

CHAPTER CXLII.

AN ACT TO PROVIDE FOR LAYING OUT A STATE ROAD FROM SAINT PETER IN NICOLLET COUNTY, VIA NORSELAND, SIBLEY AND DRYDEN, TO NEW AUBURN, IN SIBLEY COUNTY, AND TO APPROPRIATE MONEY FOR THE SAME.

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

SECTION 1. That J. C. Ellison and Andrew Nelson of Nicollet county and J. U. Green of Sibley county, are hereby appointed commissioners to locate, survey and establish a state road from Saint Peter in Nicollet county via Norseland, Sibley and Dryden, to New Auburn in Sibley county.

SEC. 2. Said commissioners shall meet in Saint Peter on or before the fifteenth day of April, one thousand eight hundred and seventy-three, and proceed to discharge their duties under this act, and if any of said commissioners appointed under this act, shall from any cause be unable to perform the duties imposed by this act, he shall have power to appoint a substitute, which appointment shall be in writing, and the person so appointed shall have the same authority as one of the commissioners named in this act.

SEC. 3. Said commissioners are hereby authorized to employ in locating said road one surveyor, one axman and two chainmen. *Provided*, That said commissioners shall not receive more than two dollars and fifty cents each per day, the axman and chainmen not more than one dollar and fifty cents each per day, and the surveyor not more than four dollars per day for their services.

SEC. 4. Said commissioners shall cause accurate plats of the survey and location of said road to be made, particularly describing the route thereof, by courses and distances, one of which shall be filed in the offices of the county auditors of each of said counties.

SEC. 5. At each end, at each angle and at each mile station of the line of said road, a substantial stake shall be set, and said stake shall be marked with the distance thereon from the point of starting.

SEC. 6. The expense of locating said road shall be paid by the respective counties in which said road may pass, in proportion to the distance it may run in each county.

SEC. 7. The said commissioners shall at the time of locating the said road appraise the damages or compensation to be paid to each person through whose land the same may pass, and shall file in the

office of the county auditor of each county a statement of such appraisal of damages for lands therein taken for said road. At the time when they shall file the survey and plats of the same in said auditor's office, and upon the filing of said survey, plats and appraisal in the offices of the said county auditors, the said road shall be deemed secured; and said damages or compensation shall be deemed secured; and the amount of such appraisal in each county shall be levied upon the taxable property of said county and be entered and extended upon the tax roll thereof, next thereafter to be made. And the amount of each appraisal shall be paid to the person or persons entitled thereto. *Provided*, That the amount of expense incurred by the laying out of this road and damages assessed shall not exceed the sum of five hundred dollars to the county of Sibley.

SEC. 8. Any person deeming himself or herself aggrieved by such appraisal of his or her compensation, may appeal therefrom to district court of the county in which such lands are situated, by serving a notice of such appeal upon the county attorney of said county, and serving a copy thereof upon two of the commissioners appointed by this act, and filing in the office of the county auditor of said county a copy of said notice of appeal with proof of service thereof on the county attorney and said commissioners. The county auditor shall certify a copy of the appraisal appealed from to the district court, within ten days after filing the notice of appeal in his office. *Provided*, That all appeals shall be taken within thirty days after the filing of the appraisal in the office of the county auditor.

SEC. 9. The town supervisors of the towns through which said road shall pass, shall cause the same to be opened on or before the fifteenth day of December in the year one thousand eight hundred and seventy-three.

SEC. 10. And there is hereby appropriated out of the internal improvement fund two hundred dollars to the county of Nicollet and three hundred dollars to the county of Sibley, to assist in the building of bridges and the opening of said road, to be expended under the direction of the county commissioners of said counties. And the state auditor is hereby directed to draw his warrant on the state treasurer in favor of said counties for the above amount, on the certified statement of the commissioners named in this act, that the road is laid out and located.

SEC. 11. This act shall be in force from and after its passage.

Approved March 8, 1873.