

CHAPTER CXVII.

An Act to locate, survey and establish a State Road, from Morris via Fergus Falls and Pelican Lake, to White Earth Agency.

March 6, 1871.

SECTION 1. Commissioners appointed to locate, survey and establish said road.

2. Where and when to meet—vacancy, how filled.
3. May employ surveyor, etc.,—compensation.
4. Commissioners to file plat of said road.
5. Mile stakes to be set.
6. What to be deemed evidence of the establishment of said road.
7. Damages sustained, how ascertained.
8. Expenses, how paid.
9. When act to take effect.

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

SECTION 1. That David Burns of Grant county, Rudolph Niggler of Otter Tail county, and Robert Fairbanks of Becker county, are hereby appointed commissioners to locate, survey and establish a state road from Morris on the line of the St. Paul and Pacific railroad, via Fergus Falls and Pelican Lake, to White Earth Agency.

Commissioners appointed to locate said road.

SEC. 2. Said commissioners shall meet in Morris on or before the first day of July, one thousand eight hundred and seventy-one, and proceed to the discharge of their duties under this act; and if any of said commissioners appointed under this act, shall from any cause be unable to perform the duties imposed by this act, he shall have power to appoint a substitute, which appointment shall be in writing, and the person so appointed shall have the same authority as one of the commissioners named in this act.

Where and when to meet—vacancy, how filled.

SEC. 3. Said commissioners are hereby authorized to employ in locating said road, one surveyor, one axman and two chainmen; *Provided*, That said commissioners shall not receive more than two dollars and fifty cents

May employ surveyor, etc.—compensation.

each per day, the axmen and chainmen one dollar and fifty cents each per day, not the surveyor more than five dollars per day, for their services and their necessary expenses for board.

SEC. 4. Said commissioners shall cause accurate plats of the survey and location of said road, to be made particularly describing the route thereof by courses and distances, one of which shall be filed in the office of the register of deeds of each of the organized counties through which the said road or any part thereof shall pass, and in case any portion of said road shall be located through an unorganized county, the plat thereof shall be filed in the county to which such unorganized county shall be attached for record purposes.

SEC. 5. At each end, at each angle and at each mile station of the line of said road, a substantial stake shall be set, and each mile stake shall be marked with the distance thereon from the point of starting.

SEC. 6. The making and filing of the plats of said road in the manner provided in section four of this act, shall be sufficient to establish said road without making any other order or instrument whatever, and in any action brought against any person whether such action be civil or criminal, for obstructing said road, or for any purpose whatever, a certified copy of said plat under the hand and seal of the proper register of deeds, shall be sufficient evidence of the location and establishment of said road.

SEC. 7. The said commissioners at the time when they shall survey said road or within sixty days thereafter, shall assess the damages sustained by each and every land owner, through whose lands said road may pass, and in case any one shall feel himself aggrieved by such appraisal, he may appeal to the county commissioners of the proper county at any time within thirty days after such appraisal shall be filed in the county auditors office, by filing a notice of such appeal with the county auditor, and serving a copy thereof upon two of the road commissioners appointed by this act, and the said county commissioners shall at their next annual meeting thereafter, hear and determine said appeal, and decide the same as they shall deem just.

SEC. 8. All expenses incurred, and all damages assessed under the provisions of this act, shall be paid by the counties through which said road shall pass; *Provided, however,* That for any portion of such expense arise-

To file plat of
said road.

Mile stakes to be
set.

Evidence of the
establishment of
said road.

Damages sustain-
ed, how ascer-
tained.

Expenses, how
paid.

ing in an unorganized county, the county to which the same is attached for record purposes, shall pay the same, and the amount so paid shall be reimbursed to the county paying the same, whenever such unorganized county shall become organized.

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

When act to take effect.

Approved March 6, 1871.

CHAPTER CXVIII.

An Act to locate and establish a State Road from Hancock, Carver County, Minnesota, to Blakeley, in Scott County. March 6, 1871.

- SECTION 1. Commissioners appointed to locate, survey and establish said road.
2. When and where to meet—vacancy, how filled.
 3. To employ competent surveyor, etc.—to file plat of said road.
 4. Expenses, how paid—compensation.
 5. Damages sustained, how ascertained.
 6. Parties feeling aggrieved to have the right of appeal.
 7. When act to take effect.

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

SECTION 1. That John Shaughnacy, of the county of Sibley, in the state of Minnesota, J. N. Dean, in the county of Scott, in the state aforesaid, and Patrick Colbert, of the county of Carver, in the state aforesaid, are hereby appointed commissioners to survey, locate and establish a state road, from some point to be selected by them in the south half of section eighteen (18), in the township of Hancock, in the county of Carver, and state aforesaid, running thence through the county of Sibley to Blakeley, in the county of Scott aforesaid; *Provided*, That the owners of the land lying between the Minnesota river and said Blakeley, shall file with the county auditor of said Scott county, a release of the right of way for

Commissioners appointed to locate said road.