

CHAPTER CLIV.

An Act for a State Road from Osakis, in Douglas County, to the nearest railroad station on the main line of the St. Paul and Pacific Railroad, near Pomme de Terre Crossing.

March 7, 1870.

- SECTION 1. Commissioners appointed to locate, survey and establish said road.
2. Where and when to meet—vacancy, how filled—may employ Surveyor, &c.—compensation.
 3. Damages sustained, how ascertained.
 4. How expense of locating said road to be defrayed.
 5. Duty of the Auditors of the counties through which said road passes.
 6. Commissioners to file plat of road.
 7. When act to take effect.

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

SECTION 1. John Sheldon, Henry Gage and H. M. F. Irgens, are hereby appointed commissioners to locate, survey and establish a state road commencing at or near the Lake House, in the town of Osakis, in the county of Douglas, and running from thence through the west end of the town of Orange into the town of Roslyn, to a point at or near the north end of Maple Lake, from thence through the township of Lake Mary, in Douglas county, through the north-west corner of Pope county to the nearest railroad station on the main line of the St. Paul and Pacific Railroad near its crossing of the Pomme de Terre River, in Stevens county.

SEC. 2. The said commissioners or a majority of them, shall meet at the house of W. J. Sheldon, in the town of Roslyn, on or before the first day of April, one thousand eight hundred and seventy, and proceed to locate, survey and establish said road. *Provided*, That in the absence of any one of said commissioners the other two shall have power to fill said vacancy, and any two of said commissioners shall have the power to act in the absence of the third commissioner, and the said commissioners shall have

Commissioners appointed to locate a state road.

Where and when to meet—vacancy, how filled—may employ a surveyor, &c.—compensation.

power to employ one surveyor, at four dollars per day, and two chainmen, one axman, and one flagman, at two dollars per day each, and the said commissioners shall be paid at the rate of three dollars per day each.

SEC. 3. The said commissioners shall appraise the damages sustained by each owner of the land through which said road shall pass, and in case any one shall feel aggrieved by said appraisal, he may, within thirty days, appeal in writing to the commissioners of the county in which said land is situated, and the said county commissioners shall determine the amount of damages as in the case of a county road.

Damages, how ascertained.

SEC. 4. All expenses incurred, and all damages assessed, in locating and surveying and establishing said road under the provisions of this act, shall be paid by the counties through which said road shall pass respectively.

How expense of locating road to be defrayed.

SEC. 5. The county auditors of the counties of Douglas, Pope and Stevens, are hereby authorized and required to issue the orders of their several counties in payment of such accounts and such damages as the said commissioners shall certify on oath to be properly due from the said several counties under the provisions of this act.

Duty of auditors of counties in which road runs.

SEC. 6. Said commissioners shall cause a good and substantial stake to be set at each end and at each and every angle of said road, and shall cause an accurate plat of the survey and location of said road, together with their assessment of damages, to be filed in the office of the county auditor in each county in which it may run, and the filing of said plat and assessment of damages, shall be prima facie evidence of the correctness of the same, and of the legal existence of so much of said road as the said plat represents.

Commissioners to file plat of road.

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

When act to take effect.

Approved March 7, 1870.