

That said commissioners shall, as far as practicable, obtain from owners of lands releases of right of way of said road, and in all such cases shall make no appraisal of damages or benefits. *Provided*, the laying out and surveying of said road shall be paid by Ramsey county. Said commissioners to receive a compensation of three dollars (\$3) per day.

SEC. 3. 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 township board where such land is situated, 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 the township supervisors where such land is situated. The county auditor shall then certify a copy of said appeal and appraisal to the district court within ten (10) days after filing the notice of appeal in his office. *Provided*, that all appeals shall be taken within thirty (30) days after the filing of the appraisal in the county auditor and clerk's office of Reserve and Rose towns.

SEC. 4. The said commissioners after completing their duties under this act shall file the survey and plats of said road, with their reports locating the same and awarding damages in the county auditor's office of said county, and the county commissioners or the supervisors of Rose town, for their part that lays in Rose township, and the supervisors of Reserve town, for their part that lays in Reserve township, in their discretion shall make appropriation to open said road and shall cause the same to be opened and made in good condition for travel.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 7. 1881.

CHAPTER 277.

AN ACT to locate and establish a State road from Brown's Valley in Traverse county, to Herman, in Grant county.

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

SECTION 1. That W. H. Carter and H. H. Howe, of the county of Traverse, and P. H. Clague, of the county of Grant, are hereby appointed commissioners to locate and establish a state road from Brown's Valley in said county of Traverse to Herman in the said county of Grant, as follows, to wit: Beginning at said Brown's

Valley and running thence northeastwardly to a point in township one hundred and twenty-seven (127) range forty-seven (47), thence by the shortest practicable route to the said village of Herman.

SEC. 2. It shall be the duty of said commissioners or a majority of them to meet at Brown's Valley on or before the sixth (6th) day of June, one thousand eight hundred and eighty-one (1881), and there take and subscribe an oath to faithfully discharge their duties as provided by this act, and impartially assess the damages sustained by the owners of lands over which the said road may pass, which oath so subscribed shall be deposited in the office for the registry of deeds for said county of Traverse.

SEC. 3. The said commissioners are authorized to employ a competent surveyor and all necessary assistants, and shall cause an accurate survey of said road to be made and the line and route thereof to be designated by setting properly marked posts or stones at each angle thereof, and at each mile station there shall be a good and substantial post set marked with the distance from the point of starting, and there shall be an accurate plat of said road according to said survey, certified by said commissioners and surveyor, filed in the office for the registry of deeds in each of the counties through which the same may run, which plat so filed, together with the statement and award of damages as hereinafter provided shall be taken as conclusive evidence of the location and establishment of said road without any further order or instruments whatever.

SEC. 4. It shall be the duty of said commissioners to ascertain and assess the damages, if any, sustained by the owners of lands over which said road may pass, taking into consideration the advantages and benefits of said road to each claimant, in making such assessment; *provided*, that no damages shall be allowed where said road shall be located upon the road-bed of any public highway heretofore laid out and established or which now exists under any law of this state, a statement of which assessment and award of damages containing a brief description of the property damaged, shall be filed in the office of the county auditor of the county wherein such damages occur, and the filing of such statement and award as aforesaid shall be sufficient notice to all persons, of the laying out of said road and of the assessment and award of damages thereon.

SEC. 5. Any person sustaining damages by reason of the location of such road and feeling aggrieved by the assessment and award of damages as made by said commissioners, may appeal from such award to the district court of the county wherein the damages complained of shall have occurred, by filing a complaint particularly setting forth the grounds of such appeal together with a bond on the part of such appellant, executed to the county commissioners of such county, in double the amount of damages claimed as appears by the complaint, with sureties to be approved by the judge of said court or the court commissioner of the county, conditioned for the payment of all costs of such appeal, if the decision and award of said commissioners shall be sustained, and by

-serving notice thereof upon the county auditor of such county within thirty (30) days from the date of filing the said assessment and award of damages as provided by this act, which appeal shall be tried in the manner provided for the trial of civil actions in said court.

SEC. 6. The damages awarded by said commissioners as aforesaid or by the judgment of any court under the provisions of this act, shall be paid by the respective counties in which such damages occur, and the costs and expenses of locating said road shall be paid by said counties in proportion to the distance thereof running into each county as near as may be, to be ascertained and certified by said commissioners. *Provided*, that the per diem of said commissioners shall not exceed three dollars (\$3) per day, and of said surveyor the sum of four dollars (\$4) per day, and of other assistants two dollars (\$2) per day.

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

Approved March 7, 1881.

CHAPTER 278.

AN ACT to provide for surveying, locating and establishing a State road between Ramsey and Washington counties.

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

SECTION 1. That J. H. Schneider, of White Bear town, Ramsey county, W. L. Ames, of New Canada, Ramsey county, and Frank Morritz, of Oakdale, Washington county, are hereby appointed commissioners to locate, survey and establish a State road on the county line between Ramsey and Washington counties; beginning at the point of intersection of the said county line with the Alton road, thence north on said county line to White Bear Lake.

SEC. 2. That said commissioners are authorized to deviate to the east or west of said county line, as they may consider advisable, to avoid marsh lands, lakes or obstacles of such a nature as would, in their opinion, increase the cost of said road.

SEC. 3. That said commissioners, or a majority of them, shall meet at the town of McLean, Ramsey county, any time after the passage of this act and before the first (1st) day of November next, and then and there proceed to locate and survey said road.

SEC. 4. Said commissioners are hereby authorized to employ one surveyor, two chainmen and two axemen; chainmen and axemen to receive the sum of two dollars (\$2) per day; said commis-