

## CHAPTER OXXII.

*An Act to provide for the survey, location and establishment of a state road from Sauk Centre in the county of Stearns, via Burbank City, Foot Lake and Whitefield in Monongalia county, to a point opposite the Lower Sioux Agency on the Minnesota river.*

March 9, 1867

**SECTION 1.**—Nominates three commissioners.

2.—Provides for organization.

3.—Route of road.

4.—May employ assistants—compensation.

5.—Damages—how arranged.

6.—Plat to be filed.

7.—Provides for substitutes.

8.—When act to take effect.

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

**SECTION 1.** J. J. Getty of Stearns county, Charles S. Geer and John Q. Andrews of Monongalia county, are hereby appointed and constituted commissioners who shall have authority, and it shall be their duty to cause to be surveyed, locate and establish a state road from Sauk Centre in the county of Stearns, to a point on the Minnesota river opposite the Lower Sioux Agency, by way of the route hereinafter described.

Commissioners

**SEC. 2.** The said commissioners, or a majority of them, shall meet at Sauk Centre on some day or days to be by them agreed upon, previous to the first day of October, 1867, and proceed to the discharge of their duties under the provisions of this act

Organization

**SEC. 3.** The said road shall commence at the town of Sauk Centre in the county of Stearns, or at a point upon some one of the highways already established leading southerly from said town in the direction of Burbank City, and shall extend thence by the way of Burbank City, Foot Lake and Whitefield by the most direct practicable route, to a point on the Minnesota river opposite to the old Lower Sioux Agency in the

Route of road

county of Redwood, and shall be of the width of four rods: *Provided, however,* That it shall be discretionary with the said commissioners, whether or not to survey and locate the road upon that portion of said route lying south of the south line of Monongalia county.

Assistants

SEC. 4. The said commissioners are hereby authorized to employ for their assistance in the survey and location of said road, one surveyor, one chainman and one flagman, who shall be entitled to such compensation as shall be agreed upon by said commissioners and the persons employed, not exceeding the rate of three dollars per day for the surveyor, and two dollars per day each for the chainman and flagman during the time engaged in the business of their said employment. The said commissioners shall be entitled to receive the sum of two dollars per day each during the time they are necessarily engaged in the discharge of their said duties, and the expenses of surveying, locating and establishing the said road, shall be paid by the counties through which the same shall be located, each county paying the expenses pertaining to that portion within its own limits: *Provided,* That no county through or in which said road shall be located, shall be obliged to pay any portion of the expense of surveying, locating, opening or establishing the same, or any claims for damages for and on account of the establishment or opening of said road, unless the board of county commissioners of such county shall consent to the establishment and opening of such road in or through such county prior to the said survey and location.

Damages

SEC. 5. The damages sustained by any owner of land over which said road shall run, may be determined by agreement between said commissioners, and the owner of such land claiming damages, and if not so determined nor released by such owner, shall be assessed by the said commissioners and shall be paid by the county in which the land lies, and any person feeling aggrieved by any such assessment may appeal therefrom to the county commissioners of said county at any time within six months after the filing of their report of said assessment as hereinafter provided.

SEC. 6. The said commissioners shall on or before the 15th day of November next, make or cause to be

made and file in the office of the county auditor of each of the counties through which the said road shall be located, a plat of the survey of that portion of said road lying within said county, describing that portion of said road by place of beginning, courses and distances, and point of termination, which said plats shall be certified by the commissioners or a majority of them to be correct, and they shall also make and file therewith on or before the date last aforesaid a report of the damages assessed by them or determined by agreement as provided in section five of this act, sustained by the owner of any lands in said county over which said road shall be located by means of the location of said road thereupon, together with any and all means of damages for lands in such county which said report shall be subscribed by said commissioners or a majority of them, and upon the filing of such plat and report, so much of the said road as is included in said plat shall be deemed to be located and established as therein described, and a public highway, and shall thereafter be improved and repaired in the same manner as county roads are improved and repaired by the counties and towns in which it is located.

Plat to be filed

SEC. 7. In case any one or more of said commissioners shall be unable or shall refuse at any time to discharge the duties imposed by this act, he may appoint a substitute to act in his stead, and in case of his omission so to do, the other commissioner or commissioners may appoint such substitute, and the person or persons so appointed shall have all the powers, discharge all the duties and receive the same compensation as the persons herein named and appointed would have been entitled to.

Substitutes

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

Approved March 9, 1867.