

## CHAPTER CXII.

AN ACT TO LOCATE A STATE ROAD FROM LONG PRAIRIE RIVER, IN DOUGLAS COUNTY, TO A STATE ROAD LEADING TO WADENA, IN WADENA COUNTY.

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

SECTION 1. That Benjamin F. Scriven, Timothy Martin and Simon L. West are hereby appointed commissioners to locate, survey and establish a state road from where the road leading from Alexandria to Gordon's Mill crosses the Long Prairie river, in Douglas county, thence by the most direct and practicable route to the west quarter stake of section nineteen in the town of Spruce Hill, in said Douglas county, thence in a northeasterly direction across sections 19, 18, 17, 9, and 4, in said town of Spruce Hill to Pere Hyman's Mill, and thence by the most direct and practicable route through Douglas and Otter Tail counties to where the state road from Parker's Prairie to Wadena crosses the west line of Todd county in section thirty, town one hundred and thirty-three, range thirty-five, or to any other point on said road south of where the same enters Todd county, as in the discretion of the commissioners they may deem best.

SEC. 2. Said commissioners shall meet at the house of Benjamin F. Scriven in the town of Spruce Hill, in said county of Douglas, on or before the first day of July, 1876, and proceed to discharge their duties under this act, and if any of said commissioners shall from any cause be unable to perform the duties under 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 axeman, and two chainmen; *Provided*, that said commissioners shall not receive more than two dollars and fifty cents per day, and the axeman and chainmen shall not receive more than one dollar and fifty cents per day, each, 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 in each of the counties in which said road is located.

SEC. 5. At each angle in said road there shall be a good and substantial stake set and marked "Angle," and at each mile station of the line of said road, there shall be a good and substantial stake set and marked with the distance 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 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 taken for said road. At the time when the commissioners file the survey and plats of the road in office of the county auditor, and upon the filing of such survey, plats and appraisal in the office of the respective county auditors, the said road shall be deemed established, and said damages and 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 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 the lands affected are situate, by serving a notice of such appeal upon the county attorney of such county, and serving a copy thereof upon at least two of the commissioners appointed by this act, within thirty days after the survey and plats of said road are filed in the office of the county auditors, a copy of such notice of appeal together with proof of service, shall within ten days after service, be filed with the clerk of the district court for the county in which the appeal is taken, and thereupon said court shall be deemed to be possessed of and have jurisdiction of such appeal. The only issue to be tried and determined shall be the measure of compensation for the land taken, and such issue shall be tried by the court and a jury, and upon the verdict of the jury judgment shall be entered, and a certified copy of such judgment shall be filed with the county auditor, which shall take the place and be in lieu of the appraisal filed.

SEC. 9. The town supervisors of the towns through which said road shall pass, shall cause the same to be opened in like manner as town roads are ordered opened on or before the first day of November, 1876.

SEC. 10. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1876.