

shall file in the office of the county auditor of said Ramsey county a statement of such appraisal of damages for lands therein taken for said road, which shall be paid by the said county, That said commissioners shall, as far as practicable, obtain from owners of lands releases of right of way of said roads, and in all such cases shall make no appraisal damages or benefits.

SEC. 5. Any person deeming himself or herself aggrieved by said appraisal, may appeal therefrom to the 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 a copy thereof on the chairman of the county board, and also filing in the office of the county auditor of said county, a copy of said appeal, with proof of same thereof on the county attorney and chairman of said board. The county auditor shall then certify a copy of said appeal and appraisal 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. 6. The said commissioners, after completing their duties under this act, shall file the surveys and plats of said roads, with their report locating the same and awarding damages, in the county auditor's office of said county. And said commissioners, in their discretion shall make appropriations to open said road, and shall cause the same to be opened and made in good condition for travel.

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

Approved February 19, 1879.

CHAPTER CCLV.

AN ACT TO ESTABLISH A STATE ROAD FROM THE VILLAGE OF HERMAN TO THE SOUTHEAST CORNER OF SECTION TWENTY-SEVEN TOWNSHIP ONE HUNDRED AND TWENTY-EIGHT RANGE FORTY-SEVEN.

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

SECTION 1. That John Ohlsson and O. C. Eaton of Grant county, and Paul Walker of Traverse county, are hereby appointed commissioners to locate, survey and establish a state road from the village of Herman in Grant county to the southeast corner of section twenty-seven township one hundred and twenty-eight range forty-seven, in the county of Traverse.

SEC. 2. It shall be the duty of said commissioners to meet at Herman on or before the first day of July A. D. one thousand eight

hundred and seventy-nine, and then make oath that they will faithfully discharge their duties as provided by this act, and impartially assess the damages, if any, sustained by the owners of the lands through which said road may pass, which oath shall be subscribed by each of the commissioners, and deposited with the person before whom it was taken.

SEC. 3. That said commissioners are hereby authorized to employ all necessary help, and all reasonable expenses incurred by them shall be paid by the counties through which the said road may pass in proportion to the length of said road in each of the counties respectively, as certified to the said commissioners, and all damages awarded by said commissioners shall be paid by the county in which the land is located, to which the damages pertain as certified to by the said commissioners.

SEC. 4. The said commissioners shall cause a substantial stake, properly marked, to be set at each angle of said road, and stakes and monuments to be erected upon all slightly elevations and such other places on said road as they may deem advisable, and said commissioners shall cause accurate plats of said road to be filed in the office of the register of deeds in each of the counties through which the said road may pass, together with an accurate statement of all damages awarded by them the said commissioners, which said plat and statement of said damages shall be signed and certified to by the said commissioners.

SEC. 5. The making and the filing of the plat of said road, in the manner prescribed by section four of this act, shall be sufficient to establish the said road without any further orders or instrument whatever.

SEC. 6. It shall be the duty of said commissioners to appraise the damages sustained by each owner of said lands through which the said road may pass, and if any person feels aggrieved by such appraisement he may, within thirty days after notice of such appraisal, by himself or agent, appeal to the district court of the county in which such land is located in the manner provided for appeals from justice's courts.

Provided, that the posting in three conspicuous places for the period of thirty days in each of the counties through which said road may run, a statement of the damages awarded by said commissioners, or the publication for three weeks of the said statement of damages in any newspaper published in either of the counties through which said road may run, shall be sufficient notice as required by this act.

SEC. 7. A majority of the commissioners named in this act shall have full authority to act as required herein, and in case a majority of the said commissioners cannot be found to act, then upon the notification of such fact by either of the said commissioners the governor of the state may appoint to fill vacancies.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 6, 1879.