

SEC. 4. When said re-location shall be made as above provided, it shall take the place of and be substituted for so much of said road as may have been located or opened between said Minneapolis and said Lake Calhoun, and any prior location or opening of the same between said points, so far as it may differ from the location made under provisions of this act, shall be deemed vacated and abandoned.

Re-location to be substituted for former location.

SEC. 5. This act shall take effect from and after its passage.

Approved February 28, 1866.

CHAPTER OIX.

An Act to locate, establish and survey a State Road from West Saint Paul, in the county of Dakota, to Belle Plaine, in the county of Scott. February 21, 1866

SECTION 1. Nominates Commissioners.

2. Time and place of holding meeting—How vacancies to be filled.
3. Wages of Surveyor, &c.,—How much to be paid.
4. Damages—How to be assessed.
5. Commissioners to file plat.
6. Expenses—How defrayed.
7. When act to take effect.

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

SECTION 1. That Dominick McDermott, William Henry and K. N. Guiteau are hereby appointed commissioners to locate, mark, survey and establish a State road from West Saint Paul, in the county of Dakota, by the way of New Dublin and Jordan City, in the county of Scott, to Belle Plaine, in the said county of Scott.

Appoints Commissioners.

Place of meeting. SEC. 2. That said commissioners, or a majority of them, shall meet in the town of Belle Plaine aforesaid on the first day of May, A. D. one thousand eight hundred and sixty-six, and then proceed to lay out, locate and survey said road; and in case all of said commissioners shall not be in attendance on the day above specified, and as provided in this act, it shall be the duty of the commissioners or commissioner who shall be in attendance on the day so specified, to fill any vacancy that may then exist in said board of commissioners.

May appoint officers. SEC. 3. The said commissioners are hereby empowered to employ in the discharge of their duties under this act, two chainmen, one axeman, one flagman and one surveyor: and said commissioners shall be entitled to receive for their services the sum of three dollars per day in locating, surveying and appraising the damages of said road; also the sum of two dollars per day for each of said chainmen, axeman and flagman, and the sum of five dollars per day for said surveyor.

Damages—How assessed. SEC. 4. Any damages sustained by the laying out and opening of said road, shall be assessed and determined by said commissioners, and shall be paid by the county in which such damage shall accrue.

Plat to be filed. SEC. 5. Said commissioners shall cause an accurate map and plat of the survey and location of said road to be made, which, together with a statement of their appraisal of damages, shall be filed in the office of the county auditor in each of said counties, and thereupon the establishment of said road shall be deemed complete, and the supervisors of the several towns through which said road shall pass, shall cause to be opened and worked so much of said road as lies within their respective towns, upon being notified by the county auditor of the proper county that such plat has been filed as required by this act.

Expenses—How paid. SEC. 6. The expenses of surveying, locating and establishing said road, shall be paid by the counties through which said road shall run, in proportion to the distance it shall run in each county.

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

Approved February 21, 1866.