

upon the notification of such fact by either of the said commissioners, the governor of the state may appoint to fill vacancies.

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

Approved March 5, 1874.

CHAPTER XCVI.

AN ACT TO PROVIDE FOR LAYING OUT A STATE ROAD FROM RUSH CITY, IN THE COUNTY OF CHISAGO, VIA RUSH LAKE, TO CAMBRIDGE, IN THE COUNTY OF ISANTI, AND TO APPROPRIATE MONEY THEREFOR.

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

SECTION 1. That P. A. Flynn and James Erickson, of Chisago county, and Daniel Anderson, of Isanti county, are hereby appointed commissioners to locate, survey and establish a state road from Rush City, Chisago county, via Rush Lake, to Cambridge, in Isanti county, said road to connect with the state road from Cambridge to Princeton, in Mille Lacs county.

SEC. 2. Said commissioners shall meet in Rush City on or before the fifteenth day of June, eighteen hundred and seventy-four, and proceed to discharge their duties under this act, and if any of the said commissioners appointed under this act shall from any cause be unable to perform the duties imposed by this act, he shall have the 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 axeman and two chainman. *Provided*, That said commissioners shall not receive more than two dollars and fifty cents each per day, the axeman and chainman not more than one dollar and fifty cents each per day, and the surveyor nor 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 office of the county auditor 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 expenses 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 auditors office, and upon filing of said survey, plats and appraisal in the office of said county auditors the said road shall be deemed established, 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.

SEC. 8. Any person deeming himself or herself aggrieved by such appraisal of his or her compensation, may appeal therefrom to the district court of the county in which said 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 said 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 by the 15th day of December, 1874.

SEC. 10. And there is hereby appropriated out of the internal improvement fund not otherwise appropriated, the sum of three hundred dollars, to the county of Chisago, and fifty dollars to the county of Isanti, to assist in the building of said road, to be expended under the direction of the county commissioners of the 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 amounts on the certified statements of the commissioners named in this act, that the road is laid out and located.

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

Approved March 5, 1874.

CHAPTER XCVII.

AN ACT TO PROVIDE FOR THE LAYING OUT AND ESTABLISHING CERTAIN STATE ROADS BETWEEN THE CITIES OF MINNEAPOLIS, IN HENNEPIN COUNTY, AND ST. PAUL, IN RAMSEY COUNTY.

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

SECTION 1. That the county commissioners of Hennepin and Ramsey counties are hereby authorized and required to locate, survey and establish a state road ; commencing at the state university, in the city of Minneapolis, thence continuing University avenue in a direct line as near as practicable to the county line, thence easterly by the most direct and practicable route conforming to the old territorial road wherever practicable to secure the best location, to Melrose avenue, in the city of St. Paul ; also, that the said county commissioners are hereby authorized and required to locate, survey and establish a state road from the state university aforesaid in an easterly direction, conforming as nearly as practicable to the section line between sections twenty-four and twenty-five (24 and 25) in township twenty-nine (29), in range twenty-four (24), and between sections nineteen and thirty (19 and 30) in township twenty-nine (29), range twenty-three (23), to the county line ; thence eastward on or near said line to Lake Como or the city limits of Saint Paul, adopting, so far as practicable, any road now established in Ramsey county, or near said line.

SEC. 2 That the county boards of Hennepin and Ramsey counties shall, at their meeting on the first Monday in April, A. D. eighteen hundred and seventy-four, appoint from their members a committee who shall meet at the state university on or before the twentieth day of April, A. D. eighteen hundred and seventy-four, and then and there proceed to discharge their duties under this act, and employing a competent surveyor and chairman [chainman] to assist in locating said road. That failure to meet or to act as above required at the specified time shall not inviolate this act, but that action shall be had after said dates as early as practicable.