

CHAPTER CXVII.

An Act to provide for the location of a state road from Little Falls, in Morrison county, to Sauk Centre, in Stearns county. March 1, 1867.

SECTION 1.—Appoints three commissioners to locate road.

2.—Provides for commissioners meeting—vacancy, how filled.

3.—Organization, when perfected.

4.—Commissioners may appoint assistants to lay out roads.

5.—Commissioners and surveyors, how paid.

6.—Commissioners to appraise damages.

7.—Commissioners to deposit plat of survey of road, etc.

8.—When act to take effect.

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

SECTION 1. Warren Adley, of Sauk Center, William Nicleson and Ezra Briggs, of Little Falls, are hereby appointed commissioners to survey and locate a state road, commencing at some point on the west bank of the Mississippi River, opposite the village of Little Falls, in the county of Morrison, (to be selected by said commissioners or a majority of them) thence running by the nearest and most feasible route to the village of Sauk Centre, in the county of Stearns. Nominates commissioners

SEC. 2. That said commissioners shall meet at the village of Little Falls aforesaid, on the first Monday of April next, or as soon thereafter as convenient, and in case any of the commissioners herein named shall refuse or neglect to act as such commissioners, he may appoint his own substitute, who shall be equally empowered to act in the performance of such duty as himself. But in case substitutes are not appointed by the failing party, then those acting shall have power to fill any vacancy from refusal or neglect on the part of any to serve in person or by substitute. Organization

SEC. 3. That at the first meeting of said commissioners, they must perfect the organization, and proceed without delay to lay out, locate and survey said Provides for immediate location

road, or may if not fully prepared, adjourn to meet at such time and place as they may think proper, for commencing their said work.

May appoint as-
sistants

SEC. 4. That said commissioners shall have power to appoint one of their number to act as surveyor, or employ some other person to do the surveying as they may think proper, and may also appoint two chainmen and one axman, which commissioners and the persons employed by them, before entering upon the survey and location of said road, shall take an oath before some officer qualified to administer oaths, to faithfully discharge their duties in making the survey of said road.

Compensation

SEC. 5. That said commissioners and the persons employed by them in making such survey, shall receive the sum of two dollars and fifty cents per day, for each and every day by them spent in making such survey, except the surveyor, who shall receive the sum of three dollars per day whilst engaged in such survey, which charges and expenses shall be paid by each county through which such road shall pass, in proportion to the length of the road in each county, to be calculated and determined by said commissioners. *Provided*, That no county shall be liable to pay such expenses unless the board of commissioners of such county shall assent thereto before such location.

Duty of commis-
sioners

SEC. 6. That it shall be the duty of said commissioners to appraise the damages sustained by each owner of lands over which such road shall pass, which damage shall not be paid until the same is required to be opened.

Plats to be de-
posited

SEC. 7. That said commissioners shall cause to be deposited in each county through which said road shall pass, a plat of the survey of said road, together with the field notes of the same, and a copy of their appraisal of damages, which shall also be paid by the counties in which the lands may be situated, which report and plats shall be filed by the county auditors and kept in their office, and the representations and statements in such report contained, shall be prima facie evidence of the correctness of the same, and the legal existence of such road.

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

Approved March 1, 1867.