

proceed to examine said road, a majority of whom shall determine the amount of damages if any, the said owner has sustained.

SEC. 5. That each county through which said road shall pass, shall pay the expenses incurred in the location of the same in proportion to the length of said road in each county; *Provided*, That no county shall be required to pay for the expense of survey of any portion of said road which may be laid upon any state or county road already laid out and established. Expenses of said road—how paid

SEC. 6. That the said commissioners shall cause to be deposited and filed in the office of the county auditor 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. To deposit plat of road

SEC. 7. This act shall take effect from and after its passage. Act, when to take effect

Approved February 16th, A. D. 1861.

CHAPTER IX.

An Act to Provide for Laying out a State Road from Fairhaven via Kingston, to a point at or near Round Lake, in Meeker County.

- SECTION 1. Commissioners appointed.
 2. Meeting of Commissioners.
 3. To file plat of road.
 4. Authorized to employ surveyor—compensation.
 5. Power to fill vacancies.
 6. Damages—how ascertained.
 7. Act—when to take effect.

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

SECTION 1. That Ephriam H. Whitney, Francis V. Decaster and Edwin Chapin are hereby appointed commissioners to locate a State road from Fair Haven in Commissioners appointed

Stearns county *via* Kingston to a point at or near Round Lake in Meeker county.

Meeting of com-
missioners

SEC. 2. Said commissioners shall meet at such point upon said route and at such time not later than the month of June next, as shall be designated by any two of their number, of which three days notice shall have been given by them to the third commissioner, and shall thence proceed as speedily as possible to lay out and mark said road by the most direct and feasible route.

To file plat of
road

SEC. 3. Said commissioners shall, as soon as practicable, after laying such road, make out an accurate plat thereof and file a copy of such plat in the office of register of deeds of each county through any portion of which said road shall pass.

Authorized to
employ surveyor
—compensation

SEC. 4. Said commissioners are hereby authorized to employ a surveyor to aid in locating said road, and the services of said commissioners and of said surveyor shall be paid by the county of Meeker, *Provided, however,* That such commissioners shall not be paid at a higher rate than one dollar and fifty cents, nor such surveyor at a higher rate than three dollars per day, for each day necessarily spent in locating and platting such road and ascertaining and assessing the damages sustained by reason of laying out and opening said road.

Power to fill va-
cancies

SEC. 5. In case either of said commissioners shall fail or refuse to act in the location of such road, upon due notice, the other commissioners may appoint a substitute who shall act in his place; and, in the absence of any one of said commissioners, the other two may perform any act hereby provided to be done by all, after notice provided for in section two shall have been duly given.

Damages—how
ascertained

SEC. 6. Any damages sustained by reason of laying out and opening said road shall be ascertained and assessed in the manner now provided by law, in case of roads laid out, opened or altered by town supervisors, except that the commissioners appointed by this Act shall have the power and perform the duties in regard to this road, which by general law devolves upon town supervisors in regard to roads laid out and opened by them.

Act, when to take
effect

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

Approved February 28th, A. D. 1861.