

nexed to the said city of Duluth in accordance with the provisions of this act.

SEC. 6. All acts or parts of acts inconsistent with this act are hereby repealed.

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

Approved April 2, 1891.

CHAPTER 58.

[S. F. No. 609.]

AN ACT TO AMEND "AN ACT TO INCORPORATE THE CITY OF SOUTH ST. PAUL" AS AMENDED BY THE SEVERAL ACTS AMENDATORY THEREOF, AND TO AUTHORIZE SAID CITY TO ISSUE BONDS FOR VARIOUS PURPOSES.

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

SECTION 1. That section one (1) of chapter two (2) of said act, as amended by section five (5) of an act amendatory thereof, approved February eighth (8th) one thousand eight hundred and eighty-nine (1889), be amended so as to read as follows:

Sec. 1. An election for the elective offices and aldermen herein provided for shall be held in said city on the first (1st) Tuesday in June, A. D. one thousand eight hundred and ninety-one (1891), and on the first (1st) Tuesday in June every two (2) years thereafter. Notice of the time and place of holding such election and of the officers to be elected shall be given in the manner and at the time prescribed by the general election law of the state; *Provided*, that for the election to be held on the first (1st) Tuesday in June, A. D. one thousand eight hundred and ninety-one (1891), the mayor of said city shall, at least twenty (20) days before the day of said election, designate the place in each election precinct of said city for holding said election, and shall give at least twenty (20) days previous notice of the time and place of holding such election and of the officers to be elected; said notice to be in the form and to be posted as provided in the general election law of the state; *And provided further*, that the judges of said election to be held on the first (1st) Tuesday of June, A. D. one thousand eight hundred and ninety-one (1891), shall be appointed by the mayor of said city.

SEC. 2. That section two (2) of chapter two (2) of said act as amended by section six (6) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and eighty-nine (1889), which amendatory act was amended by section one (1) of an act amendatory thereof, approved April twenty-fourth (24th), one thousand eight hundred and eighty-nine (1889), be amended so as to read as follows:

Sec. 2. The elective officers of said city shall be a mayor, a city treasurer, a city recorder, a city justice and one (1) constable, all of which officers shall be residents within and qualified electors of said city.

A city attorney shall be elected for a term of two (2) years by the common council of said city, on the first (1st) Tuesday of July, A. D. one thousand eight hundred and ninety-one (1891), and every two (2) years thereafter, at a compensation to be fixed by said common council at the time of his election, and which shall not be increased or diminished during his term of office. It shall not be necessary for said city attorney to be a resident or qualified elector of said city, and he shall not be removed except for cause and after an impartial hearing, as provided for in section three (3) of chapter two (2) of said act, in the case of an officer elected by the people.

At the election to be held on the first (1st) Tuesday in June, A. D. one thousand eight hundred and ninety-one (1891), and every two (2) years thereafter, there shall be elected two (2) aldermen in each aldermanic district of said city, who shall serve for the period of two (2) years, commencing on the first (1st) Tuesday of July next succeeding the day of their election and until their successors are elected and qualified.

Each of said aldermen to be hereafter elected shall be a qualified elector and actual resident of the ward and district for which he may be elected, and shall continue to reside in such ward and district during the time he shall serve as such alderman.

The term of office of all officers and all aldermen heretofore elected or appointed and now holding office in said city shall expire on the first (1st) Tuesday in July, A. D. one thousand eight hundred and ninety-one (1891), or as soon thereafter as their successor shall qualify, and all provisions contrary thereto and in conflict therewith contained in the act incorporating said city or in the amendments thereto are hereby repealed.

All other officers necessary for the proper management of the affairs of said city and not otherwise provided for shall be appointed by the common council.

SEC. 3. That section six (6) of chapter two (2) of said act, as amended by section seven (7) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and eighty-nine (1889), be amended so as to read as follows:

Sec. 6. All persons entitled to vote for state and county officers shall be entitled to vote at any election in said city in the election district of which they shall at the time have been residents for ten (10) days immediately preceding the election, and any person entitled to vote at such election shall be eligible to any office in said city elective by the people in the election district wherein he shall have resided thirty (30) days previous to his election.

The returns of all city elections shall be made to the city recorder, and the common council shall canvass said returns and declare the result thereof; *Provided*, that the returns for the election to be held on the first (1st) Tuesday of June, A. D. one thousand eight hundred and ninety-one (1891), shall be made to the county auditor of Dakota county, who, on or before the tenth (10th) day after said election, shall canvass the same and declare the results thereof.

SEC. 4. That section two (2) of chapter three (3) of said act be amended by adding thereto the following:

"The mayor shall be *ex-officio* member of the common council and president of the same, but shall have no vote except in case of a tie.

The mayor shall be the chief executive officer and head of the police department, and shall have power to appoint all of the police officers and to remove the same for cause, the number of police officers to be determined by the common council."

SEC. 5. That section eighteen (18) of chapter three (3) of said act be amended by adding thereto the following:

"The mayor of said city shall receive a salary at the rate of..... () dollars per annum; the city recorder shall receive a salary at the rate of one thousand (\$1,000) dollars per annum, and the city treasurer shall receive a salary at the rate of six hundred (600) dollars per annum, said salaries being payable monthly on the last day of each month.

Provided, that the city justice shall receive from and after the passage of this act, in lieu of all fees in criminal cases, the sum of five hundred dollars (\$500) per annum, payable monthly."

SEC. 6. That chapter three (3) of said act be amended by adding thereto the following section:

SEC. 20. The office of city clerk and the office of city comptroller, from and after the first (1st) Tuesday in June, A. D. one thousand eight hundred and ninety-one (1891), or as soon thereafter as the city recorder shall qualify, are hereby declared abolished and the office of city recorder created and substituted in lieu thereof. All the duties imposed upon and all the powers given to the city clerk and the city comptroller by the act incorporating said city, and the several acts amendatory thereof, shall be performed by and are conferred upon the city recorder; and whenever in said acts and the amendments thereto, the city clerk or the city comptroller shall be mentioned or referred to, the city recorder shall be substituted in place thereof; *Provided*, that, when by any provision or provisions of said act and said amendments, the city clerk and the city comptroller are each required to do and perform certain acts in reference to the same matter, in every such case, the city recorder, when doing the acts required of the city clerk, shall sign himself and be styled, "City Recorder, Acting as City Clerk," and when doing the acts required of the city comptroller, shall sign himself and be styled, "City Recorder, Acting as City Comptroller."

SEC. 7. That section one (1) of chapter five (5) of said act be amended by striking out the following portion thereof:

"The said common council shall have full power and authority to issue bonds to fund the floating or funded indebtedness of the city, such bonds to be payable in not less than ten (10) years after date, with interest payable semi-annually in the city of New York or in the city of South St. Paul," and by adding to said section the following:

"No bonds shall hereafter be issued by said city unless expressly authorized by the legislature of the state, and certificates of indebtedness issued by said city, outstanding and unpaid, shall at no time exceed in the aggregate the sum of one thousand (1,000) dollars."

SEC. 8. Authority is hereby granted to the city of South St. Paul to issue bonds, not to exceed the sum of fifteen thousand (15,000) dollars, drawing such rate of interest, not to exceed six (6) per cent per annum, to fund the existing floating indebtedness of such city.

SEC. 9. That section twenty-five (25) of chapter six (6) of said act, as amended by section twenty-four (24) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and

eighty-nine (1889), be amended by striking out in the eighth (8th) line thereof the words "for at least ten (10) times," and substituting in lieu of the same the words "two (2) times."

SEC. 10. That section thirty one (31) of chapter six (6) of said act be amended by striking out in the third (3d) line thereof the word "ten (10)" and inserting in lieu thereof the word "two (2)."

SEC. 11. That section thirty-four (34) of chapter six (6) of said act, as amended by section twenty-seven (27) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and eighty-nine (1889), be amended by striking out in the eleventh (11th) line thereof the word "three (3)" and inserting in lieu thereof the word "two (2)."

SEC. 12. That section thirty-nine (39) of chapter six (6) of said act be amended by striking out in the twelfth (12th) line thereof the words "at least three (3) times" and inserting in lieu thereof the words "two (2) times."

SEC. 13. That section forty-five (45) of chapter six (6) of said act be amended by striking out in lines twenty-three (23) and twenty-four (24) thereof the words "by at least five (5) publications" and inserting in lieu thereof the words "three (3) publications."

SEC. 14. That section two (2) of chapter eight (8) of said act, as amended by section thirty three (33) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and eighty-nine (1889), be amended by striking out said section thirty-three (33) of said amendatory act, so that the same shall read as provided in section two (2) of chapter eight (8) of said act incorporating the city.

SEC. 15. That section three (3) of chapter eight (8) of said act, as amended by section thirty-four (34) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and eighty-nine (1889), be amended by striking out said section thirty-four (34) of said amendatory act, so that the same shall read as provided in section (3) of chapter eighth (8th) of said act incorporating the city.

SEC. 16. That section twenty-one (21) of chapter nine (9) of said act, as amended by section thirty-eight (38) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and eighty-nine (1889), be amended so as to read as follows:

Sec. 21. The common council shall, at its first (1st) meeting in July of each year, or as soon thereafter as may be, cause the city recorder to advertise in the official paper of the city for sealed proposals for publishing in some public newspaper, which shall have been printed, published and of general circulation in said city, at least three months prior to the making of such proposals, the ordinances, official proceedings of the council and other matters required in the charter or the ordinances and resolutions of the city to be published in a public newspaper, such proposals to state the kind of type proposed to be used, the width of the columns of such newspaper named in such proposal, and the price for the first (1st) insertion and for each additional insertion of all matter so to be published; said proposals to be marked "Proposals for Advertising," and addressed to the common council, which proposals shall be opened at the next meeting of the council, and the contract for such publishing awarded to such newspaper bidding the lowest therefor, which paper shall be declared the official paper of the city.

In case any two (2) bids are the same, the common council may select one of such papers. The proprietor or proprietors of such paper shall enter into a written contract for the performance of the duties required of such paper, and give bonds in the sum of five hundred (500) dollars, with two satisfactory sureties, to be approved by the council, conditioned for the faithful performance of such contract.

Provided, that the price paid to any paper for publishing as aforesaid shall be at a rate not to exceed forty (40) cents per square for the first (1st) or any subsequent insertion, and if no newspaper published in said city will do said publishing at said price, then the common council may designate some newspaper published in the city of St. Paul, Minnesota.

Every ordinance of said city shall, after its passage, be published in the official newspaper of the city, and shall not be enforced until after such publication. The proof of such publication, by the affidavit of the foreman, or one of the publishers of such newspaper, with a printed copy of the ordinance annexed thereto, or any other competent proof of such publication, shall be conclusive evidence of the legal passage, enactment, publication and promulgation of such ordinance, in any court in the state.

SEC. 17. That section eleven (11) of chapter four (4) of said act be amended so as to read as follows:

Sec. 11. The common council is hereby authorized to issue the bonds of said city for the purpose of defraying the cost and expense of constructing such water works for said city as may hereafter be determined upon, to an amount not exceeding the sum of one hundred thousand (100,000) dollars, to be issued in such denominations and payable at such times, not to exceed thirty (30) years, drawing such rate of interest, not to exceed six (6) per cent per annum, and at such place as the common council shall determine.

Provided, however, that before said bonds shall be issued, the common council shall agree upon and adopt, by a three-fourths (¾) vote of all its members, a proposal or plan for supplying the people of said city with water, which proposal or plan shall state the plans and specifications for constructing said water works, together with an estimate of the total cost thereof, and shall specify the method by which the people of said city are to pay therefor, but no proposal or plan shall be adopted which provides for a frontage tax greater than at the rate of ten (10) cents per foot or less than at the rate of five (5) cents per foot per annum.

And provided further, that before the common council shall have power to issue said bonds the proposition of issuing the same shall be submitted to the qualified electors of said city, at a special election to be called for that purpose, and must receive in favor thereof the votes of at least a majority of the qualified electors voting at such election.

It shall be the duty of the common council to order a special election to vote upon said proposition within sixty (60) days after the adoption by said common council of the proposal or plan of supplying the people of said city with water. Said election shall be held in the same manner as elections for city officers. Those voting at such election in favor of issuing said bonds shall have written or printed, or partly written and partly printed, on their ballots, "For Issuing Water Bonds—Yes," and those voting against the issuing of said bonds shall have written or printed, or partly written and partly printed, on their ballots, "For Issuing Water Bonds—No."

The proposal or plan adopted by the common council shall be kept by the city recorder where access can be had to the same by any person who is a qualified voter, at any reasonable hour of the day, and for at least fifteen (15) days prior to the time of holding the election.

The common council shall have power to enter into contract for the city with any individual, company or corporation, for the purpose of supplying water to the people of said city; *Provided, however*, that the terms of any such contract shall first be approved by the common council, by a majority vote of all its members; *And provided further*, that the same shall be submitted to the qualified electors of said city at a special election, and receive in favor thereof the votes of at least a majority of the qualified electors voting at said election. It shall be the duty of the common council to order a special election to vote upon such proposed contract within sixty (60) days after the approval thereof by the common council. Said election shall be held in the same manner as elections for city officers. Those voting at such election in favor of such proposed contract shall have written or printed, or partly written and partly printed, on their ballots, "Contract for Water Works—Yes," and those voting against such proposed contract shall have written or printed, or partly written and partly printed, on their ballots, "Contract for Water Works—No."

The common council shall have power to construct, operate and maintain water mains, cisterns, hydrants and all appurtenances belonging thereto, on any of the public streets, alleys, parks and squares of said city, and, upon consent of the owners thereof, through any private grounds in said city; and in case permission is not granted to enter upon private property for the purpose herein mentioned, when necessary for public purposes, any such property may be valued and condemned as provided by law.

The common council shall have authority to levy a water tax upon all persons using the water furnished by the city and to levy a frontage tax upon all property fronting on the water mains of the city and to enforce the collection of said taxes, which shall be levied and collected in the same manner city taxes are now levied and collected; *Provided*, that said frontage tax shall not be at a rate greater than ten (10) cents per foot per annum nor at a rate less than five (5) cents per foot per annum.

The mayor and the city treasurer are hereby authorized and empowered to issue an evidence of indebtedness in the sum of nine hundred and eighty-three (983) dollars, or so much thereof as will be necessary to liquidate the claim of Charles H. Chaffee for building sidewalks in said city. That said evidence of indebtedness so issued shall be signed by the mayor and city treasurer aforesaid and countersigned by the city clerk, and when so issued shall have the effect and force of any certificate of indebtedness issued by said city, under the charter thereof and the amendments thereto.

SEC. 18. The common council is hereby authorized to issue the bonds of said city for the purpose of aiding in defraying the cost and expense of constructing a combination railroad and wagon bridge, or both, as may be determined hereafter, to an amount not to exceed seventy-five thousand (75,000) dollars, to be issued in such denominations, and payable at such times, not to exceed thirty (30) years, and at such rate of interest, not to exceed six (6) per cent per annum, and at such place as may be determined.

Provided, however, that before said bonds shall be issued the common council shall agree to adopt, by a three-fourths (¾) vote of all its members, a proposal or plan for building such bridge, which proposal or plan shall state the plan and specifications for constructing said bridge, together with an estimate of the total cost thereof; *Provided further,* that before the common council shall have power to issue said bonds, the proposition of issuing the same shall be submitted to the qualified electors of said city at a special election, and must receive in favor thereof the votes of at least a majority of the qualified electors voting at said election. It shall be the duty of the common council to order a special election to vote upon said proposition within sixty (60) days after the adoption by said common council of the proposal or plan for building said bridge. Said election shall be held in the same manner as elections for city officers. Those voting at such election in favor of issuing such bonds shall have written or printed, or partly written and partly printed, on their ballots, "For Issuing Bridge Bonds—Yes," and those voting against the issuing of such bonds shall have written or printed, or partly written and partly printed, on their ballots, "For Issuing Bridge Bonds—No."

SEC. 19. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 20. This act shall take effect and be in force from and after its passage.

Approved April 23, 1891.

CHAPTER 59.

[H. F. No. 252.]

AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF ELY.

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

SECTION 1. There is hereby established in the city of Ely, in the county of St. Louis, a municipal court for the transaction of all business that may lawfully come before it. Said court shall be a court of record and shall have a clerk and a seal and shall have jurisdiction to hear, try and determine civil actions at law where the amount in controversy does not exceed five hundred (500) dollars, excepting causes involving title to real estate. It shall have exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising under the ordinances, rules and by-laws of said city.

It shall have jurisdiction of all actions cognizable before justices of the peace under the general laws of the state of Minnesota. It shall not have jurisdiction of actions for divorce, nor of any action where the relief asked for in the pleadings is purely equitable in its nature. The territorial jurisdiction of said court shall be co-extensive with the present limits of St. Louis, Lake and Cook counties.

SEC. 2. The qualified electors of the city of Ely shall, at the first general city election to be held in and for the city of Ely, and at the general city election every year thereafter, elect a suitable person,