

CHAPTER XX.

An Act to provide for the use of Steam Traction Motors Feb'y 19, 1870.
for purposes of transportation.

- SECTION 1. County Commissioners to cause a road for steam traction transportation to be opened and laid out upon receipt of a petition signed by a majority of freeholders residing along the line of said proposed road requesting the construction of said road.
2. All roads opened under the provisions of this act to be of a uniform width.
 3. Of what material road bed may be constructed.
 4. When action shall be taken by County Commissioners in the construction of any road for steam traction transportation.
 5. Upon signing articles of agreement County Commissioners to cause a survey of the proposed line of road, and after ascertaining probable cost of construction, the question of building said road at expense of county to be submitted to legal voters of the county.
 6. Ballots, how prepared.
 7. If the result of said election be in favor of the construction, then the articles of agreement shall be countersigned, sealed and recorded by the proper officers.
 8. County Commissioners authorized to issue bonds for the amount necessary to defray the expenses of construction.
 9. Where bonds made payable—when made payable—at what rate of interest—cost per mile of said road.
 10. How principal and interest to be paid.
 11. If the majority of votes cast at said election was against said construction, the County Commissioners may cause the road to be opened and constructed by private means.
 12. When act to take effect.

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

SECTION 1. Upon the presentation of a petition signed by a majority of the freeholders and persons living on United States lands, who have filed their declaratory statement for the same in the proper land office, and actually residing at the time within one mile of the line of any road proposed to be used for steam traction transportation, asking for the legal establishment of such road as may be prescribed by such petitioners within the limits of the

When commissioners to cause road for steam traction transportation to be opened.

county in which said petitioners reside, it shall be the duty of the board of county commissioners of the proper county to cause a road for steam traction transportation to be laid out, opened and improved, in the same manner and under the same powers and restrictions in all respects as provided by law for laying out, opening or constructing and repairing county roads in this state, except as hereinafter provided.

All roads to be of uniform width. SEC. 2. All roads laid out and opened under the provisions of this act, for steam traction transportation, shall be a uniform width of twenty feet, and where steam traction transportation shall be used on the line of, and in connection with any existing road twenty feet in width on one side of said road may be appropriated exclusively to steam traction transportation, and said twenty feet may be separated from the portion appropriated to general use by a division fence if deemed expedient.

Of what material road bed may be constructed. SEC. 3. Road beds for steam traction transportation may be constructed with timber causeway foundations for clay, gravel or other material, or clay, gravel or other material may be used without causeway foundations for the purpose of making a good, substantial and hard road over soft ground, or wooden rails or trams may be used in constructing any such road when the same may be deemed proper, and where the character of the country demands it the road bed may be cut down or filled in to make the grade of the road suitable to the requirements of the steam traction motors. All bridges for the use of steam traction motors shall be constructed with a separate track for said motors from that used for a general track.

When commissioners shall take action in the construction of any such road. SEC. 4. No action shall be taken by any board of county commissioners in the improvement or construction of any road for steam traction transportation until an agreement shall have been entered into by and between the board of county commissioners, for and in behalf of the proper county, and some responsible person or the duly authorized representative of an association of persons, by which such person or association of persons shall be obliged to provide and operate on the road proposed to be opened such number of steam traction motors as will suffice to transport to and from the stations along said road specified in said agreement, without any unreasonable delay, and at a cost not exceeding the compensation to be specified in said agreement, all agricultural products or other freight belonging to any *bona fide* resident of such

county for a term of years not exceeding twenty, and in consideration of the above mentioned obligation and the faithful performance of the same, the board of county commissioners for and in behalf of the county in which the contemplated road is to be located and constructed, may secure to the said person or association of persons the right to operate said road with steam traction motors for the same term of years without interference or hindrance through any action of the county authorities of the said county.

SEC. 5. As soon as said agreement shall have been signed by said person or representative of an association of persons, party of the one part, and by the chairman of the board of county commissioners of the proper county, party of the other part to said agreement, the said board of county commissioners shall cause the line and limits of said proposed road to be definitely surveyed and marked, including the portion of any road already established that is proposed to be devoted to steam traction transportation, and shall ascertain as near as may be the amount of improvement necessary to put said road in proper condition for steam traction transportation and the probable cost of the same, and having obtained satisfactory information upon these points, the board of county commissioners shall authorize a special election to be held in the proper county, at which election the legal voters of the county will determine whether the road shall be constructed at the expense of the county or not, the notice of the time and place of holding said election, the qualification of voters, the opening and closing of polls, and the counting, canvassing and return of votes shall be in conformity to the law regulating special elections in the several counties in this state. *Provided*, That the notice calling such election shall contain a full statement of the terms of the agreement entered into for steam traction transportation over the proposed road, the location and points on the road, the estimated cost of constructing the road, and the probable amount of freight belonging to citizens of the county that will pass over the road per annum.

SEC. 6. At all elections to be held under the provisions of this act, the voters voting in favor of constructing any road at the expense of the county, as specified in the notice for holding the election, shall deposit a ballot, with the words written or printed, or partly written and partly printed thereon, "Construction of steam traction road from

When to cause a survey of the proposed road—question of county paying cost of road submitted to voters.

Ballots how prepared.

(designating the point of beginning) to (designating the terminus), yes," and the voters opposed to the construction of said road, voting at said election, shall deposit ballots with the words written or printed or partly written and partly printed thereon, "Construction of steam traction road from (designating the place of beginning) to (designating the terminus), no."

SEC. 7. If a canvass of the votes polled in any county at any election as herein provided shall show that a majority of the voters of such county voting at such election voted in favor of the construction of such road for steam traction transportation, then the agreement entered into as provided in section four of this act, shall be countersigned by the auditor of the county, sealed with the seal of the board of county commissioners, and recorded by the register of deeds, and being stamped in accordance with the revenue laws of the United States, shall thereafter be and remain binding upon the parties thereto in all its provisions. *Provided*, said agreement shall not contravene the provisions of this act or of the constitution of the state of Minnesota, and the board of county commissioners shall forthwith proceed to have the road as designated for steam traction transportation opened and improved for such transportation in conformity to the survey and estimates embraced in the notice for holding the election at which the construction of the road was authorized.

When agreement to be countersigned, sealed and recorded.

Commissioners to issue bonds to defray expenses.

SEC. 8. To provide means for constructing any road authorized to be constructed as provided by this act in any county in this state, the board of county commissioners of the county in which said road so authorized to be constructed may be located, are hereby authorized and empowered to issue the bonds of the county for the amount necessary to defray the expense of improving and constructing said road so authorized to be improved and constructed. *Provided*, That said bonds shall not exceed in the aggregate the amount of the estimated expense of improving and constructing said road as set forth in the notice for holding the election at which the improvement and construction of said road was authorized by the votes of a majority of the voters of the county voting at said election.

SEC. 9. Said bonds shall be made payable in the city of New York not less than ten nor more than twenty years after the date thereof with interest coupons attached, providing for the semi-annual payment of interest at the rate

of ten per cent. per annum, and said bonds shall be disposed of at par in payment for material furnished and for labor performed for the improvement and construction of the road so authorized to be constructed and improved for steam traction transportation and for no other purpose whatever. *Provided*, That not more than three thousand dollars shall be paid for the improvement or construction of any one mile of any road to be improved or constructed under the provisions of this act, to include the improvement or construction of bridges, causeways, putting down wooden rails or trams, cutting, filling, or any other improvement or work whatever.

Where and when bonds made payable—rate of interest—cost per mile of said road.

SEC. 10. For the purpose of providing for the punctual payment of the maturing interest and principal (on) all bonds issued under the authority of this act, a tax upon the taxable property in the several counties in which such bonds shall be issued as heretofore provided, shall be assessed and levied each year sufficient to pay all the interest and principal of such bonds as may mature and become payable before the time fixed by law for the collection of any such tax for the next succeeding year. All such taxes authorized by this act shall be levied and collected at the same time and in the same manner that other county taxes are levied and collected, and such taxes levied and collected for the payment of the principal and interest of the bonds so issued shall be applied to such payment and to no other purpose.

How principal and interest to be paid.

SEC. 11. If, upon canvassing the votes polled at any election in any county in this state, held in pursuance of sections five and six of this act, it shall appear that a majority of the votes cast at said election was cast against the construction of the road designated at the expense of the county, then, and in that case, the said road shall not be constructed at the expense of the county, but at the request of a majority of the freeholders and persons living on United States lands who have filed there declaratory statement for the same in the proper land office, and residing at the time within one mile of the line of said road as surveyed and marked, it shall be lawful for the county commissioners of the county to cause the road to be opened, and the road may be improved and constructed with private means, and be operated in all respects as is provided by this act for improving, constructing and operating county roads for steam traction transportation, except that no agreement between the board of county com-

When commissioners to cause road to be opened by private means

missioners of the county and the person or association of persons operating said road shall be binding.

When act to take effect. SEC. 12. This act shall take effect and be in force from and after its passage.

Approved February 19, 1870.

CHAPTER XXI.

March 4, 1870.

An Act proposing an amendment to Section Three of Article Ten of the Constitution.

- SECTION 1. Amendment to Section Three (3), Article Ten (10) of the Constitution. Liabilities of stockholders in any corporation—exception.
2. Amendment to be submitted to the voters at the next general election—the votes to be canvassed and returned as by law provided.
 3. Ballots, how prepared.
 4. When act to take effect.

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

SECTION 1. The following amendment to the constitution is hereby proposed for publication and approval, or rejection, by the people, in accordance with section one of article fourteen of the constitution, that is to say, that section three, of article ten, of the constitution, be amended so as to read as follows:

Amendment to constitution proposed—liabilities of stockholders—exception. SEC. 3. Each stockholder in any corporation, (railroad corporations excepted), shall be liable to the amount of the stock held or owned by him.

To be submitted to voters—votes how canvassed.

SEC. 2. This proposed amendment shall be submitted to the people for their approval or rejection at the general election for the year one thousand eight hundred and seventy, and each of the legal voters of the state, in their respective districts, may, at such election vote by ballot for or against such amendment, and the returns thereof