman so authorized, shall, on the 15th and last days of each calendar month, issue to all persons who have performed manual labor in the carrying on of such work, or who have furnished tractors, trucks, teams, wagons, plows or scrapers, a time check, so-called, for all labor performed by the person to whom the same is issued for labor on the road designated, or for the hire of tractors, trucks, teams and wagons, plows or scrapers upon the road work specified therein, prior to the date of the issuance of same, and as to which no time check has been previously issued.

Sub. 3. Such time check shall be substantially in the form which shall be prescribed by the public examiner.

Sub. 4. The overseer, superintendent or foreman issuing any such time check shall fill in all the blank spaces therein, indicating therein the hours of labor performed on each date. He shall sign the same before delivering it to the person in whose favor it is issued. Such time checks shall be made out in duplicate; one copy thereof shall be delivered to the claimant and the other shall be forthwith delivered to the county auditor. The auditor shall not issue a warrant to the claimant until he shall have compared the copy delivered to him with the copy delivered to the claimant, nor in any event unless the two copies are alike, nor shall he issue such warrant unless the copy presented by the claimant shall have been verified by the oath or affirmation of the claimant, nor until such claimant shall surrender to the auditor the copy of such time check delivered to him. Every such overseer, superintendent, foreman, or county highway engineer, is hereby authorized to administer such oath or affirmation to any such claimant. Upon the surrender to him of such time check the auditor may issue a warrant therefor which warrant shall be payable by the county treasurer. The auditor shall endorse upon the time check so surrendered, the date of payment thereof and the number of the warrant issued therefor.

Sub. 5. If any person who would otherwise be entitled to the issuance to him of a time check on the 15th or last day of any month quits the employment of the county, or is discharged therefrom before such dates, the overseer, superintendent or foreman, as the case may be, shall thereafter and within twenty-four hours after the termination of such employment, issue to such person a time check as herein provided.

Sub. 6. It shall be unlawful for any person to issue any such time check in the assumed capacity of overseer, superintendent or foreman, without first having been authorized so to do by the county board. It shall be unlawful for the overseer, superintendent or foreman to knowingly issue and deliver to any person any

false or fraudulent time check. It shall be unlawful for any person to alter or change any time check issued by an overseer, superintendent or foreman. Any person violating any of the provisions of this section shall be guilty of a felony and punished by imprisonment in the state prison for not more than five years.

Sub. 6A. In lieu of the time check system hereinbefore provided, any county board may adopt a payroll system for the payment of the claims hereinbefore in this section referred to. Such payroll shall be in such form as shall be prescribed by the public examiner. It shall include a detailed statement as to time of employment and rate of compensation of each claimant, together with the total amount of each claim, shall be signed by the individual claimants and shall be verified by the overseer, superintendent or foreman under whose immediate direction the work is done. It shall be approved as to items by the county highway engineer and submitted to the county board for allowance or disallowance. All other provisions of this act relating to the payment of the claims specified in the first paragraph hereof by time check, in so far as the same may be applicable, shall apply to the payment of such claims by the payroll system provided for in this subdivision.

Upon the allowance of any such payroll the items appearing thereon shall be paid by auditor's warrants forthwith, which warrants shall be made payable to the respective claimants whose names shall be signed to said pay roll and to no others.

Sub. 6B. The County Board in any county of the state now or hereafter having at any time an area of over 5,000 square miles and an assessed valuation of more than \$300,000,000, may authorize the county auditor and the county treasurer by time checks to pay the claims of laborers, truck drivers, shop mechanics and other workmen, whether skilled or unskilled for labor performed for such county on county roads and bridges, county tool or warehouses, repairing county road tools, road machinery, or motor equipment or doing any other work under a road superintendent or foreman which has to do with county road construction or maintenance. The County Board may authorize the road superintendent or foreman designated by it to have charge of any of the work hereinbefore specified to issue time checks therefor in substantially the same manner as hereinbefore provided, for paying labor and the claims of persons furnishing teams and wagons on county road work, provided, however, funds shall be first set apart for such work by said county board and authority be granted to any such road superintendent or foreman to issue time checks for said work not to exceed the sum so appropriated for said work. ('21 c. 323 § 30, amended '23 c. 167)

2570-1. Road labor in counties with population of 400,000 or over—Payment for—In any county of this state now or hereafter having a population of 400,000 or over, the county board may provide that all claims for labor, whether skilled or unskilled, employed by such county in any capacity in connection with the construction or maintenance of roads therein, and the claims of persons who have furnished tractors, trucks, teams, wagons, plows or scrapers for the performance of such work, may be paid in the following manner:

The foreman in charge of each crew shall transmit daily to the county auditor a report showing the name of each person working under his supervision, the number of hours and character or kind of work performed by each, together with the rate of pay of each. From these cards the county auditor shall make up a semi-

monthly payroll for each crew in such form as may be approved by the public examiner, which payroll shall be verified by the foreman from whose daily reports the same shall have been compiled. These payrolls shall then be presented to the county board for allowance or disallowance. On the allowance of a payroll by the county board, the county auditor shall forthwith issue to the several claimants whose names appear therein, his warrants in payment of their respective claims. ('25, c. 367, § 1)

Explanatory note—Section 2 of Laws 1925, c. 367 repeals all inconsistent acts and parts of acts.

2571
175m 34
220aw 168
2571. Power of town board.

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See 1098
Sub. 1. The town board of each town shall have general care and supervision of all town roads therein, and such care and supervision of county roads therein as is prescribed by the provisions of this act, and shall procure machinery, implements, tools, stone, gravel and other material required for the construction and repair thereof; provided, that in counties having a population of one hundred and fifty thousand (150,000) or over the town board shall not have jurisdiction over county roads.

Sub. 2. The town board may appropriate money from the town road and bridge fund to aid in the construction or improvement within the town of any county road or any road which has been designated as a state aid road. Any money so appropriated shall be paid into the county road and bridge fund and shall be used only for the purpose designated by the town board at the time it makes such appropriation. The town board may with the consent of the county board appropriate to the county the whole or any part of the town road and bridge fund and the town dragging fund for the purpose of constructing, improving or maintaining such highways, for the construction, improvement or maintenance of which the town is liable, as the town board shall designate. Any money so appropriated shall be paid into the county road and bridge fund and shall be used only for the purpose designated by the town board at the time it makes such appropriation.

Sub. 3. The town board shall render to the annual town meeting a report in writing, containing:

1. The amount of road taxes levied and the amount collected during the preceding year, and also all money paid into the road and bridge fund from all other sources.

2. A statement of the improvements needed on roads, cartways and bridges for the ensuing year, with an estimate of their probable expense.

3. A statement of all expenses and damages occasioned by establishing, altering or vacating roads and of all sums expended for machinery, implements, tools, stone, gravel and other material, during the year, with an estimate of the amount required for the ensuing year.

4. A statement of the improvements made on roads, cartways and bridges during the preceding year, with a statement of expenditures therefor. A copy of such statement shall be filed with the county auditor. ('21 c. 323, § 31, amended as to subd. 2 by '23, c. 439, § 6; '27, c. 151)

Explanatory note—Sub. 2 only of this section is amended by Laws 1927, c. 151.

2571-1. Expenditure of funds by towns through county boards for construction, etc., of roads in towns—That any town in this state may at its annual meeting determine to authorize the town board to expend, through the county board of the county in which such town is situated, funds of the town for the construction, improvement and maintenance of roads within such town, with the construction, improvement and maintenance of which said town is charged by law. ('23, c. 57, § 1)

2571-2. Same—Appropriation of money—That upon such determination by the annual meeting of any such town, the town board shall have authority to appropriate and pay to such county moneys from the town road and bridge fund for the construction, improvement or maintenance of any road, with the construction, improvement or maintenance of which said town is charged by law, and that said moneys so appropriated shall be credited to the road and bridge fund of said county and shall be expended in the construction, improvement and maintenance of such road or roads as shall be designated by such town boards; provided, however, that no such appropriation shall be made except with the consent of the county board of such county. ('23, c. 57, § 2)

Explanatory note—Expenditures for roads by towns through county boards in counties with not less than 50 nor more than 70 congressional townships and valuation of not to exceed \$3,000,000, see Laws 1923, c. 157.

Expenditures for roads by towns through county boards in counties with not less than 70 nor more than 80 congressional townships and assessed valuation of not less than \$3,000,000 nor more than \$5,000,000, see Laws 1923, c. 169.

2572. Town bonds for paving.

Sub. 1. Whenever it shall seem advisable and for the general public good, to improve any established highway in any town by macadamizing the same, or by using any hard material, or in any other way making a permanent improvement thereon, at an expense greater than any amount the town or county is authorized to make appropriation for, the question of making such improvement may be submitted to a vote under the following conditions: Whenever fifteen or more voters of such town, who own real estate therein, or occupy the same under the homestead or pre-emption laws of the United States or under contract from the state, shall file with the town clerk a petition asking for such improvement, and for a submission of the same to a vote of the people, said clerk shall immediately call a meeting of the town board, who shall make and file an estimate in writing of the probable expense of the improvement. Said clerk shall submit the proposition to the voters of the town at their next annual meeting, or if so requested, in said petition, he shall call a special town meeting to vote upon it, giving notice thereof as provided by law. At such special town meeting the polls shall be open from nine o'clock A. M. until five o'clock P. M. The ballot shall contain a statement of the question and the estimated cost, and the vote shall be "yes" or "no." If sixty per cent of the vote cast favors the proposition, the town board shall at once contract for the improvement.

Sub. 2. To provide funds for such improvement, the town board shall issue the bonds of the town to an amount not exceeding the estimated cost of the proposed improvement, and in no case exceeding, together with the outstanding indebtedness of the town, five per cent of the assessed valuation thereof. The bonds so issued shall bear interest, evidenced by coupons, at

rate not exceeding six per cent per annum, payable annually, and shall become due in ten equal installments, the first of which shall become due and payable not more than eighteen months after date, and annually thereafter. Said bonds may be sold by the town board at not less than par, and the proceeds shall be disbursed, by the town board, in the same manner that other funds are disbursed, for labor and material for said improvement. Said bonds shall not be valid until registered with the county auditor, who on receiving satisfactory evidence that the provisions of the law relating to their issue have been complied with, shall register the same in his office and indorse his certificate of registration on said bonds; and shall thereafter, in due manner and season, levy a sufficient tax to pay interest and principal of said bonds as the same shall accrue, to be collected as other taxes are collected. ('21 c. 323 § 32)

2573. Taxation for road purposes by towns.

(a) All real and personal property in each town liable to taxation, other than "moneys and credits" so taxed, shall be taxed for road purposes, and all road taxes hereafter levied shall be paid in cash.

(b) The electors of each town shall have power at their annual town meeting to determine the amount of money which shall be raised by taxation for road and bridge purposes, not exceeding, however, fifteen (15) mills per dollar on the taxable property of the town. The tax so voted shall be extended, collected and payment thereof enforced in the same manner and at the same time as is provided by law for the extension, collection and enforcement of other town taxes.

(c) After the annual town meeting, in case of emergency, the town board may levy a tax on the property in its town for road and bridge purposes in addition to the tax, if any, voted at the annual town meeting for road and bridge purposes, in an amount not to exceed five (5) mills on the dollar of the assessed value of the property in the town, and any tax so levied by the town board shall forthwith be certified to the county auditor for extension and collection.

(d) The town board may thereafter pledge the credit of the town by issuing town orders not exceeding, however, the amount of the additional tax so levied by the town board for road and bridge purposes, in payment for work done or material used on the roads within the town. ('21 c. 323 § 33)

2574. Town dragging fund and tax—The county auditor of each county shall annually extend upon the tax lists of his county, in the same manner as is provided by law for extending the county school tax, a tax of one mill on the dollar of the taxable property in each town, outside the corporate limits of any borough, village or city in any such town; provided, that in towns having an assessed valuation of one million (1,000,000) dollars or more, the amount of such tax shall not exceed one thousand (1,000) dollars. The tax so levied shall be collected and the payment thereof enforced in the same manner as is provided by law for the collection and enforcement of other town taxes extended by the county auditor. The county treasurer shall settle with and pay over to the town treasurer such taxes when collected at the time and in the manner now provided by law with reference to other town taxes.

The proceeds of such tax levy shall be kept in a separate fund to be known as the "Dragging Fund" and shall be expended by the town board only for the expense of procuring a suitable number of drags and dragging the roads of the town; in putting straw on

sandy roads and removing snow from town and county roads; provided, however, that if on the first day of April in any year there shall be an unexpended balance in said fund, which unexpended balance exceeds in amount the sum of one hundred (\$100) dollars, the town board may transfer all or part of the amount in such dragging fund in excess of one hundred (\$100) dollars, to the town, road and bridge fund; provided, however, such transfer shall not be made until it shall first affirmatively appear that the town board has theretofore procured a suitable number of drags and that the roads of the town have been properly dragged.

The town board in each town, on recommendation of the town or district road overseer, may enter into contracts for the dragging of the roads of the town or district, giving preference to the main traveled roads and roads constituting mail routes within their respective towns; provided, however, that the compensation which may be agreed to be paid for each time a road is dragged shall not exceed one dollar per mile for each mile of road dragged.

The contract price shall be paid from the "dragging fund" in the same manner as other claims against the town, after approval by the road overseer. ('21 c. 323 § 34)

In the absence of a statute authorizing one member of a town board to act for the town, the town can be bound only when the board acts at a meeting of its members. But, if it was within the power of the board to bind the town and a single member assumed authority to do so, his acts may be ratified, and the ratification will bind the town to the same extent as if there had been previous authorization by the board. 164-358, 205+258.

2575. Town road overseer—Each town shall constitute one road district, except when otherwise provided. When directed so to do by the voters of the town at the annual town meeting, the town board shall divide each town into as many road districts, not exceeding four, as shall be directed by the voters at the annual town meeting. Provided, that, if a town constitutes but one road district the road overseer may appoint one or more competent assistants, subject to the approval of the town board. It shall be the duty of the town board to appoint a road overseer for each district, who shall have charge, under the supervision of the town board of the construction of all town roads in his district and the maintenance of all town and county roads therein. No member of the town board shall be eligible for appointment as town road overseer. The compensation of the road overseer shall be fixed by the town board for the time actually employed in the performance of his duties. Before entering upon his duties he shall give a bond to the town, sureties to be approved by the town board, in the sum of two hundred and fifty (\$250.00) dollars, conditioned for the faithful discharge of his duties and to return to the town all the property of the town which may come into his custody. The overseer shall hold office at the pleasure of the town board.

Provided, that such road overseer shall have no jurisdiction over county roads in any county which now has or hereafter may have a population of one hundred fifty thousand (150,000) inhabitants.

Whenever any public road in a town becomes obstructed or unsafe from any cause, the overseer shall immediately repair such road, and render his account therefor to the town board, in case of a town or county road, and to the county board in case of a state aid road. ('21 c. 323 § 35)

Under the last paragraph of section 2575, a town road overseer has authority to employ aid in removing an obstruction or an unsafe condition in a public high-

way within the town, where the same may be done speedily and with but small expense. 209+910.

2576. Lighting of highways—The town board of any town is hereby authorized to light any public highway within its territorial jurisdiction where such lighting is necessary for the safety of travel upon such highway at night. The cost of the installation and maintenance of such lights shall be paid from the town road and bridge fund. ('21 c. 323 § 36)

2577. Expense of township line roads.

Sub. 1. In all cases where a road other than a state aid road or trunk highway is on the line between two towns, whether such towns are in the same county or not, it shall be the duty of such towns to bear jointly and in equal shares the expense of constructing and maintaining any bridge on such road, the construction of which is made necessary by the construction of a drainage ditch or by reason of the changing, widening or alteration of any drainage ditch, or by reason of the altering or changing of any water course.

Sub. 2. In any proceeding for the establishment and construction of any drainage ditch or the changing, widening or alteration of any such ditch, or the altering of any water course, as specified in Sub. 1 of this act, each of the towns charged by the provisions of this act with the obligation of constructing and maintaining any bridge because of any such improvements, shall be awarded and paid one-half of the total damages awarded on account of the obligation to construct and maintain any such bridge. ('21 c. 323 § 37)

2578. Improvement of ferries by municipalities—The council of any village, borough or of any city of the fourth class or the town board of any town, may appropriate and expend such reasonable sums as it may deem proper to assist in the improvement and maintenance of roads lying beyond its boundaries and leading into it, and of ferries and bridges thereon whether they are within or without the county in which it is situated. Such municipalities may also engage in the manufacture of crushed rock for use on public highways and said crushed rock may be conveyed, by gift or sale, to other municipalities for such use. ('21 c. 323 § 38, amended '23 c. 374)

2579. Delegation by city of authority to improve highway—Any city of the fourth class in this state may delegate to an adjoining municipality the authority to improve any public highway within such city connecting it with such an adjoining municipality or it may make a joint contract with such adjoining municipality for the improvement of such highway, under the joint supervision of both municipalities.

If the authority to improve such highways is delegated to any adjoining municipality by such city it may cause to be paid over from time to time for such improvement during the progress thereof or upon the completion thereof, to such municipality or such contractor as may make such improvement, any money that such city may have in its treasury available for the payment of such improvement. ('21 c. 323 § 39)

2580. Town road drainage tax.

(a) In any town wherein the voters shall at the annual meeting, vote as hereinafter provided to authorize the town board so to do, the town board may levy and assess on the real and personal property in the town, other than moneys and credits taxed under the provisions of Chapter 285, Laws 1911, a tax not to exceed in amount ten mills on the dollar of the assessed value of such property, which tax so levied shall be known as the "Town Road Drainage Tax." Such tax shall be additional to all other taxes which the town

is or may hereafter be authorized to levy and the amount of such tax so levied and collected shall be deemed to have been levied and collected for road and bridge purposes within the meaning of any law limiting the amount of taxes which may be levied or voted at the annual town meeting.

(b) Such tax shall be certified to the county auditor, extended and collected and paid over to the town treasurer in the same manner as other town taxes and payment thereof shall be enforced in the same manner and with like penalties and interest as other town taxes. The proceeds of such tax shall constitute the town road drainage fund, which shall be expended by the town board in paying the cost and expenses of draining the public roads within the town.

(c) When a petition signed by ten or more freeholders and voters of a town shall be presented to the town clerk at least twenty days before the time of holding the annual town meeting, praying that the question of the authorizing the town board to levy and assess a town road drainage tax be submitted to the voters of such town, the town clerk shall include in his notice of such annual town meeting a notice that such question will be voted on at such meeting. Such question shall be voted on by ballot and it shall be the duty of the clerk to provide, at the expense of the town, a suitable number of ballots which may be printed or written or partly printed and partly written in substantially the following form, to-wit:

Shall the town board be authorized to levy (Yes....) and assess a "Town Road Drainage Tax?" (No....)

(d) If a majority of the votes cast on the proposition be in the affirmative, the town board shall have authority to levy annually a tax as hereinbefore provided until such time as the electors at an annual town meeting upon like procedure shall have voted by a majority vote of those voting on the question to withdraw from the town board authority to levy such Town Road Drainage Tax. The votes on such question shall be canvassed and the result declared and recorded in the manner provided by law with reference to the election of town officers. ('21 c. 323 § 40)

Explanatory note—For Laws 1911, c. 285, see §§ 2337 to 2343, herein.

2581. Establishment of road by judicial proceedings.

Sub. 1. Whenever a petition praying for the location, alteration or vacation of any highway running into or through two or more counties, or on or partly on the line dividing two or more counties, in any judicial district in this state, signed by twenty legal voters and taxpayers resident in said counties, shall be presented to a judge of the district court in said district, or whenever a petition praying for the location, alteration or vacation of any highway running into or through two or more counties, on or partly on the line dividing two or more counties in two or more judicial districts in this state, signed by twenty legal voters and taxpayers, resident in said counties, shall be presented to a judge of the district court of one of the said districts, the said judge is hereby authorized to appoint three commissioners whose duty it shall be to meet at such times and places as may be necessary and to immediately proceed to lay out, alter or vacate such road as directed by the judge in accordance with prayer of the petition; provided, that no road shall be ordered by the judge to extend more than six miles outside of the judicial district in which the application is made, and such road shall be extended beyond the district only for the purpose of commencing or ending at some village or public road. Provided, how-

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ever, that in cases where said road, if a new road, or, if an old road, the part thereof to be altered or vacated runs through or into two or more counties situated in two or more judicial districts, the judge to whom the petition was presented shall appoint commissioners from each of the counties affected by said road, not exceeding five in all, and direct them to lay out, alter or vacate said road accordingly; and it shall be the duty of said commissioners to meet at such times and places as may be necessary and to proceed to lay out, alter or vacate said road in like manner as provided herein in other cases. At the time of filing of such petition, one or more of such petitioners shall give bond with good and sufficient surety, payable to the State of Minnesota to be approved as to amount and sureties by the judge to whom such petition is presented, such bond to be conditioned to pay all expenses and costs in case the court or judge thereof shall fail to establish such proposed road.

Sub. 2. Three weeks' published and posted notice of the presentation of such petition shall be given in each of the counties affected, at least thirty days in advance thereof. Such notice shall contain a copy of the petition, the name of the judge to whom it will be presented, and the time and place of presentation; and proof of such notice shall be filed with the clerk before the hearing. Such notice shall also be served, in the same manner as the service of the summons in a civil action, upon each county and organized town in which, or along the boundary of which, such proposed road is sought to be established, and proof of the service of such notice on such counties and towns shall be filed with the clerk of said court before the hearing.

Sub. 3. The commissioners shall appoint a surveyor, an axman, and two chainmen, to survey such road, if so directed by the court. The surveyor shall make plats of the location of such road, in which the county lines and all stakes, trees, monuments and distances shall appear, and file one of such plats for record with the register of deeds of each county in or through which said road is located. The surveyor shall receive two dollars for each plat so filed.

Sub. 4. Said commissioners shall appraise and fix the damages to be paid to each landowner by reason of the establishment, alteration or vacation of such road over and across his lands, unless such right of way be voluntarily released to the county in which such land is situated; and in their report they shall set forth each appraisal made by them, and all releases of the right of way. Such damages, when finally determined, and all expenses incurred in the establishment, alteration or vacation, including compensation for right of way, shall be paid by the counties through, into or between which such road passes, each county paying its just proportion, as determined by the court. The county shall provide for and pay such damages as in the case of a county road. Said commissioners shall receive for their services three dollars each per day and eight cents for each mile of necessary travel.

Sub. 5. Said commissioners shall report their proceedings at the term of the district court, held in the county where such proceedings were begun, next after the completion of their duties, and any person aggrieved by its action may then appear and be heard upon such report; and the court upon such hearing, may consider the propriety of establishing, altering or vacating such road, and may confirm or reject such report. The confirmation shall be final and the order of confirmation, if a road be thereby established or altered, shall direct the time and manner of opening the same for

public use. The clerk of court shall within thirty days after filing of the same, transmit a certified copy of the order to the auditor of each county through or into which such road passes; upon receipt of such order the county board shall proceed in accordance with its terms to open so much of the road as lies within its county for public use.

Sub. 6. Any person aggrieved by such appraisal may demand a jury trial to determine the amount of damages to which he is entitled for the right of way for such road over his land. Such demand shall be in writing, signed by the person making it, his agent or attorney, and filed with the clerk of the district court with whom the report is filed, within thirty days after the entry of the order of confirmation. A failure to file such demand shall be deemed a consent to the appraisal made. A trial so demanded shall be had at the next term held in the county in which the land is situated, unless continued for cause. If the land is situated in a county other than that in which the report is filed, the clerk with whom such report and demand are filed shall certify a copy of said demand, and of so much of the report as applies thereto, to the clerk of the trial county who shall file the same. The county board or county attorney of the county in which land so taken is situated may in like manner and with like effect demand a jury trial to determine the damages to be paid in any one or all of the cases within such county, and the like proceedings shall thereupon be had. ('21 c. 323 § 41)

There was no need to estimate costs and damages or make a formal survey of that part of the road which ran on a township line over an existing road already constructed. 156-327, 194+775.

The fact that the court did not fix the time and manner of opening the road in the order establishing it, but directed a further hearing for the purpose of determining that question and the question as to the apportionment of costs and damages, did not affect the validity of the proceedings. 156-327, 194+775.

The propriety of establishing a public highway is a purely legislative question. When a highway has been established in the manner authorized by the Legislature, the necessity for it is presumed, and this presumption can be overcome only by showing conclusively that it will serve no public purpose. 156-327, 194+775.

Service of a summons on a county as provided in section 7733, Gen. St 1913, is sufficient to confer jurisdiction, although such service was not made during or within ten days before a session of the county board. 156-327, 194+775.

The petition for a judicial road which states that it begins at a given point and extends due south on designated section lines to a given point sufficiently describes the road, although there may be correction lines which will vary the road from a due south course. 156-327, 194+775.

The statute does not contemplate that one county shall contribute to the expense of constructing the portion of a judicial highway in another county. Each county is to construct the portion within its limits. The order of the court so providing was right. 156-440, 195+284.

The question of the necessity and propriety of the establishment of a judicial highway is legislative in character, subject to a very limited judicial review, and the order of the district court approving the report of the commissioners and establishing a highway is sustained. 156-440, 195+284.

Laws 1921, c. 323, § 41, is not unconstitutional as delegating legislative powers to the judiciary; and the district court in opening such highway may, under authority of the statute to "direct the time and manner of opening the same for public use," require the counties to make it "reasonably safe for public travel" within a time limit fixed. 158-302, 197+741.

2582. Establishment, alteration, or vacation by county boards.

Sub. 1. County roads, other than those established by judicial authority, shall be established, altered or vacated only by the county board. Damages resulting from the establishing, altering or vacating such roads shall be determined in the manner hereinafter provided, and shall be paid by the counties through which

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they pass. All proceedings in establishing, altering or vacating roads shall be recorded in a public record book, designated as the "Book of County Roads."

Sub. 2. The county commissioners of any county are hereby authorized and empowered to constitute and declare any public highway or road in such county outside of the corporate limits of any, incorporated city or village therein, a county road; and they are hereby given general supervision over such roads, with full power to appropriate such sums of money from the county treasury of such county as they may deem advisable for improving the same; provided, that nothing contained in this section shall be so construed as to relieve the supervisors or town overseer of highways of any town in such county from any of the duties imposed upon them by existing laws relating to roads, cartways and bridges.

Sub. 3. In any county of this state having two hundred thousand (200,000) inhabitants or over, or which may hereafter have two hundred thousand (200,000) inhabitants or over, the county commissioners thereof are hereby authorized and empowered to extend any street or avenue beyond the city or village limits of any city or village in such county to connect any road or highway in any adjoining county, which extension, however, shall not exceed one mile in length; and said county commissioners are given full power to change, alter, improve or repair such extension of road within such county, and to appropriate such sum or sums of money from the county treasury of such county as they may deem advisable therefor; provided, that in no case shall the location of such road wherewith such extension shall be connected, be changed at the point where the same now crosses the county line between such county and such adjacent county or counties.

Sub. 4. Whenever twenty-four freeholders of any county 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, in such county, or along the shore of any lake wholly or partly in such county, or which constitutes a connecting link between an established highway and any public park, ground or monument, 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, or any road wholly within a town, which constitutes a direct connecting link with two or more roads, whether the same be previously connected or not, in the towns adjoining the town in which such road is or is to be located, setting forth the beginning, course and termination or the 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, and file the same with the auditor, he shall forthwith lay the same before the 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.

Sub. 5. If such petition appears reasonable on its face the board shall order a hearing thereon, designating in such order the time and place for such hearing and shall also 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 shall meet for the purpose. At least twenty days before the time fixed for such committee meeting, and not less than thirty days (30) 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 petition. Proof of such notice shall be made by affidavit of the person posting the same. Such affidavit shall be filed with the county auditor and be by him kept with the other papers relating to such proceedings.

Sub. 6. 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 of any existing road or roads be proposed, the course and distances thereof, and recommending the granting or rejection of the petition.

Sub. 7. 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 hearings from time to time, if necessary. It shall determine the damages which will be sustained by each owner through whose land such road or roads may pass, and with whom it cannot agree as hereinafter provided, or who is unknown, specifying the amount of damages, if any, awarded to each land owner and describing each parcel of land separately. If the board determines that the establishment of the road is desirable and of sufficient advantage to warrant the payment of 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.

Sub. 8. The damages sustained by reason of establishing, altering or vacating any road may be ascertained by the agreement of the owners and the county board; and, unless such agreement is made, or the owners release in writing, all claim to damages, the same shall be assessed and awarded before such road is opened, worked, used, altered or vacated. Every such agreement and release shall be filed with the county auditor and shall be final as to the matters therein contained. In ascertaining the damages which will be sustained by any owner, the board shall determine the money value of the benefits which the establishment, alteration or vacation, as the case may be, will confer, and deduct such value, if any, from the damages, if any, and award the difference, if any, as damages.

Sub. 9. If the petition be granted, the board shall provide for the laying out and construction of such road, in the case of the establishment of a new road or the alteration of an existing road or roads, and carrying into effect the vacation of an existing road or roads, when such action is petitioned for.

Sub. 10. All damages resulting from the establishment, alteration or vacation of any county road shall be paid by the county.

Sub. 11. Any taxpayer of the county or any person aggrieved by any determination of a county board, either establishing, altering or vacating or refusing to establish, alter or vacate any road, or by any award of damages made by such county board may appeal therefrom to the district court of such county within

the time and in the manner and with effect as is hereinafter provided. ('21 c. 323 § 42; amended as to subd. 5 by '23 c. 439 § 7; as to subd. 4, by '27 c. 227 § 2)

Explanatory note—Subd. 4 only of this section is amended by Laws 1927, c. 227.

Cited: 158-302, 197+741.

When proceedings are initiated to acquire land for a county road, and the road is established and damages awarded to a landowner, and no appeal is taken, the right of the county to appropriate the land and the right of the landowner to receive the compensation awarded are fixed, and payment of the award may be compelled although the land is not physically appropriated or the road constructed or opened for travel. 165-303, 206+447.

2583. Establishment, alteration or vacation by town boards—

Sub. 1. Any town board may alter or vacate a town road or establish a new road in its town upon a petition of not less than eight voters of the town, who own real estate, or occupy real estate under the homestead or pre-emption laws or under contract with the state, within three miles of the road proposed to be established, altered or vacated. Provided, however, that in any town not having eight (8) voters, who own real estate or occupy real estate under the homestead or pre-emption laws or under contract with the state, within three (3) miles of any proposed road, the town board of such town may alter, or vacate a town road, or establish a new road in the town upon a petition signed by a less number of voters, of such town, who own real estate or occupy real estate under the homestead or pre-emption laws or under contract with the state in such town. Such petition shall contain a description of the road, and what part thereof is to be altered or vacated, and, if a new road, the names of the owners of the land, if known, over which such road is to pass, its point of beginning, general course and termination.

Sub. 2. The petition shall be filed with the town clerk, who shall forthwith present it to the town board. Said board, within thirty days thereafter, shall make an order describing as nearly as practicable the road proposed to be established, altered or vacated, and the several tracts of land through which it passes and fixing a time and place when and where it will meet and act upon said petition. The petitioners shall cause personal service of such order to be made upon each occupant of such land at least ten days before such meeting, and also cause ten days' posted notice thereof to be given.

Sub. 3. At the time and place designated, the board shall meet, and on proof, by affidavit, of the giving of such notice, it shall examine the road proposed to be established, altered or vacated, hear all parties interested, and determine whether it will grant or refuse the petition. If it be refused, the fact shall be noted on the back thereof.

Sub. 4. If the petition be granted, the board, if it deem it necessary, shall cause a survey to be made. When the center of such road does not follow a section line, or some subdivisional line of a section, the surveyor shall note the distance to the point on any course at which such course will intersect a section line, and the distance of such point of intersection from the most convenient section, quarter-section, or meander corner, as established by government survey; and the notes of such intersections, and a description of the road so established, altered or vacated, shall be incorporated in an order to be signed by the board.

Sub. 5. The damages sustained by reason of establishing, altering or vacating any road may be ascertained by the agreement of the owners and the town

board; and, unless such agreement is made, or the owners release, in writing, all claims to damages, the same shall be assessed and awarded before such road is opened, worked or used. Every agreement and release shall be filed with the town clerk, and shall be final as to the matters therein contained. The board shall assess the damages of each claimant with whom it cannot agree, or who is unknown, specifying the amount awarded to each and briefly describing each parcel of land. In ascertaining the damages which will be sustained by any owner the town board shall determine the money value of the benefits which the establishment, alteration or vacation, as the case may be, will confer, and deduct the benefits, if any, from the damages, if any, and award the difference, if any, as damages.

Sub. 6. Within five days after the date of the order establishing, altering or vacating a road, the board shall make its award of damages, and file such order and award, together with all petitions, affidavits and orders relating thereto, with the town clerk; but said clerk shall not record such final order within the period of thirty days, nor, in case of an appeal, until a final decision is had thereon, and not then unless such order is confirmed. In case said board does not file such order within twenty days, it shall be deemed to have rejected the application. After the order is confirmed, the same and the award shall be by said town clerk recorded and sent to the county auditor, who shall file and preserve the same. He shall give his receipt therefor to the clerk, who shall file the same and make an entry thereof in the record relating to such road.

Sub. 7. The order establishing, altering or vacating any road, or a certified copy of the record thereof, shall be received in all courts as competent evidence of the facts therein contained, and shall be prima facie evidence of the regularity of the proceedings prior to the making thereof, except upon the hearing of an appeal.

Sub. 8. The determination of a town board refusing to establish, alter or vacate any road shall be final, unless appealed from, for one year from the filing of its order; and no petition for establishing, altering or vacating such road shall be acted upon within the time aforesaid. In case its determination granting a petition is appealed from and reversed, it shall not within one year from date of such determination entertain a petition having the same or a similar object.

Sub. 9. Orders of a town board establishing, altering, vacating or refusing to establish, alter or vacate any road or cartway, or awarding damages, may be appealed from by the person or persons and in the manner and with the effect hereinafter provided. ('21 c. 323 § 43)

The change by way of shortening an old road in 1889 did not amount to a vacation of the abandoned portion under section 2565. Gen. St. 1913, which provides that, after the change of a road, the discarded portion shall remain open to public travel for two years, after which it shall be considered as vacated. That statute did not become a part of our law until 1903, when it appeared as chapter 96 of the General Laws of that year. By its terms it did not apply to any road changed before its enactment. 159-145, 198+420.

A road established under a special act of the Legislature cannot be vacated by a town board. 160-29, 199+434.

Under the evidence, the act of a town board in vacating a highway was within its legislative discretion. 167-187, 208+757.

2584. Dedication of land for road—

Sub. 1. One or more owners may dedicate land for a road or cartway by making application therefor, in writing, to the town board, describing the land and the purpose of its dedication, and filing such applica-

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tion with the clerk. The clerk shall present the same to the town board which, within ten days after such filing, may make an order declaring the land described to be a public road or cartway. When so declared, such land shall be deemed duly dedicated for the purpose expressed in the application, and no damages shall be assessed therefor.

Sub. 2. Any person owning land to exceed forty acres constituting part of an island within any meandered lake may, at his own expense, erect a wagon bridge across such portion of the lake as may separate his land from the nearest town road on shore, provided such structure shall not interfere with the use of that part of the lake for the passage of such water craft as would otherwise pass that point, but before proceeding with the construction of such bridge, proper plans and specifications therefor shall be prepared and submitted to and approved by the town board of the township in which such bridge is to be constructed. Upon the completion of any bridge constructed in accordance with the provisions of the preceding paragraph, the town board shall examine and approve the same and shall indorse such approval upon the plans and specifications therefor, and thereupon the same shall be filed in the office of the town clerk of the township in which such bridge is located and such bridge shall thereupon become a part of such town road and open to the use of the public as such. ('21 c. 323 § 44)

Roadway on boundary by prescription. 156-155, 194+333.
The evidence justifies the finding of a public road by common-law dedication. 164-105, 204+550.

2585. Cartways—

Sub. 1. Any town board may establish a cartway two rods wide and not more than three rods wide on petition of not less than five voters, freeholders of such town. All their proceedings shall be the same as provided in this act of establishing town roads. The cost and expense thereof and the damage awarded for lands taken therefor, shall be paid by the town, as in the case of town roads, and a record of such cartway shall be filed with the town clerk; provided, that, when a road or cartway is established which will not be a continuous road from one highway to another, one-half of the damages to the land through which it passes shall be paid by the persons benefited thereby.

Sub. 2. Town boards shall, on petition of the owner of a tract of land of not less than five acres in area, who has no access thereto except over the lands of others, establish a cartway not more than two rods wide connecting his land with a public road, and if the petition contains a prayer therefor the order establishing such cartway may authorize the petitioner and his successors in interest in the lands so connected with a public road to construct and maintain fences along or within the outer limiting lines of the cartway so established. The amount of damages, if any, to be paid by the petitioner to the town before such cartway is opened.

Sub. 3. Any town board may expend road or bridge funds upon a legally established cartway the same as on town roads if in the judgment of such board the public interests require it. ('21 c. 323 § 45; amended as to subd. 1 by '23, c. 439, § 8; as to subd. 2 by '27, c. 164; '27, c. 401)

Explanatory note—Subd. 2 only is amended by Laws 1927, c. 164, and Laws 1927, c. 401.
156-229, 194+378.

The verdict of the jury determining the damages to which a landowner was entitled in a proceeding to lay out a cartway over his farm is supported by sufficient evidence, and the trial court was warranted in denying the landowner's motion for a new trial. 156-429, 195+143.

2585-1. Lands dedicated as street, etc.—Improvement—Land dedicated to public use as a street, road or cartway if not less than thirty (30) feet in width shall be deemed a legal cartway and subject to improvement by the Town Boards as in the case of cartways two (2) or more rods in width. ('27, c. 211, § 1)

2585-2. Trails and portages dedicated by public user—Any trail or portage between navigable bodies of water in this state, which has been in continued and uninterrupted use by the general public for fifteen years or more as a trail or portage for the purposes of travel, shall be deemed to have been dedicated by user to the public as a trail or portage. This act shall apply only to forest trails on established canoe routes and the public shall have the right to use the same for the purposes of travel to the same extent as public highways. The width of all trails and portages dedicated by user after the passage of this act shall be eight feet on each side of the center line of such trail or portage. ('23, c. 115, § 1)

2586. Section line roads—In towns which have not been organized, or in which no public roads have been established, the section lines shall be considered public roads, to be opened to the width of two rods on each side of such lines, upon the order of the county or town board, as the case may be, without any survey being had, unless it be necessary on account of variations caused by natural obstacles, subject, however, to the provisions of this act, in relation to the assessment of damages and the right to appeal. ('21 c. 323 § 46)

2587. Roads on town line—

Sub. 1. Whenever any town board receives a petition similar to that required for establishing a town road, praying for the location, alteration, or vacation of a road on the line between that and an adjoining town, it shall immediately notify the town board of such adjoining town, and the town board of each of said towns, or a majority of each acting together as one board, shall determine said petition. They shall be governed, as to notice, survey, hearing, award of damages, filing and recording papers, and in all other matters pertaining to their duties by the regulations in this act provided for the government of town boards in establishing, altering or vacating town roads. A copy of the proceedings shall be filed in the town clerk's office in each town.

Sub. 2. Before making an order establishing a road under the provisions of this section, the two town boards shall divide the length of the proposed road into two parts, which parts may be of unequal length. Such division shall be so made as to divide as nearly equal as possible the cost and expense of constructing and maintaining the entire road to be established, and assigning to each of said parts one-half of such cost and expense.

Sub. 3. After such division shall have been made the town boards shall thereupon by agreement determine which of such parts shall thereafter be opened, constructed and maintained by each. If the town boards cannot so agree the matter shall be determined by lot.

Sub. 4. It shall be the duty of the town boards of the respective towns, parties to the laying out of a road under the provisions of this section, to proceed forthwith, to open and construct its share of such road and thereafter maintain the same.

Sub. 5. Whenever such a petition is presented to the council of a city or village, and the town board of a town, praying for the location, alteration or vaca-

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tion of a road on the line between such town and the city or village, such board and council, or a majority of each, acting together as one board, shall determine said petition in the same manner in all respects as provided in the preceding section and the provisions of the preceding section shall apply to the town board and city or village council. ('21 c. 323 § 47)

2588. Appeal—

Sub. 1. Any person aggrieved by any determination of a county or town board or of a town board and city or village council, either establishing, altering or discontinuing, or refusing to establish, alter or discontinue, any public road, or, by any award of damages made by such town or county board, may appeal therefrom, within thirty days after the filing of such determination or award, to the district court of the county, by filing with the clerk of such court a bond in the sum of not less than two hundred and fifty (\$250.00) dollars, approved by the judge or by the court commissioner or auditor of such county, conditioned to pay all costs arising from such appeal in case the determination or award is sustained, and by service of a notice of appeal as provided in the next section.

Sub. 2. In case the town or county board determines to establish, alter or discontinue a road, or refuses so to do, any taxpayer of the county, as to a county road, and any taxpayer of the town, as to a town road, through which such road or any part thereof, passes, shall have the same right of appeal.

Sub. 3. The notice of appeal shall state briefly the grounds of appeal—whether it relates to the damages assessed, or to the establishing, altering or discontinuing a road, or to the refusal so to do, and whether it is taken to reverse entirely the decision of the board, or some portion thereof, and, if the latter, what portion. It shall be signed by the party appealing, or his attorney, and be served upon the chairman of the town or county board, as the case may be. A copy thereof, when the appeal is from the action of a county board, shall be filed with the auditor of the county, and when from that of the town board, with the clerk of each town in which such road may be located.

Sub. 4. Such appeal shall be entered upon the calendar for trial at the next general term of the court occurring more than twenty (20) days after the appeal is perfected. Except where the parties otherwise agree, the court or jury shall reassess the damages, unless such reassessment is rendered unnecessary by the determination of other matters involved; but its proceedings shall be based upon the same principles which the board was required to follow in its determination. Upon final judgment being rendered, the clerk shall file a certified transcript thereof, with the county auditor, if the appeal was taken from the action of the county board, and with the clerk of each town affected by such determination, if the appeal was from the action of a town board. If the determination appealed from be affirmed or if the damages be reduced, the appellant shall pay costs and disbursements; but if such damages be increased, or such determination be altered, modified, or reversed otherwise than as to amount of damages, such costs and disbursements shall be paid by the town or county, as the case may be; the same to be fixed and allowed as in other cases, and judgment entered therefor in like manner.

Sub. 5. When on appeal the determination of any town or county board is reversed or altered, the board

from whose determination such appeal was taken shall proceed to establish, alter or vacate such road, in conformity with the decision of such appeal; and the proceedings thereon shall be the same as if they had originally so determined to establish, alter or vacate such road, provided, however, that where an appeal is or has been taken involving only the amount of damages awarded by a county board, the county board may, in its discretion, notwithstanding such appeal, proceed forthwith to establish, alter or vacate such road and open, construct, alter or change the same as though no such appeal had been taken, but in such case the county shall forthwith upon the final determination of such appeal pay to the person entitled thereto such damages and costs, as shall be awarded on such appeal. The amount of damages finally determined and awarded, whether by the town or county board, or by the court or jury, together with the charges of officers and other persons necessarily employed in establishing, altering or vacating any road, shall be audited by the board making the original assessment. Such board shall, in its report of such audit, specify the amount of damages, and charges due each individual, and such amounts shall be certified to by the board so auditing the same, and, in case of town roads, deposited with the town clerk, and paid by the town, and in the case of county roads, with the county auditor, and paid by the county. Before any town road is opened or used an amount of town orders equal to the damages assessed for each individual shall be duly issued and deposited with the town clerk for the use and benefit of said individual, and delivered to him on demand. The issuing and depositing of said orders shall be deemed to be sufficient security for the payment of said damages. ('21 c. 323 § 48)

165-303, 206+447; 167-187, 208+757.

2589. Established roads—Every road established by the public authorities, where no appeal has been taken within the time limited therefor, is hereby declared a public road to all intents and purposes, and all persons who have neglected to appeal within the time prescribed by law, shall be forever debarred from any further redress. ('21 c. 323 § 49)

2590. Dedication by user—Whenever any road or portion thereof shall have been used and kept in repair and worked for at least six years continuously as a public highway, the same shall be deemed dedicated to the public, to the width of two (2) rods on each side of the center line thereof and be and remain until lawfully vacated, a public road, whether the same has ever been established as a public highway or not. ('21 c. 323 § 50)

To constitute a common-law "dedication" of a road there must be an appropriation or surrender by the owner to public use and an acceptance by the public. It may be express, or implied as a fact from attendant circumstances. 158-93, 197+90.

The keeping in repair and working of a road for six years, must be done under the authority, and at the expense, of government, functioning through an appropriate agency. *Town of Wells v. Sullivan*, 125 Minn. 352, 147, N. W. 244, is controlling to that effect. 159-145, 198+420.

2591. Use of railroad right of way—The continued use of any road by the public upon and parallel to the right of way of any railway company shall not constitute such road a legal highway, or a charge upon the town in which the same is situated, and no right shall accrue to the public or any individual by such use. ('21 c. 323 § 51)

2592. Alteration of road—Whenever a road shall be changed by order of a county or town board, the

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road as it existed before the change shall remain open to public travel for two years from the date of the order; but the board may vacate such road within said two years when it deems the new road to be fit for public travel at all times of the year. ('21 c. 323 § 52)

2593. Field notes, plat, etc.—

Sub. 1. Upon the written request of any town board, the auditor of the county in which such town is situated shall furnish a copy of the description, field notes, and plat, if any, of any territorial, state or county road running into or through such town, on file or of record in his office. On receipt of such copy the board shall file it with the clerk, who shall record the same in the road record book of the town. Such record shall be prima facie evidence of the existence of such road as described therein.

Sub. 2. Upon the written request of the commissioner of highways, the clerk of any court, the auditor of any county, the town clerk of any town, or the recorder or clerk of any village, borough or city, shall furnish a copy of the proceedings, documents and plats, if any, relating to the establishment of any road or the procuring of the right of way of any such road, which has or may be taken over by the State of Minnesota as a trunk highway. Such copy shall be filed in the records of the commissioner of highways and shall be prima facie evidence of the existence of such road as described therein. The legal fee for such copy or copies may be paid from the trunk highway fund. ('21 c. 323 § 53)

2594. Removal of fences—Whenever a town or a county board has established a road through inclosed, cultivated or improved lands, under any of the provisions of this act, and its decision has not been appealed from, or, if appealed from, its order has been sustained, it shall give each owner or occupant of land through which such road is established twenty days' notice, in writing, to remove his fences, and, if he does not remove them within such time, it shall cause them to be removed, and the road to be opened and worked. ('21 c. 323 § 54)

2595. Contracts for bridges and roads—

Sub. 1. Bridges—No contract for the construction or erection of a bridge shall be entered into by any county, town, village or city of the fourth class where the contract price of such bridge exceeds the sum of five hundred (\$500.00) dollars; unless plans and specifications for the proposed bridge shall be filed with the county auditor, in case of county contracts, or with the town, village or city clerk respectively, in case a contract is to be entered into by a town, village or city of the fourth class, at least three weeks prior to the time when such bids are to be considered and the contract entered into, nor shall any contract be let without first advertising for bids or proposals therefor in a legal newspaper, published in the county. Such advertisement shall be published once a week for three successive weeks, the last publication to be made at least ten (10) days and not more than thirty (30) days before (preceding) the time fixed for receiving bids and letting the contract, and shall state the time and place of receiving bids and awarding the contract, and shall refer to the fact that plans and specifications are on file in the office hereinbefore specified.

At least three weeks before the time fixed for receiving bids, the county auditor, in case of a county contract, and the clerk of the town, village or city in case of a town, city or village contract, as the case

may be, shall mail a copy of such printed notice, by registered mail to the commissioner of highways. The commissioner of highways shall file all such notices so received by him, and the same shall be subject to inspection by all persons interested therein. The commissioner of highways shall, from time to time, cause printed lists of such notices to be made and shall, without charge therefor, furnish copies thereof to interested persons on application.

Sub. 2. Roads—No county or town shall contract for the construction or improvement of any road where the contract price exceeds five hundred (\$500.00) dollars, unless plans and specifications shall have been made and prepared and filed as provided in Subdivision 1 of this section, nor until advertisements for bids have been published as therein provided for. ('21 c. 323 § 55)

A road construction contract provided for the division of the material moved into three classes, denominated earth, loose rock, and solid rock—specifying that all sand, clay, loam, gravel, and other materials of every description not included in the classification for loose and solid rock should fall in the class called earth. It defined the class loose rock to include all slate, shale, or other rock which cannot be plowed with a 10 inch road plow and four-horse team, but which can be quarried or loosened with a pick, and the class solid rock, to include all rock in masses which cannot be loosened with a pick. It is held: The court was amply justified in finding that, where the ground was so infested with boulders that it was impracticable to plow it, the whole mass so filled with boulders should be classified as "loose rock." 158-320, 197+763
Fraud and mistake—Waiver of mistake, etc. 159-380, 199+ 104.

2596. Final payment on contracts—Final payment shall not be made on any contract for road work by any county or town board until the county board or town board, as the case may be, has examined the work and certified that the same has been properly done and performed according to contract and a certificate to that effect, signed by a majority of the members of the board making the inspection, shall have been filed in the office of the county auditor of the county, or town clerk of the town, as the case may be. Any county auditor or any town clerk who issues a warrant or an order in final payment upon a road contract where the amount involved in such contract exceeds the sum of two hundred (\$200.00) dollars, until such certificate shall have been filed, shall be deemed guilty of a misdemeanor. The provisions of this section shall not apply to any county now having or which may hereafter have a population of one hundred fifty thousand (150,000) inhabitants or over. ('21 c. 323 § 56)

2597. Warning signs by contractors—

Sub. 1. Whenever a town board, county board or the commissioner of highways shall enter into a contract for the construction and improvement of any road, or any culvert, or bridge thereon they shall as a condition of such contract, provide therein that the contractor shall place suitable warning signs, at the highways intersecting such road so to be constructed or improved, warning the public, if such is the case, that such road so under construction or improvement is impassable at a designated place or distance from such warning sign. Such signs shall be placed at such places as will obviate the necessity of unnecessary travel by persons not otherwise aware of the impassable condition of such roads. Provided, however, that nothing in the provisions of this act shall make any town, county or the state liable in damages for the failure of a town or county board or the commissioner of highways to provide in any contract for the erection of a warning sign, such as is herein pro-

vided for; or the failure of any contractor to erect same in accordance with the provisions of this act.

Sub. 2. The contractor, foreman or person in charge of work or repairs on any public road shall, whenever the doing of such work or repairs necessitates the closing of a part of such road to traffic, post signs stating that such road is under repair, and describing the direction and distance of the detour necessary to avoid the part of the road being repaired. Such sign shall be posted at the intersection of the road under repair with the road to be traveled while detouring, and also at appropriate intervals along such road. Violations hereof shall be a misdemeanor, and punishable accordingly. ('21 c. 323 § 57; amended '23 c. 439, § 12)

2598. Side roads—The county board of each county, and the town board of each town, may establish side roads and ford crossings, adjacent to or near any bridge over a stream in its county or town, when such bridge was built at an expense of not less than one thousand (\$1,000.00) dollars and forms a part of a public road. Such side road shall intersect such main road at the nearest practicable point. It shall not be less than two nor more than four rods wide. In all other respects the same proceedings shall be had as are required by law for establishing county or town roads as the case may be. ('21 c. 323 § 58)

2599. Detours—The commissioner of highways in the case of construction work on trunk highways, the county board in the case of construction work on state aid and county roads, and the town board in the case of construction work on town roads, may by suitable order or resolution, establish a temporary road around such construction work and may procure the necessary right of way by purchase or condemnation, in the manner provided by statute. ('21 c. 323 § 59)

2600. Drainage of roads—

Sub. 1. Whenever a road, which has been or is to be constructed or improved, into, through or over a swamp, bog, or other low land, and it is necessary or expedient that a ditch or ditches should be constructed or opened across private lands a petition for such ditch or ditches may be made as hereinafter provided; which petition shall contain an affidavit setting forth the above named facts and the probable length, width and depth of such ditch or ditches, the termini and general course of the same, a description of the land or lands over which said ditch or ditches will pass, the names of the owners thereof, if known, and that such road cannot, without extraordinary expense, be made passable or maintained unless such ditch or ditches are constructed or opened.

(a) In the case of a town or county road, such petition may be made by the town road overseer of the town in which such road is located, or by two resident freeholders of such town and filed with the town clerk of such town, who shall notify the town board accordingly.

(b) In the case of a county or state aid road, such petition may be made by the county highway engineer of the county in which such road is located, and filed with the county auditor of such county, who shall present the same to the county board at the next regular or special meeting.

(c) In case of a trunk highway such petition may be made by the commissioner of highways and filed with the clerk of the district court in the county where such ditch or the greater portion thereof is proposed to be located.

Sub. 2. Upon the filing of the petition as herein provided, the town board, the county board or the judge of the district court, as the case may be, shall appoint and order a competent civil engineer to make a survey of the proposed ditch or ditches and make a report thereupon to such board or court, as the case may be, which report shall include a map of the territory affected, showing the land and public roads or highways likely to be affected by the ditch or ditches proposed to be constructed to furnish drainage to such highways, and shall include the profile showing the depth and size of said ditch or ditches, and if a tile drain, the size and depth of tile. Said report shall also contain an estimate of the damages and benefits which will accrue to each tract of land or public road affected by reason of the construction of such ditch or ditches. The county board may appoint the county highway engineer, or the judge of the district court may appoint an employe of the highway department to make such survey and report.

Sub. 3. Upon the filing of said report with the town clerk, the county auditor or clerk of the district court, as the case may be, the said auditor or clerk shall immediately notify the board or judge, as the case may be, of the filing of said report, and the said auditor or clerk, with the approval of said board or judge, shall fix a time and place for a hearing thereon, not less than six nor more than sixty days from the date of filing of said report.

Sub. 4. The said auditor or clerk, as the case may be, shall, personally or by any person whom he shall authorize for that purpose, serve upon each owner of land which may be affected, if a resident of the county, upon the occupants of such lands where the owners are not residents of said county, a notice of such hearing, together with a statement of the estimated damages or benefits against the land of such owner. The said auditor or clerk shall also send a copy of such notice, together with a statement of estimated damages or benefits to the chairman of any county or town board, or the commissioner of highways, charged with the supervision of any road or highway affected.

The person serving such notice shall make and file a report thereof, stating the facts, and if it appears from such returns that the owners of said lands, or any of them, are not residents of the county, or no occupant resides on the lands, then the said auditor or clerk shall cause three weeks' published notice to be given, which shall be deemed sufficient notice.

Sub. 5. At the time and place specified in the notice, the said board or court, as the case may be, shall hear any reasons for or against the laying out, location or construction of said ditch or ditches, and all evidence offered by any interested person or persons, relative to the pecuniary advantage or disadvantage which shall accrue to any tract of land or public road by reason of the establishment and construction of such ditch or ditches and determine upon the advisability of opening or constructing such ditch or ditches. If the said board or court determines that it is expedient and advisable to open and construct such ditch, it shall make an order establishing and opening the same, and shall assess the money value of the damages in excess of the benefits, if such damages exceed the benefits, which damages in its judgment will be just and equitable compensation to the owner of any tract of land for the right to open or construct the ditch or ditches onto, through or over his land, including the right to enter upon such land whenever necessary for the purpose of cleaning out or repairing it. If the money value of the benefits which will ac-

crue to any tract of land or public road by reason of the construction and maintenance of such ditch or ditches, shall exceed the damages, said board or court shall assess the difference as benefits to the lands, and the state, town, county, city or village liable for the maintenance of any road, as the case may be, benefited by the construction of said ditch or ditches. Such determination of benefits and damages shall be made in tabular form setting forth the description of the lands and of the roads benefited and the names of the owners thereof, if known, and the benefits and damages which will accrue to each. The damages or benefits in any case may be determined by stipulation between parties interested, made public at said hearing, and which stipulation shall be subject to approval by the board or court conducting the hearing.

Sub. 6. In case of such stipulation or determination of the amounts by such board or court, said board or court shall extend the benefits or damages, as the case may be, in such tabular statement. If such proceeding is before the town board or the county board, any land owner may appeal from the amount awarded as damages or benefits, in like manner as in the case of appeals from orders establishing or refusing to establish town or county roads. If such proceeding is in the district court any land owner deeming himself aggrieved by an order of the court determining the amount of his benefits or damages may demand a jury trial to determine the amount of such benefits or damages in the same manner as is provided by law in judicial ditch proceedings. Such tabular statement shall be attached to the order establishing the ditch, if such order be made, and filed with the said auditor or clerk and any person whose lands or any town, county, city or village or the state whose public roads are assessed for benefits may, within twenty days thereafter, pay the amount thereof to the town or county treasurer, who shall issue a receipt therefor. On presentation of such receipt to the said auditor or clerk he shall mark the amount of the assessment so paid with the words "Paid and Satisfied." After the expiration of twenty days, if no appeal shall have been taken the town clerk or the clerk of the district court in the case of such orders filed with them, shall certify such tabular statement of assessment to the county auditor.

Sub. 7. The county auditor shall, after the expiration of the time for appeals, certify such statement to the register of deeds of such county, who shall record the same. All of the provisions of section 5544, General Statutes 1913, shall apply to such assessments. Such assessments shall bear interest at the rate of six per cent per annum from the date of such filing, and shall be collected in the manner provided by section 5548, General Statutes 1913, as amended by section 5 of chapter 300, Laws 1915, and when paid or collected shall be paid into the town treasury in case such ditch is ordered by the town board, into the county road and bridge fund if such ditch is ordered by the county board, and into the state treasury for credit to the trunk highway fund if such ditch is ordered by the district court, and shall be expended in paying the cost of constructing and maintaining such ditch.

Sub. 8. All assessments against any public road as shown in tabular statement shall constitute a valid claim against the road and bridge fund of any town, county, village or city, or trunk highway fund of the state, responsible for the maintenance of any public highway improved by such ditch or drain, and may

be enforced as other valid claims against such municipal corporation.

Sub. 9. When the amount of damages to be paid to the owners of land taken for such ditch shall have been finally determined in accordance with the provisions therefor contained in this act, the town board or the county board, as the case may be, in the case of such ditch or ditches being ordered by such town or county board, and the commissioner of highways, in the case of such ditch or ditches being ordered by the court, shall provide for and make payment in such manner as may be provided by law for the payment of damages taken for a public road.

Sub. 10. The word ditch as used in this act shall be held to include any open, covered or tile drain.

Sub. 11. If an order establishing such ditch or ditches is not appealed from within twenty days after the filing of such order, the town board, the county board or the commissioner of highways, who may have charge of the road affected as the case may be, shall proceed to construct such ditch or ditches. After such ditch has been opened and constructed, the said authorities shall keep the same in good condition and free from obstructions, and for that purpose may enter upon the lands through which it passes and whenever it becomes necessary.

Sub. 12. Any person who shall dam up, obstruct, or in any way injure any such ditch, shall be liable in a civil action for double the damages assessed for such injury by the court or jury trying the case, and shall also be guilty of a misdemeanor.

Sub. 13. Whenever any such drainage ditch shall cross the right of way of any railroad, the owner of such railroad shall forthwith, upon demand of the town board in the case of a ditch ordered by the town board, and of the county board in the case of a ditch ordered by the county board, and of the commissioner of highways in the case of a ditch ordered by the district court, at its own expense and without compensation, carry such ditch under and across its right of way and construct necessary culverts therefor. ('21 c. 323 § 60; amended as to subd. 7, 13, by '23 c. 439 §§ 9, 10)

Explanatory note—For Gen. Laws 1913, § 5548, see § 6713, herein.

For Laws 1915, c. 300, § 5, see § 6713, herein.

2601. Strength of bridges—All bridges hereafter constructed on any public street or highway in any county, township, town or village in the State of Minnesota, shall be of sufficient strength to support, with perfect safety, any wagon, engine or other vehicle with a weight of twenty tons on two axles with ten-foot centers, with not to exceed three-fourths of said weight concentrated on one axle, when driven at a speed of not to exceed three miles an hour. ('21 c. 323 § 61)

2602. Toll bridges—

Sub. 1. Any corporation organized for the purpose, or any counties, towns, cities or villages interested, may jointly or separately lease or erect and operate or repair a bridge or bridges over any navigable stream constituting a boundary thereof and construct suitable approaches thereto, and such approaches may include the improvement of main highways for a distance not exceeding ten miles from the bridge. A county, town, city or village shall be deemed interested in bridges located outside of and within three miles of its corporate boundaries as well as those within or along its boundaries. Before any such bridge is erected over the Minnesota or Mississippi rivers, the location and plan thereof shall be approved by the governor. Bridges over the Minnesota river below

the city of Le Sueur shall be built with a suitable draw of not less than eighty foot opening, or in lieu of such opening shall be built at such clear height above the ordinary highwater stage as shall be sufficient to accommodate the ordinary navigation of the river. All bridges over navigable waters of the United States shall receive the approval of the secretary of war before construction. All draws shall be opened on reasonable signal or notice to allow the passage of vessels.

Sub. 2. The county board of any county interested shall have power to levy, at or after the time of making a contract for the construction or repair of any such bridge, a tax on all the taxable property of the county, sufficient to pay such county's agreed share of the cost of the construction or repair of such bridge and approaches and interest thereon. Such tax shall be collected in annual installments corresponding to the amounts of interest and principal of certificates or bonds as herein provided falling due from year to year. The county board may issue and sell from time to time special bridge certificates of indebtedness or bonds of the county sufficient in amount to pay the county's agreed share of the cost of the construction or repair of such bridge and approaches and engineering and other expenses incidental thereto, the principal of which certificates of indebtedness of bonds shall mature and be payable in not more than fifteen annual instalments as nearly equal as practicable, and the first annual instalment of principal shall mature not more than five years after the contract is ordered. Such certificates or bonds shall be sold in the manner provided by section 1856, General Statutes 1913, to the purchaser who will pay the par value thereof, at the lowest interest rate, and the certificates or bonds shall be drawn accordingly, but the rate of interest shall in no case exceed six per cent per annum, payable annually or semi-annually. The county auditor shall extend the tax so levied by the county board in sufficient amounts from year to year to cover the interest and principal as they mature. The credit of the county shall be pledged to the payment of the principal and interest of such certificates or bonds. Certificates or bonds under this section may be issued by a four-fifths vote of the Board of County Commissioners without submission to the voters of the county; provided, that the aggregate amount of certificates and bonds so issued after April 1, 1921, shall not exceed one-fourth of one per cent of the assessed valuation of the taxable property of the county exclusive of moneys and credits.

Sub. 3. Any corporation maintaining a bridge under this section may charge and receive the following rates of toll from all persons using the same: For each foot passenger or bicycle rider, five cents; for each hog, sheep or calf, two cents; for each head of cattle, five cents; for each vehicle or sleigh drawn by one animal, twenty cents; for each additional animal used, five cents; for each automobile, twenty cents; for any other vehicle or animal, a reasonable rate of toll. Such rates of toll may be changed by law whenever the net annual income from such bridge shall exceed a reasonable percentage of the cost thereof. ('21 c. 323 § 62)

Explanatory note—For Gen. Laws 1913, § 1856, see § 1943, herein.

2603. Free use of toll bridge—Any counties, towns, cities or villages interested may secure the free public use of any toll bridge now or hereafter built across

any streams in this state, and may jointly or severally, together or separately enter into any contract with the owner of such bridge, or with each other, or with each other and the owner of such bridge, as they shall deem proper, to secure such free public use of such bridge, whether by purchase, lease or otherwise. ('21 c. 323 § 63)

2604. Bridges over ditches—That in all cases in this state where a public drainage ditch has been or shall hereafter be constructed wholly or partly along a boundary line between towns or counties and the excavated material or a portion thereof has been or shall hereafter be deposited on the said boundary line or within two rods on either side thereof, the cost of construction and maintenance of all bridges heretofore or hereafter constructed across any such ditch along said boundary line shall be paid for and borne equally by the town or county wherein such bridges are or shall be constructed and situated, and the town or county adjoining said boundary line. ('21 c. 323 § 64)

2605. Bridges over state drainage ditches—Whenever the State Drainage Commission shall have heretofore constructed, or partly constructed, an outlet for a state ditch under the provisions of chapter 138 of the General Laws of Minnesota for 1911, and which state ditch was constructed under the provisions of chapter 221 of the General Laws of Minnesota for 1893, which outlet has been constructed across a town road at a point other than where the channel of a stream or river which has been widened and straightened and used for such outlet, crosses such town road, the county board of a county in which such outlet has been so constructed, is hereby authorized, empowered and directed to construct a substantial bridge suitable for public travel across such outlet ditch on such town road, at the place where such outlet ditch is constructed across such town road, and such bridge shall be paid for out of the road and bridge fund of such county. ('21 c. 323 § 65)

2606. Reconstruction, repair, and maintenance of bridges on county and town roads—Certificates of indebtedness—Notices—Tax levies—Sub. 1. It shall be the duty of the county to reconstruct, repair and maintain all bridges on county roads, more than ten feet in length. In case any bridge on a county road more than ten feet in length is totally wrecked or destroyed and the county charged with the duty of reconstructing, repairing and maintaining such bridge has not sufficient money in its road and bridge fund to defray the cost and expense of reconstructing, repairing and maintaining such bridge the county board may borrow money therefor by the issuance of certificates of indebtedness, which certificates shall be payable in not more than five years from the date thereof and shall bear interest at not to exceed six per cent per annum. Such certificates shall be sold to the highest bidder. The same shall not be sold for less than par and accrued interest, if any, and the principal and interest thereof shall be paid from the road and bridge fund.

Sub. 2. Whenever it shall become necessary to reconstruct or repair a bridge on any town road, or a bridge not more than ten feet in length on any county road, in any town or towns or upon any town line in this state and such bridge is unsafe for travel, or has been condemned by the proper authorities and the town or towns charged with the duty of maintaining such bridge fails, neglects or omits to construct, reconstruct or repair the same, or provide for the expense or cost

of so constructing, reconstructing or repairing the same, the county board of any such county in which said town is located shall have the power and authority to reconstruct and repair any such bridge upon giving notice to the town board of said town or towns of their intention to do so and fixing the time and place for a hearing as to the necessity and advisability of such reconstruction or repair.

Sub. 3. When any county board shall have reconstructed or repaired any such bridge as hereinbefore provided, such county board shall cause to be prepared an itemized statement, in duplicate, of the cost of such reconstruction or repair. One of such statements shall be filed with the county auditor and the other filed in the office of and with the town clerk of said town. And such town clerk shall forthwith notify the several members of the town board that such a statement has been filed and that a meeting of said board to act thereon will be held at his office at a time within ten days thereafter specified by such clerk in such notice. Such board shall meet at said time and levy a special tax upon all the taxable property of the town sufficient to pay one-half the amount expended by the county in such reconstruction or repair of such bridge. Said town boards shall certify said tax on or before October 15, next succeeding to the county auditor, and the county auditor shall extend the same with other town taxes upon the tax list of said town. Mandamus may be brought by such county against such town for failure of its board to do any of the things prescribed within the time fixed for the doing of the same. When two or more towns are interested in said bridge, the statement hereinbefore provided for shall be made in as many copies as there are towns interested and one more, and the county board shall apportion to each interested town the amount which each town should properly pay toward the work done by the county, and such amount shall be levied by the town boards of each town after the filing of the cost of the bridge and the amount belonging to each town with the town clerk thereof. The proportion which each town shall pay shall be determined at the hearing upon the necessity and advisability of reconstructing or repairing such bridge. ('21, c. 323, § 66; amended '25, c. 139)

2607
29 — 24
2607¹
31 — 40
2607. Impassable roads—Complaint by Freeholders—

Sub. 1. Whenever a complaint in writing to the county board of the county reciting that a described road in or on the line of a town therein is neglected by the town charged by law with its maintenance and repair, and which said complaint is signed by five or more freeholders of said town or of an adjoining town in said county, and that by reason of such neglect such road is not reasonably passable, the county board shall by resolution fix a time and place when and where it will consider the complaint, and thereupon the county auditor shall mail a copy of the complaint, together with a notice of the time and place when and where the county board will meet to consider the complaint, to the town clerk of the town, and shall also notify the persons signing the complaint of the time and place of such meeting. At the designated time and place the county board shall consider such complaint and hear and consider such testimony as may be offered by the officers of the town, or the persons filing the complaint, relative to the truth of the matters therein set forth. The chairman of the board or the presiding officer thereof may administer oaths to witnesses and require them to testify under oath.

Sub. 2. If upon such hearing the county board shall be of the opinion that the complaint is well founded, it shall by resolution direct the town board to do such work or to make such improvements as it shall deem necessary to put such road in a passable condition. Such resolution shall specify generally the work which it is so deemed necessary to do. The county auditor shall cause a copy of such resolution to be mailed to the town clerk of the town complained of, and if such town for a period of thirty (30) days after the mailing of such notice shall fail or neglect to do the work or make the improvements set forth in such resolution, the county board may cause such work to be done or improvement made and pay therefor from the county road and bridge fund; provided, however, that the amount annually spent by any county board in any town under the provisions of this act shall not exceed one mill on the dollar of the taxable valuation of said town.

Sub. 3. When any county board shall have performed any work or made any improvement on any such road it shall cause to be prepared in duplicate an itemized statement of the cost of such work or improvement. One of such statements shall be filed with the county auditor and the other copy thereof shall be by the county auditor mailed to the town clerk of said town. The town clerk shall forthwith notify the several members of the town board that such a statement has been filed and that a meeting of the town board to act thereon will be held at a time to be specified in such notice, not later than ten days after the receipt of such notice from the county auditor. The town board shall meet at the time and place specified in the notice so given by the clerk and levy a special tax upon all the taxable property in the town in an amount sufficient to pay the amount expended by the county in performing such work or making the improvement. Such tax so levied shall be certified to the county auditor on or before October 15 next succeeding, and the county auditor shall extend the same with other town taxes upon the tax list of such town. Provided, however, if the town board shall, for any reason, fail to act as herein provided, the county auditor is hereby authorized and directed to levy such tax and extend the same with other town taxes upon the tax list of such town. Such tax shall be collected and the payment thereof enforced in the same manner and subject to the same penalties and interest as other town taxes. When collected such tax shall be paid into the county treasury to the credit of the county road and bridge fund, and in making his settlements with the town, the county treasurer is hereby authorized to withhold from payment to the town the amount of such special tax theretofore collected. ('21 c. 323 § 67; amended as to subd. 1 by '23 c. 439 § 13)

2608. Seeding along highways—Any person living upon or owning land fronting on a public rural highway, a portion of which is not in actual use or needed for public travel, may plow, level, and seed the same to grass, except within one rod of the center. But he shall not by such work interfere with the travel upon the road, or the improvements of the same, or be entitled to compensation therefor, or acquire title to any portion of said road thereby. Any person, other than one having supervision of the road under authority of the town or county board, or commissioner of highways, who shall plow up or dig up any part of the road, except as above specified, shall be guilty of a misdemeanor. ('21 c. 323 § 68)

2609. Hedges and trees—

Sub. (1). The town boards of supervisors, as to town and county roads, outside the corporate limits of cities and villages, the county boards as to state aid roads, and the commissioner of highways as to trunk highways, are hereby given the right and power to determine upon the necessity and order the cutting down of hedges and trees within the road limits after having given ten days' written notice to the owner or owners of the abutting land and an opportunity to be heard. Provided, that trees, other than willow trees, shall not be so cut down unless such trees or hedges, or either of them, interfere with keeping the surface of the road in good order, or cause the snow to drift onto or accumulate upon said road in quantities that materially obstruct travel. The said boards and commissioner, respectively, shall also have power to properly mark or light dangerous places on the public highways, and take such measures as may be necessary to protect travel thereon.

Sub. (2). When the respective board or the commissioner of highways shall determine that such cutting down of hedges or trees within the limits of such roads is necessary, or that same would aid materially in keeping such roads in repair or free from snow, it shall notify the owner or owners of the abutting lands by written notice, of such decision and order the trees or hedges cut down within thirty days after such notice. If the said owner or owners fail or refuse to comply with such notice and order within the time specified, the said board or commissioner of highways shall have the power to cause such trees or hedges to be cut down. The timber and wood of such trees shall belong to the said owner or owners of the abutting land; provided, they pay the expense of cutting down said trees or hedges and remove the same from the roadside within said thirty days. If such timber or wood is not removed within said time, the board or commissioner of highways, as the case may be, shall have the power to sell or dispose of the same or destroy it if it cannot be sold, and if sold, shall pay the proceeds thereof to the owner or owners of the abutting lands after deducting the cost of such cutting and sale.

Sub. (3). The town boards of supervisors and the county boards are hereby granted the further right and power to appropriate and pay out of their respective road and bridge fund, or from any other fund available, the cost of cutting down such trees and hedges and the removal or destruction of the same, if done at public expense, and the cost of marking or lighting dangerous places on said highways. ('21 c. 323 § 69)

2610. Tunnels under roads—Every owner of land on both sides of a public road may tunnel under such road to permit stock to pass from one side to the other, but he shall, at his own expense, construct such tunnel so as not to endanger the public in the use of such road. Before constructing such tunnel, the land owner shall obtain from the town board of the town in which it is located, if the road is a town road, or from the county board of the county in which it is located, if the road is a county or state aid road, or from the commission of highways, if the road is a trunk highway, an approval of the place, the kind of tunnel, and the manner of its construction. Bridges over tunnels shall be not less than sixteen feet wide, properly protected with railings, and constructed of such materials as shall be agreed upon by the respective board or commissioner of highways, as the case

may be, and if, within one year after the construction of such bridge, the board or commissioner of highways, as the case may be, shall deem it or its appurtenances insecure, it may cause the same to be put in the proper condition at the expense of its owner, and, whenever said board or commissioner of highways shall deem the tunnel out of repair, it may cause the necessary repairs to be made at the expense of such owner. In either case the reasonable cost of such repairs shall be certified to the county auditor and by him assessed upon the land in the same manner as the road taxes. Provided, that when any such public road is not on a section or sectional subdivision line, the owner of the lands on both sides of such road shall be permitted to construct an appropriate tunnel to be approved as aforesaid, which tunnel the owner shall maintain at his own expense for the first year and which shall be thereafter maintained by the town, county, or state, as the case may be. ('21 c. 323 § 70)

2611. Roads on mineral lands—Whenever a public road crosses mineral land or other lands, outside the limits of any city, village or borough, which the owner or lessee desires to mine in such way as to remove the supports of the road or to improve said land by building any structure or building thereon, he may, at his own expense, change such road to other land, and make a new road thereon, suitable for public travel; provided, that no change of road on lands other than mineral lands shall be made unless the same be first approved by the town board and the commissioner of highways, and the new road be first constructed and approved by said town board and said commissioner of highways, and, if he cannot obtain such land upon reasonable terms, the county or town board, or the city or village council, as the case may be, upon requisite petition, shall make such change under the provisions of law for establishing roads; provided, however, that before any such road is changed a sixty-day notice of the intention of the owner or lessee thereof to change the same shall be served upon the board of the municipality in which the road is situated, by filing with the clerk thereof a declaration of such intention in the form of said notice; and, provided, however, that the said owner or lessee shall be liable to the owner or occupant of any land abutting upon said road or any affected by such change to the extent of the damage sustained by reason of such change, and for the recovery of which an action may be brought after such change is made. In case such board or council or the commissioner of highways, desire to establish a road over mineral lands, it or he may agree with the owner or lessee of the land that, in case he shall consent to its establishment, its location shall be changed upon his request; provided, however, that before such road will be changed by any such board, council or commissioner of highways, ninety days' notice thereof shall be posted in three conspicuous places along said road, which said notice shall state the time when said road shall be changed. ('21 c. 323 § 71)

2612. Town and county boards to construct culverts—The town boards as to town roads, and the county boards, as to county and state aid roads, are hereby required to install one substantial culvert for an abutting owner in cases where, by reason of grading a public highway, the same is rendered necessary for a suitable approach upon said highways over driveways from abutting lands. ('21 c. 323 § 72)

2613. Condemnation of gravel beds—Whenever the commission of highways, or any county or town board or common council of any village or city shall deem it

necessary for the purpose of building or repairing public roads or streets within his or its jurisdiction, he or it may procure by purchase or condemnation, in the manner provided by law, any plot of ground, not exceeding twenty acres, containing gravel or stone, or clay, or sand or one or more of such road materials, suitable for road purposes, together with the right of way to the same of sufficient width to allow teams to pass, and on the most practicable route to the nearest public road. ('21 c. 323 § 73)

2614. Special railroad rates for road materials— The railroad and warehouse commission is hereby authorized to make schedules of intra-state rates for railroads for the transportation of sand, gravel, crushed rock and other materials, to be used in the construction or maintenance of public roads and streets by or under the direction of public authorities, which rates may be lower than those charged for transporting the same kind of freight for all other purposes. ('21 c. 323 § 74)

2615. Obstruction of or damage to highways—

Sub. 1. Any person who shall obstruct any of the public highways of this state in any manner or who shall dig any holes therein, or remove any earth, gravel or rock therefrom, or any part thereof, or who shall in any manner obstruct any ditch on the side of any such highways, and thereby damage the same, shall be guilty of a misdemeanor. It is hereby made the duty of the county attorney to prosecute all violations of the provisions of this section, occurring in his county.

Sub. 2. Any person or persons who wilfully, maliciously, or with intent to annoy, shall in any manner deface, damage or tamper with any structure, work, material, equipment, tools, signs, marker, signals, paving, guard rails, drains, or any other highway appurtenances, on or along any public highway or road or the right of way thereof, shall be guilty of a misdemeanor, provided that nothing herein shall restrict the actions of persons who shall or may have proper authority therefor.

Sub. 3. Any person who in any manner places, puts or maintains any advertisement within the limits of a public highway, or who in any manner paints, prints, places, puts or affixes, or causes to be painted, printed, placed or affixed any advertisement on or to any stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, danger-signal, guide-sign, guide-post, billboard, building, or other object within the limits of a public highway, shall be guilty of a misdemeanor; Provided, however, that none of the provisions of this act shall prohibit the placing of public notices on billboards erected for that purpose by authority of the governing body of a municipality. Any advertisement in or upon a public highway in violation of the provisions of this subdivision may be taken down, removed, or destroyed by direction or authority of the commissioner of highways in the case of state trunk highways, by the county board in the case of county and state aid roads and by the town board in the case of town roads. ('21 c. 323 § 75; amended as to subd. 3, by '23 c. 439 § 11)

211+328.

A private party may not place stop and go signals in or upon a trunk highway without a permit so to do from the commissioner of highways. 166-416, 208+132.

2616. Moving buildings over roads—Any person, firm or corporation moving or causing to be moved, any building or structure upon, across or along any public road, street, alley or highway, whether within

or without any city, village or borough of the state, shall so move such building or structure as not to unnecessarily interfere with, damage or destroy any bridges, trees, hedges, fences, telephone or electric power poles, wires, or cables upon such road, street, alley or highway.

Whenever it shall be necessary to displace or temporarily remove any guard rails on any bridge, or any fence, telephone or electric power poles, wires, or cables to permit the moving of any building or structure upon, along or across any such public road, street, alley or highway, the person, firm or corporation owning or maintaining such fence, poles, wires or cables, shall not be required to displace or temporarily remove the same nor shall any guard rails on any bridge be displaced or removed until the reasonable costs of such displacement or temporary removal have been paid or tendered by the person, firm or corporation, requiring such displacement or temporary removal; provided, however, that nothing in this section shall apply to any work being done upon any such public road, street, alley or highway by or for any municipality, nor to the moving of any building or structure 18 feet in height or less within the limits of any incorporated city. ('21 c. 323 § 76)

2616-1. Certain villages may oil state highways— That when a State highway or State Aid Highway runs through a village of not over one thousand inhabitants, the council of such village be and are hereby authorized to oil or in some other manner so treat such highway as to allay the dust on that portion of said highway along which the abutting property is occupied by residences or business houses to an average of one to each block, and the village council shall when petitioned for by a majority of residents of such abutting property, forthwith cause such service to be rendered and may assess the cost thereof upon the property benefited thereby. ('21, c. 75, § 1)

2617. Removal of snow—It shall be the duty of the town board of each town, so far as funds are available for the expense thereof, to keep all town, county and judicial roads therein in a passable condition by the removal of snow therefrom; and for that purpose the road overseer is authorized to employ, by and with the consent of the town board, such men and teams and other equipment as may be necessary for the purpose. The town board may also provide for the erection of snow fences when deemed advisable.

It shall be the duty of the county board, so far as funds are available for the expenses thereof, to keep all state aid roads and state rural highways therein in a passable condition by the removal of snow therefrom. The county board may also provide for the erection of snow fences when deemed advisable. ('21, c. 323, § 77; amended '27, c. 227, § 4)

2618. Marking of trails by associations—

Sub. 1. Any corporation or association organized to promote the improvement, marking or blazing of any continuous highway, may apply to the commissioner of highways for the permission to mark or blaze such highway within the state.

Sub. 2. The application shall be in the form prescribed by the commissioner of highways, and shall give the proposed name, route, color combination and design to be used in such marking or blazing. Said application shall be accompanied by a fee of \$25.00 which shall be paid into the trunk highway fund.

Sub. 3. The commissioner of highways shall consider such application, and if he deems it advisable, shall

by order, give permission for such marking or blazing, with such changes in design or route, as he may specify. Such order shall specify the name, color combination and design, and the route which is to be used. Thereupon said corporation or association shall have the exclusive right to the use of such name, color combination and design in trail or highway designation and marking, provided that nothing herein shall limit the right of the commissioner of highways, to move, remove or change any such markings on the trunk highways.

Sub. 4. Any person or persons, other than the corporation or association to whom such permit has been issued, who shall use for similar or like purpose this name or color combination and design for the use of which permission has been so given, shall be guilty of a misdemeanor.

Sub. 5. When any such corporation or association shall cease to exist, or when the interest in any such designated highway or trail, name and markings has ceased, the commissioner of highways may, after investigation, by order cancel such permit and right. ('21 c. 323 § 78)

2619. Repeal—All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

The following laws and parts of laws are hereby expressly repealed, to-wit:

Sub. (1) Sections 2488 to 2551 inclusive, Sections 2557 to 2577 inclusive, Sections 2590 to 2593 inclusive, and Section 2600 of the General Statutes 1913.

Sub. (2) All of Chapter 235 General Laws 1913, except Sections 65, 66, 67, 68, and 69. Also all of Chapter 508 of the General Laws 1913.

Sub. (3) All of Chapters 21, 100, 116, 160, 180, 182, 252 and 330 of the General Laws 1915.

Sub. (4) All of Chapters 43, 52, 181, 259, 318, 366, 479 and 495 of the General Laws 1917 and also all of Chapter 119 General Laws 1917 except Section 22 thereof.

Sub. (5) All of Chapters 24, 67, 172, 200, 209, 263, 264, 265, 273, 285, 307, 323, 349, 362, 450, 482 and 484 of the General Laws 1919.

Sub. (6) All of Chapters 15 and 18 of the Special Session Laws 1919.

Sub. (7) All laws and parts of laws not herein expressly repealed are hereby continued in full force and effect.

Sub. (8) In the event that any provision or paragraph or part of this act shall be questioned in any Court and shall be held to be invalid the remainder of the act shall not be invalidated but shall remain in full force and effect.

Provided, however, that the express or implied repeal by the provisions of this act, of any law now in force shall not affect any action or proceedings now pending in any court, or any cause of action which has already accrued under such law so repealed, or any proceeding which at the time of the passage of this law has been instituted for the establishment, vacation, alteration, laying out, construction or repair of any road or the assessment and payment of damages therefor or the collection and enforcement of any taxes levied or assessed for road purposes, including road labor assessed, and any such taxes uncollected at the time of the passage of this act shall be collected and the payment thereof enforced under the provisions of

law existing at the time of such levy and assessment. ('21 c. 323 § 79)

2620. This act may be referred to and cited as "The Public Highways Act of Minnesota." ('21 c. 323 § 80)

2620-1. Expenditures for roads, highways or bridges on or adjacent to boundary line between cities of first class and other cities or villages by county boards in certain counties—That in any county of this state now or hereafter having a total assessed valuation of all its taxable property as fixed by the State Tax Commission of more than \$200,000,000 and less than \$350,000,000 exclusive of moneys and credits, the board of county commissioners shall have authority to appropriate and expend upon any road, highway or bridge located upon or immediately adjacent to the boundary line between any city of the first class and any other city or village within such county, such sum or sums of money from the county road and bridge fund as said board shall deem proper for building, repairing or otherwise improving any road or highway, including the construction and repairing of any bridge thereon. ('25, c. 255, § 1)

2620-2. Same—Appropriations by county boards—In the event said board of county commissioners shall determine to grade, pave or otherwise improve any road or highway, or construct or repair any bridge upon or immediately adjacent to the boundary line between any city of the first class and any other city or village within such county, and it shall be deemed that such improvement of such road, highway or bridge can be more economically and better done by having the work of such improvement done by any such city of the first class such board of county commissioners is hereby authorized to appropriate and pay to any such city of the first class such amount of money as it shall deem necessary to be expended by the county for such purpose in such city or in the city or village adjoining; provided that if any such road, highway or bridge so improved is upon a boundary line between any city or village and a city of the first class operating under a home rule charter within such county, and such road, highway or bridge is partly within such city of the first class, the amount so appropriated by said county shall not exceed one-half the cost of any such improvement as estimated by the county highway engineer of any such county. ('25, c. 255, § 2)

2620-3. Same—Appropriations kept in special fund—Said amount so appropriated and paid to any such city of the first class shall be set apart in a fund for the improvement of any such road, highway or bridge, or may be paid to any fund raised or to be raised under any proceeding authorized by the charter of any such city for improvement of any such road, highway or bridge, and shall be expended from such fund in the same manner as other funds therein. ('25, c. 255, § 3)

2620-4. Same—Appropriations not invalid—Such appropriation shall not be declared invalid because the same shall be more or less than one-half the total cost of such improvement as finally determined. ('25, c. 255, § 4)

2620-5. Funding and payment of outstanding indebtedness of certain counties represented by warrants against road and bridge funds—When any county in this state having an area of more than 2,500 square miles and an assessed valuation for purposes of tax levy extensions of less than \$30,000,000, exclusive of moneys and credits, now has outstanding indebtedness incurred prior to January 1, 1927, represented by war-

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rants issued against its road and bridge fund, which warrants, together with amounts transferred into its road and bridge fund from any other fund or funds, pursuant to Chapter 318, Laws of 1925, and not repaid to such other fund, amount to a sum greater than the sum of the cash in its road and bridge fund on January 1, 1927, plus the amount of taxes which have been levied in such county payable during the year 1927 for road and bridge purposes, such outstanding indebtedness, including the amount owed from the road and bridge fund to such other fund or funds, may be funded or otherwise paid, in the manner in this act provided; and in the event of the funding provisions of this Act being resorted to, each and all of the conditions, provisions and limitations of this act shall apply and shall be controlling over those of any other act inconsistent therewith. ('27, c. 147, § 1)

Explanatory note—For Laws 1925, c. 318, see §§ 869-1, 869-2, herein.

2620-6. Same—Warrants validated—Bond issue to refund—Any and all such outstanding warrants which shall be funded in the manner authorized by this act, and which have been issued in payment of or to provide funds which have been used for the construction, repair, improvement, care, maintenance or upkeep of roads, roadways or bridges in such county, or to procure rights of way therefor, or to purchase or provide money for the purchase of equipment, materials or supplies for such purposes, or for labor or services, skilled or unskilled, or other expenses in connection therewith, are hereby declared to have been valid and enforceable obligations of such county; provided that the validation hereby effected shall not affect any warrants the validity of which is questioned in any litigation now pending. The determination by the board of county commissioners of such county that any such outstanding warrants have been issued and that bonds shall be issued for the purpose of funding same in the manner herein provided for, shall be final and conclusively binding upon such county. The county board of any such county is hereby authorized and empowered to issue the bonds of such county in an amount not to exceed \$500,000 without submitting the question of such issue to the electors of such county and without regard to the amount of any or all other outstanding debts of the county, the proceeds thereof to be used solely for the purpose of taking up, paying, cancelling and retiring a like amount of principal and interest of such warrants, and of indebtedness of such road and bridge fund to any other fund or funds of said county. Such bonds shall be payable in annual installments, the first of which installments shall be due in not more than one year and the last in not more than nine years from the first day of January next following the date of such bonds. Such bonds shall be sold in conformity with Section 1943 of the General Statutes for 1923, and shall be the direct and general obligations of the county issuing the same. Provided, no bonds shall be issued hereunder unless the county board of such county shall within ninety days after the passage and approval of this Act, adopt a resolution determining to issue such bonds for such purpose. Provided further, no annual installment of the principal of such bonds payable more than five years after the first day of January next following the date of such bonds shall exceed in amount any annual installment of such principal payable less than five years from such date. Provided, further, nothing in this Act shall be construed to require that the full amount of such outstanding indebtedness shall be retired by means of the issuance

and sale of such bonds; but, if such bonds be issued and sold, all valid outstanding indebtedness not retired thereby shall be paid from the proceeds of taxes levied and becoming payable during the year 1927 for road and bridge purposes. ('27, c. 147, § 2)

2620-7. Same—Tax levy to pay bonds—The county board of any county issuing bonds pursuant to the authority of this Act shall, before the issuance thereof, levy for each year, until the principal and interest are paid in full, a direct, annual tax in an amount not less than ten per cent in excess of the sum required to pay the principal and interest thereof when and as such principal and interest become due. Such tax shall be irrevocable until all such indebtedness is paid, and after the issuance of such bonds no further action of the county board shall be necessary to authorize the extension, assessment and collection of such tax. The county auditor shall keep a register in which shall be entered a record of the aggregate amount of such bonds authorized, the aggregate amount issued, the purpose for which issued, the number, denomination, date and maturity of each, the rate of interest and time of payment thereof, and place of payment of principal and interest, and the amount of tax levied for the payment thereof in each year, and shall extend and assess the tax so levied. Any surplus resulting from the excess levy herein provided for may be transferred to the road and bridge fund after the principal and interest for which the tax was levied and collected has been paid. Nothing herein contained shall be construed as limiting the power of the county to levy taxes to pay the bonds issued hereunder, but the county board shall have the power and it shall be its duty to levy any taxes necessary to provide revenue to pay the full principal and interest of such bonds. ('27, c. 147, § 3)

2620-8. Same—Amount of tax levy—The amount which may be included by any such county in its annual tax levy in each year hereafter made for road and bridge purposes shall not exceed ten mills on the dollar of the taxable valuation of the county, less the amount hereinbefore required to be levied for the same year to pay principal and interest on bonds herein authorized. Provided nothing herein contained shall be construed to prohibit or limit the tax levy authorized by Chapter 44 of the Session Laws for 1915 or any acts amendatory thereof. ('27, c. 147, § 4)

2620-9. Same—Budget of expenditures—Allotment of funds—Such county board shall annually, at its meeting on the second Monday in July, 1927, and at its meeting on the first Monday in January in each succeeding year, determine the amount of funds which will be available during the current year for road and bridge purposes, from the proceeds of the tax levy lawfully made therefor in the preceding year and from state aid and from other sources known to be due and payable into the county treasury for such purposes during such year, and shall thereupon, at such meeting, make and spread on its minutes a definite budget of the expenditures made and to be made and indebtedness incurred and to be incurred for road and bridge purposes during such year, which expenditures and indebtedness shall in no case exceed the aggregate amount of revenues so determined to be available for such year. Such budget shall first allot, and there shall be first payable out of the receipts for such year, so much of the road and bridge floating indebtedness of the county, including amounts borrowed from any other fund or funds, as is not retired by the bond issue hereinbefore authorized, together with interest thereon.

There shall then be allotted not less than one-fifth of the anticipated current tax collections annually for maintenance and not less than one-twenty-fifth of the anticipated current tax collections annually for an emergency fund, and what remains may be allotted to be expended on new construction for the year, which allotment shall include the payment of any amount remaining to be paid on outstanding construction contracts, completed or uncompleted. As nearly as may be, a specific program of new construction shall then be determined upon and the amount to be expended on each item determined and allotted; and no change in such program shall be made, nor additional expenditures made or indebtedness incurred, which shall cause to be diverted to other purposes any part of the amount herein required to be allotted for payment of outstanding indebtedness, and for maintenance and emergency funds, nor which shall cause the expenditures made or indebtedness incurred by the county for all the purposes aforesaid in any year to exceed the total revenues of the county determined, as aforesaid, to be available for such year. The emergency fund may be used to pay for extraordinary repairs or replacements occasioned by emergency which could not be anticipated when the budget was made. ('27, c. 147, § 5)

2620-10. Same—Records kept—The county auditor shall keep a record showing accurately the amount allotted to each item of the budget for each year and the amounts incurred and expended from time to time on account of each of such items, which record shall be presented and examined at each meeting of the county board and show the true condition of affairs at the date of such meeting. No indebtedness shall be incurred by the county for road and bridge purposes except pursuant to action of the board while in meeting assembled, specifying the purposes and the amount thereof. ('27, c. 147, § 6)

2620-11. Same—Claims against counties—All claims against any such county for repairs or services performed or material furnished in the construction, improvement or repair of county roads and bridges must be filed with the county auditor of such county within thirty days after the same were incurred; if not so filed the county shall not be liable therefor. It shall be the duty of the county auditor after any claim has been filed with him for road and bridge purposes to present such claim to the county board at its next meeting for its audit and allowance and it shall be the duty of the county board at such meeting to act upon such claims; provided, that all expenditures for constructing, improving, maintaining or repairing any public road or bridge by day labor may be paid for by the time check method as provided in Section 30 of Chapter 323, Session Laws for 1921, and laws amendatory thereof; but no such time check shall be honored by the auditor, nor shall any claim thereon be valid against the county, unless the duplicate thereof be duly filed in the office of the county auditor within thirty days after the date of the issuance thereof. ('27, c. 147, § 7)

Explanatory note—For Laws 1921, c. 323, § 30, see § 2570, herein.

2620-12. Same—Offenses—Penalties—Any member of the county board or other county officer or employe knowingly participating in or authorizing any violation of this Act shall be guilty of a misdemeanor, punishable by a fine not exceeding \$100 or imprisonment in the county jail not exceeding three months for each offense; and every contract attempted to be entered into or indebtedness or pecuniary liability attempted to be incurred in violation of the provisions

of this Act shall be null and void in regard to any obligation thereby sought to be imposed upon the county, and no claim therefor shall be allowed by the county board, nor shall the county auditor issue, nor the county treasurer pay, any warrant issued on account thereof. Each member of the county board or other county officer or employe so participating in or authorizing any violation of this Act shall be individually liable to the county or to any other person for any damages caused thereby; and, for the purpose of enforcing such liability, without impairing any other remedy, one-fourth of the salary of each such officer and employe shall be withheld from him and applied towards reimbursing the county or any such other person for such damages, until all claims by reason thereof have been fully paid. Each member of the county board present at a meeting of the board when any action is taken with reference to paying money or incurring indebtedness or entering into any contract for road and bridge purposes, shall be deemed to have participated in and authorized the same unless he shall cause his dissent therefrom to be entered on the minutes of the meeting. ('27, c. 147, § 8)

2620-13. Same—Partial invalidity of law—If any section, part or provision hereof be found unconstitutional, such determination shall not affect the validity of the remaining provisions not clearly dependent thereon. ('27, c. 147, § 9)

2620-14. Settlement by counties of claims incident to construction of rural highways—Where the county board of any county in this state, or the judge of any of the district courts therein, in pursuance of Chapter 254 of the Laws of 1911 and any acts amendatory thereof, has heretofore established, constructed or improved or attempted to establish, construct or improve any state rural highway within such county, or partly within such county, or any other county or counties and work has prior to January 1, 1917, been actually done thereupon within such county, or material, supplies, board or workmen, or necessary equipment have been furnished for or in the construction or improvement of any such rural highway within the county or necessary expenses incidental to such construction have been incurred during the years 1915 and 1916, and claims have thereafter been preferred against such county therefor; that then and in each such case the county board of such county, in its discretion, is hereby authorized and empowered to audit, compromise, settle and pay such claims out of the appropriate fund or funds of such county. ('27, c. 242, § 1)

Explanatory note—Laws 1911, c. 254, was repealed by Laws 1915, c. 52.

2620-15. Same—Not claims against state—All bills and claims validated and allowed by the provisions of this Act shall in no way be made a claim against the State of Minnesota pursuant to Chapter 259 [254], Laws of 1911, or otherwise. ('27, c. 242, § 2)

Explanatory note—See note to § 2620-14, herein.

2620-16. Same—Pending actions not affected—This Act shall not affect any actions or appeals now pending in which the validity of any such claim is in issue. ('27, c. 242, § 3)

The following laws apply only to particular counties:
County expenditures on roads and bridges in cities and villages ('15 c. 73)

Leasing of streets for overhead structures ('15 c. 291)
Transfer of money from sanatorium to road and bridge fund legalized ('17 c. 47)

Maximum rate of taxation fixed by board of tax levy for road and bridge purposes ('17 c. 339)

Roads constructed under federal aid to be supervised by state highway commission ('17 c. 433)

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Appropriation of moneys for road, street and bridge work in certain cities ('13 c. 60. Sec. 1 amended, '27 c. 361).

Compensation of highway engineers and employes ('19 c. 66).

Construction of roads on county lines and taxation therefor ('19 c. 198. Rep '27, c. 23).

Issuance and sale of bonds for permanent improvement of certain state roads ('21 c. 166).

Maximum rate of taxation fixed by board of tax levy and estimate of county board for road and bridge fund included in tax levy ('21 c. 228, amended '23 c. 231).

Bond issuance and tax levy for construction and maintenance of roads and bridges ('21 c. 395).

Employment of road clerks for county road and bridge work ('23 c. 23; '23 c. 99).

County expenditures on roads and bridges in towns ('23 c. 169).

Power of county commissioners to fix and apportion tax levy for road and bridge purposes ('23 c. 200. Rep. '25 c. 42).

Purchase of dredge or ditching machine for construction of county road ditches ('23 c. 217).

GENERAL PROVISIONS APPLICABLE TO ALL ROADS

2621. Meeting and passing vehicles—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36. 58-555, 557, 60+545; 74-436, 437, 77+238; 110-158, 124+831; 140-285, 168+351; 141-240, 169+805; 145-35, 176+173; 146-118, 177+944; 146-205, 178+882; 147-95, 179+647; 148-167, 181+323; 150-90, 184+571; 150-285, 184+1026; 150-362, 185+376; 152-377, 188+994; 152-519, 189+435; 190+993; 191+47; 193+690.

210+399.

The evidence warranted a finding that, in overtaking and passing plaintiff's car, defendant cut in ahead of it and crowded plaintiff off the roadway. 159-173, 192+428.

Plaintiff's intestate, on entering a street intersection, had the right to assume that the driver of defendant's truck would not violate the law of the road or drive in a negligent manner. The evidence warranted the jury in finding in plaintiff's favor on the issue of contributory negligence. 161-16, 200+817.

A street car collided with a truck, driven by plaintiff, which approached the street intersection from the right-hand side of the street car, held (1) that a street car is a "vehicle;" (2) that plaintiff had the right of way, and defendant's failure to yield to his right of priority justified the jury in finding negligence; (3) that the question of plaintiff's contributory negligence was for the jury; and (4) that the damages awarded were not excessive. 161-322, 201+606.

Evidence held sufficient to sustain a finding of the jury of negligence on the part of defendant, and that the plaintiff was not guilty of contributory negligence. 211+949.

2622. Intemperate drivers—No person owning or having control of a coach or vehicle traveling upon any road for the conveyance of passengers, shall employ any person to drive the same who is addicted to the excessive use of intoxicating liquors.

Every person who violates any provision of this section shall forfeit for each offense such sum as the court shall fix, not exceeding fifty dollars, and shall also be liable to any party injured for all damages sustained by reason of such offense; provided, that complaint for such violation shall be made within three months, and every action for damages shall be begun within one year thereafter. ('13 c. 235 § 66) [2553]

2623. Leaving horses unfastened—No driver of any vehicle used for the conveyance of passengers for hire, shall leave the horses attached thereto, while any passenger remains in or upon the same, without securely fastening such horses or leaving some suitable person in charge thereof; and, if any driver shall violate the provisions of this section, he and his employer shall, in an action for damages instituted by any person injured by reason of the violation of this section, be deemed guilty of negligence. ('13 c. 235 § 67) [2554]

2624. Traction engine—Whistle, etc.—Every engineer, owner, or other person in charge of a traction

engine propelled along a road, who shall blow or permit the whistle of such engine to be blown within five hundred feet of a team passing on such highway, if the team can be seen from the position of such engine, or who shall not stop the same at least one hundred feet before meeting a horse or team traveling on such road, unless on a side hill where such stoppage might expose the flues of the engine and cause an explosion, and not start the same until such horse or team shall have passed the engine, shall be guilty of a misdemeanor. ('13 c. 235 § 68) [2555]

2625. Traction engines—Bridges—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

2626. Animals on highways—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

2627. Penalty for violation—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

2628. Commissioner of highways may condemn bridges—Upon the complaint of the commissioner of highways as to trunk highways, the county board of any county as to state aid and county roads, the town board of any town as to town roads, filed with the railroad and warehouse commission, that any highway bridge over any railroad is unsafe for the accommodation of the travel thereon on account of the strength or width thereof, the width, manner of construction or grade of the approaches thereto, the clearance thereof above the rails or for any other cause, the commission shall forthwith proceed to investigate the matters contained in the complaint giving the complainant and railroad company an opportunity to be heard, at a time and place to be fixed by the commission, after such notice as the commission may deem reasonable. Upon such hearing, or any appeal from the order of the commission made thereon, a certified copy of any order of the commissioner of highways or resolution of the county board or town board, as the case may be, condemning such bridge on account of its noncompliance with the provisions of any existing law relating to the construction of bridges on highways, shall be deemed prima facie evidence of the facts therein recited, and that such bridge is unsafe for travel. ('21 c. 368 § 1)

2629. May order bridges reconstructed—Upon such hearing the commission shall decide the matters set forth in the complaint, and make a report in writing thereof, including the findings of fact. If it finds the facts set forth in the complaint to be true, it shall make its order directing the railroad company within a time set forth therein to reconstruct or repair such bridge in such manner as the commission may direct. ('21 c. 368 § 2)

2630. Appeal—Any railroad company, or the commissioner of highways, or the county or town making the complaint, may appeal from an order of the commission to the district court of the county in which such bridge is located, and in case of such appeal, the same proceedings shall be had as is now provided by law for an appeal from orders of the commission, except as herein otherwise provided. ('21 c. 368 § 3)

2631. Failure to comply—Penalty—Any railroad company failing to comply with any order of the commission shall be liable to a penalty of \$50.00 for each and every day of such noncompliance, to be collected

by the attorney general for the trunk highway fund in the case of a bridge on a trunk highway, and by the county attorney for the county road and bridge fund in the case of a bridge on a county or town road. ('21 c. 368 § 4)

2632. Vehicles of certain width prohibited—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

2633. Weight of load limited—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

2634. Permit—Where secured—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

2635. Violation a misdemeanor—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

2636. Restricting use of roads—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

2637. Municipalities not to expend money outside of state—That no municipality "of the second class" in the State of Minnesota shall hereafter appropriate or use any of its funds or make or incur any expenditure, indebtedness or obligation whatsoever for or in the construction, maintenance or repair of any road, roadway, driveway or highway of any kind whatsoever, located or situated outside the boundaries of said state or in aid of any thereof, or in connection therewith. ('21 c. 106 § 1)

2638. Not liable for failure—That no municipality shall ever be liable in any way whatsoever for any failure to repair or maintain any such road, roadway, driveway or highway and no action shall be prosecuted or maintained against any such municipality or any of its officers for or on account of any such failure. ('21 c. 106 § 2)

2639. Not to apply to bridges—The provisions of this act shall not apply to any bridge which shall span any water forming the boundary of this state. ('21 c. 106 § 3)

2640. State to reimburse counties for money expended on trunk highways—That the State of Minnesota hereby agrees to reimburse, to the extent hereinafter provided, all counties for moneys expended by them subsequent to February 1, 1919, or hereafter to be expended by them under the provisions of this act in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota, and to be hereafter more definitely fixed and determined by the Commissioner of Highways. ('21 c. 522 § 1)

166-354, 208+9.

2641. Manner and time of reimbursement—That said reimbursement shall be made only in the manner, at the time, and to the extent herein provided:

(a) To the extent that the proceeds derived from the issuance of bonds by any counties under Chapter 265, Laws of Minnesota for 1919, or any other general law of this state, shall have been heretofore so expended, the State of Minnesota hereby agrees to pay out of the Trunk Highway Fund, and only out of that fund, the principal of such bonds at maturity, and it shall be the duty of the county boards of the counties availing themselves of the provisions hereof to certify to the Commissioner of Highways on or before August 1, 1921, full data concerning such bonds on blanks prepared and furnished by said Commissioner, setting forth the date of issue and sale, the date of maturity,

the amount, rate of interest, and such other facts as may be required by said Commissioner.

The State of Minnesota hereby agrees to reimburse said counties for all interest accruing on said bonds subsequent to February 1, 1919, and paid by said counties, and for all interest hereafter to accrue thereon, but if the rate of interest on said bonds exceeds five per cent per annum such reimbursement shall be computed on the basis of five per cent, instead of the actual rate. It shall be the duty of the counties to pay such interest in the first instance and in accordance with the terms of said bonds. The county auditor of any county claiming such reimbursement for interest shall certify to said Commissioner, on blanks to be prepared and furnished by him, complete data showing that the county is entitled to the reimbursement for interest as hereby provided. Said interest certificates shall be filed in the office of said Commissioner, to be numbered in the order of such filing, and be paid in the order of filing out of that portion of the Trunk Highway Fund set aside for payment of interest and for refundment purposes. Interest shall not be allowed or paid on said interest certificates. The moneys so paid to any county shall be credited to the fund out of which such interest was paid by such county.

(b) To the extent that moneys derived from taxes, State Highway aid, or temporarily transferred from any bond, interest, or sinking funds, shall heretofore have been by any county so expended in such road work, the State of Minnesota hereby agrees to reimburse such county out of the Trunk Highway Fund, and only out of that fund, for the moneys thus expended, together with interest thereon as included in the principal of bonds issued under this sub-division. Warrants both paid and unpaid which evidence such expenditure shall be included in such reimbursement. It shall be the duty of the county board of any county, desiring such reimbursement, to issue bonds of the county in an amount equal to the amount thus expended, including interest thereon from the respective dates of such expenditures to the date of such bonds, at the rate of five per cent per annum. Such bonds shall mature in not less than ten, nor more than twenty years and bear interest at not more than six per cent per annum, payable semi-annually, and shall be sold conformably to Section 1856, General Statutes 1913. Such county board is hereby authorized to issue and sell such bonds without regard to said county's net indebtedness. The State of Minnesota hereby agrees to pay out of the Trunk Highway Fund, and only out of that fund, the principal of such bonds at their maturity. When such bonds, shall have been so issued, it shall be the duty of the county board so issuing said bonds to certify to the Commissioner of Highways, full data concerning such bonds on blanks to be prepared and furnished by said Commissioner, setting forth the date of issue and sale, the date of maturity, the amount, rate of interest, and such other facts as may be required by said Commissioner. The State of Minnesota hereby agrees to reimburse said counties for all interest accruing on said bonds, but if the rate of interest on said bonds exceeds five per cent per annum, such reimbursement shall be computed on the basis of five per cent per annum, instead of the actual rate. It shall be the duty of the counties to pay such interest in the first instance and in accordance with the terms of said bonds. Thereupon the county auditor shall certify to the Commissioner, on blanks to be prepared and furnished by said Commissioner, complete data showing that the county is entitled to the reimbursement of interest as herein pro-

2640
29 - 227
29 - 285
29 - 364
29 - 366
2640
31 - 221
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234nw 673
2640
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34 - 7
34 - 44
1933 7
2641
29 - 122

vided. Said interest certificates shall be filed in the office of said Commissioner, be numbered in the order of such filing, and be paid in the order of such filing out of that portion of the Trunk Highway Fund set aside for the payment of interest and for refundment purposes. Interest shall not be allowed or paid on such interest certificates. The proceeds derived from the issuance and sale of such bonds shall be placed in the fund of said county out of which the original expenditure was made, but shall first be applied to the payment of any outstanding unpaid warrants referred to in this sub-division and sub-division (f) hereof and issued or to be issued for so permanently improving roads. No bonds shall be issued or sold by any county under the provisions of this section until the Commissioner of Highways shall have certified that said bonds are such as will be paid by the state at their maturity.

(c) To the extent that moneys derived from taxes shall have been by any county so expended, and thereafter funding or refunding bonds shall have been issued by such county to pay warrants covering such expenditures, the State of Minnesota hereby agrees to pay out of the Trunk Highway Fund, and only out of that fund, the principal of such funding or refunding bonds at maturity, and it shall be the duty of the county boards of the counties availing themselves of the provisions hereof to certify to the Commissioner of Highways on or before August 1, 1921, full data concerning such bonds on blanks to be prepared and furnished by such commissioner, setting forth the date of issue and sale, the date of maturity, the amount, rate of interest and such other data as may be required by said Commissioner. The State of Minnesota hereby agrees to reimburse said counties for all interest accruing on said bonds subsequent to February 1, 1919, and paid by said counties, and for all interest hereafter to accrue thereon, but if the rate of interest on said bonds exceeds five per cent per annum, such reimbursement shall be computed on the basis of five per cent, instead of the actual rate. It shall be the duty of the counties to pay such interest in the first instance and in accordance with the terms of said bonds. Thereupon the county auditor shall certify to the said Commissioner, on blanks to be prepared and furnished by said Commissioner, complete data showing that the county is entitled to the reimbursement herein provided. Said interest certificates shall be filed in the office of said Commissioner, be numbered in order of such filing, and paid in the order of such filing out of the portion of the Trunk Highway Fund set aside for the payment of interest and refundment purposes. Interest shall not be allowed or paid on such interest certificates. The moneys so paid to any county shall be credited to the fund out of which such principal or interest was paid by such county.

(d) To the extent that the proceeds derived from the issuance and sale of bonds heretofore authorized prior to January 1, 1921 by any counties under Chapter 265 of the Laws of Minnesota, 1919, or any other law of this State, shall be hereafter so expended under the direction, approval and supervision of the Highway Commissioner upon contracts made by any county with the express approval of the Highway Commissioner, the State of Minnesota agrees to pay out of the Trunk Highway Fund, and only out of that fund, the principal of such bonds, at maturity. It shall be the duty of the county boards of the counties availing themselves of the provisions hereof to certify to the Commissioner of Highways within six months after said proceeds shall have been so expended, full data concerning such bonds on blanks to be prepared and

furnished by said Commissioner, setting forth the date of issue and sale, the date of maturity, the amount, rate of interest, and such other facts as may be required by the Commissioner. The State of Minnesota hereby agrees to reimburse such counties for all interest accruing on such bonds and paid by such counties, but if the rate of interest on such bonds exceeds five per cent per annum, such reimbursement shall be computed on the basis of five per cent per annum, instead of the actual rate. It shall be the duty of the counties to pay such interest in the first instance and in accordance with the terms of said bonds. Thereupon the county auditor shall certify to the said Commissioner on blanks to be prepared and furnished by said Commissioner complete data showing that the county is entitled to the reimbursement herein provided. Said interest certificates shall be filed in the office of the Commissioner, be numbered in the order of such filing, and be paid in the order of such filing out of the portion of the Trunk Highway Fund set aside for the payment of interest and refundment purposes. Interest shall not be allowed or paid on such interest certificates. The moneys so paid to any county shall be credited to the fund out of which such principal or interest was paid by such county. Provided that the total amount of bonds for which the State of Minnesota shall be liable for reimbursement under the provisions of the foregoing Subdivision "d" on contracts not yet entered into, shall not exceed the sum of nine Million Dollars (\$9,000,000).

(e) To the extent that the proceeds of any bonds hereafter issued and sold by any county under the provisions of any existing law shall be so expended for the purpose of completing only under the direction and supervision of the Commissioner of Highways, the permanent improvement of such portion of any Trunk Highway heretofore partially improved by such county for the expenditure on which as already made by such county it shall be entitled to reimbursement under the foregoing provisions of this act, the State of Minnesota hereby agrees to pay out of the Trunk Highway Fund, and only out of that fund, the principal of such bonds provided that none of such bonds shall mature in less than five nor more than twenty years from the date of issue.

It shall be the duty of the county boards of the counties availing themselves of the provisions hereof to certify to the Commissioner of Highways within six months after the completion of any such work full data concerning such bonds on blanks to be prepared and furnished by the Commissioner, setting forth the date of issue and sale, the date of maturity, the amount, rate of interest, and such other facts as may be required by said Commissioner.

The moneys paid to all counties hereunder shall be credited to the fund out of which such principal was paid by any such county.

(f) Moneys actually paid out by any counties in so permanently improving roads subsequent to February 1, 1919, but in accordance with the terms and provisions of contracts dated prior to February 1, 1919, shall not for the purposes of this act be regarded as moneys expended by such counties. Except in so far as the State Highway Commissioner shall specifically so order in the interests of the Highway system. Moneys hereafter to be paid out by any counties in accordance with the terms and provisions of contracts heretofore, but subsequent to February 1, 1919, entered into by such counties for so permanently improving roads shall be regarded as money heretofore expended within the meaning of this act.

(g) The foregoing provisions shall not include reimbursement for any moneys so expended by any counties and derived from Federal aid.

(h) The moneys paid out by any county to any township, borough, village or city, in reimbursing such township, borough, village or city for so permanently improving roads or any part thereof described in Article 16 of the Constitution of the State of Minnesota, heretofore and subsequent to February 1, 1919, shall be regarded and dealt with as moneys expended by such county in permanently improving roads or any part thereof; provided, such work shall have been done in accordance with plans and specifications approved by the Commissioner of Highways. Before any payment shall be made by any county, to any such township, borough, village or city, the plans and specifications for such work, the work done and the contract price paid therefor, shall be first approved by the Commissioner of Highways, by order made and filed in his office, a certified copy of which order shall be filed with the county auditor of any such county. That thereafter the county board of any such county shall authorize the county auditor to issue his warrant on the road and bridge fund of such county in the amount so approved by the Commissioner of Highways to such township, borough, village or city. Any such warrants paid, or warrants so issued and not paid for lack of funds, may be funded or refunded by such county in the manner provided herein for the funding and refunding of moneys expended by such county derived from taxes or other funds.

(i) Whenever the words "permanently improving" are used in this act they shall be construed to mean permanently improving any road described in Article 16 of the Constitution of the State of Minnesota, in accordance with plans and specifications therefor approved by the Commissioner of Highways.

(j) In the event that any provision or paragraph or part of this act shall be questioned in any court and shall be held to be invalid, the remainder of the act shall not be invalidated, but shall remain in full force and effect. ('21 c. 522 § 2)

Explanatory note—Laws 1919, c. 265, was repealed by laws 1921, c. 323, § 79. See supra, § 2619, 166-354, 208+9.

2641-1. Villages, may use reimbursements to purchase and redeem highway bonds—Whenever any village has received money from the state as a refund or reimbursement for money expended on highways pursuant to chapter 522, Laws 1921, and prior thereto duly issued and sold its bonds for highway purposes, such village may, with the moneys so received, purchase and redeem any part of such outstanding bonds, provided no premium in excess of five per cent of the par value of such bonds shall be paid. ('23, c. 135, § 1)

Explanatory note—For Laws 1921, c. 522, see §§ 2640, 2641, herein.

2641-2. Road and bridge bonds in counties with assessed valuation of not less than \$295,000,000 and bonded indebtedness of not to exceed \$4,500,000—Amount of issue—Any county in this state now or hereafter having property of an assessed valuation of not less than \$295,000,000 exclusive of money and credits, and having a bonded indebtedness of not to exceed \$4,500,000 inclusive of bonds issued to defray the cost of permanently improving state trunk highways, which said bonds the State of Minnesota has agreed to pay under the provisions of Chapter 522, Laws of 1921, is hereby authorized to issue and sell the bonds of such county in an amount not to exceed the sum of \$2,000,000

for the purpose of constructing and/or improving, or aiding in the construction and/or improvement, of roads and/or bridges within such county, and roads and/or bridges outside of such county leading into such county, and roads and/or bridges on the line between such county and any adjoining county. ('23, c. 397, § 1)

Explanatory note—For Laws 1921, c. 522, see §§ 2640, 2641, herein.

2641-3. Same—Issue and sale of bonds—Whenever the board of county commissioners of any such county shall deem it advisable to construct and/or improve any such road or roads and/or bridges thereon, it may by resolution or resolutions duly adopted issue and sell the bonds of such county to defray the cost thereof, within the provisions of this act. The principal of such bonds shall mature and be payable in not more than fifteen annual installments as nearly equal as practicable, and the first annual installment of principal shall mature not more than five years after the bonds are issued. Such bonds shall be sold in the manner provided by Section 1856 General Statutes of 1913. The county board of such county is authorized to determine whether such bonds shall be sold to the purchaser who will pay the par value thereof at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the county board; provided, however, that the rate of interest shall in no case exceed five per cent per annum. The full faith and credit of the county shall be pledged to the payment of the principal and interest of such bonds. ('23, c. 397, § 2)

Explanatory note—For G. S. '13, § 1856, see § 1943, herein.

2641-4. Same—Tax levy—The county board of any such county issuing bonds under the provisions of this act shall annually, after the issuance of such bonds, levy or cause to be levied a tax upon the taxable property of such county in addition to all other taxes levied, in an amount corresponding to the amounts of principal and interest on such bonds falling due from year to year. ('23, c. 397, § 3)

2641-5. Road and bridge bonds in counties with assessed valuation of not less than \$315,000,000 and bonded indebtedness of not to exceed \$6,400,000—Amount of issue—Any county in this state now or hereafter having property of an assessed valuation of not less than \$315,000,000 exclusive of money and credits, and having a bonded indebtedness of not to exceed \$6,400,000 inclusive of bonds issued to defray the cost of permanently improving state trunk highways, (which said bonds the state of Minnesota has agreed to pay under the provisions of Chapter 522, Laws of 1921,) is hereby authorized to issue and sell the bonds of such county in an amount not to exceed the sum of \$700,000 for the purpose of constructing and/or improving, or aiding in the construction and/or improvement, of roads and/or bridges within such county, and roads and/or bridges outside of such county leading into such county, and roads and/or bridges on the line between such county and any adjoining county. ('25, c. 365, § 1)

Explanatory note—For Laws 1921, c. 522, see §§ 2640, 2641, herein.

2641-6. Same—Issue and sale of bonds—Whenever the board of county commissioners of any such county shall deem it advisable to construct and/or improve any such road or roads and/or bridges thereon, it may by resolution or resolutions duly adopted issue and sell the bonds of such county to defray the cost thereof, within the provisions of this act. The principal of such bonds shall mature and be payable in not more than

fifteen annual installments as nearly equal as practicable, and the first annual installment of principal shall mature not more than five years after the bonds are issued. Such bonds shall be sold in the manner provided by Section 1856, General Statutes of 1913. The county board of such county is authorized to determine whether such bonds shall be sold to the purchaser who will pay the par value thereof at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the county board; provided, however, that the rate of interest shall in no case exceed five per cent per annum. The full faith and credit of the county shall be pledged to the payment of the principal and interest of such bonds. ('25, c. 365, § 2)

Explanatory note—For G. S. '13, § 1856, see § 1943, herein.

2641-7. Same—Tax levy—The county board of any such county issuing bonds under the provisions of this act shall annually, after the issuance of such bonds, levy or cause to be levied a tax upon the taxable property of such county in addition to all other taxes levied, in an amount corresponding to the amounts of principal and interest on such bonds falling due from year to year. ('25, c. 365, § 3)

2641-8. Joint construction or improvement by certain townships or villages and counties of roads or streets leading into such counties—Tax levy, certificates of indebtedness or bond issues—Any township or village in this state having assessed valuations of not more than \$500,000 exclusive of money and credits, and having roads or streets separate or continuous leading into adjoining counties having assessed valuations of not less than \$150,000,000 exclusive of money and credits, and a bonded indebtedness of not to exceed \$7,000,000 exclusive of bonds issued to defray the cost of permanently improving State Trunk Highways, which the State of Minnesota has agreed to pay under the provisions of Chapter 522, Laws of 1921, may construct and improve or aid in the construction and improvement jointly or severally with said last mentioned counties, such roads or streets. The cost of constructing or improving such roads or streets may be defrayed in such proportions by such counties, villages and townships, as they may agree upon, and each such village or township may provide its share of such cost by the levying of taxes upon the taxable property in such villages and townships respectively, or by the issuance of certificates of indebtedness or bonds therefor respectively, as hereinafter provided. ('25, c. 374, § 1)

Explanatory note—For Laws 1921, c. 522, see §§ 2640, 2641, herein.

2641-9. Same—Limitation on amount of certificates of indebtedness or bonds—Whenever any such village or township shall determine by resolution of its Council or Board of Supervisors as the case may be, to construct or improve or aid in the construction or improvement of any such streets or roads, they and each of them may issue and sell its bonds or certificates of indebtedness to defray its share of the cost thereof, in an amount not to exceed \$25,000 for such village, and \$25,000 for such town. All of the aforesaid bonds or certificates of indebtedness may be issued without submission to the vote of the people, and the full faith and credit of such village or town as the case may be, shall be pledged for the payment of the principal and interest of the same. ('25, c. 374, § 2)

2641-10. Same—Issue and sale of certificates of indebtedness or bonds—Such certificates of indebtedness or bonds shall be in the form of serial certificates or bonds, a portion of which shall be payable each year after issue, but none of said bonds or certificates shall run for a longer term than twenty (20) years, and the Councils of the said villages and the Boards of Supervisors of the said towns shall fix the denominations of such bonds or certificates of indebtedness as they shall issue hereunder respectively, and shall fix the dates of maturity thereof respectively, so that the amount necessary each year to pay the principal of the portion of the bonds maturing in such year and the interest of bonds issued shall be approximately the same in each of the years in which said bonds shall run. Such certificates of indebtedness or bonds shall be sold in the manner provided in Section 1856 of the General Statutes of the State of Minnesota for the year 1913, and the Councils of such villages and the Boards of Supervisors of such towns shall determine respectively whether such bonds shall be sold to the purchaser who will pay the par value thereof at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the issuing village or township; provided, however, that the rate of interest shall in no case exceed five per cent per annum. ('25, c. 374, § 3)

Explanatory note—For G. S. '13, § 1856, see § 1943, herein.

2641-11. Same—Tax levy—The councils of such villages and the Boards of Supervisors of such towns after the issuance of such bonds shall levy a tax upon the taxable property of such village or township respectively, in addition to all other taxes levied in an amount corresponding to the amounts of principal and interest of such bonds or certificates of indebtedness falling due each year as to such villages and towns; provided, however, that where any such village or town shall receive aid from the State Road and Bridge Fund as hereinafter provided, the obligation to levy taxes for the payment of such bonds or certificates of indebtedness shall to the extent of such aid be removed. ('25, c. 374, § 4)

2641-12. Same—Indebtedness to be additional—The amount of indebtedness herein authorized to be incurred by any such village or township shall be in addition to and over and above any limits now fixed by law. ('25, c. 374, § 5)

2641-13. Same—Other laws not affected—This act shall not be construed to be in derogation or limitation of any powers heretofore granted to any villages or townships, but to be supplementary of and in addition thereto. ('25, c. 374, § 6)

2641-14. Same—Apportionment of funds—Whenever any such street or road has been designated, or shall hereafter be designated as a State Road by the Board of County Commissioners, or by the State Highway Commissioner, or in any manner provided by law, the Board provided for in Section 2502 of the General Statutes of the State of Minnesota for the year 1913, which apportions the State Road and Bridge Fund may annually apportion and allot to any county in which such villages or townships are located out of the State Road and Bridge Fund for the use and benefit of such villages or townships as may issue certificates of indebtedness or bonds to aid in the construction, improvement, or repair of roads and streets provided for herein, such portion of the allotment to such counties in which such villages or townships are located, as the said Board may deem advisable, and same shall

be paid over by the treasurer of such county to the treasurers respectively of such villages or townships, and same shall be used by such villages or townships in payment or retirement; of the certificates of indebtedness or bonds issued hereunder when and as they become due respectively, and the provisions for such apportionment out of the said State Road and Bridge Fund herein made shall continue annually until the certificates of indebtedness or bonds herein authorized are fully paid. ('25, c. 374, § 7)

Explanatory note—G. S. '13, § 2502 was repealed by Laws 1921, c. 323, § 79 (see § 2619, herein). The apportionment of the state road and bridge fund is now made by the commissioner of highways, the state treasurer and the state auditor, by Laws 1921, c. 323, § 18 (§ 2559, herein).

2641-15. Road and bridge bonds in counties with assessed valuation of not less than \$335,000,000 and bonded indebtedness of not to exceed \$7,000,000—Amount of issue—Any county in this state now or hereafter having property of an assessed valuation of not less than \$335,000,000 exclusive of money and credits, and having a bonded indebtedness of not to exceed \$7,000,000 inclusive of bonds issued to defray the cost of permanently improving state trunk highways (which said bonds the State of Minnesota has agreed to pay under the provisions of Chapter 522, Laws of 1921) is hereby authorized to issue and sell the bonds of such county in an amount not to exceed one-tenth of one per cent of the assessed valuation of the taxable property of the county not including the valuation of monies and credits, for the purpose of constructing and/or improving, or aiding in the construction and/or improvement, of roads and/or bridges within such county, and roads and/or bridges outside of such county leading into such county, and roads and/or bridges on the line between such county and any adjoining county. ('27, c. 148, § 1)

Explanatory note—For Laws 1921, c. 522, see §§ 2640, 2641, herein.

2641-16. Same—Issue and sale of bonds—Whenever the board of county commissioners of any such county shall deem it advisable to construct and/or improve any such road or roads and/or bridges thereon, it may by resolution or resolutions duly adopted issue and sell the bonds of such county to defray the cost thereof, within the provisions of this act. The principal of such bonds shall mature and be payable in not more than fifteen annual installments as nearly equal as practicable, and the first annual installment of principal shall mature not more than two years after the bonds are issued. Such bonds shall be sold in the manner provided by Section 1943, General Statutes of 1923. The county board of such county is authorized to determine whether such bonds shall be sold to the purchaser who will pay the par value thereof at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the county board; provided, however, that the rate of interest shall in no case exceed five per cent per annum. The full faith and credit of the county shall be pledged to the payment of the principal and interest of such bond. ('27, c. 148, § 2)

2641-17. Same—Tax levy—The county board of any such county issuing bonds under the provisions of this act shall annually, after the issuance of such bonds, levy or cause to be levied a tax upon the taxable property of such county in addition to all other taxes levied, in an amount corresponding to the amounts of principal and interest on such bonds falling due from year to year. ('27, c. 148, § 3)

2642. Counties re-insured for road bonds—That the State of Minnesota hereby agrees to reimburse in the manner and to the extent hereafter provided, all counties for moneys heretofore expended by them subsequent to February 1, 1919, in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota. ('23 c. 184 § 1)

2643. Amount of reimbursement—To the extent that moneys derived from taxes, State Highway aid, or temporarily transferred from any bond, interest, or sinking funds, shall heretofore, and subsequent to February 1, 1919, have been by any county so expended in such road work in constructing and installing culverts and bridges in roads that have heretofore been permanently designated as State Trunk Highways and on which the contract for road construction other than bridges and culverts was let subsequent to February 1, 1919, and prior to April 25, 1921, and the expenditures for which road construction work other than culverts and bridges have been certified and accepted by the Commissioner of Highways for reimbursement, the State of Minnesota hereby agrees to reimburse such county out of the Trunk Highway Fund and only out of that fund, for the moneys thus expended, for culverts and bridges, together with interest thereon as included in the principal of bonds to be issued under this act. Warrants, both paid and unpaid, which evidence such expenditure shall be included in such reimbursement. ('23 c. 184 § 2)

2644. Bonds to be issued—It shall be the duty of the county board of any county desiring such reimbursement to issue bonds of the county in an amount equal to the amount thus expended, including interest thereon from the respective dates of such expenditures to the date of such bonds, at the rate of five per cent per annum. All of the provisions of subdivision (b) of Section 2 Chapter 522 Laws 1921, shall apply to the issuance of such bonds, the maturity thereof and to the payment of the principal and interest thereof. The proceeds derived from the issuance and sale of such bonds shall be placed in the fund of said county out of which the original expenditures were made but shall first be applied to the payment of any outstanding unpaid warrants referred to in this act. No bonds shall be issued or sold by any county under the provisions of this act, until the commissioner of Highways shall have certified that said bonds are such as will be paid by the state at their maturity. ('23 c. 184 § 3)

Explanatory note—For Laws 1921, c. 522, § 2, see § 2641, herein.

2645. County boards may issue bonds for road and bridge purposes—The county board of any county is hereby authorized, without a vote of the people, to issue and sell from time to time the bonds of said county to such an amount as in the judgment of the board may be necessary for the purpose of paying the expense to be incurred in permanently improving any road or roads, including temporary trunk highways, in said county, which have not been definitely fixed and determined by the commissioner of highways as trunk highways, but the aggregate indebtedness of any county, inclusive of bonds issued hereunder, shall not at any time exceed fifteen per cent of the assessed valuation of the county's taxable real property; provided, however, that the amount of bonds issued hereunder by any county shall, together with bonds heretofore authorized by such county under the provisions of chapter 265, Laws 1919, in no case exceed in the aggregate the sum of \$250,000.00. ('23 c. 320 § 1)

2646. Definitions—The words "permanently improve" as used herein shall mean any work approved

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by the commissioner of highways as hereinafter specified which is essential or preparatory to the paving of such road with a proper durable hard-surface type of paving. ('23 c. 320 § 2)

2647. Commissioner of highways to approve routes and plans—Before any bonds shall be issued under the provisions hereof, the route and termini of the road or roads proposed to be permanently improved and the plans and specifications for such improvement shall be approved by the commissioner of highways. Before any contract for such improvement shall be let, such contract, including the price thereof, shall be approved by the commissioner of highways; and the contract shall be performed and the improvement made under the direction and supervision of the commissioner of highways. The approval of such route, termini, plans and specifications, and the fact that the road is one for the permanent improvement of which bonds may be issued hereunder, shall be conclusively evidenced by a certificate to that effect signed by the commissioner of highways, in which the road or roads proposed to be improved shall be designated by proper description or reference. ('23 c. 320 § 3)

2648. Form of bonds—Interest—Sale of bonds—Such bonds shall be in such form and denominations, shall bear such rate of interest not exceeding six per cent per annum payable semi-annually, shall become due and payable at such time or times not more than twenty years from their date, and shall be sold in such manner, as the county board and the commissioner of highways shall determine, may contain an option permitting their redemption on any interest date, shall be signed by the chairman of the county board and countersigned by the county auditor, and shall be sold conformably to the provisions of section 1856, General Statutes 1913, for not less than par and accrued interest. ('23 c. 320 § 4)

2649. Use of proceeds—The proceeds of such bonds shall be used for the permanent improvement of the road or roads designated in the resolution authorizing their issuance; and if any part of such proceeds remains unexpended after the completion and acceptance of said improvement, such unexpended surplus may by said board be paid into the trunk highway fund, in which event such surplus shall be expended by the commissioner within one year after the receipt thereof upon trunk highways within said county. In case the proceeds from such bonds issued by any county should for any reason be insufficient to pay for the completion of any contract for the making of the improvement for which they were issued, such contract shall be carried out by the county so far as such proceeds shall permit, and the remainder of such contract shall be assumed by the commissioner of highways and paid for out of the trunk highway fund, but only if and when the highway being so improved shall be designated as a trunk highway. ('23 c. 320 § 5)

2650. Funds to be credited to trunk highway fund—In case any county shall authorize the issuance of bonds under this act, and thereafter and prior to the letting of a contract for the making of such improvement the road on which such improvement is to be made shall be designated as a trunk highway, the county may pay the proceeds from such bonds into the trunk highway fund to be expended by the commissioner of highways in the making of such improvement upon the route and under the plans and specifications therefor approved by the commissioner prior to the issuance of said bonds. ('23 c. 320 § 6)

2651. Bonds to be issued prior to January 1, 1925—The powers conferred by this act are additional to all

other powers conferred by law; but no bonds shall be issued hereunder unless authorized by resolution of the county board adopted after the passage of this act and prior to January 1, 1925. ('23 c. 320 § 7)

2652. Counties to be reimbursed from state highway funds—The state of Minnesota hereby agrees to reimburse, to the extent hereinafter provided, all counties for moneys expended by them under the provisions of this act between the passage thereof and January 1, 1925, in permanently improving, in accordance with plans and specifications therefor approved by the commissioner of highways, roads described in Article 16 of the Constitution of Minnesota and to be hereafter definitely fixed and determined by the commissioner of highways as trunk highways. Moneys paid by any county upon any contract hereunder shall be deemed to have been expended as of the date of such contract. Moneys paid by any county into the trunk highway fund and expended by the commissioner of highways under the provisions of sections 4 and 6 hereof shall be deemed to have been expended by such county as of the date of such payment into said fund. Such reimbursement shall be made according to the provisions of chapter 522, Laws 1921, and particularly of subdivision (a) of section 2 thereof, exclusive of amendments thereto, so far as applicable hereto, except that the certificate by the county board required by said subdivision (a) shall be made and filed forthwith upon the issuance of said bonds and in no case later than April 1, 1925. ('23 c. 320 § 8)

Explanatory note—For Laws 1921, c. 522, § 2, subd. (a), see § 2641, herein.

2652-1. Certain county bond issues legalized—To be paid out of trunk highway fund—Where any County has heretofore issued \$110,000 of bonds under the provisions of Chapter 265, Laws of 1919, and the County is not entitled to be reimbursed out of the Trunk Highway Fund for expenditures made from the proceeds of such bond issue, and where prior to January 1, 1925, the County Board of such county has passed a resolution authorizing the issuance of an additional \$110,000 of bonds under the provisions of Chapter 320, Laws of 1923, and has sold such bonds, said proceedings are hereby legalized and the bonds upon completion of delivery are made legal and binding obligations of such County in accordance with the provisions of Chapter 320, Laws of 1923, and the limitation contained in said Chapter 320, Laws of 1923, as to the amount of bonds to be issued thereunder shall not apply to the issuance of such additional bonds. Said bonds and the interest thereon shall be paid out of the Trunk Highway Fund as provided in Chapter 320, Laws of 1923, to the extent that the proceeds thereof shall hereafter be expended for the purpose and in the manner prescribed by said Chapter 320, Laws of 1923. ('25, c. 123, § 1)

Explanatory note—Laws 1919, c. 265, was repealed by Laws 1921, c. 323, § 79 (§ 2619, herein). For Laws 1923, c. 320, see §§ 2645 to 2652, herein.

2653. State to reimburse municipalities for moneys expended on trunk highways—That the state of Minnesota hereby agrees to reimburse, out of the trunk highway fund and only out of that fund, to the extent and in the manner hereinafter provided, all counties for moneys expended by them subsequent to February 1, 1919, or hereafter to be expended by them under the provisions of this act in permanently improving roads described in Article 16 of the Constitution of the state of Minnesota, as the same have heretofore been or will hereafter be definitely located and determined by the commissioner of highways. ('23 c. 346 § 1)

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2654. **Limitation to reimbursement**—The moneys paid out by any county to any township, borough, village or city in reimbursing such township, borough, village or city for so permanently improving roads or any part thereof described in said Article 16 under contracts therefor entered into by such township, borough, village or city heretofore and subsequent to February 1, 1919, shall be regarded and dealt with as moneys expended by said county in permanently improving such roads or any part thereof, provided such work shall have been done in accordance with plans and specifications heretofore or hereafter approved by the commissioner of highways; but such reimbursement shall be made only to the extent of the proportionate cost of an eighteen foot roadway upon such road, exclusive of gutters and curbs. ('23 c. 346 § 2)

2655. **Commissioner of highways to determine who is entitled to reimbursement in certain cases**—In the case of townships, boroughs, village or cities which shall have so improved any such roads or any part thereof under contracts entered into heretofore and subsequent to February 1, 1919, and such work shall have been done under plans and specifications which had not been approved by the commissioner of highways prior to the doing of said work, the commissioner of highways may examine and test such improvement and determine the bearing quality and durability thereof, and further determine, upon the basis of bearing quality and durability, the value of such improvement as compared with the value thereof had the same been constructed in accordance with the plans and specifications in use by the commissioner of highways, on the basis of prevailing costs at the time of the letting of such contract, and when such value has been so determined the commissioner may approve the plans under which such improvement was made for reimbursement as hereinafter provided to the amount of the value of such improvement as so determined, but the amount of such reimbursement shall in no case exceed the amount expended for said improvement. ('23 c. 346 § 3)

2656. **Same**—In the case of townships, boroughs, villages or cities which shall have so improved any such roads or any part thereof under contracts entered into heretofore and subsequent to April 25, 1921, and in accordance with plans and specifications therefor approved by the commissioner of highways prior to the commencement of work under such contract, the amount of such reimbursement shall be the reasonable value of such improvement on the basis of prevailing costs at the time of the letting of such contract, but the amount of such reimbursement shall in no case exceed the amount expended for said improvement. ('23 c. 346 § 4)

2657. **Municipalities to file statement with county auditor**—Before any payment shall be made by any county to any such township, borough, village or city, the plans and specifications for such improvement shall be first approved by the commissioner of highways by order made and filed in his office, a certified copy of which order shall be filed with the county auditor of any such county, which order shall specify the amount in which such township, borough, village or city is entitled to reimbursement. That thereafter the county board of any such county shall authorize the county auditor to issue his warrant on the road and bridge fund of such county in the amount so specified by the commissioner of highways to such township, borough, village or city. Any such warrants paid or warrants so issued and not paid for lack of funds may be funded or refunded by such county in the manner provided

by subdivision (b) of section 2 of chapter 522, Laws 1921. All of the provisions of said subdivision (b) shall apply to the issuance of such bonds and to the payment of the principal and interest thereof. ('23 c. 346 § 5)

2658. **Property owners to be reimbursed in certain cases**—The moneys thus paid to any township, borough, village or city shall be credited to the fund out of which the cost of such improvement was paid; provided, however, that in the event any portion of such cost shall have been assessed against property benefited thereby or paid by any township, borough, village, city, school district or county, the governing body of such township, borough, village or city shall equitably apportion said moneys according to the amounts so contributed, in cash or by assessment, to the cost of said improvement, either by cash reimbursement or by reduction of such assessments. ('23 c. 346 § 6)

2659. **Application**—The moneys paid out and bonds issued by any county under the provisions of Chapter 254, Laws 1911, Chapter 52, Laws 1915, and Chapter 378, Laws 1921, in or for the permanent improvement of any such road, subsequent to February 1, 1919, which work shall have been done in accordance with plans and specifications approved by said commissioner of highways, shall be regarded and dealt with as so expended or issued by said county under the provisions of this act, and reimbursements therefor shall be made and such county bonds dealt with in like manner as is provided by said Chapter 522, Laws 1921; provided within six months after the passage of this act, or after the transaction affected, such county shall furnish said commissioner of Highways, the data with respect thereto contemplated by said Chapter 522; and moneys thus paid to any county shall be equitably apportioned by the County Board thereof according to amounts contributed by reason of assessments of benefits or otherwise, to the cost of such improvement; either by cash reimbursement or by reduction of such assessments. ('23 c. 346 § 7)

2660. **Sections held invalid not to affect other sections**—In the event that any provision or paragraph or part of this act shall be questioned in any court and shall be held to be invalid, the remainder of the act shall not be invalidated, but shall remain in full force and effect. ('23 c. 346 § 8)

2660-1. **Reimbursement of counties by state for expenditures in permanently improving trunk highways**—That the State of Minnesota hereby agrees to reimburse, out of the trunk highway fund and only out of that fund, to the extent and in the manner hereinafter provided, all counties for moneys expended by them under the provisions of this act in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota as the same have heretofore been or will hereafter be definitely located and designated by the commissioner of highways. ('25, c. 410, § 1)

2660-2. **Same—Purpose of and restrictions on reimbursement**—The moneys paid out by any county to any township, borough, village or city in reimbursing such township, borough, village or city for so permanently improving roads or any part thereof described in said Article 16, under contracts therefor entered into by such township, borough, village or city heretofore and subsequent to April 19, 1923, shall for the purpose of reimbursement under the provisions of this act be regarded and dealt with as moneys expended by said county in permanently improving such roads or any part thereof, provided such work shall have been done

in accordance with plans and specifications approved by the commissioner of highways prior to the commencement of work under such contract; but such reimbursement shall be made only to the extent of the proportionate cost of an eighteen-foot roadway upon such road, exclusive of gutters and curbs. The amount of such reimbursement shall be the reasonable value of such improvement, and shall be on the basis of the prevailing cost at the time of construction of the type of pavement now in general use by the Minnesota Highway Department on Trunk Highways according to the Minnesota highway department's standard specifications therefor, including engineering expense, on the basis of prevailing costs at the time of the letting of such contract, but the amount of such reimbursement shall in no case exceed the amount expended for said improvement, including engineering expense. ('25, c. 410, § 2)

2660-3. Same—Commissioner of highways to determine amount—County warrants on road and bridge funds—Bond issues—Before any payment shall be made by any county to any such township, borough, village or city, the commissioner of highways shall by order determine the amount in which such township, borough, village or city is entitled to reimbursement. A certified copy of such order and a certified copy of the order of the commissioner of highways approving the plans and specifications under which such improvement was made shall be filed with the county auditor of the county by which such payment is to be made. Thereupon the county board of such county shall authorize the county auditor to issue his warrant on the road and bridge fund of such county in the amount so specified by the commissioner of highways to such township, borough, village or city. Any such warrants paid or warrants so issued and not paid for lack of funds may be funded or refunded by such county in the manner provided by Subdivision (b) of Section 2 of Chapter 522, General Laws 1921. All of the provisions of said Subdivision (b) shall apply to the issuance of such bonds and to the payment of the principal and interest thereof; provided, however, that such bonds shall be in such form and denomination, shall mature at such times, and shall be sold in such manner, as the county board and the commissioner of highways shall determine. and provided, further, that the county board may if it so elect sell such bonds to the state board of investment without calling for bids, and provided, further, that in any case where the amount in which the county is entitled to reimbursement does not exceed \$10,000.00 such reimbursement may at the option of the commissioner of highways be made in cash out of the trunk highway fund without the issuance of bonds by the county. ('25, c. 410, § 3)

Explanatory note—For Laws 1921, c. 522, § 2, see § 2641, herein.

2660-4. Same—Money to be returned to fund from which paid—The moneys thus paid to any township, borough, village or city shall be credited to the fund out of which the cost of such improvement was paid; provided, however, that in the event any portion of such cost shall have been assessed against property benefited thereby or paid by any township, borough, village, city, school district or county, the governing body of such township, borough, village or city shall equitably apportion said moneys according to the amounts so contributed, in cash or by assessment, to the cost of said improvement, either by cash reimbursement or by reduction of such assessments. ('25, c. 410, § 4)

2660-5. Reimbursement of counties by state for expenditures in permanently improving trunk highways subsequent to April 10, 1921—That the State of Minnesota hereby agrees to reimburse in the manner and to the extent hereafter provided all counties for moneys heretofore expended by them subsequent to April 10, 1921, in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota. ('25, c. 411, § 1)

2660-6. Same—Amount of reimbursement—To the extent that moneys derived from taxes, state highway aid, or temporarily transferred from any bond, interest or sinking funds shall heretofore and subsequent to April 10, 1921, have been by any county so expended in such road work, and where any such county has between April 10, 1921, and December 31, 1921, by contract or otherwise, permanently improved any such road in such county in the manner hereinafter specified and the cost of such improvement has been paid by such county by the issuance of warrants or otherwise under plans and specifications approved by the commissioner of highways before the doing of such work, and such road has after such improvement and before January 1, 1923, been designated by the commissioner of highways as a permanent trunk highway, and said improvement has been inspected and approved by the commissioner of highways, the State of Minnesota hereby agrees to reimburse such county out of the trunk highway fund and only out of that fund for the moneys so expended for clearing right of way, grading, culverts, paving, and including engineering expense but excluding gravelling. *Provided, however, that reimbursement for such paving shall be limited to an amount equal to the cost of construction of concrete paving according to the Minnesota highway department's standard specifications therefor at the prices prevailing at the time of the letting by the county of any contract for such paving.* ('25, c. 411, § 2)

2660-7. Same—Bond issues—It shall be the duty of the county board of any county desiring such reimbursement to issue bonds of the county in an amount equal to the amount in which such county is entitled to reimbursement, including interest thereon from the respective dates of such expenditures to the date of such bonds at the rate of five per cent per annum. All of the provisions of subdivision (b) of Section 2 of Chapter 522, General Laws 1921, shall apply to the issuance of such bonds and to the payment of the principal and interest thereof; provided, however, that such bonds shall be in such form and denominations, shall mature at such times and shall be sold in such manner as the county board and the commissioner of highways shall determine, and provided, further, that the county board may if it so elect sell such bonds to the state board of investment without calling for bids. The proceeds derived from the issuance and sale of such bonds shall be placed in the fund of said county out of which the original expenditures were made, but shall first be applied to the payment of any outstanding unpaid warrants issued on account thereof. No bonds shall be issued or sold by any county under the provisions of this act until the commissioner of highways shall have certified that said bonds are such as will be paid by the state at their maturity. ('25, c. 411, § 3)

Explanatory note—For Laws 1921, c. 522, § 2, see § 2461, herein.

2660-8. Reimbursement of counties by state for expenditures in permanently improving trunk highways—That the State of Minnesota hereby agrees to reimburse, out of the trunk highway fund and only out of

that fund, to the extent and in the manner hereinafter provided, all counties for moneys expended by them under the provisions of this act in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota as the same have heretofore been or will hereafter be definitely located and designated by the commissioner of highways. ('27, c. 56, § 1)

2660-9. Same—Purpose of and Restrictions on reimbursement—The moneys paid out by any county to any township, borough, village or city in reimbursing such township, borough, village or city for so permanently improving roads or any part thereof described in said Article 16, under contracts therefor entered into by such township, borough, village or city heretofore and subsequent to April 25, 1925, shall for the purpose of reimbursement under the provisions of this act be regarded and dealt with as moneys expended by said county in permanently improving such roads or any part thereof, provided such work shall have been done in accordance with plans and specifications approved by the commissioner of highways prior to the commencement of work under such contract; but such reimbursement shall be made only to the extent of the proportionate cost of an eighteen-foot roadway upon such road, exclusive of gutters and curbs. The amount of such reimbursement shall be the reasonable value of such improvement, and shall be on the basis of the prevailing cost at the time of construction of the types of pavement now in general use by the Minnesota Highway Department on Trunk Highways according to the Minnesota Highway Department's standard specifications therefor, including engineering expense on the basis of prevailing costs at the time of the letting of such contract which contract shall be subject to the approval of the Commissioner of Highways, but the amount of such reimbursement shall in no case exceed the amount expended for said improvement, including engineering expense. ('27, c. 56, § 2; amended '27, c. 380)

2660-10. Same—Commissioner of highways to determine amount—County warrants on road and bridge fund—Bond issues—Before any payment shall be made by any county to any such township, borough, village or city, the commissioner of highways shall by order determine the amount in which such township, borough, village or city is entitled to reimbursement. A certified copy of such order and a certified copy of the order of the commissioner of highways approving the plans and specifications under which such improvement was made shall be filed with the county auditor of the county by which such payment is to be made. Thereupon the county board of such county shall authorize the county auditor to issue his warrant on the road and bridge fund of such county in the amount so specified by the commissioner of highways to such township, borough, village or city. Any such warrants paid or warrants so issued and not paid for lack of funds may be funded or refunded by each county in the manner provided by Subdivision (b) of Section 2 of Chapter 522, General Laws 1921. All of the provisions of said Subdivision (b) shall apply to the issuance of such bonds and to the payment of the principal and interest thereof; provided, however, that such bonds shall be in such form and denomination, shall mature at such times, and shall be sold in such manner, as the county board and the commissioner of highways shall determine, and provided, further, that the county board may if it so elects sell such bonds to the state board of investment without calling for bids. ('27, c. 56, § 3)

Explanatory note—For Laws 1921, c. 522, § 2, see § 2461, herein.

2660-11. Same—Money to be returned to fund from which paid—The moneys thus paid to any township, borough, village or city shall be credited to the fund out of which the cost of such improvement was paid; provided, however, that in the event any portion of such cost shall have been assessed against property benefited thereby or paid by any township, borough, village, city, school district or county, the governing body of such township, borough, village or city shall equitably apportion said moneys according to the amounts so contributed, in cash or by assessment, to the cost of said improvement, either by cash reimbursement or by reduction of such assessments. ('27, c. 56, § 4)

2660-12. Reimbursement of counties by state for expenditures in permanently improving trunk highways—Cash reimbursement without issue of bonds—In every case where a county has heretofore become entitled to reimbursement out of the trunk highway fund under the provisions of General Laws 1921, chapter 522, General Laws 1923, chapter 346, of General Laws 1925, chapter 410, Laws 1927, chapter 56, for the making of permanent improvements on trunk highways as therein prescribed, whether such improvement has been made by the county or by any town, borough, village, or city therein and such county has not issued bonds therefor as provided in said acts, such reimbursement may, at the option of the commissioner of highways, be made in cash out of the trunk highway fund without the issuance of bonds by the county. ('27, c. 369)

Explanatory note—For Laws 1921, c. 522 see §§ 2640, 2641, herein; Laws 1923, c. 346, see §§ 2653 to 2660, herein; Laws 1927, c. 56, see §§ 2660-8 to 2660-11, herein.

2661. Trunk highway route number 71 established—There is hereby added to the trunk highway system and created and established an additional route, to be known as route No. 71, which shall begin at a point on route No. 27 at Little Falls and extend thence in a general easterly direction connecting with the village of Onamia, Waukon and Isle and thence in a north-easterly direction to a point connecting with Trunk Highway No. 5 affording intervening and adjacent communities a reasonable means of communication each with the other and other places within the state. ('23 c. 358 § 1)

After the county seat of Mille Lacs county was changed from Princeton to Milaca, the Legislature enacted chapter 358, Laws 1923, adding a new route to the state trunk highway system. It did not begin, terminate, or pass through Milaca, but it did intersect another trunk highway at a point 22 miles distant from Milaca. *Held*, that section 1 of article 16 of the state Constitution does not authorize the attempted addition to the trunk highway system, and that the state highway commissioner cannot be compelled to select public highways in obedience to chapter 358. 161-80, 200+843.

2662. Same laws to apply—That all of the provisions of law relating to the trunk highway system shall apply to the trunk highway route hereby created and established. ('23 c. 358 § 2)

161-80, 200+843, note under § 2661.

2662-1. Trunk highway route number 72 established—There is hereby added to the trunk highway system and created and established an additional route, to be known as route No. 72, which shall begin at a point on route No. 8 north of Bemidji and extend thence in a northerly direction to a point on route No. 11 at Baudette, affording Pukosky, Nebish, a point two and one-half miles east of Redby, the northwest corner of township 151 north, of range 31 west, of the 5th P. M., Waskish, Baudette, and intervening and adjacent com-

munities, a reasonable means of communication each with the other and other places within the state. ('23, c. 427, § 1)

2662-2. Same—Same laws to apply—That all of the provisions of law relating to the trunk highway system shall apply to the trunk highway route hereby created and established. ('23, c. 427, § 2)

2662-3. Capitol Highway—The following route between the City of St. Paul and the south boundary of the State of Minnesota is hereby named and designated "The Capitol Highway," to-wit:

Beginning at the Capitol of the State of Minnesota in the City of St. Paul, thence southerly along University avenue and Robert street through St. Paul, thence southerly along South Robert street through West St. Paul to a point at or near the northeast quarter-corner of Section 19, Township 27, Range 22, thence southeasterly and southerly to a point at or near the southeast corner of Section 35, Township 113, Range 19, thence southerly, traversing in part the line between Rice and Goodhue counties, to Trunk Highway No. 21, thence southeasterly on said highway to Trunk Highway No. 56, thence southerly on Trunk Highway No. 56 thru [through] Dodge Center to Trunk Highway No. 9, thence southerly to the Iowa line. ('27, c. 235)

Additional acts superseded by general road act and of only temporary effect, which have not been included:

'05 c. 131, relating to road districts in counties having 75,000 inhabitants and over 5,000 square miles in area.

'05 c. 164, giving boards of county commissioners exclusive control of expenditures for roads in counties having more than 150,000 inhabitants.

'05 c. 226, legalizing payments to road and bridge funds.

'07 c. 169, legalizing establishment and vacation of highways.

'07 c. 399, relating to the bridging of streams forming boundary lines of the state.

'09 c. 196, relating to roads in counties having more than 200,000 and less than 270,000 inhabitants.

'09 c. 425, relating to bridges over navigable streams forming state boundary.

'09 c. 435, relating to road taxes in villages.

'13 c. 342, relating to roads in cities of the first class.

'15 c. 44, amended '19 c. 522, county tax for road purposes.

'15 c. 73, expenditures by counties and cities.

'15 c. 94, assistance of city by county in bridging Mississippi River.

'15 c. 312, providing that counties without funds should receive share of road and bridge funds.

'15 c. 328, use of road fund for paving.

'17 c. 75, Federal aid road law accepted.

'17 c. 433, report of state highways in counties having over 150,000 receiving Federal aid.

'19 c. 145, amended '21 c. 228; '23 c. 231, tax for roads in counties having over 300,000 inhabitants.

'19 c. 151, road bond issues by one county for use in another.

'19 c. 214, expenditure of county funds for roads into adjoining states.

Ex. Sess '19 c. 18, acceptance of Government war materials by commissioner of highway for use on roads.

'21 c. 106, cities of second class not to spend money for roads outside of state.

'21 c. 378, legalizing rural highways.

'23 c. 129, highways to meandered lakes.

'23 c. 381, appropriations by county boards for aid in interstate bridges.

FERRIES.

2663. Ferries—License—No person shall establish, operate, or maintain, upon any water in this state, any ferry upon which to carry or transport persons or property for hire, without first obtaining a license therefor from the county board. (1246) [2610]

2664. Notice of application—Any person intending to apply for a ferry license shall give two weeks' posted notice of such intention, stating therein, as near as possible, the points between which he proposes to operate such ferry, and shall file such notice, with proof of posting, with the auditor of the county in which the ferry is situated, at least ten days prior to the presentation of his application; but no notice

of an application for a renewal of a license shall be required. (1247) [2611]

2665. License—Requisites—On proof of the posting and filing of such notice, and on being satisfied that the applicant is a suitable person, that a ferry is necessary at the point specified, and that such point is not within half a mile of any other established ferry, the county may grant the license applied for, for a period specified therein, not exceeding ten years. All licenses so granted shall be sealed with the seal of the board, signed by its chairman, and attested by the auditor. (1248) [2612]

2666. Licensee to give bond—Before receiving such license, the applicant shall give bond to the county, to be approved by such board, in a penal sum of not less than five hundred dollars, conditioned that he will keep the ferry in proper condition for use, and attend the same at all times fixed by law for operating it; that he will neither demand nor take illegal tolls; and that he will faithfully perform all other duties enjoined upon him by law. Such bond shall be filed with the auditor. (1249) [2613]

2667. License fee—The county board shall fix ferry licenses at such sums as it may deem reasonable, but not less than five dollars nor more than two hundred dollars per annum. The licensee shall pay the license fee yearly in advance to the county treasurer, taking duplicate receipts therefor, one of which he shall file with the auditor within ten days from its date. All ferries shall be deemed situated in the county where the ferry house is situated, and the license fee shall be required only in such county. (1250) [2614]

2668. Ferries between counties—Where a stream over which a ferry license is applied for runs between two counties, the county board of each county shall have full jurisdiction in the premises, and, when either board has exercised such jurisdiction and established a ferry, no other board shall exercise any jurisdiction over the same. When the stream forms a part of the boundary line of the state, the county board of the county in this state bordering on such stream may grant a license and exercise all the powers herein conferred, so far as the same do not conflict with the rights of other states. And when application shall be made in two counties separated by a stream for a ferry license over such stream at the same point, the board of the county in which notice of application was first filed with the county auditor shall have sole jurisdiction in the matter. (1251) [2615]

2669. Equipment and attendance—Every licensed ferryman shall provide and keep sufficient and safe boats in good repair for the conveyance of persons and property, and a sufficient number of hands to manage them, and shall give proper attendance from daylight until dark. He shall also attend at any hour of the night, when called upon, for the purpose of conveying the United States mail, or any person desiring, with or without a team or vehicle, to cross on said ferry. But when the stream is impassable by reason of high water, wind, storm, or drift ice, or when it is frozen over, no damage shall be recovered for failure or refusal to carry persons or property across such stream. (1252) [2616]

2670. Tolls—Penalties—The county board shall establish at each ferry the tolls for passengers, horses, carriages, and other things there transported. Every ferryman who neglects to keep such boats and give such attendance as provided for in this chapter, or demands or receives more than the amount designated

by said county board, shall forfeit twenty dollars, and be liable for all damages caused thereby, either or both of which may be recovered by an action on his bond. (1253) [2617]

2671. Ferries in cities—The provisions of this chapter relating to ferries shall not apply to any stream so far as the same is bordered by any city or village. The council of such city or village shall have the sole right to grant ferry licenses across such stream as far as the same borders thereon, and to make and enforce such regulations for such ferries, ferry licenses, and fees as it may deem proper, except that such licenses shall not be granted for a longer term than ten years. But this section shall not be so construed as to abridge the rights of the county board in any county other than the one in which such city or village is situated. Every ferryman licensed by a council hereunder shall have the same rights, and be subject to the same liabilities as those licensed by county boards. (1254) [2618]

2671-1. Ferries in villages—That any village in this state situate upon any river which is the boundary line between the state of Minnesota and any other state is hereby authorized, in addition to all other authority possessed by such village, to own, maintain and operate a ferry boat across such river, and the village council or other governing body is authorized to provide rules and regulations therefor. ('19, c. 429, § 1)

MOTOR VEHICLES.

Uniform Highway Traffic Act, see §§ 2720-1 to 2720-69, herein.

2672. Definitions—Wherever in this act the following terms are used they shall be construed to have the meaning herein ascribed to them:

"Application for Registration" shall have the same meaning as "listing for taxation," and when a motor vehicle is registered it is also listed.

Trucks used for transporting things other than passengers shall be classified and taxed as follows:

Class T shall include all trucks used for transporting agricultural, horticultural, dairy, and other farm products from the place of production to the point of shipment, sale, or consumption, and shall pay a tax of 2.4% on the base value. Trucks registered in this class may be employed in hauling from the place of delivery of the products specified herein a return load of supplies required for use or consumption on the farm of the owner of the truck.

Class Y shall include all trucks, trailers and semi-trailers used in the business of transporting goods for compensation as common carriers over any public highway in this state between fixed termini or over a regular route, and shall pay a tax of 10% on the base value.

Class X shall include all trucks, trailers, or semi-trailers not included under Class T or Class Y, and shall pay a tax of 3.4% on the base value.

"Commercial Passenger Transportation" shall mean the carriage of passengers for hire between points not wholly within the limits of the same city, village or borough; provided that local bus lines carrying passengers from a railroad station from or to places in the vicinity thereof shall not be construed to be engaged in commercial passenger transportation.

"Highway." Any public thoroughfare for vehicles, including streets in cities, villages and boroughs.

"Motor Vehicles." Any self-propelled vehicle not operated exclusively upon railroad tracks, and any vehicle propelled or drawn by a self-propelled vehicle.

"Owner." Any person, firm, association or corporation owning or renting a motor vehicle, or having the exclusive use thereof, under a lease or otherwise, for a period greater than 30 days.

"Tractor." Any motor vehicle designed or used for drawing other vehicles but having no provision for carrying loads independently.

"Trailer." Any vehicle designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

"Semi-trailer." A vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight or that of its load rests upon and is carried by the towing vehicle.

"Truck." Any motor vehicle designed or used principally for carrying things other than passengers and includes a motor vehicle to which has been added a cabinet box, platform, rack or other equipment for the purpose of carrying merchandise other than the person or effects of the passenger.

"Registrar." The registrar of motor vehicles designed in this act.

"Sworn Statement." Any statement required by or made pursuant to the provisions of this act, made under oath administered by an officer authorized to administer oaths.

"Dealer." Any person, firm or corporation engaged in the business of manufacturing, selling or purchasing of motor vehicles who has been registered as such in accordance with the requirements of this act. ('21, c. 461, § 1; amended '25, c. 299, § 1; '27, c. 165, § 1)

(This act by its more comprehensive scope repeals '11 c. 365 § 1 amended '15 c. 33 § 1, covering the same subject matter appearing originally as G. S. '13 § 2619).
111-488, 127+495; 131-363, 154+204; 149-396, 184+12; 150-376, 185+390; 152-529, 189+418; 193+961.
211+467.

Act constitutional. 162-302, 202+893; 166-22, 206+942.

2673. Exemptions—Vehicles owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, the State or any political sub-division thereof, shall be exempt from the provisions of this act requiring payment of tax or registration fees, but all such vehicles except those owned by the Federal Government, municipal fire apparatus, police patrols and ambulances, the general appearance of which is unmistakable, shall be registered as herein required and shall display number plates furnished by the registrar at cost; but the exemption herein provided shall not apply to any vehicle unless the name of the State Department or the political subdivision owning such vehicle shall be plainly printed on both sides thereof. Tractors used solely for agricultural purposes, for drawing threshing machinery or for road work other than hauling material, implements of husbandry temporarily moved upon the highway, road rollers and small trailers of less than 1,000 pounds capacity used only with pleasure vehicles on occasional trips shall not be taxed as motor vehicles using the public streets and highways and shall be exempt from the provisions of this act. Motor vehicles, which are used only for the purpose of carrying sawing machines, well drilling machines or other similar machines, either permanently or temporarily attached to them, shall be subject to the registration tax as herein provided, but the machine so attached shall not be subject to this tax but shall be listed for taxation as personal property as provided by law. ('21 c. 461 § 2, amended '23 c. 418 § 2)

2672
20 - 316
20 - 361
29 - 363
20 - 432
2672Etree.
31 - 217
31 - 220
176m 83
176m 164
176m 383
230nw 572
2684
2672-2704
33 - 344
33 - 360
see 2674a
2672
33 - 351
2554

2673
31 - 39
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180m 241
230nw 572
2673
33 - 298

For law on Federal aid roads, see Mason's Code, Title 23.

A motor truck, owned by a resident of Wisconsin, and used in commercial freighting on a time schedule and over a regular route between points in Wisconsin and points in Minnesota, is subject to the motor vehicle tax imposed by chapter 418, L. 1923. 162-302, 202+893.

Upon the authority of Hendrick v. Maryland, 235 U. S. 610, 35 S. Ct. 140, 59 L. Ed. 385, and Kane v. New Jersey, 242 U. S. 160, 37 S. Ct. 30, 61 L. Ed. 222, it is held that chapter 418 does not discriminate against citizens of other states in favor of citizens of this state. 162-302, 202+893.

Whether the tax imposed by chapter 418 is regarded as an ad valorem or a privilege tax, or as both, it cannot be escaped by a nonresident owner of a motor truck used upon the highways of this state to transport goods in interstate commerce. 162-302, 202+893.

The fact that a portion of the route followed by the truck is a highway receiving federal aid does not relieve the owner from the payment of the tax. 162-302, 202+893.

Although primarily a property tax, it is made to operate as a privilege tax, for such vehicles are prohibited from using the public highways until the tax is paid. 165-215, 206+166.

Motor vehicles, owned and used by corporations, paying a gross earnings tax, in the operation of their business, are not subject to the tax imposed by Gen. St. 1923, §§ 2672-2720. 211+467.

2673-1. Exemptions—Fire apparatus owned by farmer's co-operative associations, etc.—All motor vehicle apparatus owned by a farmers' co-operative association or by a body of farmers and used solely in the extinguishment of fire in the community in which it is so owned and employed shall be exempt from taxation. Any tax heretofore accruing to the state upon a vehicle of the class and used for the purpose herein set forth is hereby abated. The registrar of motor vehicles, upon application of the owner of such motor vehicle fire apparatus, shall register the same and issue a pre-exemption plate for use thereon. ('25, c. 111)

2674. Rate of tax—(a) Motor vehicles, except as set forth in Section 2 hereof, using the public streets or highways in the State of Minnesota shall be taxed in lieu of all other taxes thereon, except Wheelage taxes, so-called, which may be imposed by any borough, city or village, as provided by law, and shall be privileged to use the public streets and highways, on the basis and at the rates for each calendar year as follows:

Motor vehicles for carrying passengers and hearses, 2 4/10% of value.

Provided that the minimum tax on all passenger motor vehicles under 2,000 pounds weight except as hereinafter provided shall be \$10.00 and the minimum tax on all passenger motor vehicles 2,000 pounds and over in weight shall be \$12.50.

Trucks, tractors, trailers and semi-trailers, 2 4/10% of value.

Provided that the minimum tax on all trucks and tractors of 1 ton and under manufacturers' rated carrying or hauling capacity shall be \$15.00 except that the minimum tax on trucks converted from passenger vehicles, on which the minimum was \$12.00 or \$15.00, shall pay the same tax as would the vehicle before being converted and the minimum tax on all trucks and tractors of over 1 ton and under 2 tons manufacturer's rated carrying or hauling capacity shall be \$20.00 and the minimum tax on all trucks and tractors of 2 ton or over and under three tons manufacturers' rated carrying or hauling capacity shall be \$30.00 and the minimum tax on all trucks and tractors of 3 tons or over and under 4 tons manufacturers' rated carrying or hauling capacity shall be \$60.00 and the minimum tax on all trucks and tractors of 4 tons and over and under 5 tons manufacturers' rated carrying or hauling capacity shall be \$85.00 and the minimum tax on all trucks and tractors of 5 tons and over and under

6 tons manufacturers' rated carrying or hauling capacity shall be \$125.00 and the minimum tax on all trucks and tractors of 6 tons and over manufacturers' rated carrying or hauling capacity shall be \$150.00 and the minimum tax on trailers and semi-trailers shall be \$2.00 for each ton or fraction thereof of such capacity.

Busses and carriers of passengers for hire engaged in commercial passenger transportation, other than taxi cabs and vehicles engaged in livery business 10% of value, provided that the minimum tax on all commercial passenger busses of over fifteen passenger seating capacity shall be Three Hundred Fifty Dollars (\$350.00), and on those of fifteen and less and over five passenger seating capacity, other than taxi cabs and vehicles engaged in livery business shall be Two Hundred Fifty Dollars (\$250.00).

Motor cycles without side car \$3.00. Motor cycles side car additional \$2.00.

Value until the end of the first calendar year of vehicle life, construing the year of the model designation as the first year of such life shall be construed to mean the "base price for taxation" as hereinafter defined.

For the purpose of fixing a base price for taxation from which depreciation in value at a fixed per centum per annum can be computed, such price is defined as follows:

The base price for taxation of a motor vehicle of which a similar or corresponding model, as defined in Section 21 of this act, was being manufactured on November 1st preceding the year for which the tax is levied, shall be the manufacturers' list price of such similar or corresponding model in effect on such November 1st. The base price for taxation of a motor vehicle of which no such similar or corresponding model was manufactured until after such November 1st shall be the manufacturers' list price at the factory when the vehicle taxed was first manufactured. The base price for taxation of a motor vehicle of which no such similar or corresponding model has been manufactured since a time prior to such November 1st shall be the price fixed by the registrar as a reasonable manufacturers' list price at the factory on such November 1st if such vehicle has been then manufactured at prevailing costs.

Value during each succeeding year of vehicle life shall be construed to mean such base price for taxation, less ten per cent for the second year, less twenty per cent for the third year, less thirty per cent for the fourth year, less forty per cent for the fifth year, less fifty per cent for the sixth year, less sixty per cent for the seventh year, and less seventy per cent for the eighth and each subsequent year.

When a motor vehicle shall become first subject to taxation between July 31st and October 1st, the tax for the remainder of the calendar year shall be one-half the tax for a whole year.

When a motor vehicle shall become first subject to taxation after September 30th and on or before December 31st, the tax for the remainder of the calendar year shall be one-fourth the tax for a whole year.

(b) Motor vehicles not subject to taxation as provided in the foregoing section, but subject to taxation as personal property within the state of Minnesota, shall be assessed and valued at thirty-three and one-third per cent of the true and full value thereof and be taxed at the rate and in the manner provided by

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29 — 33
172m 60j
174m 33j
215nw 18j
219nw 16j

2674A
31 — 167
2672

2674a
Et seq
31 — 58
33 — 139
33 — 163
33 — 344
246nw 660

2674B
Art 16 83
227nw 43

2674B
31 — 68
178m 300

law for the taxation of ordinary personal property; provided, that if the person against whom any tax has been levied on the ad valorem basis because of any motor vehicle shall, during the calendar year for which such tax is levied, be also taxed under the provisions of this act, then and in that event, upon proper showing, the Minnesota tax commission shall grant to the person against whom said ad valorem tax was levied, such reduction or abatement of assessed valuation or taxes as was occasioned by the so-called ad valorem tax imposed.

(c) The owner of every motor vehicle, not exempted by section 2, or 14, shall, so long as it is subject to taxation within the state, list and register the same and pay the tax herein provided annually, provided, however, that any dealer in motor vehicles to whom dealer's plates shall have been issued as herein provided, shall, upon due application on the date set for the annual renewal of registration and payment of tax, be entitled to withhold the tax upon any motor vehicle held by him solely for the purpose of sale or demonstrating or both and upon which the tax as a user of the public highways, shall become due, until the motor vehicle shall be sold or let for hire to a person not such a dealer, or until used upon the public highways, but no longer than until October 1st, following, when the whole tax shall become immediately payable with all arrears.

(d) Any act required herein of an owner may be performed in his behalf by a duly authorized agent. Any person having a lien upon, or claim to, any motor vehicle may pay any tax due thereon to prevent the penalty for delayed registration from accruing, but the registration certificate and number plates shall not be issued until legal ownership is definitely determined.

(e) The proceeds of the tax imposed on motor vehicles under this act shall be collected by the registrar of motor vehicles and paid into the state treasury and credited to the Trunk Highway Sinking Fund.

(f) No borough, village or city shall impose any tax or license fee or bond of any kind for the operation of any motor vehicle operated upon trunk highways in this state on interurban or intervillage routes and engaged as a common carrier of passengers or freight for hire through any such borough, village or city. ('21 c. 461 § 3, amended '23 c. 418 § 3; amended as to subd. a by '25 c. 299 § 2)

Explanatory note—Subd. a only, of this section is amended by Laws 1925, c. 299.
162-302, 202+893, notes under § 2673.

An armored automobile, engaged in transporting bank messengers, is not engaged in commercial passenger transportation, nor as a truck or trailer in commercial freighting on regular time or route schedule, so as to subject it to a 10 per cent. license tax upon its value, but is subject to a tax of 2% per cent. on its value. 164-430, 205+270.

Placing trucks in commercial freighting on regular time or route schedules in one class and all other trucks using the public highways in another amounts to a legislative finding that there was a sufficient difference in the use made of the public highways to justify the difference in classification; and the courts cannot say that there is no basis of fact for the finding. 165-215, 206+166.

Section held valid. 166-22, 206+942.
Motor busses, carrying passengers for hire from the business center of the city of Superior, Wis., to the business center of the city of Duluth, Minn., are not subject to a tax of 10 per cent. of value. 166-26, 206+705.

2674-1. Companies, etc., paying gross earnings taxes required to pay motor vehicle taxes—Every express company, freight line company, sleeping car company, trust company, telephone company, railroad company, and every other company or association required by law to pay taxes to the state on a gross earnings basis, in addition thereto, shall be subject to the payment of all

taxes imposed upon motor vehicles by legislative enactment under the authority of Article 16 of the constitution creating and establishing a trunk highway system, authorizing the imposition of a tax on motor vehicles using the public highways of the state, and devoting the proceeds thereof to the support of such highway system. ('27, c. 12, § 1)

2674-2. Same—Tax for 1927—The motor vehicle tax, the payment of which is required under the provisions of this act, shall include the tax for the year 1927. But if this provision shall be held invalid for any reason the declared invalidity thereof shall not affect the other provisions of this act. ('27, c. 12, § 2)

2674-3. Same—Partial invalidity of law—If this act shall be held invalid as to any company charged with the payment of taxes on a gross earnings basis under existing laws, it shall be valid nevertheless as applied to any other company included within its provisions. ('27, c. 12, § 3)

2675. Motor vehicles to be registered—Operation without registration prohibited—Purchasers of new vehicles—No motor vehicle, except as is exempted by Section 2 of this act, shall use or be operated upon the public streets or highways of the State of Minnesota in any calendar year until it shall have been registered as hereinafter required, and the motor vehicle tax and fees herein provided shall have been duly paid and the "number plates" issued therefor shall be duly displayed on such vehicle. No motor vehicle, except as provided by Section 2 of this act, which shall for any reason not be subject to taxation as herein provided shall use or be operated upon the public streets or highways of this state until it shall have been duly registered as herein provided, and shall duly display number plates as required by the provisions of this act, except that the purchaser of a new motor vehicle may operate his motor vehicle without plates, provided that:

(1) Such purchaser shall secure from such person or persons as may be appointed by the registrar for that purpose a permit so to operate his motor vehicle, of which permit such person or persons shall keep a record on a blank provided by the registrar for that purpose.

(2) The person or persons granting such permit shall forward a copy thereof to the registrar together with the purchaser's application for registration of the motor vehicle and his payment of the tax.

(3) The purchaser shall display upon the windshield of the motor vehicle the permit, issued to him by said officer.

(4) After the fifteenth day after it was first issued, or immediately on such day before that time as the purchaser shall receive his regular plates from the registrar, the permit shall be void. ('21, c. 461, § 4; amended '23, c. 418, § 4; '27, c. 88)

211+467; 162-302, 202+893, notes under § 2673.

2676. Owner shall list—(a) Every owner of any motor vehicle in this state, not exempted by Section 2 or Section 14 hereof, shall on or before February 15th, in each calendar year and in any event as soon after January 1st as he shall become the owner thereof, file with the registrar on a blank provided by him, a listing for taxation and application for the registration of such vehicle, stating the name and address of the owner, and the nature of his ownership, the name and address of the person from whom purchased, name of manufacturer, name of motor-vehicle, year manufactured, year and number of the model, engine and car number, type of body, the list price thereof at the factory, the weight of the vehicle in pounds, and its rated load carrying capacity or seating capacity, the

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240nw 114
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See 8307
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Et seq.
33 — 9
33 — 103

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29 — 301
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216nw 542

number of cylinders, and such other informations as the registrar may require. The said owner shall make an oath or affirmation before some officer authorized by law to administer oaths or affirmations that the statements made are correct and true; and any false statement wilfully and knowingly made in regard thereto shall be deemed perjury and punished accordingly; provided, however, that such listing for taxation and application for registration need not be sworn to when the applicant is listing the same vehicle for taxation and registration for the second or any succeeding time. The listing and application for registration by dealers or manufacturers' agents within the state, of motor vehicles received for sale or use within the state shall be accepted as compliance with the requirements of this act imposed upon the manufacturer.

(b) Upon the installation of any new motor or the addition or change of type of any body in or upon any registered motor vehicle, the owner shall file with the registrar a new application setting forth such change, together with the payment of any additional tax to which the motor vehicle by such change has become subject, and shall apply for a revision of the registration made. ('21 c. 461 § 5, amended '23 c. 418 § 5)

211+467.

Sections 2 and 14 are §§ 2673, 2685, herein.

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181m 477
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Et seq.
33 — 352

2677. Registrar shall issue registration certificate—The registrar shall file such application and upon approval thereof and upon payment of the motor vehicle tax, as herein provided, together with all arrears and penalties, if any, and upon the delivery to him of the duly endorsed registration certificate of the former owner as hereinafter provided, or proof of loss provided in lieu thereof, shall assign to it a distinctive number and issue to the owner a "registration certificate," which shall contain the name, place of residence, with street and number, if in a city, and post-office address of the owner, a specific description of the vehicle, and the number assigned, together with a place on the face of the certificate in which the owner shall immediately upon receipt thereof place his signature and, on the reverse side thereof, an assignment and notice of sale or termination of ownership with places for the signature of both seller and purchaser, and a place for assignment of his credit for the tax. The registration certificate shall be retained by the owner until expiration or surrender as herein provided. In the case of listing and registration by manufacturers' agents or dealers of motor vehicles not using the public highways no registration certificate shall be issued, but a duplicate of such list may be retained by the dealer or manufacturer as the registration certificate. Whenever in administering this act, convenience or necessity requires the registration certificate may also be called or referred to as the "registration card." ('21 c. 461 § 6, amended '23 c. 418 § 6)

165-384, 206+719; 166-26, 206+705; 211+467.

2678. Registrar shall furnish number plates—The registrar upon such approval and payment shall also issue to the applicant such number plates bearing the abbreviation of the state name and the number assigned, as are required by law. Such plates, or some distinguishing part thereof, shall be of a different color or shade each year, and there shall be marked contrast between the color of the plates and the numerals, and letters thereon, and the plates shall be so lettered or spaced or distinguished as to suitably indicate the classification of the vehicle, according to the regulations of the registrar. In lieu of the issue of

new number plates, the registrar may furnish, on each annual renewal of registration, a year plate to distinguish the year of registration and classification of the vehicle, and shall furnish therewith screws or other means of attachment to the number plate. Said plate shall bear the identical number shown on the number plates to which it is to be attached, and the calendar year for which it is issued and it shall be valid only for such year. The number herein provided for may be a combination of a letter or sign with numbers. After being issued for use upon a motor vehicle no number plate or number shall be transferred to another vehicle during the same calendar year, unless the vehicle for which the same was theretofore issued shall have been permanently lost, destroyed or removed from the state. ('21 c. 461 § 7, amended '23 c. 418 § 7)

211+467.

2679. Registrar to register only on proof of ownership—(a) The registrar shall approve no application and issue no number plates for any motor vehicle, except such as may have come direct from the manufacturer, or from another state, unless and until the registration certificate theretofore issued or proof of loss thereof by sworn statement shall be delivered to the registrar, and he shall satisfy himself from his records that all taxes and fees due hereunder shall have been paid, and indorsements upon the said certificate or sworn proof of loss in writing signed by the seller and purchaser, shall furnish proof that the applicant for registration is paying or receiving credit for the tax upon the vehicle of which he is the rightful possessor; or, in case such certificate or proof is not available, the registrar or his deputy shall satisfy himself of such fact by personal view of the motor vehicle serial and motor number and by proof of the claim of ownership thereof.

(b) Motor vehicles brought into Minnesota from other states shall not be registered or have number plates issued therefor until such registration certificate or other evidence of title as may reasonably be required from the registrant within that state be surrendered to the registrar in the same manner as certificates of this state, or in lieu thereof, such view and evidence of the chain of ownership be had as will assure the payment of the proper tax so long as the motor vehicle shall be in the State. ('21 c. 461 § 8, amended '23 c. 418 § 8)

2680. Certificate to expire on Dec. 31—The registration certificate provided for herein and the right to use the number plates shall expire upon the termination of ownership of any person in the motor vehicle for which the same was issued, or at midnight on December 31st of the year for which issued, provided that during the months of January, February and March in each year, upon delivery of such application duly executed to the office of the registrar on or before February 15th, accompanied by payment of the proper tax and fee such vehicle shall be deemed to be registered subject to the cancellation, amending or approval of the registration by the registrar, and such vehicle may be used upon the public streets or highways prior to the issuance of the number plates for that year, provided the number plates duly issued for that vehicle and to the same owner for the previous calendar year shall be duly displayed; and provided further, that upon transfer of any motor vehicle and due notice and registration thereof and upon payment of the proper tax and fee, the new certificate and new plates to which the applicant may be entitled shall be

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forthwith issued. ('21 c. 461 § 9; amended '23 c. 418 § 9)

2681. Transfer of ownership, destruction, etc., of motor vehicles—Rights as to registration certificates and number plates—(a) Upon the transfer of ownership, destruction, theft, dismantling as such, or the permanent removal by the owner thereof from this state of any motor vehicle registered in accordance with the provisions of this act, the right of the owner of such vehicle to use the registration certificate and number plates assigned such vehicle shall expire, and such certificate and any existing plates shall be, by such owner, forthwith returned with transportation prepaid to the registrar with a signed notice of the date and manner of termination of ownership, giving the name and postoffice address, with street and number, if in a city, of the person to whom transferred; provided, however, that whenever the ownership of a motor vehicle shall be transferred to another who shall forthwith register the same in his name, the registrar may permit the manual delivery of such plates to the new owner of such vehicle. Whenever any person seeks to become the owner by gift, trade or purchase of any vehicle for which a registration certificate has been theretofore issued under the provisions of this act, he shall join with the registered owner in transmitting with his application to said registration certificate with the assignment and notice of sale duly executed upon the reverse side thereof, or in case of loss of such certificate, with such proof of loss by sworn statement in writing as shall be satisfactory to the registrar. Upon the transfer of any motor vehicle by a manufacturer or dealer, for use within the state, whether by sale, lease or otherwise, such manufacturer or dealer shall, within seven days after such transfer, file with the registrar a notice or report containing the date of such transfer, a description of such motor vehicles, and the name, street and number of residence, if in a city, and postoffice address of the transferee, and shall transmit therewith the transferee's application for registration thereof.

(b) Upon the transfer of any automobile engine or motor, except a new engine or motor, transferred with intent that the same be installed in a new automobile, and whether such transfer be made by a manufacturer or dealer or otherwise, and whether by sale, lease or otherwise, the transferor shall within two days after such transfer, file with the registrar, a notice or report containing the date of such transfer and a description, together with the maker's number of said engine or motor, and the name and postoffice address of the purchaser, lessee or other transferee. ('21 c. 461 § 10; amended '23 c. 418 § 10; amended as to subd. a by '27 c. 89)

Explanatory note—Subd. a only, is amended by Laws 1927, c. 89.

The holder of a chattel mortgage on a motor vehicle also held the certificate of title prescribed by chapter 510, L. 1919. She made an unqualified assignment of the certificate to the mortgagors, and they obtained a new certificate of title showing them to be the owners of the vehicle. As against a subsequent good faith purchaser from the mortgagors, it is doubtful whether the mortgage could assert her rights under the mortgage. 157-319, 196+269.

2682. Refunds—After the tax upon any motor vehicle shall have been paid for any year, refund shall be made only for errors made in computing the tax or fees and for the error on the part of an owner who may in error have registered a motor vehicle that was not before, nor at the time of such registration, nor at any time thereafter during the current past year, subject to such tax in this state. Such refundment shall be made from any funds in possession of the reg-

istrar and shall be deducted from his monthly report to the State Auditor. A detailed report of such refundment shall accompany the report. The former owner of a transferred vehicle by an assignment in writing indorsed upon his registration certificate and delivered to the registrar within the time provided herein may sell and assign to the new owner thereof the right to have the tax paid by him accredited to such new owner who duly registers such vehicle. Any owner whose vehicle shall be destroyed or permanently removed from the state, shall be entitled to deduct from any tax which shall become thereafter due during the same year from such owner upon another vehicle one-half the annual tax theretofore paid on such vehicle, if the motor vehicle is permanently destroyed or removed from the state before August 1 and one-quarter of the annual tax theretofore paid on such vehicle if it is permanently destroyed or removed from the state after July 31 but before October 1. No refund, however, shall be made if the vehicle is not permanently destroyed or removed from the state until after September 30. ('21 c. 461 § 11; amended '23 c. 418 § 11)

2683. Registrations subject to suspension—All registrations and issue of number plates shall be subject to amendment, suspension, modification or revocation by the registrar summarily for any violation of or neglect to comply with the provisions of this act. In any case where the proper registration of a motor vehicle is dependent upon procuring information entailing such delay as to unreasonably deprive the owner of the use of his motor vehicle, the registrar may issue a tax receipt and plates conditionally. In any case when the registrar for cause has revoked a registration, he shall have authority to demand the return of the number plates and registration certificates, and, if necessary, to seize the number plates issued for such registration. ('21 c. 461 § 12; amended '23 c. 418 § 12)

2684. Passenger motor vehicles from other states—Use of streets and highways for three months—Registration—Certificates—Display—Penalty for non-registration—Other penalties—Passenger motor vehicles not employed for hire within the state, owned by non-residents and which have been properly registered or licensed under laws of the country or state of the owner, and which carry license number plates according to the laws of such state, and which are accompanied by the registration certificate (if any) used therefor by such state, in the possession of the owner or his agent, may use the public streets and highways of this state for a period no longer than three months in any calendar year without further tax; provided, however, that a non-resident owner of a motor vehicle so registered in such other country or state shall, not later than ten days after commencing to operate said vehicle, or to cause or permit the same to be operated, on any public highway within this state, apply to the registrar for registration of such vehicle, and shall state in addition to such other matters as may be required by the registrar, the name and postoffice and residence address of the applicant, together with the registration number of said vehicle in the country or state in which the same shall be registered. Upon receipt of said application, the registrar, if satisfied of the facts stated therein, shall, without charge to the applicant, register said motor vehicle and furnish to the applicant a non-resident's registration certificate, indicating that the holder thereof has complied with the requirements of this act.

Such certificate shall contain the name and address of the owner, a description of the vehicle by name and

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distinguishing numbers, the date of registration and of expiration, with such other appropriate matter as the registrar may insert therein, and during operation of such vehicle upon Minnesota highways shall be conspicuously displayed upon the windshield of the vehicle.

If the non-resident owner delays for more than ten days to make application for such non-resident's registration certificate, a penalty shall accrue at the rate of \$1.00 per month or fraction thereof for such delay and the registrar shall not issue a certificate until such penalty is paid.

Such certificate shall expire when such vehicle passes into the ownership of a resident of the state, and in any event, after three months from the date when such vehicle was first brought into the state, or when the owner thereof, becomes a resident of the state.

A passenger motor vehicle not employed for hire and owned by a non-resident on the first day that it is in the state, after a period of three months has elapsed since it was first brought into the state, shall become subject to the same provisions of law governing registration and payment of tax and penalty as apply to such a motor vehicle owned by a resident of the state, and if no non-resident's registration certificate shall have been procured as provided by this act, the penalty provided for delay in securing such certificate shall also be paid before registration can be made.

Any person who shall use such certificate displayed upon a motor vehicle other than the one described therein while in use on Minnesota highways, or on any motor vehicle on Minnesota highways after the time limited therein has expired, shall be guilty of a misdemeanor. ('21, c. 461, § 13; amended '23, c. 418, § 13; '27, c. 90)

162-302, 202-893, notes under § 2673.

2684-1. Reciprocal rights and privileges of motor vehicles from adjoining states and Canadian provinces—Conditions and limitations—Any citizen of an adjoining state or an adjoining Canadian province, who owns and is duly licensed under the laws of his own state or country to operate a motor vehicle upon the highways thereof, may also operate such motor vehicle personally or by his authorized driver upon the streets and highways of townships, boroughs, villages and cities in this state, subject to the following conditions and limitations:

First. Upon condition that any citizen of this state, who owns and is fully licensed under the laws of this state to operate a motor vehicle upon the highways thereof, shall also be privileged to operate such motor vehicle tax free upon the streets and highways of such adjoining state or Canadian province under conditions substantially as favorable to any such Minnesota citizen as the conditions herein specified for the operation in this state of the motor vehicle of any similarly situated citizen and resident of such adjoining state or Canadian province.

Second. Upon condition that any such motor vehicle so operated in this state by any such nonresident at all times shall carry and display all license number plates or like insignia required by the laws of the home state or country of said non-resident.

Third. Upon condition that such non-resident motor vehicle owner shall first file with the registrar of motor vehicles in this state an instrument in writing, subscribed by him and duly acknowledged before a notary public or other officer with like authority, setting forth the name and address of the owner and of each person having any interest in such motor vehicle, the name and address of the person from whom such motor ve-

hicle was purchased or acquired, the name of the manufacturer and of the motor vehicle if it has a name, the year when manufactured, the serial number or other number and model identifying such motor vehicle, the weight in pounds of such motor vehicle, and the number of cylinders of the motor engine. Said written instrument shall also contain substantially the following:

"The undersigned owner of the above described motor vehicle hereby consents and agrees that the use and operation of said motor vehicle inside the state of Minnesota shall always be subject to all the laws, ordinances, rules and regulations applicable to like operation thereof by a citizen and resident of the state of Minnesota except as it may be expressly provided otherwise by the laws of Minnesota. The undersigned owner hereby consents to be sued or otherwise proceeded against, either civilly or criminally, at any place in Minnesota where the above described motor vehicle is operated, upon any claim or cause of action arising from such operation, in the same manner as a Minnesota citizen and resident owner and operator of a like motor vehicle might be sued or proceeded against in like circumstances. And in any such civil proceeding, legal process and other notices or papers may be served upon the undersigned owner of the above described motor vehicle by depositing a copy thereof in the United States mails, properly enveloped, sealed, postage prepaid, and addressed to the undersigned owner at his above stated address or at such other address as he may have later filed in writing supplementary to this agreement. Such service shall be deemed personal service, and shall have the same force and effect as like process or notice served personally upon a motor vehicle owner residing in and being a citizen of the state of Minnesota." ('27, c. 94, § 1)

2684-2. Same—Certificates issued to such vehicles—Fee for seizure of vehicles operating without certificates—Vehicles not included—As soon as any non-resident motor vehicle owner entitled to the privileges herein extended shall have complied with the provisions hereof, the registrar of motor vehicles shall issue to him a certificate stating that he is entitled to operate such motor vehicle within this state for and during such time as he continues to own such motor vehicle with license to operate the same in his own state or country; but subject, nevertheless, to suspension, revocation, or cancellation for any cause that would justify similar action with respect to any motor vehicle license or registration issued to any citizen or resident of this state. For each such certificate the registrar of motor vehicles shall charge one dollar, which shall be paid into the state treasury and credited to the general revenue fund. Within ten days from the date when any change shall have been made in the ownership, or foreign license or number plates, of any motor vehicle operating in this state under a certificate as above provided, said certificate shall be surrendered to the registrar of motor vehicles, and such change shall be noted thereon, or a new certificate issued under the same conditions as the original, and a like charge of one dollar shall be collected in either case. Such certificates shall be prima facie evidence that the motor vehicle therein described may be lawfully operated in this state.

Any foreign motor vehicle operating at any time without such certificate shall be subject to seizure and the driver thereof to arrest by any law enforcing officer of this state; and upon conviction of such driver for operating in this state without license, such motor vehicle may be sold in the same manner as on execu-

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tion sale for debt and the proceeds may be applied to satisfy any penalty or fine imposed and to pay any costs or expenses incurred in connection with such arrest, seizure and sale. But this provision shall not apply to any foreign motor vehicle operated for a limited time in this state under Section 13 of Chapter 461, Laws 1921 (as amended by Chapter 418, Laws 1923, as amended by Chapter 299, Laws 1925), or any similar provisions of law hereafter enacted. ('27, c. 94, § 2)

Explanatory note—For Laws 1921, c. 461, § 13, as amended, see § 2684, herein.

2684-3. Same—False or fraudulent statements—Felony—Any person who files any statement or written instrument hereinabove required, knowing that the same is false or fraudulent in whole or in part, shall be guilty of a felony; and such felony shall be deemed to have been committed at the time when and place where such false or fraudulent statement was filed in this state. ('27, c. 94, § 3)

2684-4. Same—Rules and regulations by registrar of motor vehicles—The registrar of motor vehicles may promulgate such rules and regulations, from time to time, as may be reasonably necessary to accomplish the purposes of this act. ('27, c. 94, § 4)

2684-5. Same—Law as to Canadian vehicles subordinate to treaties, etc.—Extent of privileges of Canadian vehicles—The provisions of this enactment relating to motor vehicle traffic between Minnesota and adjoining Canadian provinces shall be subordinate to all the laws, treaties, agreements, and policies of the respective National governments primarily controlling said international boundary line; and all privileges extended by this Act to Canadian motor vehicle owners shall be deemed abridged accordingly, and shall not be substantially greater than the privileges available to similarly situated Minnesota motor vehicle owners operating across said international boundary line. ('27, c. 94, § 5)

2684-6. Same—When law operative—Proclamation—This Act shall be operative as to any adjoining state, and as to any adjoining Canadian province within the limits permitted by paramount law or authority, whenever substantially similar or equal privileges shall be there made available to Minnesota motor vehicle owners similarly situated in this state. Upon the happening of any such event, the registrar of motor vehicles of this state, at his discretion and with the approval of the attorney general, may issue a proclamation setting forth such facts for the guidance of law enforcement officers and the information of the public. A like proclamation of opposite import may be similarly issued whenever any such adjoining state or Canadian province thereafter withdraws from, or otherwise ceases to be party to, such reciprocal arrangement. ('27, c. 94, § 6)

2684-7. Same—Commercial vehicles and trucks excepted—This Act shall not apply to motor vehicles engaged in commercial transportation over regular routes and between fixed termini, nor to trucks entering the state of Minnesota for the purpose of doing intrastate hauling. ('27, c. 94, § 7)

2684-8. Secretary of State as agent for service of process of non-residents using or operating motor vehicles on state highways—Process, how served—Continuances—Costs—Record kept—The use and operation by a non-resident or his agent of a motor vehicle upon and over the highways of the State of Minnesota, shall be deemed an appointment by such non-resident of the Secretary of State of the State of Minnesota, to be his

true and lawful attorney upon whom may be served all legal processes in any action or proceeding against him, growing out of such use or operation of a motor vehicle over the highways of this state, resulting in damages or loss to person or property, and said use or operation shall be a signification of his agreement that any such process in any action against him which is so served, shall be of the same legal force and validity as if served upon him personally. Service of such process shall be made by serving a copy thereof upon the Secretary of State or by filing such copy in his office, together with payment of a fee of \$2.00 and such service shall be sufficient service upon the said non-resident; provided, that notice of such service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at his last known address and that the plaintiff's affidavit of compliance with the provisions of this act are attached to the summons. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend any such action, not exceeding ninety days from the date of the filing of the action in such court. The fee of two dollars paid by the plaintiff to the Secretary of State at the time of service of such proceeding shall be taxed in his costs if he prevails in the suit. The said Secretary of State shall keep a record of all such processes so served which shall show the day and hour of such service. ('27, c. 409, § 1)

2685. Manufacturers not using highways need not register—Manufacturers within the state, of motor vehicles which shall not use the public highways, and manufacturers or dealers distributing motor vehicles which shall not have used the public highways in the state and are not for sale in this state from points in this state to other states, shall be exempt from the provisions of this act requiring the listing and registration thereof. ('21 c. 461 § 14; amended '23 c. 418 § 14)

211+467, note under § 2673.

2686. Manufacturers and dealers numbers—Every manufacturer or dealer in motor vehicles, may make application upon a blank provided by the registrar, for a general distinguishing number for use upon all vehicles owned or controlled by him, and used exclusively in his business for demonstrating purposes, and upon vehicles while being driven or moved upon the public highways between his place of business and any place to which or from which such vehicle may be moved, as provided by Section 16, without being deemed to be using the public streets or highways. With such application he shall pay \$12.00 per pair for all such number plates required by him. All of said vehicles owned or controlled by such manufacturer or dealer shall be regarded as registered under such general distinguishing number until sold or let for hire. A manufacturer or dealer to whom such a number has been issued shall be known as a licensed manufacturer or dealer. The registrar shall furnish to every manufacturer or dealer whose vehicles are registered in accordance with the provisions of this section, number plates of suitable design, the plates to have displayed upon them the number which is assigned to the vehicles of such manufacturer or dealer, together with such mark as may enable such plates to be distinguished from one another; provided, that no dealer or manufacturer shall be issued any dealer's plate in any year unless and until all listings, registrations, notices and reports required of such dealer or manufacturer shall have been duly made, and all taxes, fees and ar-

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rears due from him shall be duly paid. Provided, further, no motor vehicle bearing such plates shall be used on any public street or highway, except for the purpose in good faith of exhibiting or demonstrating the same to a prospective purchaser, or for the purpose of moving the same between the places above specified. ('21 c. 461 § 15; amended '23 c. 418 § 15)

Section 16 is § 2687, herein.

2687. All machines must be registered—Exceptions—Every motor vehicle (except those exempted in Section 2 of this act) shall be deemed to be one using the public streets and highways and hence as such subject to taxation under this act if such motor vehicle has since April 23, 1921, used such public streets or highways, or shall actually use them, or if it shall come into the possession of an owner other than as a manufacturer, dealer, warehouseman, mortgagee or pledgee. But, new and unused motor vehicles in the possession of a dealer solely for the purpose of sale, and used or second-hand motor vehicles which have not theretofore used the public streets or highways of this state which are in the possession of a dealer solely for the purpose of sale and which are duly listed as herein provided, shall not be deemed to be vehicles using the public streets or highways. The driving or operating of a motor vehicle upon the public streets or highways solely for the purpose of demonstrating it, in good faith, to prospective purchasers or solely for the purpose of moving it from points outside or within the state to the place of business or storage of a licensed dealer within the state or solely for the purpose of moving it from the place of business of a manufacturer, or licensed dealer within the state to the place of business or residence of a purchaser outside the state, shall not be deemed to be using the public streets or highways in the state within the meaning of this act or of Article 16 of the Constitution and shall not be held to make the motor vehicle subject to taxation under this act as one using the public streets or highways, if during such driving or moving the dealer's plates herein provided for shall be duly displayed upon such vehicle. ('21 c. 461 § 16; amended '23 c. 418 § 16)

Section 2 is § 2673, herein.

Laws providing for the taxation of motor vehicles, once used on the public streets and highways, on a more onerous basis than other personal property, is not in contravention of the Constitution. 159-269, 198+1011.

Respondent's automobile was taxable in the year 1922, although it was not used on the public highways in that year. It became subject to future taxation under the act when it was registered and operated on the public highways in the year 1921. 159-345, 198+1009.

The tax imposed by the act is not a privilege tax, but a tax on property. 159-345, 198+1009.

2688. Duplicate plates—In the event of the defacement, loss or destruction of any number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances of the defacement, loss, destruction or theft of the number plates, together with any defaced plates and the payment of the fee of two dollars, shall issue a new set of plates especially designed for that purpose by the registrar and so marked and numbered that they can be readily distinguished from the originals. The registrar shall then note on his records the issue of such new number plates and shall proceed in such manner as he may deem advisable to cancel and call in the original plates so as to insure against their use on another motor vehicle. Duplicate registration certificates plainly marked as duplicates may be issued in like cases upon the payment of a 25-cent fee. ('21 c. 461 § 17; amended '23 c. 418 § 17)

2689. Transfer of ownership—Procedure—Fees—Every owner or transferrer of a motor vehicle who fails or delays for more than seven days to surrender the registration certificate and existing number plates as herein provided shall, before he shall be entitled to sell and assign his right to have the tax paid by him credited to the transferee as herein provided, pay to the registrar a fee of 25 cents for each day (not exceeding 20 days) of such delay, and one dollar per month thereafter for each month or fraction thereof (not exceeding five months) of such delay; and every owner or person charged with the duty to register a motor vehicle or pay any tax hereunder who fails or delays for more than seven days to register the same or pay such taxes as herein provided shall, before he shall be entitled to complete his registration as herein provided, pay to the registrar, a like fee. A filing with, or delivery to, the registrar of any application, notice, certificate or plates as required by this act shall be construed to be within the requirements of this act if made to the registrar or his deputy at an office maintained therefor, or if deposited in the mail or with a carrier by express with postage or carriage charges prepaid, and properly addressed to the registrar within seven days after the transfer of ownership or other occurrence upon which this act provides for such filing or delivery. ('21, c. 461, § 18; amended '23, c. 418, § 18; '27, c. 158)

2690. Date when taxes become due—The tax required under this act to be paid upon a motor vehicle shall become due as soon as such vehicle shall first use the public streets or highways in the state, and upon January 1st in each year thereafter. Taxes due upon January 1st shall be paid upon transfer of ownership in the vehicle, and in any event on or before February 15th and shall be delinquent after February 15th unless paid. Taxes falling due between February 15th and December 31st shall become delinquent upon the expiration of three days after the same become due, unless paid. All taxes imposed under the provisions of this act shall be deemed the personal obligation of the registered owner and the amount of such tax, including added penalties for the non-payment thereof, shall be a first lien upon the vehicle taxed, paramount and superior to all other liens thereon whether previously or subsequently accruing thereon; and in addition to any other remedy herein prescribed, the state shall have a right of action against the owner for the recovery of the amount of any delinquent tax thereon, including the penalties accruing because of the non-payment thereof or for the enforcement of the tax lien thereon hereby declared, or both, in any court of competent jurisdiction. The county attorney of the county in which such motor vehicle is owned shall perform such service in the matter of the commencement and prosecution of such suit or in the prosecution of any other remedy for the enforcement of such tax as the attorney general may require. ('21 c. 461 § 19; amended '23 c. 418 § 19)

2691. Registrar to file statement of delinquents with clerk of court—Sheriff to collect tax—The registrar on the second Monday in July next after any tax, herein provided for shall become delinquent, and on or before the tenth secular day of each subsequent month of the year shall certify to and file with the clerk of the District Court of the proper county, a statement of all delinquent taxes imposed under the provisions of this act, and such certified statement so filed shall be prima facie evidence of the correctness of the tax or taxes therein stated to be delinquent. On or before the tenth secular day next thereafter, any owner

whose name is included in such certified statement may file with the clerk of said court an answer verified as pleadings in civil actions, setting forth his defense or objections to the tax or penalty against him. The answer need not be in any particular form, but shall clearly refer to the tax or penalty intended to be contested, and shall set forth in concise language the facts constituting his defense or objection to such tax or penalty. The issues raised by such answer shall stand for trial at any term of the court in such county in session when the time to file answer shall expire, or at the next general or special term appointed to be held in such county; and, if no such term be appointed to be held within thirty days thereafter, then the same shall be brought to trial at any general term appointed to be held within the judicial district, upon ten days' notice. The county attorney of the county within which such taxpayer resides shall prosecute the same. At the term at which such proceedings come on for trial they shall take precedence over all other business before the court. The court shall without delay and summarily hear and determine the objections or defense made by the answers and at the same term direct judgment accordingly, and in the trial shall disregard all technicalities and matters of form not affecting the substantial merits. If the taxes and penalties shall be sustained, the judgment shall include costs.

Upon the fifteenth secular day next after the filing of such certified statement, the said clerk shall issue his warrants to the sheriff of the county as to all taxes and penalties embraced in the certified statement, except those to which answer has been filed, directing him to proceed to collect the same. If such taxes are not paid upon demand, the sheriff shall distrain sufficient goods and chattels belonging to the person charged with such taxes, if found within the county, to pay the same, with a penalty of ten per cent and all accruing costs, together with twenty-five cents from each delinquent taxpayer as compensation to said clerk. Immediately after making distress, the sheriff shall give at least ten days' posted notice in the town or district where the property is taken, stating that the property, or so much thereof as will be sufficient to pay the taxes for which it is distrained, with penalties, and the costs of distress and sale, will be sold at public vendue at a place and time therein designated, which time shall not be less than ten days after such taking. If such taxes and penalties and accrued costs are not paid before the day designated, the sheriff or his deputy shall proceed to sell the property pursuant to the notice.

If the sheriff is unable, for want of goods and chattels whereon to levy to collect by distress or otherwise the taxes or any part thereof assessed under the provisions of this act, he shall file with the clerk of the court within sixty days following the receipts of such warrants a list of such delinquent taxes, with an affidavit of himself, or the deputy sheriff entrusted with the collection thereof, stating that he has made diligent search and inquiry for goods and chattels from which to collect such taxes and is unable to collect the same. He shall note in the margin of such list the place to which any delinquent taxpayer may have removed, with the date of his removal, if he is able to ascertain the fact. At the time of filing such list he shall also return all the warrants with endorsements thereon showing his doings in the premises, and the clerk shall file and preserve the same. On or before the expiration of seventy days after the receipt of such warrants by the sheriff, the clerk shall deliver

such list and affidavit to the registrar, who shall by comparison of such list with the records in his office ascertain whether or not all motor vehicle taxes reported by him to the clerks as delinquent, except those included in such list, have been paid into the office of the registrar.

As to all delinquent motor vehicle taxes not collected by distress and sale as herein provided, the registrar shall promptly file with the clerk of the district court of the proper county a revised certified statement showing the names of the owners to be delinquent and the amount of tax and penalties owned by each. Within ten days thereafter the clerk shall issue a citation to each delinquent named in the revised list, stating the amount of the tax and penalty and requiring such delinquent to appear on the first day of the next general or special term of the district court in the county, appointed to be held at a time not less than thirty days after the issuance of such citation, and show cause, if any there be, why he should not pay such tax and penalty. The citation shall be delivered for service to the sheriff of the county where such person may reside or be. If such person, after service of citation, fails to pay such tax, penalty and costs to the sheriff before the first day of the term, as aforesaid, or on said day to show cause as aforesaid, the court shall direct judgment against him for the amount of such tax, penalty and costs. When the sheriff is unable to serve the citation, he shall return the same to the clerk with his return thereto attached to that effect and thereupon, or, if the court decides that service of such citation made or attempted to be made, or the issuance thereof by the clerk, was illegal, the clerk shall issue another like citation requiring such delinquent to appear on the first day of the next general or special term to be held not less than thirty days thereafter in the county, and show cause as aforesaid, and if he fails to pay or to show cause, the court shall direct judgment as aforesaid. Whenever the sheriff has been unable to serve any citation theretofore made or attempted to be made, or the issuance thereof by the clerk was illegal, the clerk shall issue another like citation requiring such delinquent to appear as in the case last provided and with like effect; provided, that all citations other than the first shall be issued only upon the request of the county attorney.

When the person to whom the citation is issued is not a resident of the state so that personal service thereof cannot be made, the citation may be served by publication thereof and by attachment as provided by law in a civil action against non-resident defendants. upon affidavit of the county attorney, but no bond on such attachment or entry of judgment shall be required. The citation shall be prima facie evidence of the correctness of the tax or taxes therein stated to be delinquent. No omission of any of the things by law required in relation to such taxes or anything required by any officer to be done prior to the issuance of such citation shall be a defense or objection to such taxes, unless it be also made to appear to the court that such omission has resulted to the prejudice of the party objecting and that such taxes have been unfairly or unequally assessed; and in such case but no other the court may reduce the amount of such taxes and give judgment accordingly. It shall, however, always be a defense to such taxes that the same have been paid or that the property, because of which the same were assessed, was not subject to taxation.

The clerk shall receive as fees for issuing the citation and perfecting the judgment \$1.50 in cases not contested, and in contested cases such fees as are al-

lowed by law in civil actions, and for each citation issued in cases where the sheriff shall fail after diligent search to find the defendant, twenty-five cents. All such fees and costs shall be entered, taxed and made a part of the judgment and be paid to said clerk when and as collected. Execution shall be issued upon the judgment at the request of the county attorney and shall state that the judgment was obtained for delinquent motor vehicle taxes, and no property shall be exempt from seizure thereunder, and such execution may be renewed and reissued in the same manner as provided by law in case of executions upon judgments in civil actions.

The sheriff or his deputy shall be allowed the same fees for collecting such taxes and for making distress and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat to the place of making distress, unless such distress is made by his deputy, in which case the same shall be computed from the residence of the deputy. Such fees shall be added to the tax and collected by the sheriff. If any of such fees cannot be collected by the sheriff, they may be audited and paid by the registrar from any funds in his possession appropriated for maintenance of the registrar's department on duly itemized and verified claims filed with him by such sheriff and any sums so paid by said registrar as sheriff's fees shall be deducted from his monthly report to the state auditor. A detailed report of such refundments shall accompany said report.

If the sheriff shall refuse or neglect to collect any tax levied under the provisions of this act where the same is collectible, or to file a delinquent list and affidavit as herein provided, he shall be held for the whole amount of such taxes collected, and the same shall be deducted from any bills presented by him to and allowed by the county board, and the amount thereof shall be transmitted to the registrar as herein provided for.

Every judgment for motor vehicle taxes shall be docketed and thereafter become a lien upon the real property of the debtor in the county within which the judgment was rendered to the same extent as other judgments for the recovery of money, and may be docketed in other counties in like manner and with like effect. Whenever a judgment shall hereafter be entered and docketed for the recovery of taxes herein provided for, the same shall bear interest until paid at the rate of 6% per annum. Upon payment to the registrar of any motor vehicle tax for which judgment has been obtained, together with the fees, costs and interest due, the registrar shall deliver a certificate of such fact to the clerk, who shall file the same and satisfy the judgment upon the margin of the record thereof, stating the date of payment, and shall note the satisfaction upon the docket. Out of said sum so collected on any such judgment, the registrar shall remit to the clerk of said court and the sheriff of the proper county any unpaid fees due either of said officers under the provisions of this act. ('21 c. 461 § 20; amended '23 c. 418 § 20)

2692. Statements and specifications filed by manufacturers—Contents—List prices—Computation of tax—Every manufacturer of a motor vehicle sold or offered for sale within this state, either by the manufacturer, distributor, dealer or any other person, shall, on or before the first day of November in each year, file in the office of the registrar a sworn statement showing the various models manufactured by him, and

the retail list price, rated carrying capacity and manufacturer's shipping weight of each model being manufactured November 1st of that year; and shall also file with the registrar, in such form as manufacturers usually use for advertising, complete specifications of the construction of each model that has been manufactured by him. Upon each change in such price, carrying capacity or weight and upon the manufacture of each new model thereafter, such manufacturer shall in like manner file a new statement setting forth such change. Models shall be deemed similar if substantially alike and of the same make. Models shall be deemed to be corresponding models, for the purpose of taxation under Section 3 of this act, if of the same make and having approximately the same weight and type of body and chassis and the same style and size of motor. The registrar may refuse to register any new or first hand vehicle in this state unless the manufacturer thereof has furnished to the registrar the sworn statement herein provided, for the model of the motor vehicle that is offered for registration. Such list price, rated carrying capacity and listed weight of the vehicle, as set forth in the manufacturer's statement shall be the price, weight or carrying capacity on which the tax of a motor vehicle shall be computed under Section 3 of this act unless grossly at variance with fact. In all instances in which there have been added to a complete vehicle additional parts, equipment or accessories not included in the factory list price upon which the tax is computed in accordance with the requirements of section 3 of this act, the reasonable cost thereof, if amounting in the aggregate to more than \$50, shall be added to the list price upon which the tax is computed. Such added parts, equipment or accessories to the extent in value of \$50 shall be exempt from taxation. The registrar shall have authority to fix the value, carrying capacity and weight of any rebuilt or foreign car or any car on which a record of the list price, carrying capacity or weight is not available in his office. ('21, c. 461, § 21; amended '23, c. 418, § 21; '25, c. 299, § 5)

Explanatory note—For section 3 of this act, see § 2674, herein.

2693. Secretary of state to be registrar—(a) The Secretary of State shall be the registrar of motor vehicles of the state of Minnesota, and it shall be his duty to exercise all the powers granted to and perform all the duties imposed upon him by this act. The commissioner of highways in his discretion and the county board of any county, in its discretion, may assign such employees of the highway department or of any county respectively, as from time to time may be spared for that service, as inspectors, to obtain information and report to the registrar regarding motor vehicles subject to taxation under this act upon which the tax has not been paid, and to present to the law enforcement officers of the state such complaint; provided, that nothing herein shall be construed to authorize the employment of additional employees for such work nor to authorize additional salary by reason thereof.

(b) The registrar shall have the power to appoint, hire and discharge and fix the compensation of the necessary employes, as may be required to enable him to properly carry out the duties imposed upon him by the provisions of this act; before entering upon the discharge of his duties, each deputy and each employe having the charge of handling of any money or number plates shall give bond to the state in the sum of at least two thousand dollars or in such large amount as the registrar may fix conditioned upon the faithful dis-

charge of his duties. Premiums on such bonds shall be paid by the state from money provided for the maintenance of the registrar's office.

The registrar shall have power to appoint, and at pleasure remove, a deputy registrar for each city of the first class, and for such other cities and villages as public interest and convenience may require. Each such deputy, before entering upon the discharge of his duties, shall qualify with the requirements imposed for the qualifying of registrar, except that the amount of the bond required to be given by the deputy shall be \$10,000.00 or such larger amount as the registrar from time to time shall require. Each deputy registrar appointed hereunder shall keep and maintain in a convenient public place within the city for which he is appointed, a registration and motor vehicle tax collection bureau, to be approved by the registrar, for the registration of motor vehicles and the collection of motor vehicle taxes thereon. He shall keep such records, and make such reports to the registrar as that officer from time to time may require. He shall charge and receive for each application presented a filing fee of twenty-five cents, and shall report daily to the registrar all registrations made and taxes and fees collected by him, together with remittance of the amount so collected. The registrar in the order of appointment of each deputy hereunder shall designate the amount to be paid annually to each such deputy as compensation for his services, the services of his employes and the expense of the bureau maintenance, which such amounts shall be fixed and determined or have the approval of the executive council endorsed thereon, and the amounts provided for shall be paid semi-monthly by the registrar from the amount of the filing fees collected and remitted by such deputy as herein provided; but the amount so paid shall not in any case exceed the total amount of filing fees so collected and remitted. The amounts received by the registrar under the provisions hereof shall be paid by him into the state treasury daily, weekly or at such other intervals as may be determined by the order of the executive council. Supplies, accounting machines and office space required to enable the registrar to properly carry out the duties imposed upon him by the provisions of this act may be rented or purchased as provided by existing law. The provisions of this act shall be subject to the provisions of Chapter 426, General Laws of Minnesota for 1925, and shall not be held or construed to modify, limit or restrict any of the provisions of said chapter.

(c) The registrar shall keep a suitable record of all motor vehicles registered in his office, indexed, according to registration number, according to name of owner, according to make of car and number of motor and according to such other information as he shall deem advisable. Duplicates of the certificate of registration shall be used, until a more efficient system is evolved, to make the registration number, and owners indexes herein required, and such other copies as are desirable. He may furnish to anyone applying therefor transcripts of such records for not less than the cost of preparing the same, provided that any sums in excess of such cost received by the registrar for furnishing such transcripts shall be paid by him into the state treasury. He shall also furnish copies thereof without charge to the chiefs of police of the cities of Minneapolis, St. Paul and Duluth.

(d) He shall keep a record of all motor vehicles listed for taxation or registered, other than those

using the public streets or highways, according to the name of the owner only.

(e) The registrar shall prepare a brief synopsis of this act, and such other matter dealing with regulations in the use of motor vehicles as he may deem advisable, and furnish a copy of same to any person upon application. He shall prepare, before December 1st, preceding any regular legislative session, a report to the legislature containing such information and recommendations as he may deem advisable.

(f) He shall furnish from time to time to the registrar of deeds of each county in the state forms for listing and for applications for registration as provided herein, and shall before January 1st in each year furnish to the registrar of deeds of each county and to such other as he shall deem advisable, charts or lists setting forth the tax to which each motor vehicle is subject. The registrar shall immediately destroy all number plates surrendered to him which are unsuitable for further issue and shall cancel all certificates so surrendered. ('21 c. 461 § 22; amended '23 c. 418 § 22; amended as to subd. b by '27 c. 340 § 1)

Explanatory note—Subd. b only, is amended by Laws 1927, c. 340.

For Laws 1925, c. 426, see §§ 53-1 to 53-52, herein.

2694. Duties of registrar—Information bureau—Reports of stolen vehicles—Completion of registration—Registration system—Notices—The registrar shall maintain in his office an information bureau to immediately answer such questions through personal inquiry, telephone or letter, as may be answered from his files, and when authorized by an inquirer to telegraph "collect," shall so answer. Sheriffs and police departments shall promptly report stolen motor vehicles and motor vehicles recovered on forms provided by the registrar and each month the registrar shall print and send a list of such motor vehicles to said officials and to the motor vehicle department in each of the several states. Initial applications for registration shall be checked against said list. Registrations shall be completed with the utmost dispatch, in such manner as to render the most efficient service to the public, on the same day that the application is received, except as provided in Section 9 hereof. The telephone and telegraph shall be immediately used in all cases where reverse or "collect" charges are authorized. The registrar or any deputy or employe shall not be liable to any person for mistake or negligence in the giving of information not wilfully calculated to injure such person. The registration system shall be so conducted, and the requirements thereof so construed as to furnish to the public immediate, accurate information as to any single car about which the inquiry may be made, and to furnish the registrar a means of checking back during any year to determine that all motor vehicles subject to taxation and licensing have had the proper tax or fee paid thereon. The mail or carriers by express may be used for any notice for delivery required of the registrar. ('21, c. 461, § 23; amended '23, c. 418, § 23; '25, c. 299, § 3)

Explanatory note—For section 9 see § 2680, herein

2695. Violations—Penalties—Any person who shall, with intent to escape payment of any tax on a motor vehicle as herein provided, delay or neglect to properly list and apply to register the same, or with intent to prevent the payment or collection of the proper tax, fee or lien thereon, violate or neglect to comply with any of the provisions of this act shall be guilty of a

gross misdemeanor. ('21 c. 461 § 24; amended '23 c. 418 § 24)

162-302, 202+893, notes under § 2673.
Act is constitutional. 162-302, 202+893.

2696. Violations of law—Misdemeanor—Vehicles with original engine numbers, destroyed, etc.—Any person who shall use or cause any motor vehicle to be used or operated in violation of the provisions of this act or while a certificate of registration of a motor vehicle issued to him is suspended or revoked, or who shall knowingly deliver a motor vehicle to another to be used or operated in violation of this act, or who shall violate any of the provisions thereof, shall be guilty of a misdemeanor. The possession of a motor vehicle the original engine number of which has been destroyed, removed, altered, covered or defaced shall be prima facie evidence that the same is stolen property. Registration shall be refused such motor vehicles, provided, however, that within sixty days after this act takes effect any person possessing such motor vehicle may apply for a special engine number. If the registrar is satisfied on the sworn statements of the applicant that the applicant is the legal owner a special engine number preceded by the letters MINN. shall be assigned such motor vehicle. Upon certificate by a peace officer that the said number has been properly stamped on such engine the motor vehicle may thereafter be registered as are other motor vehicles. ('21, c. 461, § 25; amended '23, c. 418, § 25; '25, c. 299, § 4)

2697. Same—Any person who shall loan or use any number plate or registration certificate upon or in connection with any motor vehicle except the one for which the same was duly issued, or upon any such motor vehicle after the said certificate or plates or the right to use the same have expired, or any person who shall retain in his possession or shall fail to surrender as herein provided any such number plate or registration certificate shall be guilty of a misdemeanor. Any person who manufactures, buys, sells, uses or displays motor vehicle license number plates, motor vehicle registration certificates, or tax receipts issued by this state or any other state, territory or district in the United States, without proper authority from such state, territory or district of the United States, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 or more than \$100.00 or by confinement of not less than 15 days or more than 90 days or by both such fine and imprisonment. ('21 c. 461 § 26; amended '23 c. 418 § 26)

2698. Same—Any person who shall deface or alter any registration certificate or number plate or retain the same in his possession after the same has been defaced or altered shall be guilty of a misdemeanor. ('21 c. 461 § 27; amended '23 c. 418 § 27)

2699. Invalidity of one part not to affect whole of act—The various provisions of this act shall be severable and if any part or provisions shall be held to be invalid it shall not be held to invalidate any other part or provision hereof. ('21 c. 461 § 28; amended '23 c. 418 § 28)

2700. Date effective—The tax imposed upon motor vehicles for the year 1923 shall be that specified by the provisions of Chapter 461, Laws 1921, and the amount of such tax shall not be changed or affected by any of the provisions of this act; but otherwise this act shall take effect and be in force from and after July 1, 1923. ('23 c. 418 § 29)

2701. Age of driver—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

2702. All motor vehicles must be registered and carry number plates—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36. Chapter 510, Laws 1919, which was repealed by chapter 472, Laws 1921, was not analogous to the recording act, but was for the exclusive benefit of the state, having no reference to the creditors and vendees of the person holding the registered title, to a motor vehicle. 164-136, 204+639.

2703. Size and form of plates—Such number plates shall be substantially of the following size and form, namely: A plate or placard of metal, enamel, or other suitable material, four and one-half inches wide and approximately fourteen and one-half inches long, the length to vary with the number of digits in the number. On one end of this plate, with letters running vertically from the top, there shall be the four letters, "Minn." At the other end there shall be a series letter to indicate registration classification, and immediately below it there shall be at least the last two numerals of the year for which the plate is issued. On the body of such plate there shall be the distinctive number assigned to the vehicle in figures approximately three inches long, each stroke of which shall be of such width as will be most conducive to legibility. Motorcycles shall be assigned plates of substantially the same design, but three inches wide and seven inches long. Dealers' number plates shall be of substantially the same size and design as passenger vehicle and truck plates, except that the letter "D" denoting the classification shall be of the same size as the figures of the registration number and shall be placed immediately preceding the number. The number indicating the year for which the plate is issued shall include all of the numerals of the year arranged in a vertical column at the opposite end of the plate from the end bearing the letters "Minn." The numerals herein referred to may be a combination of a letter or sign with numbers; and the said number plates shall otherwise conform to the requirements for number plates to be issued by the registrar of motor vehicles. ('11, c. 365, § 10; amended '21, c. 472, § 2; '27, c. 326) [2628]

2704. Bids for plates to be called for—Notice—All number plates required by law shall be secured by the registrar of motor vehicles pursuant to notice and call for bids therefor, such notice to state the quality of material desired in such plates, the specifications thereof and the amount or number desired, and such notice shall be published for three successive days each in a daily newspaper published in St. Paul and Minneapolis, the first publication to be not less than twenty days prior to the time of opening bids. Each bid shall be accompanied by a certified check on a state or national bank of this state for one thousand dollars or such less sum as is equal to ten per cent of the amount of the bid, payable to the state treasurer, the amount of such check to be forfeited to the state in case successful bidder fails to enter into contract and furnish bond within ten days after awarding contract. The lowest and best bid shall be accepted by the state printing commission and it shall enter into a contract with the successful bidder in accordance with such notice and such plans and such bids, provided that the said commission may reject any and all bids. Whenever any penal institution, reformatory or training school of the State of Minnesota shall, through its Board of Control or other body having charge thereof, show to the said printing commission that it is ready and equipped to manufacture for the state any number plates of the type and within the time required and for a cost not in excess of the lowest bid obtainable therefor, such commission may reject all

bids and enter into an agreement with such Board of Control or other body, in lieu of the contract herein provided, for the furnishing of such plates, and may waive the provisions hereof for deposit of certified check and for giving bond; otherwise such successful bidder shall within ten days file with the Secretary of State a bond for the amount of such bid, payable to the state and to be approved as to form by the Attorney General, sureties to be approved by the Secretary of State and conditioned for the faithful fulfillment of the terms of such contract by such successful bidder. ('11 c. 365 § 12½; amended '21 c. 472 § 3) [2631]

2705. Lights—Mufflers—Road rules—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36. 119-470, 138+781; 125-399, 147+430; 127-188, 149+194; 127-462, 149+940; 127-468, 149+947; 128-460, 151+275; 130-134, 152+267; 133-346, 158+426; 144-333, 175+545; 146-205, 178+501; 146-237, 178+881; 146-273, 178+886; 146-330, 178+1021; 147-338, 180+918, 148-77, 181+346; 148-187, 182+450; 148-397, 185+376; 152-2, 187+705; 152-459, 189+126; 153-394, 190+795; 153-425, 190+609; 154-53, 191+253; 154-329, 191+902.

164-76, 204+921; 166-131, 207+188; 209+881.

Although a pedestrian crossing a street may have looked and seen an automobile approaching, it is nevertheless the duty of the driver to sound the horn if the actions of the pedestrian indicate that he is unaware of the nearness of the automobile and is in danger of getting in its way. 157-129, 195+774.

The act of the owner and driver in leaving the motor running is not a proximate cause of an injury to a pedestrian, inflicted when the person in attendance wrongfully attempted to move the automobile from the place where the owner left it. 159-76, 198+302.

Person left in attendance has no authority under the statute to set the automobile in motion without permission from the owner or driver, merely because the motor was left running. 159-76, 198+302.

The driver of an automobile approaching a railway crossing under conditions obstructing his view of an approaching train, who omits all precautions for his own safety on the assumption that no train is due, is guilty of contributory negligence as a matter of law. 159-499, 199+562.

An eight year old boy was travelling on the right-hand side of a street, with a child's coaster wagon. Defendant was driving his automobile in the same direction but about 20 feet behind the boy. The boy turned to the left, and started to cross the street. Defendant turned to the left to avoid a collision, but at the curb he struck and injured the boy. Held (1) that the question of negligence and contributory negligence were for the jury; (2) that the facts did not call for an instruction embracing the law of the road governing vehicles when one passes the other. 161-113, 201+296.

Action by pedestrian to recover for injuries received from an automobile truck while she was attempting to cross a street on the crosswalk. Held, that the plaintiff's contributory negligence was for the jury. 161-125, 201+293.

The finding that plaintiff was not negligent as a matter of law is justified, because he had a right to assume, he being first on the intersection, that defendant would reduce his speed so as to permit plaintiff to clear the crossing in safety. 161-160, 200+920.

Negligence of driver barring recovery when running into log at curve. 161-345, 201+435.

Evidence considered, and held to make a question for the jury as to whether the defendant was guilty of actionable negligence. 162-386, 202+828.

Complaint for failing to stop a motor vehicle within 10 feet of street car, which had been stopped to allow passengers to alight or embark, held not to state cause of action. 163-47, 203+418.

Duty of automobilist suddenly turning corner where there are pedestrians. 163-508, 203+624.

Vehicle must stop also behind front exit doors. 164-40, 204+630.

The evidence failed to establish, as a matter of law, negligence on the part of a pedestrian, who was struck by an automobile, while crossing a street in the daytime, who saw the automobile approaching, misjudged its speed, and believed there was ample time to cross ahead of it. 164-126, 204+568.

2706. Substitutes for rear lights on vehicles—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

2707. Driver to sound horn, when—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

126-305, 161+716; 148-394, 182+452; 148-397, 184+12. Defendants' automobile ran down plaintiff at a street

intersection. There was evidence that no warning of its approach was given by the driver of the automobile. Other circumstances of the collision are in doubt. Held, that the verdict finding defendants guilty of negligence should not be interfered with. 160-215, 199+744.

Plaintiff's testimony indicates that she had been standing for some minutes on the pavement but close to the curb. In fact, she may have had one foot on the curb. In that situation it cannot be said as a matter of law that she was guilty of contributory negligence. 160-215, 199+744.

The charge cannot fairly be construed as stating that the failure of the driver of the truck to sound his horn when making a turn at the street intersection constituted negligence. 164-347, 205+245.

2708. Parking and driving rules—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

R. L. § 1277 did not impose the absolute duty on signal to stop the motive power in addition to stopping the vehicle. Whether failure to stop the power was negligence must be determined by circumstances (102-377, 113+904).

Under 1909 c. 259 § 14, prescribing the rule, "In cities or villages, or any place where traffic is large," etc., as in this section, held, that defendant was properly convicted, though he was not blocking traffic, but merely driving on a part of the street most convenient for him (111-488, 127+495).

Under 1909 c. 259 § 14, held not as matter of law negligent for pedestrian to walk on left side of street or driveway, nor, to avoid rapidly approaching vehicle, to turn to left (112-149, 127+484).

Under 1909 c. 259 §§ 14, 16, a driver, who negligently, because of excessive speed or not having his machine under control, fails to keep to right of intersection of street, when turning to right, but crosses to left, and collides with another vehicle lawfully on that side, whose driver is free from negligence, held responsible for consequent damages (113-190, 129+383).

127-401, 149+654; 128-460, 151+275; 130-46, 153+136; 137-331, 163+530; 137-337, 163+515; 146-205, 178+881; 146-330, 178+886; 147-330, 180+108; 148-187, 181+386; 149-396, 184+12; 150-286, 184+1026; 153-393, 190+795, 153-397, 190+992; 154-53, 191+253; 154-102, 191+254; 191+903; 194+323.

Cutting center of intersection as negligence. 156-107, 194+322.

Driving out of garage and across street not a violation. 157-187, 195+896.

Whether the trial court's construction of the road rules was correct or not, defendant is in no position to complain, in view of his testimony that, when he signaled that he wished to pass, plaintiff turned to the right and yielded the road to him. 159-173, 198+428.

Plaintiff, in riding a bicycle upon the left side of a wide country road, was not as a matter of law guilty of contributory negligence so as to defeat a recovery of damages from defendant, whose automobile, negligently operated, ran plaintiff down. 159-260, 198+809.

Plaintiff's intestate, on entering a street intersection, had the right to assume that the driver of defendant's truck would not violate the law of the road or drive in a negligent manner. The evidence warranted the jury in finding in plaintiff's favor on the issue of contributory negligence. 161-16, 200+817.

Automobile collision at a street intersection. The court charge that defendant who was coming from the left was negligent in failing to yield the right of way. The evidence was conflicting and the question for the jury. 162-382, 202+891.

Whether plaintiff was chargeable with contributory negligence was also a question of fact for the jury. 162-382, 202+891.

The collision occurred in plaintiff's effort to turn to the left to pass in front of defendant's car. Both questions, that of defendant's negligence and plaintiff's contributory negligence, held to have been for the jury. 163-488, 204+525.

Whether the plaintiff was negligent in attempting to cross with his auto in front of an approaching street car was a question of fact for the jury, and it was error to direct judgment for the defendant notwithstanding the verdict for the plaintiff. 165-41, 205+433.

Defendant's presence on the wrong side of the street, causing an injury, creates liability, unless excusable or justifiable. The burden of proving excuse or justification is on the person who has violated the statute. He is excusable if, without fault on his part, his automobile skids across the center line of the street. 165-193, 206+377.

The verdict which found that defendant had not driven his car with a reckless disregard of plaintiff's safety and in such a manner as to injure her is sustained by the evidence. 167-248, 208+803.

2709. New rates of speed for motor vehicles in congested districts—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

1909 c. 259 § 16, prescribing rate of speed, etc., held

2709R
117m 222
225nw 85
227nw 350
227nw 854
228nw 347

constitutional (112-157, 127+473). See 113-190, 129+333, 125-400, 147+430, 125-431, 147+434, 127-401, 149+654; 130-134, 153+267; 144-405, 175+536; 144-477, 175+892; 148-77, 180+918; 148-390, 182+452; 148-397, 182+450; 153-313, 190+346; 153-492, 190+794; 154-329, 191+904. 164-76, 204+921.

The driver of an automobile on a public highway may be held liable for an accident occasioned through his negligent driving, although the immediate cause of the accident was the negligent act of a third party. 158-442, 197+849.

Where a chain of events has been started, due to the negligence of the driver of an automobile, he may be held liable for all mishaps which are properly the proximate result of his unlawful conduct. 158-442, 197+849.

Where the concurrent or successive negligence of two persons results in an injury to a third person, the injured person may recover damages from the one guilty of the first wrong, notwithstanding the second party's negligence. 158-442, 197+849.

The evidence warranted a finding that defendant passed plaintiff at a rate of speed greater than was reasonable and proper. The trial court did not err in instructing the jury that a rate of speed exceeding the limit fixed by statute raised a presumption that defendant drove his car in an unlawful manner. 159-173, 198+428.

Defendants were entitled to an instruction that if plaintiff's car traveled at a speed exceeding 10 miles an hour for one-tenth of a mile it was prima facie unreasonable. 162-382, 202+891.

Contributory negligence of guest in automobile. 165-177, 207+322.

The court did not err in reading to the jury that portion of section, which provides that, when a motor vehicle is driven at a speed in excess of 25 miles an hour for a distance of one-quarter of a mile, that fact shall be prima facie evidence that the rate of speed is greater than is reasonable and proper. 211+311.

Error to instruct the jury that "a violation of the statute is evidence of negligence" instead of "a violation of the statute is negligence." 212+11.

2710. Duty of driver in case of accident—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36. 153-315, 190+347.

2711. Local regulations prohibited—Exceptions—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36. 134-296, 159+627; 136-417, 162+520; 138-265, 164+982. 209+750.

2712. Board of automobile examiners—Examination and licensing of chauffeurs—Revocation of license—Numbers and badges—Non-resident chauffeurs—

There is hereby created a board of automobile examiners of three members, to be designated by the governor, who shall be men possessing a technical and practical knowledge of the construction, mechanism and operation of motor vehicles, whose term of office shall be for two years, said first terms to expire on the first Tuesday of January, 1917. Said board members are to receive a compensation of five dollars per day and actual expenses, while in session, and all traveling expenses. Blanks, books, etc., for the use of said board are to be furnished by the Secretary of State. It shall be the duty of said board to conduct the examination of all applicants for chauffeur's licenses herein provided for, at such times and such places as shall be designated by the Secretary of State; to pass upon the qualification of such applicants, and to issue to those having a practical knowledge of the construction, mechanism and operation of motor vehicles, a license to be known as a chauffeur's license; provided, that no such license shall be issued to any person under eighteen years of age, or who is an habitual and excessive user of intoxicating liquors, or to any person of defective eye-sight, or other physical infirmity, which in the judgment of said board renders such person incompetent to manage and care for a motor vehicle. Such licenses shall expire on December 31st of each year, and a new license shall be

issued to the holder of the expired license upon the payment of one dollar; provided further, that upon the third conviction by any court of a violation of any of the provisions of this act the Secretary of State is hereby empowered and directed to revoke the license of any chauffeur so convicted, and said chauffeur shall not be entitled to receive a new license, or to have an expired license renewed or re-issued within six months after the revocation and expiration of his license, and then only upon and after he has been re-examined by the board, who shall, in their discretion, have the power to refuse to grant such license, if in their opinion the applicant is incompetent to manage and operate a motor vehicle. Application for license to operate a motor vehicle as chauffeur may be made by mail, or otherwise, to the Secretary of State, or his duly authorized agent, upon blanks prepared under his authority. Every such application shall be accompanied by a fee of one dollar and fifty cents (\$1.50). In case said applicant upon examination by the board of examiners shall have been found competent, and such fact has been certified to, the Secretary of State, the latter shall furnish to every chauffeur so licensed and whose license has been renewed, a suitable metal badge with the coat-of-arms of the State of Minnesota thereon, and with the distinguishing number or mark assigned to him thereon, said number to be of a different color each year, and the year to be embossed thereon, without extra charge therefor. This badge shall be thereafter worn by such chauffeur pinned upon the outside of his clothing, either upon his breast about midway between his shoulders, or upon the front of his hat or cap, at all times while he is operating or driving a motor vehicle on public highways. Said license shall be valid only during the term of the license of the chauffeur to whom it is issued, as aforesaid. It shall also be the duty of said licensee to have said license at all times in his possession while operating a motor vehicle in this state. Upon the receipt of such an application, the Secretary of State shall thereupon file the same in his office and register the applicant in a book or index which shall be kept in the same manner as the book or index for the registration of motor vehicles, and when the applicant shall have passed the examination provided for in the preceding section, the number or mark assigned to such applicant, together with the fact that such applicant has passed such examination, shall be noted in said book or index. No chauffeur having been licensed as herein provided shall voluntarily permit any other person to possess or use his license or badge, nor shall any person while operating or driving a motor vehicle, use or possess any license or badge belonging to another; provided, however, that a non-resident chauffeur, who has registered under the provisions of law of the foreign country, state, territory or federal district of his residence, substantially equivalent to the provisions of this section, shall be exempt from license under this section; and provided further, that he shall wear the badge assigned to him in the foreign country, state, territory or federal district of his residence in the manner provided in this section; provided further, that in case said chauffeur remains in this state for sixty (60) days or more, he shall be required to comply with all of the provisions of section 19 hereof. ('11 c. 365 § 19; amended '15 c. 33 § 4) [2638]

147-350, 180+229
Registration record filed with Secretary of State; moneys received by board paid into state treasury. See § 53-47, herein.

2713. Taking into custody for violation of act—Undertaking to appear, etc.—In case any person shall be

taken into custody because of any violation of any of the provisions of this act, he shall forthwith be taken before any magistrate or justice of the peace in any city, village or county, and be entitled to an immediate hearing, and if such hearing cannot be had, be released on giving his personal undertaking to appear and answer for such violation at such time or place as shall then be indicated, secured by a deposit of a sum of money not exceeding twenty-five dollars (\$25.00), or in lieu thereof, in case the person taken into custody is the owner, by leaving the motor-vehicle, and in case the person taken into custody is not the owner, by leaving the motor-vehicle, with a written consent given at the time by the owner, who must be present with such judicial officer. ('11 c. 365 § 20) [2639]
See § 2720-63, herein.

2714. Conviction for intoxication to result in forfeiture of license and disqualification for three months—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36. 2094881.
Defendant was convicted of operating an automobile while intoxicated. The evidence is sufficient to sustain the verdict, and we find no error in admitting a statement as to his condition made in his presence immediately following the accident. 162-309, 202+727.

2715. Tampering with or damaging vehicle, etc.—No person shall tamper with or drive or operate or use a motor-vehicle without the permission of the owner, and no person shall, without authority of the person in charge, climb upon or into any automobile, whether while the same is in motion or at rest, or hurl stones or any other missiles at the same, or occupants thereof, or shall, while such motor vehicle is at rest and unattended, sound the horn or other signalling device, or attempt to manipulate any of the levers, starting crank, brakes or machinery thereof, or set such vehicle in motion, or otherwise damage or interfere with the same, nor shall any person place upon any street, avenue or highway of this state any glass, tacks, nails or other articles tending to injure automobile tires. ('11 c. 365 § 22, amended '15 c. 33 § 5) [2641]

2716. Suit for damages—Evidence, etc.—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36. 130-412, 153+753; 139-392, 166+788.
A statement made by the driver of an automobile owned by appellant was admissible in evidence against the appellant, it being shown that the statement was made at the place of a collision with another automobile in which respondents were riding and that it was made immediately after the accident. 158-11, 196+652.
It may reasonably be inferred that a person who is on a public highway driving an automobile owned by another is doing so rightfully as the agent of the owner, in the pursuit of the owner's business and within the scope of the driver's employment. 158-11, 196+652.

2717. Taking and removing without consent—Penalty—Any person who enters any warehouse, garage or building of any kind and takes and removes therefrom, for his own use or that of others, any automobile or motor-vehicle, without the knowledge and consent, expressed or implied, of the owner thereof, shall be deemed guilty of a felony and upon conviction thereof shall be punished accordingly.

The fact that such automobile or motor-vehicle was voluntarily returned to its original place by the party taking the same before or after the owner discovers such removal, or the fact that the party taking the same was then and there in the employ of the owner of such property, shall not be deemed a defense in the prosecution of such offender. ('11 c. 365 § 25) [2644]

2717-1. Unauthorized driving, etc., of automobiles— Punishment—No person shall drive, operate or use a motor vehicle without the permission of the owner or of his agent in charge and control thereof. Any person so doing shall be guilty of a felony and punished therefor by imprisonment in the state prison not exceeding ten years or by a fine of not to exceed one thousand dollars or both. ('19, c. 72, § 1; amended '21, c. 384, § 1)

2718. Violation of act—Penalty—Duty of clerk of court—Reversal of conviction—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36. 152-2, 187+705. 164-40, 204+631. 2719-20R 31 - 377

2719. Rubber tires or casings to be marked—No person shall sell any rubber tire or casing for use on motor vehicles unless the name of the manufacturer and the year in which the same was made, are conspicuously and permanently marked thereon in raised type cast with the tire or casing. ('11 c. 358 § 1) [2647]

2720. Violation a misdemeanor—Any person who shall sell or offer for sale a rubber tire or casing in violation of the provisions of this act shall be guilty of a misdemeanor. ('11 c. 358 § 2) [2648]

UNIFORM HIGHWAY TRAFFIC ACT.

TITLE I. 2720¹ 29 - 407
DEFINITION OF TERMS. 29 - 407

2720-1. Definitions—The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(a) "Vehicle." Every device in, upon or by which any person or thing is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, that in as far as is applicable, for the purpose of Title II of this act, a bicycle or ridden animal shall be deemed a vehicle, and; provided further that this act shall not apply to street cars except where specifically so stated.

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

(c) "Motorcycle." Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

(d) "Truck Tractor." Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(e) "Farm Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(f) "Road Tractor." Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(g) "Trailer." Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

(h) "Semi-trailer." Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of

27201-69
233nw 239
27201-69
29 - 407
182m 139
233nw 853
239nw 772
239nw 902
See
27201³B
27201
60 Fed.
(2d) 406
27201 69
248nw 330
250nw 449

2720^B
Sub. Sec. 3
238nw 330
§ 2720-2

its own load rests upon or is carried by another vehicle.

(i) "Pneumatic Tires." All tires inflated with compressed air.

(j) "Solid Rubber Tires." Every tire made of rubber other than a pneumatic tire.

(k) "Metal Tires." All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.

(l) "Person." Every natural person, firm, co-partnership, association or corporation.

(m) "Owner." Owner means any person, firm, association or corporation owning or renting a motor vehicle or having the exclusive use thereof, under lease or otherwise, for a period greater than thirty days. The use of a motor vehicle in violation of the provisions of this act or of the provisions of any municipal ordinance passed pursuant thereto shall be prima facie evidence that said motor vehicle was at the time of such violation controlled, operated and used by the registered owner thereof.

(n) "Highway." Every way or place of whatever nature open to the use of the public, as a matter of right, for purposes of vehicular travel.

(o) "Private Road or Driveway." Every road or driveway not open to the use of the public for purposes of vehicular travel.

(p) "Intersection." The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other.

(q) "Safety Zone." The area or space set aside within a highway by a municipality for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(r) "Right of Way." The privilege of the immediate use of the highway.

(s) "Commissioner." The Commissioner of Highways of this State acting directly or through his duly authorized officers and agents.

(t) "Local Authorities." Every county, municipal and other local board or body charged with the construction or maintenance of any highway.

(u) "Municipality." Every incorporated city, village, or borough in this state.

(v) "Truck." Any motor vehicle designed or used principally for carrying things other than passengers and includes a motor vehicle to which has been added a cabinet box, platform rack or other equipment for the purpose of carrying merchandise other than the person or effects of the passenger. ('27, c. 412, § 1)

2720^A
233nw 874
TITLE II.
OPERATION OF VEHICLES.
RULES OF THE ROAD.

2720-2. Age of operators or drivers of motor vehicles—Habitual users of narcotics—Persons under influence of intoxicating liquors or narcotics—Subdivision (a) No person shall operate or drive a motor vehicle on any highway in this state who is under 15 years of age unless such person is accompanied at the time by a duly licensed chauffeur, or by the owner, or by a competent person over 15 years of age authorized by the owner of the motor vehicle being operated, provided that such owner must be 15 years of age or over. No person whether licensed or not who is an habitual user

of narcotics or who is under the influence of intoxicating liquors or narcotics shall drive any vehicle upon any highway. ('27, c. 412, § 2)

2720-3. Careless or heedless or dangerous driving—Gross misdemeanor—(a) No person shall operate or halt any vehicle upon a highway carelessly or heedlessly in disregard of the rights or safety of others or in a manner so as to endanger or be likely to endanger any person or property.

(b) Any person who drives any vehicle upon a highway in wilful and wanton disregard of the rights or safety of others and in a manner so as to endanger or be likely to endanger any person shall be guilty of a gross misdemeanor. ('27, c. 412, § 3)

2720-4. Speed—Reasonable and proper speed—Prima facie evidence of excessive speed—Rates of speed enumerated—Municipal regulations—(a) Any person driving a vehicle on a highway shall drive the same at a speed not greater than is reasonable and proper, having due regard to the traffic, the surface and width of the highway, and of any other conditions then existing.

(b) Operating a vehicle at speeds exceeding those hereinafter specified shall be prima facie evidence that the operator of said vehicle is driving the same at a speed greater than is reasonable and proper as defined in sub-division (a) of this section:

- 1. Fifteen miles an hour when approaching within fifty feet of a grade crossing of any steam, electric or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in each direction from such crossing;
- 2. Fifteen miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours;
- 3. Fifteen miles an hour when approaching within fifty feet and in crossing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection, he does not have a clear and unobstructed view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;
- 4. Fifteen miles an hour in going around curves or along a grade upon a highway when the driver's view is obstructed within a distance of one hundred feet along such highway in the direction in which he is proceeding;
- 5. Twenty miles an hour on any highway where the same passes through the closely built-up portions of any municipality or where the traffic is congested, when traffic on such highway is controlled at intersections by traffic officers or traffic control devices;
- 6. Fifteen miles an hour on all other highways where the same pass through the closely built-up portion of any municipality or where the traffic is congested;
- 7. Twenty miles an hour on any highway where the same passes through the residence portion of any municipality;
- 8. Thirty-five miles an hour under all other conditions.

(c) Municipalities in their respective jurisdictions are hereby authorized in their discretion to increase the speed which shall be prima facie unlawful upon "thru

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181m 376
181m 506
240nw 100
2720^A
223nw 603
2720^A
176m 383
232nw 630
233nw 237
233nw 599
2720^A
180m 252
182m 02
182m 532
183m 79
235nw 15
235nw 630
238nw 324
239nw 605
2720^A
20 — 158
221nw 715
2720^A
175m 449
230nw 776
2720^A
175m 449
183m 79
235nw 630
238nw 796
2720^A
238nw 324
239nw 605
2720^B
237nw 487
238nw 330

2720^A
Sub. Sec. 3
29 — 718
2720^A
251nw 910
2720²²

2720^A
Sec. 7
252nw 232

highways at the entrances to which vehicles are by ordinance of such municipalities required to stop before entering or crossing such "thru" highways. Municipalities shall place and maintain upon all "thru" highways as to which such speed is so increased adequate signs giving notice of such special regulations and shall also place and maintain upon each and every highway intersecting any such "thru" highway, appropriate stop signs which shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights.

(d) Municipalities in their respective jurisdictions are hereby authorized in their discretion to regulate by ordinance the speed of trucks whose weight including load exceeds 16,000 pounds. ('27, c. 412, § 4)

2720-5. Stopping of motor vehicles or street cars at highway and interurban or steam railway grade crossings—(a) Whenever any person driving a vehicle or street car approaches a highway and interurban or steam railway grade crossing and a clearly visible and positive signal gives warning of the immediate approach of a railway train or car, it shall be unlawful for the driver of the vehicle or street car to fail to bring the vehicle or street car to a complete stop before traversing such grade crossing.

(b) Whenever any vehicle carrying school children, explosives, or inflammable liquids, or passengers for hire, or any vehicle having in tow any other vehicle or equipment, or any vehicle of the tractor or caterpillar type, approaches any interurban or steam railway grade crossing, it shall be the duty of the driver thereof to bring the same to a complete stop before crossing said track, to ascertain when such crossing can be made in safety. ('27, c. 412, § 5)

2720-6. Operating or driving unregistered motor vehicles prohibited—Display of number plates—No person shall operate or drive a motor vehicle on any highway unless such vehicle shall have been registered in accordance with the laws of this state and shall have the number plates for the current year only, as assigned to it by the Registrar of Motor Vehicles, conspicuously displayed thereon in such manner that the view thereof shall not be obstructed. If the vehicle be a motorcycle, motorcycle side car, trailer or semi-trailer, one such plate shall be displayed on the rear thereof, if it be any other kind of motor vehicle, one such plate shall be displayed on the front and one on the rear thereof; securely fastened so as to prevent the same from swinging. It shall be the duty of the person driving the motor vehicle to keep said plate legible and unobstructed and free from grease, dust, or other blurring material so that the lettering thereon shall be plainly visible at all times. ('27, c. 412, § 6)

2720-7. Speed of vehicles on bridges—The officer or body charged with the maintenance of any highway is hereby authorized to determine the maximum speed at which vehicles may, with safety be operated upon any bridge forming a part thereof and to post signs at each end of such bridge designating such maximum speed. It shall be unlawful for any person to operate a vehicle upon a bridge which has been thus posted at a speed greater than that indicated on such signs. ('27, c. 412, § 7)

2720-8. Vehicles operated by peace officers in performance of duties, fire department or fire patrol vehicles, and public ambulances—Physicians or private ambulance drivers responding to emergency calls—(a) The provisions of this act shall not apply to vehicles when operated with due regard for safety, under the direction of peace officers in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to fire departments or fire patrol vehicles when traveling in response to a fire alarm, nor to public ambulances when traveling in emergencies. This exemption shall not however protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

(b) If a licensed physician or private ambulance driver, while driving a motor vehicle in response to an emergency call, be stopped for driving said vehicle at a speed greater than is reasonable and proper, he shall upon giving his name and address and the registration number of his vehicle be permitted to proceed in the vehicle to his destination, and thereafter such proceedings shall be had as would have been proper had he not been a physician or ambulance driver. ('27, c. 412, § 8)

2720-9. Keeping to the right—Upon all highways of sufficient width, except upon one way streets, the driver of a vehicle shall drive the same upon the right half of the traveled portion of the highway and shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of such highway, unless it is impracticable to travel on such side of the highway and except when overtaking and passing another vehicle. ('27, c. 412, § 9)

2720-10. Driving to the right at highway or railroad crossings—In crossing an intersection of highways or the intersection of a highway by a railroad right of way, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right half is obstructed or impassable. ('27, c. 412, § 10)

2720-11. Passing in opposite directions—Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of the roadway as nearly as possible. ('27, c. 412, § 11)

2720-12. Passing in same direction—The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle. ('27, c. 412, § 12)

2720-13. Overtaking and passing vehicles going in same direction—At crests of grades or at curves—At railroad crossings—(a) The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

(b) The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 500 feet.

(c) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any steam or electric railway grade crossing nor at any intersection of highways except when such intersection is controlled by a traffic officer or automatic signal device, provided, that when the driver of any motor vehicle has signaled a left hand turn and has properly approached the intersection, such vehicle may be passed on its right side. ('27, c. 412, § 13)

2720-14. Overtaken vehicle to give overtaking vehicle right of way on signal—The driver of a vehicle

2720¹
25 416
173m 265
217nw 130

2720⁹
181m 259
237nw 180
238nw 795
Sec
2720¹⁰
178m 465
227nw 493
230nw 580
232nw 264
235nw 15
9298

2720¹¹
232nw 710
2720⁹
184m 586
248nw 285
252nw 80
252nw 835
9495

2720¹¹
230nw 580
2720¹¹
230nw 596
252nw 835

2720¹³B
235nw 383
2720¹³B
237nw 487

2720¹⁴
233nw 239
233nw 853

upon a highway, about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. ('27, c. 412, § 14)

2720-15. Distance between vehicle following another

(a) The driver of a motor vehicle or street car shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the highway and the condition of his vehicle.

(b) The driver of any truck or truck tractor when traveling upon a highway outside of a closely built up portion or residence portion of a municipality shall not follow another truck or truck tractor within one hundred feet, but this shall not be construed to prevent one truck or truck tractor overtaking and passing another. ('27, c. 412, § 15)

2720-16. Turning to right at intersections—Driving to right of traffic control devices or markings at intersections—

(a) Except as otherwise provided in this section, the driver of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane for traffic nearest to the right hand side of the highway, and in turning shall keep as closely as practicable to the righthand curb or edge of the highway. When intending to turn to the left he shall approach such intersection in the line for traffic to the right and nearest to the center line of the highway and in turning shall keep as near to the center of the intersection as practicable and shall at all times leave space to allow safe passage to any vehicle seeking to make a right-hand turn from the direction in which he is turning on the same intersection at the same time.

(b) Where traffic control devices or markings have been installed within an intersection, vehicles shall when practicable be driven to the right thereof, unless such device or markings indicates that driving to the left is permitted or unless directed to drive to the left by a traffic officer. ('27, c. 412, § 16)

2720-17. Starting, stopping, or turning—Signals—

The driver of any vehicle upon a highway before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, and if any pedestrian or cyclist may be affected by such movement shall give a clearly audible signal by sounding the warning device, and whenever the operation of any other vehicle may be affected by such movement shall give a signal either by extending the arm horizontally from and beyond the left side of the vehicle or by an adequate mechanical or electrical signal device, plainly visible to the driver of such other vehicle, of the intention to make such movement at least fifty feet before a stop or turn is to be made, except that the requirement of signal by warning device shall apply to motor vehicles only. ('27, c. 412, § 17)
1925, c. 416, § 17. 212+180.

2720-18. Right of way between vehicles or vehicles and street cars at intersections—As to pedestrians at crosswalks or regular pedestrian crossings—Subdivision (a).

When two vehicles or a vehicle and a street car approach or enter an intersection at approximately the same time, the driver of the vehicle or street car on the left shall yield the right of way to the vehicle or street car on the right, except as otherwise provided in Section 20 herein. The driver of any vehicle or street car traveling at an unlawful speed shall forfeit

any right of way which he might otherwise have hereunder.

(b) The driver of a vehicle or street car approaching but not having entered an intersection shall yield the right of way to a vehicle within such intersection and turning therein to the left across the line of travel of such first mentioned vehicle or street car, provided the driver of the vehicle turning to the left has given a plainly visible signal of intention to turn.

(c) The driver of any vehicle upon a highway where the same passes through the closely built up portions or residence portions of any municipality shall yield the right of way to a pedestrian crossing such highway within any clearly marked crosswalk or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic control devices. Every pedestrian crossing a highway within a business or residence district at any point other than a pedestrian crossing, crosswalk or intersection shall yield the right of way to vehicles upon the highway. ('27, c. 412, § 18)

2720-19. Entering highway from alley, private road or drive—Right of way to ambulances and police and fire department vehicles—Stopping at automatically controlled stop and go signals or devices—

(a) The driver of a vehicle entering a highway from an alley, private road or drive shall yield the right of way to all vehicles approaching on such highway, and when the view is obstructed shall stop before crossing any sidewalk or entering any highway.

(b) The driver of a vehicle upon a highway shall yield the right of way to ambulances and to police and fire department vehicles when the drivers thereof sound an audible signal. This provision shall not operate to relieve the driver of an ambulance, or a police or fire department vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(c) No driver of a motor vehicle or street car at intersections controlled by traffic officers shall fail to obey signals by such officers as to traffic movement.

(d) No driver of any vehicle or street car shall fail to stop his vehicle or street car when the word "stop" or a red light is displayed at an intersection by an automatic traffic control device against the line of traffic in which such vehicle or street car is moving, and no driver of any vehicle or street car may again place such vehicle or street car in motion or cross such intersection until such device displays the word "go" or a green light. ('27, c. 412, § 19)

2720-20. Stopping and giving way to ambulances or police or fire department vehicles—Following fire apparatus responding to alarms—

(a) Upon the approach of any ambulance or police or fire department vehicle giving audible signal by bell, siren, or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the highway, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until the ambulance or police or fire department vehicles shall have passed.

(b) It shall be unlawful for the driver of any vehicle to follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or to drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire

2720¹⁴
238nw 603

2720¹⁵
176m 333
238nw 324
Sec
2720¹⁴A

2720¹⁵(a)
252nw 232
252nw 835

2720¹⁴
172m 591
216nw 537
222nw 580
223nw 145

2720¹⁶
176m
176m 295

2720¹⁶
179m 86
179m 120
182m 62
182m 532
229nw 751
233nw 599
233nw 15
238nw 795
239nw 605
239nw 609
239nw 914
Sec 2720⁹
Sec 2720⁹
2720 16
249nw 676
Art 6 § 14
182
202

2720¹⁷
223nw 347

2720¹⁷
232nw 326

2720¹⁷
182m 126
233nw 805
233nw 312
238nw 324
239nw 602
239nw 768

2720 17
259nw 570
525nw 232
9313

2720¹⁷
242nw 8
245nw 836

2720¹⁸
246nw 376
247nw 237
247nw 250
Sec 9657
2720¹⁸
177m 222
225nw 86
227nw 350
227nw 854

2720¹⁸
178m 426
178m 540

2720 18
251nw 525
2720 21
9285

2720¹⁸B
181m 376
182m 139
182m 853
238nw 902
239nw 914
Sec 2720¹⁰
223nw 145

2720¹⁸B
176m 299
231nw 202

2720¹⁸C
179m 332
229nw 341
232nw 265
232nw 630
233nw 599
233nw 15
2720⁹

2720¹⁸C
182m 62
183m 146
235nw 879
243nw 64
247nw 250

2720¹⁹
241nw 674

alarm, unless permitted to do so by a police or fire department officer. ('27, c. 412, § 20)

2720²¹
25 — 416²³
227nw 854

2720²¹
188m 179
246nw 670
251nw 525
9285

2720-21. Thru highways—Designation—Stopping at —The Commissioner with reference to trunk highways and municipalities with reference to highways under their jurisdiction and trunk highways within their corporate limits and county boards with reference to state aid, county and town roads, except where they intersect with trunk highways, are hereby authorized to designate any such highways as a "thru" highway by erecting at the entrance thereto from intersecting highways stop signs and whenever such signs have been so erected all drivers of vehicles or street cars shall stop in obedience thereto before entering such highway. All such signs shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or street car or by street lights. ('27, c. 412, § 21)

2720²²
251nw 916
2720²⁴

2720-22. Overtaking and passing interurban or street cars—Stopping to allow ingress or egress of passengers—At safety zones—(a) The driver of a vehicle shall not overtake and pass upon the left any interurban or street car proceeding in the same direction, whether actually in motion or temporarily at rest.

(b) The driver of a vehicle overtaking any railway, interurban or street car stopped or about to stop for the purpose of receiving or discharging any passenger, shall bring such vehicle to a full stop at least ten feet in the rear of such car and remain stationary until any such passenger has boarded such car or reached the adjacent sidewalk or curb except that where a safety zone has been established, a vehicle need not be brought to a full stop before passing any such railway, interurban or street car, but may proceed past such car at a speed not greater than is reasonable and proper and in no event greater than ten miles an hour and with due caution for the safety of pedestrians. ('27, c. 412, § 22)

2720-23. Driving through or over safety zones—The driver of a vehicle shall not at any time drive through or over a safety zone. ('27, c. 412, § 23)

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230nw 270
230nw 776
231nw 244

2720-24. Parking regulations—Removal of vehicles violating—Disabled vehicles—Stopping on left side of highway—Displaying vehicle on highway for sale or exchange—(a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any highway, outside of a municipality, when it is practicable to park or leave such vehicle standing off of the paved or improved or main traveled portion of such highway; provided, in no event shall any person leave standing any vehicle, upon any highway unless a clear and unobstructed width of not less than fifteen feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of 200 feet in each direction upon such highway.

2720²⁴B
180m 116
180m 252
181m 32
240 — 100
See 2720²³

(b) Whenever any peace officer shall find a vehicle standing upon a highway in violation of the provisions of this section, he is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under this section.

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246nw 6
246nw 116

2720²⁴C
184m 476
185m 479
239nw 605
242nw 8
246nw 6

(c) The provisions of this section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position.

2720²⁴(a)
251nw 6
33 — 252

(d) No vehicle may be brought to a stop on the left side of a highway except in one way streets.

(e) No person shall place any vehicle on a highway to display the same for sale or exchange. A vehicle shall be deemed to be displayed in violation of this section when found standing upon a street, and bearing a sign indicating that it is for sale or exchange. ('27, c. 412, § 24)

2720-25. Parking or leaving vehicles on highway in front of private driveway or near fire hydrants or stations or near curb or property line intersections—No person shall park a vehicle or permit it to stand whether attended or unattended, upon a highway in front of a private driveway or within fifteen feet in either direction of a fire hydrant or the entrance to a fire station nor within twenty-five feet from the intersection of curb lines or if none then within fifteen feet of the intersection of property lines at an intersection of highways. ('27, c. 412, § 25)

2720-26. Leaving vehicles on highway without setting brakes or turning front wheels—No person having control or charge of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the brakes thereon and when standing upon any grade without turning the front wheels of such vehicle to the curb or side of the highway. ('27, c. 412, § 26)

2720-27. Control of vehicles upon steep grades—The driver of a motor vehicle upon steep grades shall hold such motor vehicle under control and as near the right hand side of the highway as reasonably possible. ('27, c. 412, § 27)

2720-28. Coasting — Hitching — Soliciting rides — (a) The driver of a motor vehicle when traveling upon a down grade upon any highway shall not allow the vehicle to coast with the gears of such vehicle in neutral.

(b) No person shall ride in or jump into or upon any vehicle without the consent of the driver.

(c) No person shall hitch a toboggan, hand sled, bicycle or similar vehicle onto any motor vehicle.

(d) No person shall stand in the travelled portion of a roadway for the purpose of or while soliciting a ride from the driver of any vehicle other than a common carrier. ('27, c. 412, § 28)

2720-29. Stopping after accidents — Information given—Assistance to persons injured—The driver of any motor vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident and give his name, address and the registration number of his vehicle and exhibit his operator's or chauffeur's license to the person struck or the driver or occupants of any vehicle collided with, and if such person sustaining injury or damage is incapable of receiving such information, then such motor vehicle operator shall forthwith communicate such information to any police or peace officer or department of police within whose jurisdiction such accident happened, and thereupon such motor vehicle operator shall request of, and receive from, such police or peace officer, or department of police the name and address of such police or peace officer to whom such information was communicated, and shall render to any person injured in such accident reasonable assistance including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person. ('27, c. 412, § 29)

2720-30. Reports by garages or repair shops of vehicles showing evidence having been involved in accident or showing bullet marks—The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station or sheriff's office forthwith and to the Registrar of Motor Vehicles within twenty-four hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle. ('27, c. 412, § 30)

2720-31. Application of law to state, county, city, town, etc., owned or operated vehicles—Vehicles engaged in road work—The provisions of this act applicable to the drivers of vehicles upon the highways, shall apply to the drivers of all vehicles owned or operated by this state or any county, city, town, district or any other political subdivision of the state subject to such specific exceptions as are set forth in this act. The provisions of this act shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work. ('27, c. 412, § 31)

2720-32. Municipalities—Ordinances—Powers as to municipalities—Municipalities shall have power to pass and enforce ordinances identical in effect, except as to penalties, with the provisions of this act and to provide by ordinance; (a) for the regulation of traffic by means of traffic officers or traffic control devices; (b) for the prohibition of other than one way traffic on certain highways; (c) for the regulation of parking within their corporate limits, provided that no parking shall be permitted on state trunk highways which shall encroach upon the portion maintained by the state, except by permission of the commissioner; (d) for the establishment of loading zones for taxicabs and motor vehicle common carriers within which no parking shall be permitted; (e) for the regulation of the use of highways other than trunk highways by commercial vehicles; (f) that pedestrians shall obey the directions of traffic officers and the legend displayed on traffic control devices; provided that no enumeration of powers of municipalities in this act shall be deemed to deny others not inconsistent with this act. ('27, c. 412, § 32)

2720-33. Municipalities—Speed regulations and restrictions—Municipalities except as expressly authorized herein shall have no power or authority to alter any speed restriction declared in this act or to enact or enforce any ordinance contrary to the provisions of this act. ('27, c. 412, § 33)

TITLE III.

THE SIZE, WEIGHT, CONSTRUCTION AND EQUIPMENT OF VEHICLES.

2720-34. Driving or moving vehicles of unlawful size, weight, construction, etc., a misdemeanor—It shall be unlawful and constitute a misdemeanor for any person to drive or move or for the owner to cause or knowingly, permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated under this title or any vehicle or vehicles which are not constructed or equipped as required under this title. ('27, c. 412, § 34)

2720-35. Width and height of vehicles—Loads extending beyond front or fender lines—Width of bumpers—(a) No vehicle shall exceed a total outside width, including any load thereon, of eight feet, except that

the width of a farm tractor shall not exceed nine feet, and excepting further, that the limitations as to size of vehicles stated in this section shall not apply to implements of husbandry and ditching equipment temporarily propelled or moved upon the public highway; provided, that this subdivision shall not apply to loads of loose hay or corn stalks while being transported on public highways.

(b) No vehicle unladen or with load shall exceed a height of twelve feet and six inches.

(c) No vehicle shall exceed a length of 35 feet, and no combination of vehicles coupled together shall exceed a total length of 85 feet.

(d) No train of vehicles or vehicle operated alone shall carry any load extending more than three feet beyond the front thereof.

(e) No passenger vehicle shall carry any load extending beyond the line of the fenders on the left side of such vehicle nor extending more than 15 inches beyond the line of the fender on the right side thereof.

(f) Bumpers shall not exceed the width of the vehicle. ('27, c. 412, § 35)

2720-36. Loads extending beyond rear of vehicles—Warning flags or lights—Whenever the load on any vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load a red flag not less than twelve inches both in length and width, except that between one-half hour after sunset and one-half hour before sunrise there shall be displayed at the end of any such load a yellow or red light or reflector plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle. ('27, c. 412, § 36)

2720-37. Weight of vehicles and loads—Special permits for excess—No vehicle of four wheels or less whose gross weight, including load, is more than 28,000 pounds, and no vehicle having a greater weight than 22,400 pounds on one axle, and no vehicle having a load of over 800 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width in the case of rubber tires to be measured between the flanges of the rim), shall be operated on any highway; provided that in special cases vehicles whose weight including load, exceeds that herein prescribed may be operated under special permits granted as hereinafter provided. ('27, c. 412, § 37)

2720-38. Weighing vehicles and loads—Unloading of excess—The commissioner or any peace officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest scales in the event such scales are within two miles. The commissioner or officer may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum therefor specified in this act. ('27, c. 412, § 38)

2720-39. Permits for operation of vehicles of excessive size or weight—The officer or body charged with the maintenance of any highway, may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a combination of vehicles or vehicle of a size or weight exceeding the maximum specified in this act, upon any highway for the maintenance of which the officer or body granting the permit is responsible. Every such permit shall designate

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See 2720⁴⁷

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2720^{35C}
29 — 407
31 — 402

2720^{35C}
33 — 225

2720³⁷
31 — 128

2720³⁷
33 — 225

the route to be traveled and contain any other restriction and conditions deemed necessary by the officer or body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by the commissioner or any peace officer. ('27, c. 412, § 39)

2720⁴¹
29 -- 390
2720-40. Restrictions upon character and weight of traffic—Notices posted—The officer or body charged with the maintenance of any highway shall have authority to restrict the character and weight of traffic upon such highway when in his or its judgment such traffic will destroy or excessively damage such highway, and shall post such highway with plainly printed notices stating the character and weight of traffic prohibited on such highway at both ends of the section thereof on which traffic is restricted, at intermediate points where said restricted section is intersected by cross roads and also at the points where such restricted highways leave the nearest municipality. ('27, c. 412, § 40)

2720-41. Solid rubber tires—Blocks, studs, flanges, cleats, spikes, etc., on tires—Special permits for traction engines, etc.—(a) Every solid rubber tire on a vehicle moved on any highway shall have the rubber on its entire traction surface at least one and one-half inches thick above the edge of the flange of the entire periphery.

(b) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberances of any material other than rubber which project beyond the tread of the traction surface of the tire except that it shall be permissible to use farm machinery with tires having protuberances which will not materially injure the highway and except also, that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid.

(c) The officer or body charged with the maintenance of any highway may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, provided, that traction engines with flat diagonal cleats upon the periphery of the wheels thereof may, when used in connection with threshing operations, be operated on the highways at places where and times when such operation is necessary. ('27, c. 412, § 41)

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2720-42. Towing or drawing other vehicles—Semi-trailers—Drawbars or connections—Signals on—(a) No motor vehicle shall be driven upon any highway drawing or having attached thereto more than two other vehicles, except that a motor vehicle with semi-trailer may draw in addition thereto two other vehicles; (b) the draw bar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed fifteen feet in length from one vehicle to the other. Whenever such connection consists of a chain, rope or cable, there shall be displayed upon such connection a red flag or other signal or cloth not less than twelve inches both in length and width. ('27, c. 412, § 42)

2720-43. Brakes—What required—Every motor [vehicle] when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means

shall be effective to apply the brakes to at least two wheels and so constructed that no part which is liable to failure shall be common to the two, except that a motorcycle need be equipped with only one brake. All such brakes shall be maintained in good order and shall be capable at all times of stopping such vehicle in dry weather on a level surface within a distance of 40 feet from the spot where such brakes are first applied when such vehicle is traveling at a speed of twenty miles per hour. ('27, c. 412, § 43)

2720-44. Sound warning devices—(a) Every motor vehicle when operated upon a highway shall be equipped with a warning device in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, compression or spark plug whistle or for any person at any time to use a warning device otherwise than as a reasonable warning or to make any unnecessary or unreasonable loud or harsh sound by means of such warning device.

(b) Every police and fire department and fire patrol vehicle and every ambulance used for emergency call shall be equipped with a bell, siren, or exhaust whistle. ('27, c. 412, § 44)

2720-45. Unobstructed rear view for drivers—No person shall drive a motor vehicle on a highway which motor vehicle is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position, unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. ('27, c. 412, § 45)

2720-46. Signs, posters, etc., obstructing vision through windshield, windows, etc.—Windshield cleaners—(a) It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster or other non-transparent material upon the front windshield, side wings, front side windows or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law.

(b) Every windshield on a motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield in the driver's line of vision which device shall be so constructed as to be controlled or operated by the driver of the vehicle. ('27, c. 412, § 46)

2720-47. Mufflers—Cut-outs—Excessive smoke—(a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

(b) It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon a highway.

(c) No vehicle shall be so operated as to emit excessive smoke. ('27, c. 412, § 47)

2720-48. Front and rear lamps—Head lamps—Motorcycle lamps—Trailer lights—Clearance lamps—

Bicycle lights—(a) Every motor vehicle upon a highway within this state during the period from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred feet ahead, shall be equipped with lighted front and rear lamps as in this section respectively required for different classes of

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232nw 710
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252nw 80
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vehicles and subject to exemption with reference to lights on parked vehicles.

(b) Every motor vehicle other than a motorcycle, road-roller, road machine, or farm tractor shall be equipped with two head lamps, no more or less, at the front of and on opposite sides of the motor vehicle, which head lamps shall comply with the requirements and limitations hereinafter set forth and except as to acetylene head lamps shall be of a type which has been approved by the commissioner.

(c) Every motorcycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations hereinafter set forth and except as to acetylene head lamps shall be of a type which has been approved by the commissioner.

(d) Every motor vehicle and every trailer or semi-trailer which is being drawn at the end of a train of vehicles shall carry at the rear a lamp of a type which has been approved by the commissioner and which exhibits a yellow or red light plainly visible under normal atmospheric conditions from a distance of five hundred feet to the rear of such vehicle and which is so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of fifty feet to the rear of such vehicle.

(e) Every motor vehicle, other than any road-roller, road machinery or farm tractor, having a width at any part in excess of eighty inches shall carry two clearance lamps or other suitable illuminating or reflecting device on the left side of such vehicle, one located at the front and displaying a white light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, and the other located at the rear of the vehicle and displaying a yellow or red light visible under like conditions from a distance of 500 feet to the rear of the vehicle.

(f) Every bicycle shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least three hundred feet in front of such bicycle, and shall also be equipped with a reflex mirror or lamp on the rear exhibiting a yellow or red light visible under like conditions from a distance of at least two hundred feet to the rear of such bicycle. ('27, c. 412, § 48)

2720-49. Spot lamps — Auxiliary Driving Lamps — Signal lamps—Direction of beams—(a) Any motor vehicle may be equipped with not to exceed two spot lamps, except that a motorcycle shall not be equipped with more than one spot lamp, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the center of the highway nor more than 100 feet ahead of the motor vehicle upon which such lamp or lamps are mounted.

(b) Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps and one automatically controlled driving lamp placed below the level of the stationary headlamps mounted on the front at a height not less than 24 inches above the level surface on which the vehicle stands, and every such auxiliary or automatically controlled driving lamp or lamps shall meet the requirements and limitations hereinafter set forth.

(c) Whenever a motor vehicle is equipped with a signal lamp to comply with the provisions of Section 18, the signal lamp shall be so constructed and located on the vehicle as to give a signal yellow or red in color, which shall be plainly visible in normal sunlight,

from a distance of 100 feet to the rear of the vehicle but shall not project a glaring or dazzling light.

(d) Any device, other than head lamps, spot lamps or auxiliary driving lamps, which projects a beam of light of an intensity greater than twenty-five candlepower, shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than 50 feet from the vehicle. ('27, c. 412, § 49)

Explanatory note—For § 18 read § 48 (§ 2720-48, herein).

2720-50. Construction, etc., of head lamps and auxiliary driving lamps—Dimming lights—(a) The head lamps of motor vehicles shall be so constructed, arranged, and adjusted that, except as herein provided, they will at all times under normal atmospheric conditions and on a level road produce a driving light sufficient to render clearly discernible a person two hundred feet ahead, but no head lamp nor auxiliary driving lamp shall project a glaring or dazzling light to persons in front of such lamp.

(b) Head lamps and auxiliary driving lamps shall be deemed to comply with the foregoing provisions prohibiting glaring and dazzling lights if none of the main bright portion of the lamp beam rises above a horizontal plane passing through the lamp centers parallel to the level road upon which the loaded vehicle stands and in no case higher than forty-two inches, seventy-five feet ahead of the vehicle.

(c) Whenever a motor vehicle is being operated upon a highway, or a portion thereof which is sufficiently lighted to reveal a person on the highway at a distance of 200 feet ahead of the vehicle it shall be permissible to dim the head lamps or to tilt the beams downward or to substitute therefor the light from an auxiliary driving lamp or pair of such lamps, subject to the restrictions as to tilted beams and auxiliary driving lamps set forth in this subsection. Whenever a motor vehicle meets another vehicle on any highway it shall be permissible to tilt the beams of the head lamps downward or to substitute therefor the light from an auxiliary driving lamp or pair of such lamps subject to the requirement that the tilted head lamps or auxiliary lamp or lamps shall give sufficient illumination under normal atmospheric conditions and on a level road to render clearly discernible a person 75 feet ahead, but shall not project a glaring or dazzling light to persons in front of the vehicle, provided that at least two lights shall be displayed on the front of and on opposite sides of every motor vehicle other than a motorcycle, road-roller, road machine, or farm tractor. ('27, c. 412, § 50)

2720-51. Acetylene head lamps—Motor vehicles may be equipped with two acetylene head lamps of approximately equal candlepower when equipped with clear plane glass fronts, bright six-inch spherical mirrors and standard acetylene five-eighths foot burners not more and not less and which do not project a glaring or dazzling light into the eyes of approaching drivers. ('27, c. 412, § 51)

2720-52. Head lamps, auxiliary driving lamps, rear lamps, and signal lamps—Sale of—Tests—Certificates of approval—Standard specifications—(a) It shall be unlawful for any person to sell or offer for sale, either separately or as a part of the equipment of a motor vehicle, or to use upon a motor vehicle upon a highway, any electric head lamp or any auxiliary driving lamp, rear lamp or signal lamp, unless of a type which has been submitted to the Commissioner for test

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272048F
243nw 142

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and for which a certificate of approval has been obtained from the Commissioner as hereinafter provided.

(b) The Commissioner is hereby authorized and required to adopt and enforce standard specifications as to the amount, color and direction of light to be emitted by head lamps, auxiliary driving lamps, rear lamps and signal lamps for compliance with the requirements and limitations set forth herein; and the Commissioner is authorized and required to determine whether any head lamps, auxiliary driving lamps, signal lamps and rear lamps submitted will comply with the requirements of this act and the specifications adopted by the Commissioner and to approve such head lamps, auxiliary driving lamps, signal lamps and rear lamps, and to publish lists of such devices by name and type together with the permissible candlepower rating of the bulbs as he shall determine are lawful hereunder, and to forward such lists to Registrar of Motor Vehicles and to the clerk of every municipality.

(c) Any person, firm or corporation desiring approval of a device shall submit to the Commissioner two sets of each type of device upon which approval is desired, together with a fee fixed by the Commissioner not to exceed \$75.00 for each type of head lamp and auxiliary driving lamp and a fee not to exceed \$25.00 for each type of rear lamp or signal lamp submitted. Within 30 days the Commissioner shall, upon notice to the applicant submit such device to the United States Bureau of Standards or to such other recognized testing laboratory as he may elect for a report as to the compliance of such type of device with the standard specifications and the provisions of this act as to lighting performance. The Commissioner is authorized and required to accept the certificate of the United States Bureau of Standards or of some other recognized testing laboratory as to compliance with the specifications and requirements; provided, however, that in cases of dispute as to the findings of such other laboratory appeal may be made to the United State Bureau of Standards; and provided, also, that the Commissioner is authorized to refuse approval of any device, certified as complying with the specifications and requirements, which the Commissioner determines will be in actual use unsafe or impracticable or would fail to comply with the provisions of this act. If the certificate of the United States Bureau of Standards or of some other recognized testing laboratory as to compliance within the specifications and requirements specified in Section 53 be submitted with the application for approval of the lighting devices submitted to the Commissioner, then no fee in excess of \$10.00 shall be required by the Commissioner to be paid by any applicant for approval of any lighting device as specified in this subdivision.

(d) The Commissioner shall request the testing agency to submit a report of each type of device to the Commissioner. For those which are found to comply with the specifications and requirements the report shall include any special adjustments required and the candlepower rating of the bulbs for such conformance. Reports of all tests shall be accessible to the public and a copy thereof shall be furnished by the Commissioner to the applicant for the test.

(e) The Commissioner, when having reason to believe that an approved device as being sold commercially does not comply with the requirements of this act may, after 30 days' notice to the manufacturer thereof, suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to

meet the requirements of this act. The Commissioner may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices and if such device upon such retest fails to meet the requirements of this act, the Commissioner may refuse to renew the certificate of approval of such device.

(f) It shall be unlawful for any person to sell or to offer for sale either separately or as a part of the equipment of a motor vehicle any head lamp, auxiliary driving lamp, rear lamp or signal lamp approved by the commissioner unless such device bears thereon the trade-mark or name under which it is approved so as to be legible when installed, and is accompanied by printed instructions as to the candlepower of bulbs to be used therewith as approved by the commissioner and any particular methods of mounting or adjustments as to focus or aim necessary for compliance with the requirements of this act. ('27, c. 412, § 52)

Explanatory note—For § 53 see § 2720-53, herein.

2720-53. Stations for adjustment of lamps—certificates of adjustment—Arrests for driving with improperly adjusted or equipped lamps—(a) The commissioner is hereby authorized and required to designate, furnish instructions to and to supervise official stations for adjusting head lamps and auxiliary driving lamps to conform with the provisions of this act. When head lamps and auxiliary driving lamps have been adjusted in conformity with the instructions issued by the commissioner a certificate of adjustment shall be issued to the driver of the motor vehicle on forms issued in duplicate by the commissioner and showing date of issue, registration number of the motor vehicle, owner's name, make of vehicle and official designation of the adjusting station.

(b) The driver of any motor vehicle equipped with approved head lamps, auxiliary driving lamps, rear lamps or signal lamps, who is arrested upon a charge that such lamps are improperly adjusted or are equipped with bulbs of a candlepower not approved for use therewith, shall be allowed 48 hours within which to bring such lamps into conformance with the requirements of this act. It shall be a defense to any such charge that the person arrested produce in court or submit to the prosecuting attorney a certificate from an official adjusting station showing that within 48 hours after such arrest, such lamps have been made to conform with the requirements of this act. ('27, c. 412, § 53)

2720-54. Parking lights—Whenever a vehicle is parked or stopped upon a highway whether attended or unattended during the times mentioned in Section 49 there shall be displayed upon such vehicle one or more lamps projecting a white light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle and projecting a yellow or red light visible under like conditions from a distance of five hundred feet to the rear, except that municipalities may provide by ordinance that no lights need be displayed, upon any such vehicle when parked in accordance with local ordinances upon a highway where there is sufficient light to reveal any person within a distance of two hundred feet upon such highway. ('27, c. 412, § 54)

Explanatory note—For § 49 see § 2720-49, herein.

2720-55. Red or green lights visible from front—It shall be unlawful for any person to drive or move any vehicle upon a highway with any red or green light thereon visible from directly in front thereof.

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236nw 618
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This section shall not apply to police or fire department or fire patrol vehicles. ('27, c. 412, § 55)

TITLE IV.

HIGHWAY TRAFFIC SIGNS.

Signs at railroad crossings, see §§ 4733-1 to 4733-17, herein.

2720-56. Standard of signs and signals—Conformity to—The commissioner is hereby authorized to establish a standard of highway signs and signals. Signs erected by local authorities shall conform to the standard so established as to legend, color and shape. ('27, c. 412, § 56)

2720-57. Signs or signals on trunk highways—Permission for erection—No permanent sign or signal shall be erected on any trunk highway without the written consent of the commissioner; provided that when a municipality has applied to the commissioner for his consent to the erection upon a trunk highway of a sign or signal, it may place upon such trunk highway a temporary sign or signal not affixed to such trunk highway and maintain it thereon until the commissioner shall have granted or denied such application. ('27, c. 412, § 57)

2720-58. Unauthorized erection, etc., of signs, etc., in imitation of official signs, etc.—Signs or signals with commercial advertising thereon—No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light in imitation of any official sign, marker, signal or light erected under the provisions of this act, and no person shall erect or maintain upon any highway any sign or signal bearing thereon any commercial advertising. ('27, c. 412, § 58)

2720-59. Injuring, defacing, etc., of signs—No person shall deface, injure, knock down, or remove any sign posted as provided in the act. ('27, c. 412, § 59)

TITLE V.

PENALTIES.

2720-60. Violations of law a misdemeanor unless otherwise declared—Every person violating any of the provisions of this act shall be deemed guilty of a misdemeanor unless such violation is by this act or any other law of this state declared to be a gross misdemeanor or a felony. ('27, c. 412, § 60)

2720-61. Driving while under influence of intoxicating liquors or narcotics—Gross misdemeanor—Punishment—Revocation of chauffeur's license—Prohibition from driving—Bond of persons convicted of driving while intoxicated or driving in reckless or careless manner—(a) Every person who while under the influence of intoxicating liquor or narcotics drives a vehicle upon a highway shall be guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail or workhouse for not less than ten days nor more than one year, and in addition thereto, in the discretion of the court, by a fine of not more than one thousand dollars, and the registrar of motor vehicles shall revoke any chauffeur's license which such person may have to operate a motor vehicle under the laws of this state, and such person shall also be prohibited from operating any motor vehicle upon the highways for a period of three months after the date of such conviction, for the first offense, and for such period, not less than three months nor more than one year as shall be fixed by the court, upon each subsequent conviction.

Subdivision (b). The court may upon conviction of any person of a violation of the provisions of subdivision (a) of this section, or of subdivision (b) of Section 3 of this act, in addition to the penalty imposed by this act, make an order forbidding the person so convicted to drive or operate a motor vehicle on any highway in this state for such period not exceeding two years as the court shall fix unless the person so convicted shall execute and file with the registrar of motor vehicles an indemnity bond, payable to the State of Minnesota for the benefit of any person entitled to recover thereunder in the amount of twenty-five hundred dollars with sureties approved by the court conditioned that he will pay all damages any person may sustain in consequence of any negligence or unlawful act committed by him in driving or operating a motor vehicle on any such highway during the period so fixed; and any person who drives or operates a motor vehicle during the period fixed by the court without giving such bond, shall be guilty of a misdemeanor. ('27, c. 412, § 61)

Historical note—For section 3 see § 2720-3, herein.

2720-62. Violations of provisions relating to stopping, etc., after accidents—Penalty—Subdivision (a). The driver of any motor vehicle involved in any accident resulting in injury or death to any person who violates the provisions of Section 30 of this act shall be guilty of a gross misdemeanor.

(b) The driver of any motor vehicle involved in an accident resulting in damage to property who violates the provisions of Section 30 of this act shall be guilty of a misdemeanor. ('27, c. 412, § 62)

Explanatory note—For § 30 see § 2720-30, herein. This is a wrong reference. Section 29 (§ 2720-29) is the section intended to be referred to.

TITLE VI.

PROCEDURE UPON ARREST, REPORTS.

2720-63. Persons arrested taken before magistrate—Immediate hearing—Release on recognizance or deposit of cash bail—Written notice to offender to appear where violation constitutes misdemeanor—In case any person shall be taken into custody because of any violation of the provisions of this Act, he shall forthwith be taken before any magistrate in the county. If he be so taken before a magistrate during usual business hours, he shall be entitled to an immediate hearing; and if such hearing cannot reasonably be had, or if he shall not desire it, he shall be released upon giving a recognizance with sufficient sureties, or upon depositing cash bail, in such amount as the magistrate shall determine, to appear and answer for such violation at such time and place as shall be fixed by the magistrate. In case the violation is a misdemeanor the arresting officer may, in lieu of taking the prisoner before a magistrate serve a written notice upon him to appear before such magistrate at a time and place fixed in said notice. ('27, c. 412, § 63)

2720-64. Reports and abstracts kept by magistrates—Certified copies of judgments of conviction for registrar—(a) Every magistrate in this state shall keep a full report of every case in which a person is charged with violation of any provision of this Act, and in the event that such person is convicted or that his bail is forfeited, an abstract of such report shall be sent forthwith by the magistrate to the registrar of motor vehicles but this requirement shall not be deemed to make such court a court of record.

(b) Abstracts required by this section shall be made upon forms prepared by the registrar of motor

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vehicles and shall include all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, the amount of the fine or forfeiture, as the case may be, and every such abstract shall be certified by the magistrate as a true abstract to the record of the court.

(c) Each clerk of any court of record of this state shall also, within ten days after any final judgment of conviction of any violation of any of the provisions of this Act, send to the registrar of motor vehicles a certified copy of such judgment of conviction. Certified copies of the judgment shall also be forwarded to the registrar of Motor vehicles upon conviction of any person of manslaughter or other felony in the commission of which a vehicle was used. The said registrar of motor vehicles shall keep such records in his office. ('27, c. 412, § 64)

TITLE VII.

EFFECT OF AND SHORT TITLE OF ACT.

2720-65. Construction to effect uniformity of law in states adopting same—This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. ('27, c. 412, § 65)

2720-66. Citation of Act—This Act may be cited as the Uniform Highway Traffic Act. ('27, c. 412, § 66)

2720-67. Partial invalidity of act—If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional. ('27, c. 412, § 67)

2720-68. Laws repealed—Chapter 416, Laws of 1925, and Chapter 396, Laws of 1921 are hereby repealed and all other Acts and parts of Acts inconsistent herewith are hereby repealed to the extent of such inconsistency. ('27, c. 412, § 68)

Explanatory note—Laws 1925, c. 416, repealed by this section, was an act entitled "An act to regulate traffic and the operation of vehicles upon streets and highways; to appropriate moneys therefor, to provide penalties; and to repeal Sections 2621, 2625, 2626, 2627, 2632, 2633, 2634, 2635, 2636, 2701, 2702, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2714, 2716, and 2718, General Statutes 1923, and all other acts and parts of acts inconsistent herewith;" and designated as "The Highway Traffic Act of Minnesota." For Laws 1921, c. 396, see §§ 2632 to 2636, herein.

Laws 1925, ch. 416, § 10. 211+311.

Under the circumstances mentioned in the opinion, the plaintiff was not guilty of contributory negligence as a matter of law in crossing a street, where he was struck by an automobile. 212+180.

Laws 1925, ch. 416, § 15.

It was for the jury to say whether the driver passed a street car at an intersection. 211+950.

Laws 1925, ch. 416, § 19. 212+413.

Effect of plea of guilty on action for damages. 167-437, 209+317.

It was error to charge the jury that defendant was guilty of negligence as a matter of law because of failure to stop 10 feet behind the gates of a street car when it was about to stop for the accommodation of passengers. 211+950.

Laws 1925, ch. 416, § 26. 212+413.

Annulled an ordinance of the city of St. Paul prohibiting a person in an intoxicated condition from driving a motor vehicle, and a judgment convicting such a person of a violation of the ordinance is invalid. 209+750.

Laws 1925, ch. 416, § 29. 209+750.

2720-69. Time of taking effect of act—This Act shall take effect from and after its passage. ('27, c. 412, § 69)

Explanatory note—This act was approved April 23, 1927.

TAX ON GASOLINE, DISTILLATE, BENZINE, NAPHTHA, BENZOL, LIBERTY FUEL, ETC., USED FOR PROPULSION OF MOTOR OR OTHER VEHICLES ON PUBLIC HIGHWAYS.

2720-70. Definitions—Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases shall, for the purpose of this act, be given the meanings hereinafter subjoined to them:

(a) "Gasoline" includes all gasoline, distillate, benzine, naphtha, benzol, liberty fuel, and other volatile and inflammable liquids used or useful in producing or generating power for propelling motor or other vehicles used on the public highways of this state, but does not include the product commonly known as kerosene oil.

(b) "Motor vehicles used on the public highways of this state" includes every vehicle operated upon the highways of this state the power for the operation of which is produced or generated by gasoline, but does not include tractors used solely for agricultural purposes or for drawing threshing machines or for road work other than hauling material.

(c) "Used in motor vehicles" means used in producing or generating power for propelling motor vehicles used on the public highways of this state.

(d) "Distributor" includes every person, partnership, company, joint stock company, corporation, or association of persons however organized, who brings or causes to be brought gasoline into this state for storage, sale, distribution, or use therein, and every person, partnership, company, joint stock company, corporation, or association of persons however organized, who produces, refines, manufactures, or compounds gasoline in this state for storage, sale, distribution, or use therein.

(e) "Inspector" means the chief oil inspector, "auditor" means the state auditor, and "treasurer" means the state treasurer, of the State of Minnesota. (25, c. 297, § 1)

Explanatory note—Section 19 of Laws 1925, c. 297, repeals all inconsistent laws and parts of laws.

2720-71. Rate of tax—There is hereby imposed an excise tax of two cents per gallon on all gasoline used in producing or generating power for propelling motor vehicles used on the public highways of this state. Said tax shall be payable at the times, in the manner, and by the persons hereinafter specified. ('25, c. 297, § 2)

2720-72. Certified statements by chief oil inspector of oils inspected—Mailing—Computation of tax—Evaporation and loss—Adjustments—Payment of taxes due to inspector—Time for—On or before the fifteenth day of each month the inspector shall cause to be mailed to each person for whom the inspected gasoline as required by the oil inspection laws of this state during the next preceding calendar month, a certified statement of the date of and number of gallons included in each inspection, the aggregate number of gallons inspected and the amount of tax payable on account thereof; provided, however, that in computing such tax a deduction of three per cent of the quantity of gasoline inspected shall be allowed for evaporation

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and loss. The inspector may make therein proper adjustment, either by addition or deduction, for errors occurring in any previous statement. There shall be noted upon the records of the inspector the date of the mailing of such statement, which record shall be conclusive evidence of the proper mailing thereof. There may be included in such statement the amount due for oil inspection fees for the same period. The amount of tax and fees shown on such statement shall be paid to the inspector on or before the 15th day of the month succeeding the month in which the statement is so mailed. ('25, c. 297, § 3; amended '27, c. 434, § 1)

2720-73. Taxes paid deposited with active state depository designated by Executive Council to credit of gas tax account—Checks by inspector to state treasurer on such account—Monthly certificates by inspector to state auditor—Drafts by auditor on treasurer—Payment thereof and credit to trunk highway fund—Transfer by comptroller of funds from gas tax account to trunk highway fund—All taxes paid to the inspector shall immediately be deposited in an active state depository to be designated by the Executive Council, such deposit to be carried upon the records of the inspector and of the depository in the name of the state in an account to be known as Gas Tax Account. The inspector shall on each business day deliver to the treasurer a check on such account for all collections of the previous day, less any sums which may have been paid out for refunds as provided by Section 10 of this Act. The treasurer shall apply the payment to departmental receipts collections for the current month and shall also carry the same in a gasoline tax account. At the end of each month the inspector shall certify to the auditor the total collections for the month, less refunds made therefrom, in the manner provided for the certifying of department receipts. Upon receipt of such certificate the auditor shall issue his draft upon the treasurer for the amount thereof, who shall pay the same out of the gasoline tax account and credit the proceeds to the Trunk Highway Fund. The comptroller may at any time authorize the transfer by the auditor and treasurer to the Trunk Highway Fund of any money in the gasoline tax account. ('25, c. 297, § 4; amended '27, c. 434, § 2)

Explanatory note—For section 10, see § 2720-79, herein.

2720-74. Penalty and interest on non-payment of tax—Lien—In case any tax imposed hereunder is not paid when due, a penalty of ten per cent of the amount thereof shall immediately accrue, and thereafter said tax and penalty shall bear interest at the rate of one per cent per month until the same is paid. The tax imposed hereunder and the penalties and interest thereon shall be a lien upon all and singular the property, estate and effects of the distributor or person from whom it is due, and shall take precedence of all demands and judgments against, and of all liens and encumbrances upon the property of, such distributor or person. ('25, c. 297, § 5; amended '27, c. 434, § 3)

2720-75. Delinquent taxes—Certified statements delivered to Attorney General—Collection by Attorney General—Inspections refused to delinquents—Sales to delinquent distributors—(a) On or before the twenty-fifth day of each month, the inspector shall deliver to the attorney general a certified statement of the amount due from each person whose excise taxes are delinquent. Such statement shall give the address of the person owing such tax, the month for which the tax is due, the date of delinquency and such other information as may be required by the attorney general.

It shall be the duty of the attorney general upon receipt of any such statement to bring an action in the district court of Ramsey county, or of the county in which the taxpayer resides, to recover the amount of such tax with penalty, interest, costs and disbursements. The judgment of the court when so obtained shall draw interest at the rate of one per cent per month and shall be enforceable in the manner provided by law for the enforcement of judgments obtained in civil actions.

(b) No inspections shall be made for any person whose tax has been certified to the attorney general.

(c) No person shall sell gasoline to any distributor for whom inspections may not be made by reason of delinquency in the payment of any tax due under this Act. ('25, c. 297, § 6; amended '27, c. 434, § 4)

2720-76. Inspector's certificates prima facie evidence—The inspector's certified statements shall for all purposes and in all courts be prima facie evidence of the facts therein stated and that the amount shown therein is due from the person named in such statement. ('25, c. 297, § 7; amended '27, c. 434, § 5)

2720-77. Reports by distributors, etc.—Tax on kerosene used for propulsion of motor vehicles—Persons to whom section applies—It shall be the duty of every distributor and of every person who sells gasoline to report to the inspector the number of gallons of gasoline in his possession at the time this act takes effect, and the inspector shall thereupon determine and certify as herein provided the tax on account of such gasoline which is hereby imposed. It shall be the duty of every person using kerosene in generating power for propelling motor vehicles on the public highways of this state to report to the inspector the quantity of kerosene so used by him. There is hereby imposed an excise tax of two cents per gallon on all kerosene so used. The inspector shall certify the tax on account of the use of such kerosene as herein provided, and the person named in such certificate shall become liable for the payment of said tax, and all the provisions of this act relating to the calculation and collection of taxes in respect of inspected gasoline and all other provisions of this act shall be applicable to any such person.

It shall be the duty of every distributor and of every person who sells or uses gasoline manufactured, produced, or stored by him, and of every person using gasoline in motor vehicles, if the same has not been inspected or if the tax on account thereof has not been paid, to report to the inspector the quantity of such gasoline so sold or used by him. The inspector shall certify the tax thereon to the auditor as herein provided, and the person named in such certificate shall become liable for the payment of said tax, and all the provisions of this act relating to the calculation and collection of taxes in respect of inspected gasoline and all other provisions of this act shall be applicable to any such person.

This section shall apply to any resident of this state who, having acquired gasoline outside the state, shall use the same in motor vehicles in this state, or who shall possess the same within the state for such use, and to persons who, although not residents of the state, shall regularly or habitually use and operate motor vehicles upon the public highways of this state, and the tax hereby imposed shall be payable by such persons on gasoline used or held for use by them in motor vehicles in this state although the same shall have been acquired outside the state. It shall not apply to persons who are not residents of the state and who, as

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transients, operate automobiles into or through the state using therein gasoline acquired outside of the state. ('25, c. 297, § 8)

2720-78. Gasoline deemed intended for use in motor vehicles—All gasoline inspected for unloading in this state and all gasoline produced in or brought into this state shall be deemed to be intended for use in motor vehicles in this state, and every person who pays the tax imposed by this act shall be deemed to have paid the same for and on behalf of the person using such gasoline in motor vehicles in this state. If the person directly or indirectly paying said tax shall not in fact use said gasoline in motor vehicles in this state, but shall sell or otherwise dispose of the same except for use as provided in Section 11 of this act, he is hereby authorized to collect from the person to whom said gasoline is so sold or disposed of the tax so paid by him, and is hereby required upon request to make, sign and deliver to such person an invoice of such sale or disposition. ('25, c. 297, § 9)

Explanatory note—For § 11, see § 2720-80, herein.

2720-79. Gasoline used for purposes other than motor vehicles—Reimbursement of taxes paid—False statements or claims—Gross misdemeanor—Any person who shall buy and use gasoline for any purpose other than use in motor vehicles, and who shall have paid any excise tax required by this Act to be paid directly or indirectly through the amount of such tax being included in the price of such gasoline or otherwise, shall be reimbursed and repaid the amount of such tax paid by him upon presenting to the inspector a verified claim in such form and containing such information as the inspector shall require and accompanied by the original invoice thereof, which claim shall set forth the total amount of such gasoline so purchased and used by him other than in motor vehicles, and shall state when and for what purpose the same was used. If the inspector be satisfied that the claimant is entitled to payment, he shall approve the claim. Upon the approval of any such claim the inspector shall draw his check on the gas tax account payable to the person entitled thereto. No such repayment shall be made unless the claim and invoice shall be presented to the inspector within four months from the date of such purchase.

Every person who shall make any false statement in any claim or invoice presented to the inspector, or who shall knowingly present to the inspector any claim or invoice containing any false statement, or shall collect or cause to be paid to him or to any other person any such refund without being entitled thereto, shall be guilty of a gross misdemeanor. ('25, c. 297, § 10; amended '27, c. 434, § 6)

2720-80. Gasoline used by the United States not subject to tax—Refunds—Gasoline used by the United States or any of its government owned instrumentalities shall not be subject to tax hereunder. Any person selling gasoline for such use who has directly or indirectly paid on account thereof the tax hereby imposed may file with the inspector a verified claim for the refund of the tax so paid, and the inspector shall thereupon deduct from any certificate of tax that he may make against such person within twenty days after the receipt of such claim the amount of the tax so paid; and if no such certificate is made within twenty days after the receipt of such claim, then such person shall be entitled to a refund, pursuant to the refund provisions of this act, of the tax so paid. ('25, c. 297, § 11)

2720-81. Gasoline used in foreign or interstate commerce—Refunds—Neither this act nor any of the pro-

visions hereof shall apply to or be construed to apply to foreign or interstate commerce, except in so far as the same may be permitted under the constitution and the laws of the United States.

No tax shall become due hereunder on account of gasoline until the same shall have come to rest in this state and is held for storage, sale, distribution or use therein, or on account of gasoline exported from this state.

If through error or otherwise any person shall cause to be inspected gasoline in interstate commerce, or gasoline exported from this state, and if he shall within twenty days of the date of such inspection make verified report of the facts to the inspector no tax shall be certified or collected on account thereof.

If through error or otherwise a tax shall have been imposed and paid on account of gasoline in interstate commerce or gasoline exported from the state, the same shall be refunded pursuant to the refund provisions hereof or by immediate adjustment in accordance with the provisions of Section 3 of this act. ('25, c. 297, § 12)

Explanatory note—For § 3, see § 2720-72, herein.

2720-82. Tax in lieu of other taxes—Municipal licenses and regulations—The tax herein provided for shall be in lieu of all other taxes imposed upon the business of selling or dealing in gasoline, whether imposed by the state or by any of its political subdivisions, but shall be in addition to all ad valorem taxes now imposed by law; provided however that nothing herein contained shall be construed as prohibiting the governing body of any city or village of this state from licensing and regulating such business wherever authority therefor is or may hereafter be conferred by state law or city or village charter. ('25, c. 297, § 13)

2720-83. Distributors' certificates filed—Every distributor coming under the provisions of this act shall file with the inspector a duly acknowledged certificate upon a form prepared and furnished by the inspector, which shall contain:

(1) The name under which he is transacting business in this state.

(2) If a corporation or company or association, however organized, the name of the state under whose laws he is organized, the name under which he is authorized to transact business in this state, the names, titles and addresses of all principal officers, resident managers, general agents and attorneys in fact, and of the agent appointed and authorized by him to accept service of process in this state, and if the organization of the distributor be such that he must under the general laws of this state obtain a license before being permitted to do business therein, a statement that such license has been issued and is in force; and, if a partnership, the names and addresses of all partners and persons having a financial interest therein.

(3) The kind or kinds of business done by him, and the place or places within this state where such business is done.

No distributor shall store, sell, distribute or use gasoline within this state until such certificate shall have been filed. ('25, c. 297, § 14)

2720-84. Records of distributors, etc.—Every distributor and every person using gasoline in motor vehicles in this state the tax on account of which has not been paid shall keep a record in such form as may be prescribed by the inspector of all receipts, purchases, sales, distribution and use by him of gasoline in this state, and shall permit the inspector or the

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public examiner to examine the same at any time during business hours. ('25, c. 297, § 15)

2720-85. Rules and regulations by inspector—Powers and duties of inspector—Powers of Director of Standards—It shall be the duty of the inspector to adopt and publish rules and regulations not inconsistent herewith for the purpose of carrying out the provisions of this Act, which rules and regulations shall so far as practicable conform to the rules and regulations relating to ail inspection, and he shall at the time and in the manner that he performs the duties imposed upon him, and enforces the provisions of the oil inspection laws, perform the duties imposed upon him by and enforce the provisions of this Act. All authority conferred upon the inspector by this Act shall be subject to the authority and powers conferred

upon the Director of Standards by Section 2, Article XII, Chapter 426, Laws 1925. ('25, c. 297, § 16; amended '27, c. 434, § 7)

Explanatory note—For Laws 1925, c. 426, Art. XII, § 2, see § 53-38, herein.

2720-86. Violations of law — Misdemeanor — Every person who fails or refuses to comply with any of the provisions of this act shall, except as herein otherwise provided, be guilty of a misdemeanor. ('25, c. 297, § 17)

2720-87. Partial invalidity of law—If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. ('25, c. 297, § 18)

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CHAPTER 13A

VESSELS NAVIGATING LAKES AND RIVERS

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2721. Definitions—That the following regulations for preventing collisions shall be followed by all vessels navigating all lakes and rivers of the state of Minnesota:

In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and

Every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The word "steam vessel," shall include any vessel propelled by machinery.

A vessel is "under way" within the meaning of these rules, when she is not at anchor, or made fast to the shore, or ground.

The word "visible" in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere. ('09 c. 278 § 1) [2649]

Section 20 repeals inconsistent acts and parts of acts.

2722. Lights—Within what hours—The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited. ('09 c. 278 § 2) [2650]

2723. Steam vessel under way—A steam vessel, when under way shall carry:

(a) On or in front of the foremast, or, if a vessel without a foremast, then in the fore part of the vessel,

a bright white light so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such character as to be visible at a distance of at least five miles.

(b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red side lights shall be fitted within board screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

(e) All steam vessels (except sea-going vessels and ferry boats), shall carry in addition to green and red lights required by article two, (b), (c) and screens as required by article two (d) a central range of two white lights. The head light shall be so constructed as to show an unbroken light through twenty points of the compass, namely, from right ahead to two points abaft the beam on either side of the vessel, and the after light so as to show all around the horizon. ('09 c. 278 § 3) [2651]

2724. Sailing vessel—A sailing vessel under way or being towed shall carry at the mast head a white light in a lantern so constructed as to show a clear, uniform and unbroken light visible all around the horizon at a distance of at least five miles. ('09 c. 278 § 4) [2652]

2725. Row boats—Lanterns to be carried—Rowing boats, whether under oar or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision. ('09 c. 278 § 5) [2653]