

SEC. 14. Whenever any canal or improved waterway company shall make a proposition to any county, town, incorporated city or incorporated village in this state, asking such municipal corporation to issue its bonds as a bonus to aid in the construction of the canal or improved waterway of such company, or offering to exchange the mortgage bonds of such canal or improved waterway company for an equal amount of the municipal bonds of such municipal corporation, to be used in the construction of such canal or improved waterway, if such proposition shall be made in the form prescribed in section four of this act, for making the proposition therein provided for, then it shall be the duty of the proper authorities of such municipal corporation to entertain and act upon such proposition, and to submit the same to the electors of said municipal corporation, in the same manner as they are directed to entertain and act upon the said proposition hereinbefore provided for in this act, and to submit the same to the electors of such municipal corporation. And when such proposition is submitted for the approval of the electors of such municipal corporation, if it shall be approved by a majority of said electors who shall vote upon such proposition, then the proper authorities of said municipal corporation shall issue the bonds of such corporation to said canal or improved waterway company, in accordance with the provisions of this act, and the conditions contained in such proposition.

Bonds in exchange for mortgage bonds.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved April 8, 1893.

## CHAPTER 206.

*An act to authorize reassessments for local improvements by cities, and to legalize certain of such assessments.*

H. F. No. 236.

Reassessments for local improvements.

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

SECTION 1. In case any city in this state has made or undertaken any improvement of a street, avenue or alley prior to the establishment of a permanent grade for the same, the assessments therefor, except such as are now in litigation, are hereby declared, and shall be, as valid as though said improvement had been made conformably to a permanent grade previously established.

Improvements previous to established grade.

SEC. 2. Whenever any assessment heretofore made, or hereafter to be made for any improvement already undertaken by any municipal corporation of this state, to defray the expense of any local improvement, shall be set aside or pronounced invalid, in whole or in part, from any cause whatever, jurisdictional or otherwise, the cost of said improvement, or the portion thereof which shall have been pronounced invalid, may be reassessed, to the extent of the benefits actually accruing, against the property benefited thereby, in the manner hereinafter set forth.

Assessments set aside, reassessment.

Statement to be  
filed.

SEC. 3. In order to secure such reassessment, the municipal corporation desiring it shall cause to be made a statement, setting forth a description and nature of the improvement made and the assessment which has been set aside, in whole or in part, or which is invalid, in whole or in part, together with the cost of the improvement and the amount proposed to be reassessed, and shall cause the same to be filed in the office of the clerk of the district court held in and for the county in which said municipal corporation is situated.

Public notice  
of hearing.

SEC. 4. Said municipal corporation shall then cause notice to be given in the official paper of said municipal corporation, by publication for the space of one week, that said statement has been so filed, and that at a time and place named in said notice said municipal corporation will ask said court or a judge thereof to appoint three disinterested parties, residents of said municipal corporation, as appraisers, to determine and assess the benefits accruing to local property, by reason of said improvement, or the portion thereof which shall have been so set aside or be invalid.

Appearance in  
court.  
Appointment of  
appraisers.

SEC. 5. At said time and place said municipal corporation, and any private person interested, may appear before said judge and suggest names of persons suitable for such appointment, and thereupon said judge shall appoint three disinterested persons, residents of said municipal corporation, as said appraisers. Before proceeding to make said assessment said appraisers shall take an oath that they will carefully examine the premises affected by said improvement, and make a true and just assessment of the benefits accruing from said improvement to property locally affected, according to their best understanding and ability, and shall file said oath in the office of the clerk of said court.

Action of ap-  
praisers.

SEC. 6. Said appraisers shall, as soon thereafter as may be, examine the improvement made and the property deemed benefited thereby. They shall give public notice, by publication thereof, for the space of one week, in the official paper of said municipal corporation, of the time and place when and where they will meet to make said assessment. At said time and place any person interested may appear and be heard. Having fully considered said matters, said appraisers shall make their assessment against each piece and parcel of land deemed by them to be benefited by reason of said improvement, or the portion thereof set aside, or invalid, and shall make an assessment roll, containing a description of each piece of property assessed, and the amount assessed against the same, and shall annex to said assessment roll a report of all their doings in the premises, and having made and signed said assessment roll, they shall file the same in the office of the clerk of said court. If said original assessment, for which a reassessment is being made, shall have been pronounced invalid, by reason of the

fact that any piece or parcel of land was not benefited thereby, then said assessors shall not assess any sum against said piece or parcel of land so adjudged not to be benefited, nor shall the amount assessed against any lot exceed the benefits actually accruing to said lot.

SEC. 7. Upon said report being filed in said clerk's office, said municipal corporation shall cause a notice to be published in the official newspaper of said municipal corporation, if a daily paper, for a space of ten days, if a weekly paper, for the space of two weeks, stating that said report has been filed in said clerk's office, and that at a time and place mentioned in said notice said municipal corporation will apply to the district court, in county aforesaid, for an order of said court confirming the assessment so made by said appraisers. Said notice shall state when and where said report has been filed, the improvement for which said reassessment has been made, and shall describe with common certainty the pieces and parcels of land affected by said assessment.

Notice of filing  
of report.

SEC. 8. At the time set for said application for confirmation, any person interested in any of the land affected by said reassessment may appear before said judge or court and may state his objections to the confirmation of said assessment. All objections shall be made in writing, and shall state briefly the objections raised, and all objections not so stated at said time shall be deemed to be waived. If the objections raised do not require the taking of evidence, the court shall proceed at once to consider and dispose of the same. If the objections raised require the taking of evidence, the court shall fix a time and place when and where such evidence may be taken. The decision of said appraisers shall not be, to any extent, binding upon the court, but the court shall hear all legal evidence offered, and shall make such decision in the matter as justice may require. The decision of said court may be a confirmation of said assessment, as reported, or a confirmation thereof with such changes or modifications as in the judgment of said court justice may require, or said court may send said matter back to the same or other appraisers, to make a new appraisement of benefits, in accordance with such directions as the court may give, the same to be confirmed or modified, as hereinbefore set forth. When said matter shall have been finally disposed of by the court, and the order of confirmation duly filed with the clerk of said court, said assessment shall thereupon be and constitute a lien in favor of said municipal corporation, and against each of the parcels of land mentioned in said assessment roll, for the several sums stated therein. Said assessment shall be further enforced and collected in the same manner as other assessments made by said municipal corporation are enforced and collected.

Objections to  
confirmation.

Right of appeal  
to supreme  
court.

SEC. 9. Any person aggrieved by the final action of said judge or court confirming said assessment may appeal from the order of confirmation to the supreme court of this state, in the same manner that an appeal may be taken in any action at law in this state.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 29, 1893.

## CHAPTER 207.

S. F. No. 54.

Vacations of  
streets and  
alleys.

*An act to limit the time within which vacations of streets and alleys in cities may be called in question.*

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

Not to be ques-  
tioned after  
five years.

SECTION 1. That no attempted vacation of any street or alley in any city in this state heretofore ordered by the common council of such city shall be adjudged invalid by reason of any defect in the notice or other proceedings relating to and culminating in such order of vacation, unless the action in which the validity of such proceedings shall be called in question be commenced, or the defense alleging their invalidity, be interposed within five years after the adoption of the resolution of vacation.

SEC. 2. This act shall not apply to any action or proceeding now pending in any court in this state.

SEC. 3. All acts and parts of acts, whether general or special, conflicting with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after the first day of January, A. D. 1894.

Approved March 16, 1893.

## CHAPTER 208.

S. F. No. 531.

City bonds for  
water works  
and light plants.

*An act to grant additional powers to the cities of the state of Minnesota, and to empower such cities to issue their bonds for certain purposes therein mentioned.*

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

Right to issue  
water and light  
bonds.

SECTION 1. That in addition to the rights and powers heretofore granted by law to the several cities of the state of Minnesota, which rights and powers shall not be abridged or affected by this act, there is hereby granted to all cities that now are or may be hereafter organized within the state of Minnesota the right and power to issue bonds for municipal purposes, to-wit: Water and light bonds, which may be issued for the purpose of constructing, erecting, improving or purchasing waterworks, gas works, electric light plants or other light plants for the use and benefits of the inhabitants of any city of this state.