

"*Provided*, that neither the city council nor any other department of the city government of St. Paul shall have any authority to appropriate any money or carry any cash or credit to said police pension fund from any source, or in any manner, except as now provided by law, and except to reimburse the same."

Third—By adding another section to read as follows:

"Sec. 6. This act shall take effect and be in force from and after its passage."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

CHAPTER 12.

[H. F. No. 1142.]

AN ACT TO AMEND THE CHARTER OF THE CITY OF ST. PAUL IN RELATION TO THE DUTIES AND POWERS OF THE BOARD OF PUBLIC WORKS OF SAID CITY.

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

SECTION 1. That section two (2) of title one (1) of chapter seven (7) of Chapter seven (7) of the Special Laws of one thousand eight hundred and eighty-seven (1887), as amended by Chapter thirty-two (32) of the Special Laws of one thousand eight hundred and eighty-nine, (1889) be and the same is hereby amended by adding thereto the following:

"And the city of St. Paul is hereby authorized and empowered to change the grade of any street and condemn and take an easement in the land abutting on said street for the construction of slopes and fills in the grading of said street to the grade as so changed as one (1) improvement and under one (1) and the same proceeding."

SEC. 2. That section seventeen (17) of title one (1) of chapter seven (7) of Chapter seven (7) of the Special Laws of eighteen hundred and eighty-seven (1887) be and the same is hereby amended so as to read as follows:

Sec. 17. When such assessment shall have been confirmed the same shall be a lawful and sufficient condemnation of the land ordered to be appropriated, and of every right, title, estate, lien and interest therein except as to those who have appealed therefrom as provided by section sixteen (16) of this title. The city of St. Paul shall thereupon cause to be paid to the owner of such property the amount of damages over and above all benefits which may have been awarded therefor within six (6) months after date of the confirmation of such assessment, with interest at the rate of seven (7) per cent per annum. If in any case there shall be any doubt as to who is entitled to the damages for land taken, the city may require of the claimant a bond with good and sufficient sureties to hold the city harmless from all loss, costs and expenses in case any person should claim such damages. In all cases the title to the land taken and condemned in the manner aforesaid shall be vested absolutely in the city of St. Paul in fee simple;

Provided, however, that when it may be necessary to condemn any land for the opening, extension or the widening of any street over which any stream of water runs, and which the owner thereof may desire to utilize as a water power, the common council, upon being advised of such fact, may order the taking and the condemnation of the necessary land for such street, with the reservation that the owner of such land shall have the right to construct flumes or mill races across, through or under said street, and construct dams above and below said street and the flow of said land; *Provided further,* said flumes, races, dams, or flowing shall be so constructed and used as not to obstruct public travel on said street. It shall be the duty of the clerk of the board to cause all deeds taken by the city for land acquired by condemnation to be recorded without delay, and the said clerk shall be the custodian thereof. In case no deed is given it shall be the duty of said clerk to cause the county auditor and city treasurer to be notified of the title so acquired by the city, giving to each of them a description of the land so acquired, and it shall be the duty of the register of deeds of the county of Ramsey to record all such deeds without requiring the certificate of the county auditor, county treasurer or city treasurer that the taxes and assessments thereon have been paid.

SEC. 3. That section eighteen (18) of title one (1) of chapter seven (7) of Chapter seven (7) of the Special Laws of eighteen hundred and eighty-seven (1887), as amended by Chapter thirty-two (32) of the Special Laws of one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended so as to read as follows:

Sec. 18. The city of St. Paul shall have the right to enter upon and take possession of the lands and property ordered to be condemned, or of any easement therein, and to appropriate such lands, property or easement to the purposes for which the same is condemned upon the confirmation of the assessment, as hereinbefore provided. In case an appeal shall be taken from the confirmation of such assessment, the same shall not delay the right of the city to enter upon and appropriate the property condemned.

SEC. 4. That section twenty-seven (27) of title one (1) of chapter seven (7) of chapter seven (7) of the Special Laws of one thousand eight hundred and eighty-seven (1887) be and the same is hereby amended by adding to said section the following proviso:

“Provided, that in lieu of the bond in this section provided for, the bidder may deposit with said bid a duly certified check upon any of the banks of the city of St. Paul, payable to the clerk of said board for the use of the city of St. Paul. Such check shall be for ten (10) per cent of the amount bid, as near as can be ascertained. All checks shall be returned to the person depositing the same after the bids are opened, except that of the successful bidder, which shall be retained as a guaranty that he will enter into a contract with the city of St. Paul for the performance of the work ordered to be done. The said check so retained shall be returned to the successful bidder as soon as he shall have entered into a contract for the doing of said work.”

SEC. 5. That section thirty-six (36) of title one (1) of chapter seven (7) of Chapter seven (7) of the Special Laws of one thousand eight hundred and eighty-seven (1887) be and the same is hereby amended so as to read as follows:

Sec. 36. It shall be the duty of the city treasurer, immediately after the expiration of the thirty (30) days or after ten (10) days on a reas-

assessment or a new assessment warrant mentioned in the preceding section, to report to the district court of Ramsey county at any general or special term thereof, all assessment warrants for the collection of any assessments under the provisions of this chapter which have been delivered to him, and then and there ask for judgment against the several lots and parcels of land described in such warrants for the amounts of assessment, interest and costs respectively due thereon. The city treasurer shall previously give at least ten (10) days' notice by two (2) publications in the official paper of said city of his intended application for judgment, which notice shall briefly specify the respective warrants upon which such application is to be made and a description of the property against which judgment is desired, and require all persons interested to attend at said term.

Said treasurer shall also give five (5) days' personal notice to the same effect to all property holders interested or their agents resident in the city of St. Paul. Such personal notice may be made by depositing in the St. Paul post office a postal card addressed to the property owners to be assessed or their agents resident in St. Paul, upon which card shall be printed or written such notice of application for judgment; but the failure to give such notice shall in no wise effect the validity of the judgment applied for or any of the proceedings. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid and intended application by the city treasurer to such court for judgment, and shall be held a sufficient demand and refusal to pay the said assessment.

SEC. 6. That section forty-four (44) of title one (1) of chapter seven (7) of Chapter seven (7) of the Special Laws of one thousand eight hundred and eighty-seven (1887) be and the same is hereby amended by striking out of said section the words, "duly acknowledged before a notary public and signed by two (2) witnesses," in the second (2d) and third (3d) lines of said section.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

CHAPTER 13.

[H. F. No. 331.]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE CITY OF ST. PAUL AND THE ACTS AMENDATORY THEREOF," BEING CHAPTER FORTY-EIGHT (48) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA, FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), APPROVED FEBRUARY TWENTY-SECOND (22), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887).

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

SECTION 1. That sub-division six (6), of section three (3) of an act entitled "An act to amend the charter of the city of St. Paul and the acts