

CHAPTER XII.

*An Act to authorize the City of Mankato to make Local Improvements and to Levy Assessments therefor.*February 23,
1872

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

SECTION 1. That the municipal corporation of the city

Special assessments.

of Mankato is hereby authorized to levy [special] assessments for local improvements upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, without regard to a cash valuation.

City improvements.

SEC. 2. That such assessments may be made by the city of Mankato for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, or otherwise improving any street, lane, alley or highway and for keeping the same in repair, and for planting shade trees upon or otherwise ornamenting any such street, lane, alley or highway; also, for filling, grading, protecting, ornamenting or otherwise improving any public square, park or grounds now or hereafter laid out; also, for constructing, laying, relaying, erecting, cleaning and rejoining [repairing] cross and sidewalks, area walks, gutters, sewers and private drains.

Expenses of improvements.

SEC. 3. The expenses of any improvements mentioned in the foregoing section shall be defrayed, save as herein otherwise provided by a special assessment upon the real estate benefited thereby, to be levied in the manner hereinafter described; provided, that all street crosswalks and sidewalks adjacent to public grounds other than streets, lanes or alleys be constructed at the expense of the city at large; provided, also, that upon a vote of two thirds of the aldermen elect any improvement mentioned in the foregoing section may be made by the city at large, without special assessment; provided, also, that the repairing of any street, alley, highway, public grounds, bridge, sewer or drain, the cost of which repairs is estimated not to exceed the sum of one hundred dollars may be done by the street commissioner of said city under the direction of the common council without special assessment therefor.

Commissioners of assessments

SEC. 4. Such assessments except as hereinafter provided shall be made by a board of commissioners to be known as the commissioners on assessments, who shall be appointed as follows: On the first Monday of March [of] each year or as soon as practicable thereafter, the judge of the district court of the judicial district in which said city may be situated, upon [of] his own motion or upon the written or verbal application of the mayor of said city shall appoint as such commissioners on assessments, three persons who shall be each respectable [reputable] free-holders of said city and qualified electors therein, and shall have been residents of said city for at least three years prior to such appointment, and none of whom shall be officers of said city. Such appointment shall be in writing, signed by said judge of the dis-

district court and transmitted to and filed by the city recorder of said city in his office, and shall thereupon become *prima facie* proof of such appointment and of the regularity of the same. Each of said commissioners shall hold his office for one year and until his successor shall be appointed and qualified, and all occasions [vacancies] for an unexpired term shall be filled by said judge of the district court in like manner as original appointments are above provided when [to be] made; provided that no commissioner shall act in relation to any assessment upon property in which he has any property interest, but in case of any commissioner being, for any cause, disqualified from acting any case, a commissioner *pro tempore* may be appointed in like manner as above provided for appointment of commissioners, to act in place of such disqualified commissioner. Each commissioner before entering upon the discharge of his duties shall take and subscribe an oath to the effect that he will faithfully and impartially execute his duties as commissioner on assessments to the best of his ability. Each of said commissioners shall be entitled to receive as compensation for his services three dollars per day for each day of actual service in the duties of such office which shall be paid out of the city treasury. Said board of commissioners shall have power to elect one of their own number as chairman of said board. The city recorder shall act as secretary of said board and shall keep a record of all the proceedings of said board in a book to be kept for that purpose and to report the same to the common council of said city whenever required; such record shall be kept in the office of the city recorder, and shall be deemed to be a public record. The city surveyor shall act under the orders of said board and do all surveying, make all plans and estimates, and perform any such like work as may be required by said board. Meeting of said board may be called by the chairman thereof, and in case any commissioner, upon being personally notified of any meeting of said board shall neglect or refuse to attend, he shall, except in case of sickness or absence from the city, forfeit and pay a fine to said city not exceeding fifty dollars in each case, which shall be recovered in the same manner as is provided for prosecutions for violations of ordinances of said city, by the act incorporating the same. Two of said three commissioners shall constitute a quorum and perform any act and have all the power of such board of commissioners.

Commissioners
of assessments

SEC. 5. Whenever a petition for the making of any improvement mentioned in section two of this act, shall be

Proceedings
before assess-
ment.

presented to the common council of said city, purporting to be signed by owners of real estate in the vicinity of such proposed improvements, and which signers shall, in the opinion of said common council, be the owners of more than one half in area of the real estate which may by said common council be deemed to be especially benefited by such improvements; or whenever, without such petition, two-thirds of all the aldermen elect shall vote in favor thereof, the common council shall, except in cases herein otherwise provided, refer the same to the board of commissioners on assessments. The said board shall then proceed to investigate the subject so referred, and may cause such surveys or plats to be made as they may deem necessary and shall make report to the common council and give an estimate of the expenses of making such improvement and of the proportion or amount thereof which in their opinion may properly be assessed upon real estate as "benefits" derived from such improvements, and what proportion or amount should probably be assessed upon or borne by the city at large. They shall also report whether in their opinion the contemplated improvement is designed [desired] by the owners of the greater part in area of the property likely to be assessed therefor. If the said board of commissioners shall not approve of the making of such improvements they shall in their report to the common council give the reasons for their disapproval. After the report of said commissioners shall have been made to the common council, the common council may in any respect modify the plan of the contemplated improvement; provided, that such modification shall not be such as to materially increase the expense or alter the general plan thereof, except upon a vote of two-thirds of all the aldermen elect. The common council may, for any reason, against [again,] or as often as they may deem necessary, refer the subject of any contemplated improvement to said board of commissioners to be acted upon by them anew as above provided, or for any other or special purpose they may deem proper.

Report of com-
missioners.

SEC. 6. When the commissioners on assessments shall have reported to the common council in relation to any proposed improvement as hereinafter provided, the common council may direct the city recorder to advertise for proposals for doing said work; a plan and profile of the work to be done accompanied with specifications for the doing of the same, in all cases when such plan, profile and specifications may be necessary for perfect descriptions of the work to be done being first placed on file in the office of [the] city recorder, which plans, profile and specifications shall at all times be open for public inspection.

The commissioners on assessments may for the sake of convenience or accuracy in making the assessments as hereinafter provided, divide the proposed work or improvement into several divisions or sections, and indicate the same in their report to the common council, and in such case the plan, profile and specifications shall correspond as near as may be with and indicate, such divisions or sections. Bids for doing any work or making any improvement as provided herein, shall name a gross sum for the whole work or improvement, or [for] some specified section or division thereof and the contract when awarded shall be for the doing of the work or making the improvement on some specified section, portion or division thereof, at a gross sum for the whole or for such specified part thereof.

Upon being directed to advertise for proposals as above provided, the city recorder shall cause an advertisement to be published for at least two weeks in the official paper of said city, stating briefly in general terms the nature of the work to be done, stating where the plan, profile and specifications may be examined, and within what time bids for the doing of such work will be received. Such bids shall be directed to the common council of the city of Mankato, and shall each be accompanied by a bond to the said city in a sum equal to thirty per cent. of the amount of the bid, signed by the bidder and two responsible sureties, to the satisfaction of the common council, conditioned that the bidder shall execute the work for the price mentioned in his bid and according to the plan and specifications, in case the contract shall be awarded to him; and in case of default on his part to execute the contract and perform the work in accordance with its terms, said bond may be sued and judgment recovered thereon by said city for the full amount thereof in any court having jurisdiction of the amount. Said bids shall be opened by the common council at their next meeting after the time for receiving bids shall have expired, or at any other appointed regular or special meeting thereafter.

Upon the opening of said bids or at any time thereafter the common council may award the doing of the work or any part thereof to the lowest reliable and responsible bidder or bidders who shall have complied with the above requirements and who shall have sufficiently guaranteed to the satisfaction of the common council the faithful performance of said work. The common council may let such contract upon such conditions or provisions not inconsistent with the provisions of this act as they may deem proper.

Provided, that if the said commissioners of assessments shall in their report have disapproved of the making of the proposed improvements the contract for the doing of the same shall not be let or awarded except upon a vote of two-thirds of all the aldermen elect.

Levy of assess-
ment.

SEC. 7. When a contract for the doing of any work or the making of any improvements as herein provided, shall have been awarded, or made by said common council the commissioners of assessments shall proceed as soon as may be to assess in the manner hereinafter provided upon the real property not exempt by law from such taxation by them deemed to be specially benefited by the doing of the work or the making of the improvement contracted for in proportion as nearly as may be to the benefits resulting thereto, the amount for which any such contract may have been awarded or let, to the extent of the special benefits deemed to be derived by such real estate therefrom. The balance of the amount for which such contract may have been awarded or let after deducting therefrom the amount of the assessment made as herein provided upon the real estate deemed benefited, shall be chargeable upon and paid by the city at large.

Public notice
of assessment.

SEC. 8. Before proceeding to make an assessment for any improvement as hereinbefore provided said board of commissioners shall cause notice to be given by publication in the official paper of said city for at least one week of the time and place of their meeting for the purpose of making such assessments, which notice shall specify in general terms the object of such assessment. All persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel, and the commissioners may, in their discretion, receive any legal evidence as to the benefits that any real property may derive from the improvement for which assessment is to be made, and are hereby authorized to administer oaths to all witnesses produced before them. The said board of commissioners shall view the locality of the contemplated improvements and their observation and opinions as to the benefits to any real estate resulting from any improvement shall have all the force of legal evidence in determining the assessment to be made therefor. They shall permit the city attorney or the common council to appear before them at such hearing to represent the interest of the city; they may adjourn from time to time and from place to place until such assessment shall be completed. The commissioners may, in their discretion, after the hearing upon any proposed assessments, complete

the assessments in private, and the action or determination of any two of said commissioners shall be binding as the act of the said board.

SEC. 9. Said commissioners when they shall have determined the benefit that each lot, or tract of land will derive from the making of any improvement, shall enter in a roll or list containing a description in usual terms, of the land upon which any such assessment is made, a statement of the amount assessed upon each district, lot or tract of land, and it shall constitute no legal objection to such assessment, that the amount thereof exceeds or falls short of the original estimate of the cost of the improvement submitted to the common council by the board of commissioners. Such roll or list, to be called the special assessment roll, shall be signed by said commissioners or by a majority thereof and deposited with the city recorder.

Duties of commissioners.

Said commissioners shall cause notice to be given by at least one week's publication in the official paper of said city, of the filing of such special assessment roll and that at a time specified in such notice application will be made to the common council for a confirmation of such assessment. Objections to said assessment may be heard before the common council, provided that all parties objecting shall file their objections in writing in the office of the city recorder at least one day prior to such meeting of the council. Should no quorum be present at the appointed meeting of the council the matter shall stand postponed to the next regular or special meeting when there shall be a quorum. The council shall have power to adjourn such hearing from time to time, and shall have power in their discretion, to revise and correct the assessment, and to confirm the same in whole or in part, and to annul the same in whole or in part, and to direct a new assessment to be made. Said assessment when confirmed by the common council, or the same as corrected by said common council without further action thereon by the commissioners or formal confirmation by the common council, shall be final and conclusive upon all parties interested therein, and no appeal shall lie in any case from any order of confirmation or from an assessment so made, awarded [corrected] or determined. If said assessment shall be annulled by the common council or set aside by any court, the board of commissioners shall proceed to make a new assessment and return the same in like manner and give like notice as hereinbefore provided, and all parties in interest shall have the like rights, and the common council shall perform the like duties and have like pow-

ers in relation to any subsequent assessment or determination as are hereby given in relation to the first.

Sidewalks.
Work may be
set by contract.
when.

SEC. 10. All owners or occupants of real estate in front of, adjacent to or upon which the common council shall order or direct any sidewalk to be constructed, relaid or repaired, shall construct, relay or repair such sidewalk, at their own cost and charge in the manner and within the time prescribed by said common council in a notice published as hereinafter provided. Whenever said common council shall order any such work to be done and shall by ordinance or otherwise prescribe the manner of constructing such work, or shall have before done so, they shall cause a notice to be published for at least two weeks in the official paper of said city stating the character of the work and the manner in which it is to be done and the time within which the same shall be completed, which statement may be made by reference to any ordinance or resolution of said common council then or theretofore duly published. Such notice shall state upon what lot or tract of land or in front of or adjacent to what lot or tract the said work is to be done and the name of the owner or occupant of such land need not be given or stated therein. No reference to the commissioners on assessments need be made before the ordering of such work. If the work be not done in the manner and within the time so prescribed by the common council, the council may proceed to do the work by contract. They shall cause advertisement for proposals for doing such work to be made as is provided in section 6 of this act; but no plan, profile or specifications of such work need be made or filed as is therein provided, but the terms upon which the work is to be done, the manner of doing the same and any necessary particulars or specifications may be stated in said advertisement in terms or by reference to any ordinance or resolution or notice of the common council theretofore published, designating the same by its title or date or the date of the publication or of the approval thereof by the mayor or acting mayor of said city. The same proceedings shall be had in relation to the receiving and opening [of] bids and awarding or letting contracts for the work in this section mentioned, so far as the character of the work to be done may require as are hereinafter provided in reference to other improvements, provided that bids for constructing sidewalks and contracts made thereon may state the price of doing any work at a gross sum for any lot or tract of land or part thereof adjacent to which or upon which the same is to be done or it be at a certain sum per lineal foot or other unit of measurement.

After the letting or awarding of the contracts for constructing, relaying or repairing any sidewalk as herein provided the commissioners on assessment shall proceed to assess upon the real property in front of, adjacent to, or upon which such sidewalk is [to be] or may have been constructed, relaid or repaired; the cost of such construction, relaying or repairing as determined by the contract so let or awarded. No previous notice of such assessment by said commissioners need be given nor shall they be required to view the premises upon which such improvement is to be or has been made or to hear any testimony or evidence or objections relating to such assessment. They shall enter in a roll or list containing a description in usual terms of the land upon which any such assessment is made a statement of the amount assessed upon each distinct lot or tract of land. The same proceedings shall be had in regard to the signing of said roll or assessment and in respect to the review and confirmation thereof by the common council as are provided in section nine of this act, and all the provisions of said section nine except as herein otherwise provided shall apply to the proceedings had under this section.

**Assessments,
how made.**

Sec. 11. Two or more of the notices required or authorized by this act to be given by the board of commissioners, the city recorder or the common council by publication in the official paper of the city, any special proceedings may be comprised in one advertisement. Provided, such notices are of the same general character as [or] for like objects, and that in other respects, the notice so published shall sufficiently comply with the essential statutory requirements, and the provisions of this section shall extend to and embrace all notices required to be given in the official paper of the city, by the city treasurer, of the delivery to him of full [all] tax and special assessment warrants for collection, and of subsequent proceedings or requirements in relation thereto.

**Two or more
notices of as-
sessments may
be made in one
advertisement.**

Sec. 12. When any special assessment for any of the improvements in this act mentioned, including sidewalks, shall have been confirmed by the common council or corrected and determined by said council, it shall be the duty of the city recorder to issue to the treasurer of said city a warrant for the collection thereof, which shall be under the corporate seal and signed by the mayor or acting mayor of said city and the city recorder, and shall contain a copy of the assessment roll or list, as confirmed by the common council or as corrected and determined by them, or so much thereof as describes the real estate assessed and the amount

**WARRANT for
collection of as-
sessment.**

of the assessment in each case. Any such warrant may contain copies of several of such assessment roll[s] or list[s] for improvements made or to be made in pursuance of this act, and the same proceedings may be had for the collection of all the assessments charged therein as are herein provided, in relation to any one of such rolls or lists.

Warrant to be delivered to city treasurer.

SEC. 13. All warrants issued for the collection of special assessments, shall be delivered by the city recorder to the city treasurer for collection. Upon the receipt of any such warrant, the city treasurer shall, by publication in the official paper of said city for at least two weeks, give notice that such warrant is in his hands for collection, briefly designating the improvement or improvements on account of which such assessment was made, and requesting all persons interested to make payment at a place therein designated, within thirty days after the first publication of said notice.

After 30 days assessments to be a lien.

SEC. 14. If the assessments charged in any special assessment named [warrant] shall not be paid within thirty days after the first publication of such notice by the city treasurer, all such assessments then unpaid shall from and after the expiration of such time be deemed to be delinquent, and shall from thenceforth, without any other act or thing, be a lien upon the real estate upon which the same may have been assessed, which lien shall continue until such assessment shall have been paid, and such unpaid and delinquent assessments shall bear interest from the time of their becoming delinquent as aforesaid, at the rate of two per cent. per month for each and every month thereafter until the same shall be paid.

List of liens to be transmitted to register of deeds.

SEC. 15. Within five days after the assessment upon any lands shall have become delinquent, as hereinbefore provided, the city treasurer shall cause to be delivered to the register of deeds of the county of Blue Earth, a list of all such lands with his affidavit attached thereto, to show effect [to the effect] that there are special city assessments upon such lands remaining unpaid and delinquent, which are a charge thereon. On account of receiving such list the register of deeds shall be entitled to charge against and collect from the city of Mankato, a fee of ten cents for each distinct lot or tract of land described in said list. After the delivery of such list to him the register of deeds shall not receive for record nor shall he record any deed of conveyance of any of the lands described in such list—excepting tax deeds made in pursuance of law, the certificate of sale herein provided to be made by the treasurer of said city—until such lands shall have been redeemed from such sales, as herein provided. For every [any] violation of this provision

this act, such register of deeds shall be liable to a penalty of one hundred dollars, which may be collected by said city, for its own use, in a civil action in any court having jurisdiction of the amount.

Sec. 16. Upon the expiration of the time hereinbefore prescribed for the payment of such special assessments, or as soon thereafter as may be, the city treasurer shall cause to be published in the official paper of said city for at least two weeks a notice of the sale of such delinquent lands; such notice shall contain a list of the delinquent lots or tracts to be sold—the amount of the assessment upon each of said lots or tracts as charged in the assessment roll; the time and place when such sales will commence, and that such sale will be made in pursuance of the provisions of this act.

Sale of delinquent lots.

The name of the owner of said lands need not be given in said notice if the property be otherwise described with sufficient certainty.

The proceedings may be suspended in reference to any lands at any time before the sale thereof, by the payment to the city treasurer of the amount assessed thereon with interest as hereinbefore provided: provided, that the common council may for any reason delay or suspend proceedings for the sale of any delinquent lands for such time as they may see fit, by direction to this effect to the city treasurer.

Sec. 17. Such sales shall be conducted by the city treasurer or by some general or special deputy. The lands shall be offered in the order in which they are described in the published notice of sale: provided, that nothing herein contained shall be so construed as to prevent said treasurer from re-offering for sale any of said lands out of the order above prescribed, where a former sale of such lands was for any reason not forfeited [perfected] or was invalid.

Sale to be conducted by the city treasurer.

The sale shall be made separately of each lot or tract of land described in said advertisement, on which the assessment and interest shall not have been paid, or of such undivided portion thereof as may be necessary to satisfy the amount of the assessment thereon, with interest as herein provided; and the person offering at said sale to pay such assessment and interest for the least undivided part of said land shall be the purchaser thereof. Such sales may be adjourned from time to time by public outcry by the city treasurer.

The person purchasing any lot or tract of land or any undivided part thereof, shall forthwith pay to the city treasurer the amount of the assessment and interest as hereinbefore provided, and on failure so to do, the property upon which such assessment is charged shall be again offered for

sale in the same manner as if no such sale had been made.

If no purchaser shall offer to take said lands or any undivided part thereof and to pay the amount of such assessment and interest, the same shall be struck off to the city of Mankato as the purchaser thereof, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Certificates of sale.

SEC. 18. A certificate of sale shall be made and subscribed by the city treasurer and delivered to the purchaser or to the city recorder in case such land is struck off to the city; which certificate shall contain the date of the sale and the name of the purchaser, a description of the premises sold, the amount for which the same was sold and the time when the right to redeem the same shall expire. Such certificate shall be executed in the same manner as deeds of conveyance of real estate are required by law to be executed, and may be recorded in the office of the register of deeds of said county in the records of deeds.

To operate as a conveyance when.

SEC. 19. Such certificate, so extended [executed] and recorded, shall upon the expiration of the time for redemption as herein provided, operate as a conveyance to the purchaser or his assigns of their real estate therein described, in fee simple without any other conveyance whatever unless the same be redeemed as hereinafter provided.

Manner of redemption.

SEC. 20. The owner of any real estate sold under the provisions of this act, his heirs, executors, administrators or assigns, or any creditor having [proving] a lien thereon as hereinafter provided, may at any time within one year after the such sale make redemption from such sale, by paying to the person holding the right acquired under such sale or for him to the city treasurer or his successor in office, the amount for which such land was sold with interest thereon at the rate of ten [two] per cent per month, from the date of such sale, and by producing to such person or officer and leaving with him:

First. A certified copy of the docket of the judgment or the deed of conveyance or mortgage, or of the record or files evidencing any other lien under which he may be entitled to redeem as herein provided, certified by the officer in whose custody such docket, record or files shall be.

Second. Any assignment, necessary to establish his claim executed and acknowledged before some magistrate or officer having authority to take and certify the acknowledgment of deeds.

Third. An affidavit of himself or his agent showing the amount thus [then] actually due on his lien.

SEC. 21. The person or officer from whom such redemption is made shall make and deliver to the person redeeming a certificate executed and acknowledged in the same manner as deeds of conveyance of said estates [real estate] are required to be made, containing,

Certificate of redemption.

First. The name of the person redeeming and the amount paid by him on such redemption.

Second. A description of the property redeemed.

Third. Stating upon what claim such redemption is made, and if upon a lien, the amount claimed to be due thereon at the date of redemption.

Such certificate shall be forthwith recorded in the office of the register of deeds of said county, and if not so recorded such redemption and certificate shall be void as against any person in good faith making redemption from the same person or lien. Subsequent redemption from any redemptioner other than the owner of the land [his] heirs, or assigns may be made in the same manner as above provided, and such redemption may be made without regard to priority of lien; provided, that any such subsequent redemption can be made from a former redeeming creditor only by paying in addition to the amount paid by such former redemptioner in order to effect such redemption, with interest thereon at the rate of seven per cent. per annum from the time of such former redemption, the amount of the lien of such prior redemption, by virtue of which he made his redemption, as above provided. If such redemption is made by the owner of the property sold, his heirs or assigns, such redemption annuls the sale; if by a creditor holding a lien upon the property or some part thereof, said certificate, executed, acknowledged and recorded as above provided, shall operate as an assignment to him of the right acquired under such sale, subject to such right of any other person to redeem, as is, or may be provided by law.

Provided, that when any redemption shall be made from the city treasurer as hereinbefore provided, the person seeking to make such redemption shall pay to said treasurer in addition to the amount necessary to be paid to effect such redemption one per cent. of such amount as his fees therefor.

SEC. 22. The certificate[s of sale] executed to any purchaser, or to the city of Mankato under the provisions of this act, shall either before or after the expiration of the time for redemption as herein provided be *prima facie* evidence that all the proceedings preliminary thereto as provided in this act, were regularly had and done, and of

Certificate of sale to be prima facie evidence.

the validity thereof, and after the expiration of such time for redemption, such certificate shall be *prima facie* evidence of title in the [grantee] grantor therein named, his heirs and assigns of the land therein described as sold, and in all actions or proceedings involving the title to the real estate claimed or held under and by virtue of such certificate, the person claiming title adverse to the title conveyed by such certificate, shall be required to prove, in order to defeat the said title, either that the real estate was exempt from assessment at the time when such assessment was made; that the assessment charged had been paid; that such assessment had never been made; that the land had been redeemed from sale thereof under the provisions of this act, and that such redemption was made for the use and benefit of the person having such right of redemption; and no person shall be permitted to question the title acquired under said certificate without first showing that he or the person under whom he claims had title to the land at the time of such sale, or that the title was obtained from the United States or this state after such sale, and that all taxes due upon such real estate have been paid by such person or those under whom he claims title.

Changes in office not to invalidate proceedings.

SEC. 23. Any change [made] in the incumbent of the office of said city treasurer or of any other officer of said city during the pendency of any proceedings under this act shall not operate to affect or delay the same, but the successor or successors of such officers shall be authorized to do all acts necessary to complete such proceedings the same as if their predecessor had remained in office, and any proceeding may be completed or act done in pursuance of the provisions of this act by any officer after the expiration of his term of office, with the same validity as if he had continued in such office.

Change of official papers not to affect notice.

SEC. 24. Any change made in the official paper of said city during the pending of any publication of any notice or proceeding under this act, or the substitution of any other paper as the official paper of said city, shall not invalidate any such publication or proceeding, but the same may be completed in all respects as though no such change or substitution had been made.

Errors or irregularities excepted.

SEC. 25. No error or irregularity in any notice, order, assessment or proceeding of any kind had in pursuance of the provisions of this act or any omission of the requirements thereof shall invalidate the proceedings or cause the same to be held to be illegal unless it shall be made to appear affirmatively that such error, irregularity or omission actually prejudiced the right and affected the interest of the parties interested therein.

SEC. 26. No error, irregularity or invalidity in respect to any assessment upon any one or more of several lots or tracts of land, or of the proceedings in relation thereto, shall invalidate or make illegal the proceedings or assessments in respect to any other lands than those in immediate respect to which such irregularity or error was made.

SEC. 27. The city treasurer shall receive for compensation for the duties imposed by this act such compensation as may be prescribed by the common council of said city.

Treasurer's
compensation.

SEC. 28. Any contractor or person who enters into a contract for the doing of any work or making any improvement provided for in this act, shall take such contract with the condition that he and the sureties upon his bond shall be personally and directly responsible for any and all loss, damage to person or property, by reason of the neglect or failure of himself or any one in his employ, to so perform such work, as to guard against all loss, damage and injury to person or property; and he shall guard the said work by suitable guards by day, and with lights at night [so] as to prevent any such loss, damage or injury. The provisions of this section shall be regarded as forming part of the contract entered into by any such person with the city.

Contractors to
be liable for
damages from
carelessness.

SEC. 29. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal of in-
consistent acts

SEC. 30. This act shall be deemed a public act and shall take effect from and after its passage.

To be deemed a
public act.

Approved Feb. 29, 1872.