

1873 p 190

## CHAPTER XL.

March 4, 1872.

*An Act authorizing the Judges of any District Court to appoint Commissioners to lay out Roads through two or more Counties within his Judicial District.*

- SECTION 1. Public roads may be authorized by district judges, through two or more counties.
2. Public notice of application for road to be posted for thirty days.
  3. Pay of Commissioners and others required to lay out the road.
  4. Directions to the Surveyor in laying out road.
  5. Report of commissioners to be made to the district court.
  6. Inconsistent acts repealed.
  7. When act to take effect.

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

Public roads may be authorized by the district judge, when.

SECTION 1. Whenever a petition praying that a road be laid through two or more counties in any judicial district in this state, signed by twenty legal voters, resident in said counties, shall be presented to the judge of the district court in said district, the said judge is hereby authorized to appoint three commissioners, whose duty it shall be to meet at such times and places as may be necessary, and to immediately proceed to lay out a road as directed by the judge, in accordance with the prayer of the petition, provided, that no road shall be ordered by any judge to extend more than six miles outside the judicial district in which the application is made, and such road shall be extended beyond the district only for the purpose of commencing or ending at some village or public road.

Public notice of petition.

SEC. 2. Notices of the presentation of any such petition, as that mentioned in the preceding section, to any district judge, shall be posted at least thirty days prior to such presentation in at least three of the most public places in said judicial district, and there shall be one of said notices posted at each county seat of the counties through which the road prayed for is to pass.

SEC. 3. The commissioners shall appoint a surveyor, one axeman, and two chainmen, to make the survey of such a road. The compensation of the commissioners and surveyor shall be four dollars per day for each individual, and the axeman and chainman shall each receive two dollars per day; such compensation to be paid only for the time the parties are actually engaged in making such survey.

Pay of commissioners, &c.

1873 p 11

The expenses of such survey and the damages and expenses which are incurred by the laying out such road shall be paid by the counties through which such road is laid, each county paying thereof its proportion;

Stakes shall be placed at the starting point which shall be on some public road, and at each of the angles of the road, witness trees shall be marked, wherever stakes are placed, provided, that where there are no trees, monuments shall be erected.

SEC. 4. The surveyor shall follow the lines of the United States surveys, where practicable; and shall make two or more plats of the location of such road, in which the county lines and all stakes, trees, and monuments, together with the distances, shall be written, and said surveyor shall forward one of such plats to the register of deeds of each county through which said road is located, and such plats shall be placed on file by such registers of deeds, and be part of the records of their office. The surveyor shall receive two dollars for each plat so made and forwarded by him as aforesaid.

Duties of the surveyor.

SEC. 5. The commissioners appointed as herein provided shall make a report of all proceedings had by them under this act to the term of the district court held in the county next after the completion of their duties, [and] any person feeling aggrieved may appear and be heard thereat.

Report to be made to the district court.

The confirmation of the report of the commissioners by the judge of the district court [shall] in all cases be final.

Repeal of inconsistent acts

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 7. This act shall be in force from and after its passage.

Approved March 4, 1872.