

CHAPTER LVII.

February 16, 1883.

An Act to provide for the survey, location and establishment of a State road from New Ulm, in Brown county, via Red Wood Falls, Yellow Medicine, and Inkapee, to the western boundary line of the State, at or near the crossing of Whetstone river.

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

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

Commissioners
appointed—for
what purpose.

SECTION 1. Sam'l McPhail, Clark Martin and John C. Rudolph, are hereby appointed commissioners to survey, locate and establish a State road from New Ulm, in Brown county, via Red Wood Falls, Yellow Medicine, and Inkapee, to the western boundary line of the State, at or near the crossing of Whetstone river.

May employ as-
sistants—compen-
sation.

SEC. 2. The commissioners appointed by this act, are hereby authorized to employ in discharging their duties under this act, two chainmen, one axeman and one surveyor. *Provided*, That said commissioners, chainmen and axeman shall not receive more than two dollars per day each, nor the surveyor more than four dollars per day for their services under this act.

Expenses, how
paid—right of way

SEC. 3. The expenses of surveying, locating and establishing said road shall be paid by each of the counties through or in which said road may pass. *Provided*, That each of said counties shall pay only the expenses caused by surveying, locating and establishing said road through or in such county; *And provided further*, That no county shall be liable to pay any of such expenses unless the board of commissioners there-

of shall signify to the commissioners appointed under this act their assent in writing to the survey, location and establishment of said road previous to the said survey, location and establishment. And such commissioners shall not locate, survey or establish said road through any county without the consent of the commissioners of said county, and in no case shall the State be liable to pay any of the expenses arising from the location, survey or establishment of said road.

SEC. 4. If any of said commissioners shall, from any cause, be unable to perform the duties prescribed by this act, he shall have the power to appoint a substitute, or if in such case no substitute shall be appointed the other two commissioners shall have the power to fill such vacancy by the appointment of some suitable person who shall have the same authority as is by this act conferred upon the said commissioner above named.

May appoint substitute.

SEC. 5. The commissioners 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 four rods in width, shall thereafter be deemed established.

Right of way—when deemed established.

SEC. 6. 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.

Damages—how ascertained.

SEC. 7. It shall be the duty of the commissioners after a reasonable notice given by one of them to the two others, to meet at New Ulm, in Brown county, and proceed to the discharge of their duties under this act, as soon after the passage thereof as is practicable.

When and where to meet.

SEC. 8. The commissioners shall, as soon as practicable after the survey of said road, cause an accurate plat of the survey and location thereof to be made and filed in the office of the register of deeds of Brown county, and in the town clerk's office of each of the towns through which said road may run, and after the filing of the plat, as aforesaid, it shall be the duty of the board of supervisors and the road overseers of the

To file plat of road

towns through which said road may run, to open and to work the same in the same manner as other roads are worked in the said towns. *

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

Approved February 16, 1865.

CHAPTER LVIII.

An Act to provide for the laying out of a State road from Henderson to the State line near the head of Lake Traverse.

March 8, 1868.

- SECTION 1. Commissioners appointed—for what purpose—expenses—how paid.
2. To file plat of said road.
 3. When and where to meet—may appoint substitutes.
 4. When act to take effect.

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

SECTION 1. That Joseph R. Brown, Mark W. Downie and Theodore Recher are hereby appointed commissioners to locate and mark out a State road from Henderson, in the county of Sibley, on the most direct and feasible route to the State line, near the head of lake Traverse, the expense of laying out the same to be paid by the counties through which said road may pass, the commissioners to decide the amount each county shall pay of such expenses, and notify the county commissioners of such counties of the same: *Provided, however,* that the counties of Sibley, Nicollet and Brown shall not pay any expenses appertaining to the laying out of said road unless the county commissioners of said county shall first agree in writing with the road commissioners so to do, before the laying out of such road; *And provided further,* That no expenses shall be paid for the laying out of said road, over any

Commissioners
appointed—for
what purpose—ex-
penses, how paid.