

CHAPTER CXLV.

An Act to provide for the location of a State Road from the City of Rushford, in Fillmore County, to Wiscoy, in Winona County. March 3, 1870.

- SECTION 1. Commissioners appointed to locate, survey and establish said road.
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Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Nathan Vance, George A. Hayes, and Benjamin Wallen, be and they are hereby appointed commissioners to survey, locate and establish a state road, commencing at the city of Rushford, in Fillmore county, thence running northeasterly along township and sectional lines so far as the same is practicable to Wiscoy, in Winona county.

Commissioners appointed to locate a state road.

SEC. 2. It shall be the duty of the commissioners, or a majority of them, to meet at the city of Rushford on the first Monday of March next, or as soon thereafter as practicable, and proceed to the discharge of their duties under this act.

When and where to meet.

SEC. 3. The commissioners appointed by this act are hereby authorized to employ in discharging their duty under this act, one surveyor, one axman, and one chainman; *Provided*, That said commissioners shall not receive more than two dollars per day, axman and chainman, one dollar and fifty cents per day for their services, nor the surveyor more than four [dollars] per day.

May employ a surveyor, &c.—compensation.

SEC. 4. Said commissioners shall cause accurate plats of the survey and location of said road to be made, partic-

Commissioners to file plat of road—
duty of auditor.

ularly describing the route thereof by metes and bounds, courses and distances, which they shall cause to be filed in the county auditor's office in each county through which the said road may pass, and immediately after any such plat shall have been so filed by the said commissioners, it shall be the duty of the county auditor of such county to notify the supervisors of the towns in which said road or any part thereof may be located of the location thereof, who shall forthwith cause such part of said road as may be located in any such town to be opened according to law.

What deemed evidence of location of said road.

SEC. 5. In any action brought against any person, whether such action be civil or criminal, for obstructing said road, or for any other purpose whatever, a certified copy of said plat under the hand and official seal of any such county auditor shall be sufficient evidence of the location and establishment of said road.

What deemed proof of establishment of said road.

SEC. 6. The making and filing of the plat of said road in the manner provided in this act, shall be sufficient to establish said road without making any other order or instrument whatever.

Damages, how ascertained.

SEC. 7. The commissioners at the time when they shall survey said road, shall assess the damages sustained by each and every land owner through whose lands said road may pass in each of the towns through which said road may pass separately, and file the same in the town clerk's office in each and every such town, which damages shall be paid by such town in the manner prescribed by law.

How expenses of locating road to be defrayed.

SEC. 8. The total costs of surveying and establishing said road, shall be equally paid by the several towns through which said road may pass. And it shall be the duty of the commissioners to estimate, assess and assign to each of said towns the amount it shall become liable to pay on account of establishing said road; *Provided*, The commissioners shall file in the town clerk's office of each of said towns, a statement of the amount due to each and every person on account of performing any service as commissioner or otherwise, and on account of what service the same is due, and upon filing such statement, it shall become the duty of the town clerk to issue to each and every such person, a town order for the amount he may be entitled to receive on account of such service.

When act to take effect.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 3, 1870.