

CHAPTER LV.

An Act to Provide for the Location of a State Road from Mantorville to Red Wing.

- SECTION 1. Commissioners appointed—route of said road.
 2. Meeting of commissioners—to fill vacancies.
 3. May designate time and place of commencement.
 4. Expenses of laying out said road—how paid.
 5. Damages sustained—how ascertained.
 6. To file plat of road.
 7. Act, when to take effect.

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

SECTION 1. That William P. Brown, of the city of Red Wing, D. Dickey of the town of Pine Island, and B. Cheney, of the town of Mantorville, Dodge county, are hereby appointed commissioners, to survey and locate a State road, commencing at some point in the village of Mantorville, in Dodge county, (to be selected by said commissioners or a majority of them) thence running by the nearest and best route, by the village of Pine Island, in Goodhue county, to the city of Red Wing, county of Goodhue.

Commissioners
appointed

SEC. 2. That said commissioners shall meet at Pine Island aforesaid, on the fourth Monday in March next, and in case any of said commissioners neglect or refuse to act, as herein provided, the others shall appoint some suitable person from the neighborhood of such absentee to fill such vacancy.

Meeting of com-
missioners—to
fill vacancies

SEC. 3. That at the first meeting of said commissioners, they shall designate the time and place when they will commence the laying out said road, and may adjourn from time to time, as may in their judgment be necessary.

To designate
time and place to
commence

SEC. 4. That one half of the necessary expenses incurred for the laying out said road shall be paid by the counties through which the said road shall pass, in proportion to the length of said road in such counties, and the other half of said expenses to be paid by the towns through which said road shall pass, to be apportioned by

Expenses—how
paid

the commissioners who shall lay out said road; *Provided*, That no county or town through which said road shall pass, shall be required to pay the expense of survey of any portion of said road which may be laid upon any State or county road already laid out and legally established.

Damages—how
ascertained

SEC. 5. That it shall be the duty of the said commissioners to appraise the damages sustained by each owner of lands through which said road shall pass, by reason of the laying said road; *Provided*, That in case any of the said owners shall feel themselves aggrieved by said appraisal, he may, within thirty (30) days after said appraisal, appeal in writing to the chairman of the board of supervisors of the town wherein the land lies through which said road may run, and the said supervisor shall cause a constable of his town to summon a jury of twelve freeholders of said town who shall proceed to examine said road, a majority of whom shall determine the amount of damages, if any, the said owner has sustained on account of the laying said road through his lands, which assessment shall be final.

To file plat of
road

SEC. 6. That the said commissioners shall cause to be deposited and filed in the office of the county auditors of the counties through which the said road may pass, a copy of the plat of said road, together with their appraisal of damages, an exemplification of which shall be legal evidence of the opening and existence of said road; *Provided*, That said road shall not be opened through enclosed improved lands until the damages assessed to the owners shall have been paid or tendered.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 6th, 1862