

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-

mencing at Faxon, in the county of Sibley, running by the way of Arlington, in said county, to a point of intersection with the State road from New Ulm, in Brown county, to New Auburn, in said county of Sibley, near the southwest corner of section six, in town one hundred and twelve, of Range twenty-nine.

SEC. 2. If any commissioner shall, from any cause, be unable to perform the duties prescribed by this act, he shall have power to appoint a substitute.

Power to appoint substitute.

SEC. 3. It shall be the duty of the commissioners to meet at Faxon, on the fifteenth day of March next or as soon thereafter as practicable, and proceed to the discharge of their duties under this act.

When and where to meet.

SEC. 4. The commissioners appointed by this act, are hereby authorized to employ in discharging their duties under this act, one surveyor, one chainman, and one axeman; *Provided*, That said commissioners, chainman and axeman shall not receive more than two dollars and a half per day for their services performed under this act.

May employ assistants—compensation.

SEC. 5. The expenses of surveying, locating and establishing said road, shall be paid by the county of Sibley.

Expenses, how paid.

SEC. 6. Said commissioners shall cause an accurate plat of the survey and location of said road to be made and filed in the office of the register of deeds, in said county of Sibley.

To file plat of road

SEC. 7. Any damage sustained by reason of laying out and opening said road, shall be assessed and determined by said commissioners, in the manner now provided by law, in case of roads laid out by supervisors. *Provided, however*, That said damages shall be paid by the towns in which such damages are allowed.

Damages—how ascertained.

SEC. 8. The commissioners hereby appointed are authorized to enter upon and cross the lands of any party or parties and take any lands necessary to be used for such road, and no objections thereto being interposed, within thirty days after the survey thereof, the right of way not exceeding five rods in width shall thereafter be deemed to be established.

Right of way—when deemed established.

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

Approved March 1, 1865.