

ing out said road, shall be paid by the counties through which said road shall pass, in proportion to the length of said road in such counties, the amount to be paid by each county respectively, to be assessed by the commissioners who shall lay out and mark said road: Expenses to be paid by counties through which said road passes

SEC. 5. This Act shall take effect and be in force from and after its passage. Act, when to take effect

Approved March 7th, A. D. 1861.

CHAPTER XVI.

An Act to Provide for the Location and Construction of a State Road from the City of Saint Paul in Ramsey County, to the Town of Owatonna in Steele County.

- SECTION 1. Commissioners appointed—who to fill vacancies in case of neglect to serve.
 2. When and where said Commissioners to meet—to file plat of road.
 3. Who to pay expenses.
 4. Width of road—counties through which road passes to be at no expense.
 5. Act—when to take effect.

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

SECTION 1. That Peter Berkey, William Branch, and Charles N. Mackubin are hereby appointed commissioners to survey and locate a State road commencing at some point on the west bank of the Mississippi River opposite Saint Paul, to be selected by said commissioners or a majority of them; thence running by the shortest and best route to the town of Owatonna in Steele county, with a branch to Lakeville in the county of Dakota, and to that end the said commissioners are authorized to enter upon and cross the lands of any party or parties, and to take any lands necessary to be used for such road, upon first paying compensation therefor in the manner prescribed by law, in cases where roads are laid out and opened by town supervisors, and if any one of said commissioners shall neglect or refuse to serve, the judge of the district Commissioners appointed—who to fill vacancies

court of the second judicial district is hereby authorized and required to fill such vacancy.

When and where commissioners are to meet—to file plat of road

SEC. 2. The said commissioners shall meet in the city of Saint Paul on the first Monday in April, A. D. 1861, or as soon thereafter as they deem expedient, and shall within thirty days after their first meeting, proceed to survey and locate said road, and they shall make or procure to be made, a plat of said road and have the same filed in the office of the proper town clerks as required by section four of article three of chapter four of the laws of 1860, of town supervisors.

Who to pay expenses

SEC. 3. The city of Saint Paul is hereby authorized and empowered to expend upon the laying out and constructing of said road, a sum not exceeding twenty-five thousand dollars, but such sum shall not be expended except upon the vote of two thirds of all the members of the common council appropriating the same or some part thereof to be approved by the Mayor; and said appropriation may be made out of the city treasury or by city bonds to be issued by said city, bearing interest at a rate not exceeding seven per cent. per annum, and to run not less than fifteen years.

Width of road—counties through which road passes to be at no expense

SEC. 4. The road provided to be opened under the provisions of this Act, shall be four rods wide, and shall be opened and constructed without any expense to the counties or towns through which it shall pass, unless the towns or counties shall, by a vote of the electors of such town or county, at a general election or a special election to be called therefor, appropriate money for that purpose, which they are hereby authorized to do; *Provided*, that twelve days notice shall have been given prior to such election that the question of appropriating money for the purpose of building such road will be submitted to the electors of such election.

Act, when to take effect

SEC. 5. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.