

sioners shall receive the sum of three dollars (\$3) per day; the surveyor shall receive the sum of five dollars (\$5) per day.

SEC. 5. Said commissioners shall, on or before the first (1st) day of December next, cause an accurate plat of the survey and location of said road to be made and filed in the office of the county auditor of both Ramsey and Washington counties.

SEC. 6. The expense incurred in the surveying, locating and establishing said road shall be equally paid by both of said counties.

SEC. 7. It shall be the duty of said commissioners to appraise the damages that may accrue to the owner of any lands through which said road may be established, and on or before the first (1st) day of December next, to file such appraisal in the office of the county auditor in which said land is situate.

SEC. 8. Any owner of lands through which said road may pass may appeal from the appraisal made by said commissioners to the district court of the proper county within thirty (30) days after the filing of said appraisal, as aforesaid, but not afterwards.

SEC. 9. Such appeal shall be taken by the service of a notice in writing upon the county auditor of the county in which such lands are situated, and in filing in the office of the clerk of the district court a copy of such notice, with proof of service; such appeal shall be prosecuted and determined in said court as other cases.

SEC. 10. All damages appraised by said commissioners, or determined and awarded by the court, shall be paid by the county in which the land is situated, except when the land is situated in an organized town, then and in that case the damage determined or awarded shall be paid by said town.

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

Approved March 4. 1881.

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## CHAPTER 279.

AN ACT to locate and establish a State road from the village of Herman in Grant county to the village of Lowell in Big Stone county.

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

SECTION 1. That O. C. Eaton, of Grant county, Andrew Dahl, of Traverse county, and James Smith, of Big Stone county, are hereby appointed commissioners to locate and establish a state road from the village of Herman, Grant county, to the village of Lowell, in Big Stone county.

SEC. 2. It shall be the duty of said commissioners to meet at Herman on or before the second (2nd) day of July, A. D. one

thousand eight hundred and eighty-one (1881), 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 the lands through which said road may pass, which oath shall be subscribed by each of the commissioners and deposited with the person before whom it is taken.

SEC. 3. That said commissioners are hereby authorized to employ all necessary help, and all reasonable expense incurred by them shall be paid by the counties through which the said road may pass, in proportion to the length of said road in each of the counties respectively, as certified to by the said commissioners, and all damages awarded by said commissioners shall be paid by the town in which the land is located to which the damaged parties as certified to by the said commissioners.

SEC. 4. The said commissioners shall cause a substantial stake, properly marked, to be set at each angle of said road and stakes to be set upon all slightly elevations and such other places on said road as they may deem advisable, and said commissioners shall cause accurate plats of said road to be filed in the office of the register of deeds in each of the counties through which the said road may pass, together with an accurate statement of all damages awarded by them, the said commissioners, which said plat and statement of damages shall be signed and certified to by the said commissioners.

SEC. 5. The making and filing of the plat of said road in the manner prescribed by section four (4) of this act, shall be sufficient to establish the said road without any further orders or instruments 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, and if any person feels aggrieved by such appraisal, he may within thirty days after notice of such appraisal, by himself or agent, appeal to the district court of the county in which such land is located, in the manner provided for appeals from justices' courts.

*Provided*, that posting in three conspicuous places for a period of thirty (30) days in each of the counties through which the said road may run, a statement of the damages awarded by said commissioners or the publication for three weeks of the said statement of damages in any newspaper published in either of the counties through which said road may run, shall be sufficient notice as required by this act.

SEC. 7. A majority of the commissioners named in this act shall have full authority to act as herein required, and in case a majority of the said commissioners cannot be found to act, then upon the notification of such fact by either of the said commissioners; the governor of the state may appoint to fill vacancies.

SEC. 8. This act shall take effect and be in force on and after its passage.

Approved February 26, 1881.