

of said road to be made and filed in the office of the county auditor of each county through which said road may pass.

SEC. 5. The expenses incurred in the surveying, locating and establishing said road shall be paid by the counties through which or in which said road shall run in proportion to the distance it shall run in said counties.

SEC. 6. It shall be the duty of said commissioners to appraise the damages that may accrue to the owner of any lands through which said road may be established, and on or before the first day of December next, to file such appraisal in the office of the county auditor in which such land is situate.

SEC. 7. Any owner of lands through which said road may pass may appeal from the appraisement made by said commissioners to the district court of the proper county within thirty days after the filing of said appraisement as aforesaid, but not afterwards.

SEC. 8. Such appeal shall be taken by the service of a notice in writing upon the county auditor of the county in which such lands are situated, and on the filing in the office of the clerk of district court a copy of such notice with proof of service, such appeal shall be prosecuted and determined in said court as other cases.

SEC. 9. All damages appraised by said commissioners or determined and awarded by the court shall be paid by the county in which the land is situate, except when the land is situated in an organized town, then and in that case the damage determined or awarded shall be paid by said town.

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

Approved March 6, 1879.

CHAPTER CCLVIII.

AN ACT TO LOCATE AND ESTABLISH A STATE ROAD FROM THE TOWN OF STEWART, IN McLEOD COUNTY, THROUGH SIBLEY COUNTY, TO THE NORTH LINE OF NICOLLET COUNTY, WITH A BRANCH LINE TO THE EAST LINE OF RENVILLE COUNTY.

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

SECTION 1. That James Bordnell, Jacob Otter, and Mr. Lindstrom, county commissioners, are hereby appointed commissioners to survey, locate and establish a state road from the town of Stewart, in McLeod county, across the town of Round Grove, in McLeod county, and the towns of Bismark and Cornish in Sibley county, to the north line of Nicollet county, with a branch line to Renville county line.

SEC. 2. Said commissioners shall meet at Stewart, in McLeod county, on or before the first day of May, eighteen hundred and seventy-nine, and proceed to discharge the duties imposed upon

them by the provisions of this act. *Provided*, that in the absence of any one of them, the other two shall have power to fill said vacancy, and the person so appointed shall have the same authority as by this act is conferred upon said commissioners.

SEC. 3. That said commissioners are hereby authorized to employ all necessary help, and all reasonable expense 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 the 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. At each angle in said road there shall be a good and substantial stake set and marked angle, and at each mile station there shall be a good and substantial stake set and marked, with the distance from the point of starting, and monuments shall be erected in such places as the said commissioners may see fit.

SEC. 5. Said commissioners shall cause accurate plats of the survey and location of said road to be made, 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, together with an accurate statement of all damages awarded by them said plat, and statement of damages shall be signed and certified to by the said commissioners.

SEC. 6. The making and filing of the plat of said road in the manner described by section four of this act shall be sufficient to establish the said road.

SEC. 7. It shall be the duty of said commissioners to appraise the damages sustained by each owner of land through which the said road may pass, and if any person feels aggrieved by such appraisal, he or she may, within thirty days after the filing of the appraisal by the commissioners in the office of the county auditor, appeal therefrom to the district court of the county in which such lands are located, by serving a notice of such appeal upon the county attorney of said county, and serving a copy thereof upon one 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 and proof of such service as aforesaid, and the county auditor shall, within ten days after the filing of such notice of appeal, certify the same, together with a copy of the appraisal to the district court of his county.

SEC. 8. The said commissioners shall, on the day of filing said appraisal with the county auditor, cause the same to be published in county paper in the county in which such land is located, for three successive weeks.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 10, 1879.