

made in that behalf by the said commissioners. *Provided*, That the aggregate amount of such damages so paid or satisfied, shall not exceed, exclusive of interest, the sum of one thousand dollars.

SEC. 2. The board of county commissioners of said county may cause such payment to be made out of the funds of said county, or may issue the bonds of said county for the purpose aforesaid, bearing interest not exceeding seven per cent. per annum.

SEC. 3. This act shall take effect from and after its passage.

Approved February 3, 1864.

CHAPTER XLIX.

An Act to legalize the action and certain resolutions of the Common Council of the City of Saint Paul, in relation to the bonds of said city, in aid of the construction of the Lake Superior and Mississippi Railroad.

Resolutions adopted by the Common Council of the city of St. Paul, in relation to the issuing of bonds to aid in the construction of said road.

- SECTION 1. Foregoing resolutions legalized and confirmed.
2. Duty of Common Council upon performance of the conditions provided in said resolutions.
3. Common Council to cause an annual tax to be levied to pay interest on said bonds.
4. When act to take effect.

WHEREAS, The common council of the city of St. Paul, on the first day of December, A. D. 1863, adopted resolutions as follows, to-wit:

Be it resolved, by the common council of the city of St. Paul, That this city will issue to the Lake Superior and Mississippi Railroad Company the bonds of said city, with coupons attached, payable in the city of

Resolutions

New York, to the amount of two hundred and fifty thousand dollars, in sums of five hundred and one thousand dollars each, redeemable as follows: Seventy-five thousand dollars in twenty years, seventy-five thousand dollars in twenty-five years, and one hundred thousand dollars in thirty years after the date thereof, bearing interest, payable semi-annually, at the rate of six per cent. per annum, as a bonus to insure the building of said road, in as near a direct line from St. Paul to Lake Superior as practicable, keeping the general line within the limits of the State; said practicable line to be fixed by the engineer of said company, said bonds to be issued to said railroad company upon the completion of said railroad, with cars running thereon, with suitable engines to move passengers and freight from St. Paul to Lake Superior. *Provided*, That work shall be commenced on said railroad by the first day of July, 1864, and shall be completed within five years thereafter, and that twenty miles of said road shall be graded within two years. *And provided further*, That the proper authority from the legislature of this State shall be granted in this behalf. *And it is further provided*, That this resolution shall not be operative, nor go into effect until the same shall be ratified by a vote of the qualified electors of said city, in manner following, to-wit, &c., &c.:

That on the fifteenth day of December, 1863, a special election shall be held in said city, to be conducted by the same officers, and in the same manner required by law in the election for city officers of said city; and at said election those qualified electors desiring to vote in favor of said resolution, shall vote by ballot, with the words written or printed thereon, "For aid to railroad from St. Paul to Lake Superior," and those desiring to vote against such resolution, by ballot, with the words written or printed thereon, "Against aid to railroad from St. Paul to Lake Superior;" that the returns of said election shall be made and canvassed in like manner as returns for elections for officers of said city; and upon being confirmed by the common council, and it appearing that a majority of the votes were in favor of such resolution, and the proper legislative authority being obtained, said resolution shall then go

into effect, and the faith of said city stands pledged for the fulfilment thereof.

And whereas the said resolutions have been ratified by a vote of the qualified electors of said city, at an election held at the time in said resolutions named, therefore,

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

SECTION 1. That the said resolutions, proceedings and action of the said common council (and electors) of the city of St. Paul be and the same are in all respects legalized and confirmed. Foregoing resolutions legalized

SEC. 2. That upon performance of the conditions in said resolutions, provided to be done and performed upon the part of said Lake Superior and Mississippi Railroad Company, it shall be the duty of said common council of said city of St. Paul, to make and deliver to said railroad company the bonds of said city, to the amount, and payable to said company in the manner and at the times in said resolutions provided; and that the faith of said city be pledged for the payment of the interest and principal thereof. Duty of council upon performance of conditions provided in said resolutions

SEC. 3. That in case said company shall become entitled to said bonds, the said common council shall annually cause a tax to be assessed and levied upon the taxable property of said city, sufficient to pay the accruing interest, and provide a sinking fund for the ultimate payment of the principal of said bonds, and apply the same exclusively for the purposes aforesaid. To levy tax for payment of interest
Provided, That nothing in this act contained shall be hold or construed in any way to authorize or require the common council of the city of Saint Paul aforesaid to make, issue, or deliver the said bonds, or any of the same, to said railroad company, their successors or assigns, until said railroad is completed from St. Paul to Lake Superior, and the cars running thereon; nor shall said bonds, or any of the same, be issued or delivered to said company, their successors or assigns, unless the said railroad shall be so fully completed, and in running order, within the five years aforesaid. *And provided, also*, That said bonds shall express upon their face the precise object for which they shall be issued.

SEC. 4. This act to take effect from and after its passage.

Approved February 3, 1864.

CHAPTER L.

An Act to provide for the location of a State Road from Shakopee, Scott County, to intersect the Big Sioux and Mendota road.

- SECTION 1. Commissioners appointed—for what purpose.
 2. When Commissioners to meet.
 3. May employ assistants—compensation.
 4. To file plat of road.
 5. Damages sustained—how paid.
 6. Right of way—when deemed to be established.
 7. When act to take effect.

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

For what purpose
commissioners ap-
pointed

SECTION 1. That Z. Y. Hatch, Peter Crosby and Martin Phelan be and they are hereby appointed commissioners to survey, locate and establish a State road, commencing at Shakopee, in Scott county, thence running south, along the township lines, between township ranges twenty-two and twenty-three, as near as practicable, to intersect the Big Sioux and Mendota road.

When commis-
sioners to meet

SEC. 2. It shall be the duty of the commissioners to meet at Shakopee on the first Monday in May next, or as soon thereafter as practicable, and proceed to the discharge of their duties under this act.

May employ assis-
tants—compensa-
tion

SEC. 3. The commissioners appointed by this act are hereby authorized to employ, in discharging their duties under this act, one surveyor from Scott county, one axeman from Le Sueur county, and one chainman from Rice county. *Provided*, That said commissioners shall not receive more than two dollars per day; axeman and chainman not more than one dollar and fifty