

·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-

sioners shall receive the sum of three dollars (\$3) per day; the surveyor shall receive the sum of five dollars (\$5) per day.

SEC. 5. Said commissioners shall, on or before the first (1st) day of December next, cause an accurate plat of the survey and location of said road to be made and filed in the office of the county auditor of both Ramsey and Washington counties.

SEC. 6. The expense incurred in the surveying, locating and establishing said road shall be equally paid by both of said counties.

SEC. 7. 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 (1st) day of December next, to file such appraisal in the office of the county auditor in which said land is situate.

SEC. 8. Any owner of lands through which said road may pass may appeal from the appraisal made by said commissioners to the district court of the proper county within thirty (30) days after the filing of said appraisal, as aforesaid, but not afterwards.

SEC. 9. 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 in filing in the office of the clerk of the 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. 10. All damages appraised by said commissioners, or determined and awarded by the court, shall be paid by the county in which the land is situated, 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. 11. This act shall take effect and be in force from and after its passage.

Approved March 4. 1881.

CHAPTER 279.

AN ACT to locate and establish a State road from the village of Herman in Grant county to the village of Lowell in Big Stone county.

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

SECTION 1. That O. C. Eaton, of Grant county, Andrew Dahl, of Traverse county, and James Smith, of Big Stone county, are hereby appointed commissioners to locate and establish a state road from the village of Herman, Grant county, to the village of Lowell, in Big Stone county.

SEC. 2. It shall be the duty of said commissioners to meet at Herman on or before the second (2nd) day of July, A. D. one