

and fifty cents per day, nor the surveyor more than three dollars per day for their services under this act.

SEC. 5. The expenses of locating said road, shall be paid by the counties through or in which said road may pass, in proportion to the distance it may run in each county; *Provided*, That no county shall be liable to pay any of the expenses of locating said road unless the board of commissioners of such county shall assent thereto before such location.

Expense—how paid

SEC. 6. Said commissioners shall, as soon as practicable, after locating said road, file an accurate plat of said road in the office of the register of deeds in each county in which it may run, and thereafter the said road shall be deemed established.

To file plat of road

SEC. 7. Any damage sustained by reason of locating and opening said road, shall be ascertained and assessed in the manner now provided by law, in cases 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, devolve upon town supervisors, in relation to roads laid out and opened by them.

Damages—how ascertained

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 5th, 1862.

CHAPTER LIV.

An Act to Locate a State Road from Elk River, in Sherburne County, to Rushseby, in Chisago County.

- SECTION 1. Commissioners appointed.
 2. Meeting of commissioners—to fill vacancies.
 3. May employ assistants.
 4. Expenses of laying out said road—how paid.
 5. To file plat of road.
 6. Act, when to take effect.

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

SECTION 1. That J. Q. A. Nickerson, of Sherburne

Commissioners
appointed

county, A. B. Odell, of Isanti county, and George Folsom, of Chisago county, are hereby appointed commissioners to locate, survey and lay out a State road from Elk river, in Sherburne county, *via* Cambridge, in Isanti county, to Rushseby, in Chisago county.

Meeting of com-
missioners—to
fill vacancies

SEC. 2. The said commissioners shall meet at such place as may be most convenient, on any day subsequent to the passage of this act, and after the county board of each of the counties through which the proposed road passes, have agreed to conform to the provisions of this act, and proceed to discharge the duties imposed on them by the provisions of this act; *Provided*, That in the absence of any one of said commissioners, the other two shall have the power to fill said vacancy by the appointment of some suitable person, who shall have the same authority as is, by this act, conferred upon the said commissioners above named.

May employ
assistants

SEC. 3. The commissioners are hereby empowered to employ one surveyor, two chainmen and one axeman.

Expenses—how
paid

SEC. 4. That each county through which said road shall pass, shall pay the reasonable expenses incurred in surveying and laying out of the same in such county.

To file plat of
road

SEC. 5. The said commissioners shall file a plat of the survey of said road in the office of the county auditor of each of the counties through which said road may pass, which said plat shall be legal evidence of the location and existence of said road.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 1st, 1862.