

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

shall have the same effect as if he were appointed commissioner by this act.

SEC. 3. That said commissioners are hereby authorized, to employ in locating said road, a surveyor, two axmen, two chainmen, and a two horse team and wagon. *Provided*, That said commissioners shall not receive more than two dollars and fifty cents each per day, the axmen and chainmen one dollar and fifty cents each per day, the surveyor not more than five dollars per day for their services and their necessary expenses for board, and not more than five dollars per day for the team of horses and wagon.

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 county auditor of each county through or into which said road may pass.

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 said commissioners shall at the time of locating the said road, appraise the damages or compensation, if any, to be paid to each person through whose land the same shall pass, and shall file in the office of the county auditor of each county, a statement of such appraisals of damages for lands therein taken for said road at the time when they shall file the survey and plats of the same in said auditors' offices of said county auditors; the said road shall be deemed established, and said damages, or compensation, if any to be paid, shall be deemed secured and the amount of such appraisal in each county shall be levied upon the taxable property of said county, and be entered and extended on the tax roll thereof next thereafter to be made, and the amount of each appraisal shall be paid to the person or persons entitled thereto.

SEC. 7. Any person deeming himself or herself aggrieved by such appraisal of his or her compensation, may appeal therefrom to the district court of the county in which such lands are situated, by serving a notice of such appeal upon the county attorney of said county, and filing in the office of the county auditor of said county a copy of said notice of appeal, with proof of service thereof, on the appraisal appealed from the district court, within ten days after filing the notice of appeal in his office. Such appeal shall be taken within thirty days after the filing of the appraisal in the office of the county auditors.

SEC. 8. There is hereby appropriated out of the money in the state treasury belonging to the internal improvement fund, or out of the first moneys which shall come into the state treasury belonging to said fund not otherwise appropriated, the sum of one thousand dollars to be expended by the said commissioners. First, the expense incurred by them in locating, surveying and establishing said road, shall be paid. Second, the balance shall be expended in opening said road in such a manner and at such a place as said commissioners shall deem best and so direct. *Provided, however*, that no part of the same shall be expended on the bridge or bridges

built, or to be built across the Clear Water and Red Lake rivers, in the town of Red Lake Falls, Polk county.

SEC. 9. That the county commissioners of Polk county are hereby appointed a committee on the part of the state to examine all contracts, vouchers and accounts respecting the expenditures of said money, and make report of the same to the state auditor. Any two of said committee shall have power to act in the premises.

SEC. 10. Upon receipt of said report of the state auditor, he shall, upon demand of the said committee, draw his warrant upon the state treasurer for the expenditures by the said commissioners under this act not to exceed the sum of one thousand dollars.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 10, 1879.

CHAPTER CCLIII.

AN ACT TO LOCATE A STATE ROAD BEGINNING IN SWIFT COUNTY AND TERMINATING IN POPE COUNTY.

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

SECTION 1. That R. R. Johnson and Nels Erikson, of Swift county, and Gunder Nelson, of Pope county, are hereby appointed commissioners to locate, survey and establish a state road, described as follows:

Beginning at the northwest corner of section five, town one hundred and twenty-one north, of range thirty-nine, in Swift county, and running thence by the nearest and most practicable route to Lake Whipple, at its outlet in Pope county.

SEC. 2. It shall be the duty of the commissioners to meet at Benson, Swift county, on or before the first day of May, A. D. one thousand eight hundred and seventy-nine, and proceed to discharge the duties imposed upon them by the provisions of this act: *Provided*, That in the absence of any one of these commissioners the others shall have power to fill said vacancy, and the person so appointed shall have the same authority as by this act is conferred upon said commissioners.

SEC. 3. Said commissioners are hereby authorized to employ one surveyor and two chainmen; *Provided*, said commissioners shall receive three dollars per day for their services; the chainmen shall not receive more than two dollars per day, nor the surveyor more than five dollars per day for their services.