

CHAPTER CCLI.

AN ACT TO LOCATE A STATE ROAD ON THE COUNTY LINE BETWEEN THE COUNTIES OF SCOTT, LE SUEUR AND RICE.

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

SECTION 1. That Albert Borak, of the county of Le Sueur, Philip Plaisance, of the county of Rice, and Patrick O'Flynn, of the county of Scott, are hereby appointed commissioners to survey, locate and establish a state road four rods wide on the county line from Union Hill post office eastward to the intersection of the road running north and south, and known as the "Dodd road," between the counties of Scott, Le Sueur and Rice, wherever a public road does not now exist on said county line between said points.

SEC. 2. It shall be the duty of said commissioners to meet at the post office at New Prague, on the first day of May, A. D. one thousand eight hundred and seventy-nine, and there make oath that they will faithfully discharge their duties, as provided by this act, and impartially assess the damages, if any, sustained by the owners of land through which said road may pass; which oath shall be subscribed by each of said commissioners, and deposited with the person before whom it was taken.

SEC. 3. That said commissioners are hereby authorized to employ all necessary help, and all reasonable expenses incurred by them, including their own compensation, shall be paid by the town in which the same was caused, and all damages awarded by said commissioners shall be paid by the respective towns in which the same occur.

SEC. 4. The said commissioners shall cause a substantial stake properly marked, to be set in such places as they may determine, and said commissioners shall cause accurate plats of said road to be filed in the office of the town clerk of each of the said towns in which said road shall be situated, together with an accurate statement of all damages awarded by them; which said plat and statement of damages shall be signed and certified by said commissioners before the first day of June, A. D. eighteen hundred and seventy-nine.

SEC. 5. The making and filing of the plat of said road in the manner and within the time prescribed by this act, shall be sufficient to establish the road, without any further order or instrument whatever.

SEC. 6. It shall be the duty of said commissioners to appraise the damages sustained by each owner of lands through which the

said road may pass, but no damages shall be allowed to any land over which a public highway now exists on said county line, and if any person feels aggrieved by such appraisalment, or if either of said towns feels aggrieved thereby, he or it may, within thirty days after the filing of said plats and appraisalment of damages, by himself, agent or attorney, appeal to the district court of the county in which the town or premises to which the damages relates, is situated, with like effect and in the same manner as appeals from location of road by town supervisors.

SEC. 7. The commissioners named in this act shall have full authority to act as required herein, and in case either of them can not be found to act, then, upon the notification of such fact, or of his neglect to act, the commissioner or commissioners who do act, shall fill the vacancy.

SEC. 8. Said commissioners shall receive the sum of two dollars each per day for their services under this act.

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

Approved March 10, 1879.

-CHAPTER CCLII.

AN ACT TO LOCATE AND ESTABLISH A STATE ROAD FROM WHITE EARTH AGENCY VIA RED LAKE FALLS, POLK COUNTY, TO SAINT VINCENT, KITTSOON COUNTY, AND TO APPROPRIATE MONEY FOR THE SAME.

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

SECTION 1. That Pierre Bottineau and W. W. Nelson, of Polk county, and Robert Fairbanks, of Becker county are hereby appointed commissioners to locate, survey and establish a state road, four rods wide, from White Earth Agency via between Maple Lake and Poplar River, and the northeast corner post of section twenty-two, township one hundred and fifty-one, range forty-four, of Red Lake Falls, Polk county, thence northwesterly, by the most direct and practicable route to Saint Vincent, in Kittson county.

SEC. 2. That the said commissioners shall meet at such time and place convenient to them, as they may select, and proceed to discharge the duties imposed upon them by this act; *provided*, That if either of said commissioners shall be unable to discharge the duties aforesaid, the others shall have the power to substitute some person to act in his place, and such action by such substitute