

## CHAPTER LII.

*An Act to provide for the alteration of the State road between St. Charles, in Winona county, and Preston, in Fillmore county.*

March 2, 1905.

**SECTION 1.** *Commissioners appointed—for what purpose.*

2. When and where to meet—may appoint substitutes.
3. How to determine where to commence.
4. May employ assistants.
5. Expenses—how paid.
6. Damages sustained—how ascertained.
7. To file plat of said road.
8. By whom damages to be paid.
9. When act to take effect.

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

**SECTION 1.** That Stephen H. Brown, John Pickett and A. P. Brainard are hereby appointed commissioners to make such alteration as they may deem necessary for the public good, in the township of St. Charles, in the State road laid out by the commissioners, appointed by an act of the legislature, approved March first, eighteen hundred and sixty-four, chapter fifty-six, special laws of eighteen hundred and sixty-four, to lay out, locate and establish a State road between St. Charles, in Winona county, and Preston, in Fillmore county.

Commissioners appointed—for what purpose.

**SEC. 2.** That said commissioners shall meet at St. Charles on or before the second Monday in March, one thousand eight hundred and sixty-five; and in case any of the said commissioners neglect or refuse to act, the remaining commissioner or commissioners shall appoint some suitable person or persons from the neighborhood of such absentees, to fill such vacancy.

When and where to meet—may appoint substitutes.

**SEC. 3.** At the first meeting of said commissioners they shall designate the time when, and the place where they will commence the alteration of said road, and they may adjourn from time to time as they in their judgment may deem necessary.

How to determine where to commence.

**SEC. 4.** The said commissioners are hereby em-

powered to employ, in making alterations in said road, one surveyor, two chain-bearers and one axeman. May employ assistants.

SEC. 5. The necessary expenses incurred in making such alterations in said road, shall be paid by the county of Winona: *Provided*, That said commissioners shall not be paid each, more than two dollars per day, and said surveyor not more than five dollars per day, and the said chainmen and axeman not more than two dollars per day each, for the time they are necessarily employed in making the alterations in said road. Expenses, how paid.

SEC. 6. It shall be the duty of said commissioners to appraise the damage that may accrue to the owners of the land through which said road shall pass by reason of such alterations: *Provided*, That if in any case any of the owners shall feel themselves aggrieved by said appraisement, they may within thirty days after such appraisement, appeal in writing to the chairman of the board of supervisors of the town in which the land through which said road may run is located, and said chairman of supervisors shall cause a constable of said town to summon a jury of twelve freeholders residing one mile or more from said road of said town, who shall proceed to examine said road, and a majority of said jury shall determine the amount of damages, if any, sustained by such owners, on the account of laying out said road through their lands, which appraisement shall be final: *Provided also*, That an appeal may be taken from the decision of the commissioners in the location of the road, the same as in the appraisement of damages. Damages—how ascertained.

SEC. 7. Said commissioners shall cause to be made out three plats of said road as altered and established, one to be filed in the office of the county auditor of the county of Winona, one in the office of the town clerk of the town of Saratoga, and one in the office of the town clerk of the town of St. Charles, together with their appraisement of damages, an exemplification of which shall be legal evidence of the opening and existence of said road as altered and established by said commissioners. *Provided*, That said road as altered and established shall not be opened through enclosed, improved lands, until the damages appraised to the owners thereof shall have been paid or tendered, To file plat of road

after which payment or tender, said commissioners may proceed to open said road as altered and established, by removing any obstructions which they may find in said road.

By whom damages to be paid.

SEC. 8. All damages appraised to the owners of lands in accordance with the provisions of this act, shall be paid by the towns in which such alterations shall have been made. *Provided*, That in case any damages shall have been appraised to the owners of lands through which said road was originally laid, and by the provisions of this act shall be discontinued on account of said alterations, such damages shall not be paid.

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

Approved March 2, 1865.

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### CHAPTER LIII.

March 1, 1865.

*An Act to provide for the survey, location and establishment of a State road from Faxon, in Sibley county, to Eagle City, in said county.*

- SECTION 1. Commissioners appointed—for what purpose.
2. May have power to appoint substitutes.
  3. When and where to meet.
  4. May employ assistants—compensation.
  5. Expense, how paid.
  6. To file plat of said road.
  7. Damages sustained—how paid.
  8. Right of way—when deemed to be established.
  9. When act to take effect.

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

Commissioners appointed—for what purpose.

SECTION 1. That Patrick Mohan, Michael Donahue and Michael Muler, are hereby appointed commissioners to survey, locate and establish a State road com-