

CHAPTER II.

An Act to amend an act entitled "an act to authorize the city of St. Paul to levy assessments for local improvements," approved March 6, 1871.

February 29,
1872.

SECTION 1. Specification of improvements.

2. Expenses, how defrayed.
3. The Board of Public Works, how nominated and elected—term of office--duties--qualification--oath--compensation--organization and powers of appointment of officers--duties and compensation of clerk and engineer--oath, and bond required.
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17. Of advertising the letting of improvements and of bids.
18. All contracts to be given to the lowest responsible bidder.
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21. Duty of city clerk as to special assessments when confirmed.
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24. Clerk's fees.
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26. Sales for non-payment of assessments.
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31. The Board of Public Works and their appointees--officers of the city of St. Paul.
32. Acts inconsistent herewith, how far repealed.
33. When act to take effect.

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

Specification of
improvements.

SEC. 1. That section two of said act shall be amended so as to read as follows:

Sec. 2. That such assessment may be made by the said city of Saint Paul for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering, and straightening, any street, lane, alley, or highway, and for keeping the same in repair; also for filling, grading, protecting, improving and ornamenting any public square or grounds now or hereafter laid out; also for constructing, laying, relaying, erecting, cleaning and repairing cross and side walks, area walls, gutters, sewers, and private drains.

Expenses how
defrayed.

SEC. 2. Section three of said act shall be amended by adding thereto at the end of said section the following proviso:

Provided, that cross foot walks over public streets, lanes and alleys, and side walks adjacent to public squares and parks, shall be paid out of the improvement fund of the proper ward.

SEC. 3. That section four of said act shall be amended so as to read as follows:

Sec. 4. That such assessment (except in the case of side walks) shall be made by the board of public works of the city of Saint Paul, to be appointed as follows: The mayor of said city shall on the second Monday of March of the year 1872, or as soon thereafter as practicable, nominate and return to the common council of said city, three persons from each ward of said city, who shall be each reputable freeholders of said city and qualified electors of said ward from which they have been selected, and none of whom shall be members of said common council. The said common council at their next regular meeting, or as soon thereafter as practicable, shall elect, one at a time, by ballot, from the persons so nominated by the mayor, five persons (no two of whom shall be selected from the same ward) who shall constitute the "board of public works" aforesaid. The first two persons elected aforesaid shall hold office for the term of three years; and the two persons next thereafter elected aforesaid shall hold office for the term of two years; and the remaining person elected aforesaid shall hold office for the term of one year. On the second Monday of March—~~as~~ as soon thereafter as practicable—of the year next ensuing and of each year thereafter, the mayor of said city shall in like manner, nominate and return to the said common council three persons from each ward of said city

The board of
public works,
how nominated
and elected.

(excepting any ward from which a member of said board has been elected, whose term of office will not expire during the year in which such nominations are made) of like qualifications aforesaid, and qualified electors of the wards from which they have been selected aforesaid, and none of whom shall be members of the common council of said city, and the said common council thereupon, at the next meeting after such nomination, or as soon thereafter as practicable, aforesaid, in each year aforesaid, shall elect, one at a time, by ballot from the persons so nominated by the mayor, the requisite number of persons as members of said board aforesaid, in the place of the members whose term of office is about to expire, and to fill any vacancy which shall then be existing (no two of which said members shall be elected from the same ward). The term of office of each member of said board elected at the elections subsequent to the first as aforesaid, shall be three years.

Term of office.

The term of office of each member of said board shall commence on the third Monday of March of the year wherein he was elected, and he shall continue in office until his successor is elected and qualified. Provided, that said board may appoint, by and with the consent and confirmation of the common council of said city, a suitable person, of like qualifications aforesaid, to fill any vacancy occurring more than 30 days before the next election aforesaid. Such person shall be a qualified elector of the ward wherein the vacancy occurred, and shall hold office until the election next ensuing his appointment, and until his successor is elected and qualified; and his successor shall be elected by said common council in manner aforesaid, for the unexpired term, and until his successor is elected and qualified. And provided further, that none of said members of said board shall act in relation to any assessment aforesaid upon any specific lot or parcel of land in which he has any estate, title or interest; and that in such case of interest aforesaid, the said board may, and upon objection in writing of any property owner interested, shall appoint a suitable person with like qualifications of members of said board aforesaid, to act in place of any member interested aforesaid *pro tempore*. Such person so appointed shall be a qualified elector of the ward from which the member in whose place he has been so appointed, was elected. And provided further, that the present commissioners of assessments appointed under the act of which this act is amendatory, shall constitute the said board of public works, and continue in office as members thereof until their successors to be elected under this act, shall be elected and qualified.

Duties—qualification.

Oath. Each member of said board elected or appointed under this act, and every person appointed to act as a member thereof, *pro tempore* or otherwise, under this act, shall, before entering on the discharge of his duties, take and subscribe an oath to the effect that he will faithfully and impartially execute his duties to the best of his abilities.

Compensation. Each member of said board elected under this act, shall be entitled to receive a compensation from said city for his services of five hundred dollars per annum, and no more, payable quarterly; and any person appointed to act as a member of said board *pro tempore* aforesaid, shall be entitled to compensation from said city of two dollars per day for every day in which he shall be so actually employed. Provided, that the present commissioners of assessments shall be entitled to the compensation fixed by the act of which this is amendatory.

Organization and powers of appointment of officers. The said board shall elect from their number a president, who shall hold his office for the term of one year, and until his successor is elected; and they shall have power to establish by-laws for the regulation of said board, and its officers and employees.

They shall appoint a clerk, and some competent and scientific person as civil engineer to said board; said clerk and engineer so appointed shall be removable at any time, at the pleasure of said board.

Said clerk shall keep the records and papers of said board, and shall keep a record of their proceedings, and perform such other duties as may be assigned to him by said board. He shall receive a compensation for his services from said city, at the rate of one thousand dollars for and during the time he is in office.

Duties and compensation of clerk and engineer. The said engineer shall perform all the civil engineering required by said board in the prosecution of all public works committed to their charge, or required by said board in connection with their official duty. The said engineer shall also be *ex officio* city surveyor, from and after the expiration of the term of office of the present city surveyor, on the second Tuesday of April, 1874, and shall perform, in addition to his duties aforesaid, such other civil engineering and surveying as may be directed by the common council of said city, or be required to be done by the charter and ordinances of said city. He shall receive such compensation for his services from said city as the said board of public works (with the concurrence of said common council) may determine.

Said clerk and engineer shall each, respectively, before entering upon the discharge of their duties, take and subscribe an oath to the effect that he will faithfully execute his

duties to the best of his ability, and also execute to the city of Saint Paul a bond with sureties in such sum, and upon such condition, as shall be approved by the said board.

Oath and bond
required.

Meetings of said board shall be called by the president or a majority of said board; and said board may meet at such stated times, or in such manner, as may be established by their by-laws.

The president shall preside at the meetings of said board, and perform such other duties as may be required by the by-laws of said board; and in his absence said board may appoint a president *pro tempore*, with like powers and duties. In case any member of said board, upon being notified of any meeting aforesaid, 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, and shall be liable to be prosecuted therefor before the city justice of said city, in the same manner, and with the same effect as prosecutions of any violation of the charter or any of the ordinances of the city of St. Paul, may now be had before said city justice, under the provisions of said charter. A majority of said board shall constitute a quorum for the transaction of business, and they shall cause to be kept a record of their proceedings, which shall at all times be open to public inspection. The said board shall furnish the common council of said city, whenever required, with any information needed in relation to their proceedings, and make monthly reports to said common council in such manner as said council may direct. That until said board shall otherwise provide the records of said board shall be kept at the office of the city clerk.

SEC. 4. That section five of said act shall be amended so as to read as follows:

Sec. 5. All applications or propositions for any improvements mentioned in section two of the act, of which this act is amendatory, as hereby amended, except sidewalks, shall be first referred to said board of public works by the common council of said city. Such reference shall be made by said common council, whenever an apparent majority of owners of property, to be assessed for any such improvement, shall petition the said common council therefor in writing: provided, that the said common council may at any time, in its discretion without such petition, by a vote of a majority of all the members elect of said council, order a reference to said board of public works of any proposed improvement aforesaid (except sidewalks.) Upon such

Applications
for improve-
ments, how to
be dealt with.

Applications
for improve-
ments, how
dealt with.

reference said board shall then proceed to investigate the same; and if they shall determine that such improvement is necessary and proper, they shall report the same to the said common council, accompanied with an estimate of the expense thereof, and a proper ordinance or order directing the work. If they do not approve of such application they shall report the reasons for their disapproval, and, in case of such disapproval, the said common council shall not *order the doing of such work, or the making of such public improvement*, except by a vote of two-thirds of all the members elect of said council; provided that in case such disapproval of said board is by an unanimous vote of all the members elect of said board, such work or improvement shall only be ordered by said council, by a vote of three-fourths of all the members thereof elect. In case the said board shall report in favor of said improvement, or some part thereof, or a modification of said improvement, the common council may, in their discretion (unless otherwise provided for in this act), order the doing of such work, or the making of said public improvement; and, in all cases, the common council, after having obtained from said board of public works an estimate of the expense, may make such modifications of the proposed plan as may be petitioned for by any of the owners of the property to be assessed, or as the council may think proper; provided that such modifications shall not materially change the character and object of the improvement as reported by said board, or materially increase the expense thereof.

SEC. 5. That section six of said act shall be amended so as to read as follows:

Board to fur-
nish council a
profile of im-
provements rec-
ommended.

Sec. 6. In case such improvement referred to in the preceding section shall relate to the opening, straightening, widening, contracting, altering, extending, or grading of any street, lane, alley, or highway, or public grounds in said city, and said board shall report in favor of the same, they shall furnish the said common council as part of their said report, with a plan of [or] profile of the contemplated improvement, and shall also specially report whether, in their opinion, real estate to be assessed for said improvement can be found benefitted to the extent of the damages, costs, and expenses necessary to be incurred thereby.

Changes of the
board in sec-
tion 7 of former
act.

SEC. 6. That section seven of said act be amended by striking out the words "board of commissioners," where they occur, and inserting in place thereof the words "board of public works."

SEC. 7. That section eight of said act be amended so as to read as follows:

Sec. 8. The said board of public works shall then give six days' notice by publication in the official newspaper of the city, of the time and place of their meeting for the purpose of making said assessment; in which notice they shall specify what such assessment is to be for; and they shall describe the land to be condemned as near as may be done by general description, and all persons interested in any such improvement shall have the right to be present and be heard, either in person or by counsel, and the city attorney as counsel for the city of Saint Paul shall be permitted to appear before them at such hearing to represent the interests of said city. The said board shall view the premises to be condemned, and receive any legal evidence that may be offered for the purpose of proving the true value thereof or the damages that will be sustained, or benefit conferred by reason of the contemplated improvement; and the said board for this purpose are hereby authorized to administer oaths to all witnesses produced before them, and they may adjourn from time to time, and place to place, until such assessment is completed.

Meeting of the board for making assessments--public notice of time and place of meeting to be given.

Sec. 8. That sections nine, ten, eleven, twelve, thirteen and fourteen of said act, be amended by striking out the words "board of commissioners" and the word commissioners, wherever they occur, and inserting in place thereof the words "board of public works."

Changes name of board in sections of former act.

Sec. 9. That section fifteen of said act be amended so as to read as follows:

Sec. 15. When completed, the said board of public works shall cause their assessment aforesaid of damages and benefits to be entered in a book to be kept for that purpose by the clerk of said board. After the same is so entered notice shall be given by said board by at least ten days publication in the official paper of said city, that such assessment has been completed and entered as aforesaid, and that at a time and place therein specified the said board shall meet for the purpose of hearing objections, and that unless sufficient cause is shown to the contrary the same will be confirmed. All objections to said assessment shall be in writing, and filed with the clerk of said board at least one day prior to the said meeting of said board last mentioned; provided, that the said board may in its discretion allow any party interested who has accidentally or inadvertently omitted to file his objections aforesaid, to do so at the time of meeting of said board aforesaid. Should no quorum be present at the said appointed meeting of said board, the said meeting may be adjourned by the members of said board present to such

Meetings of the board to hear objections, and to revise and correct, to confirm or set aside the assessment.

Meetings of the board to hear objections, and to revise and correct, to confirm or set aside the assessment.

other convenient time and place as they may deem expedient; provided, that nothing herein contained shall preclude the said board from causing a new notice aforesaid to be given of a meeting of the said board for the purpose of hearing objections to said assessment, and for the confirmation thereof in manner as before required, in case the previous notice shall be found imperfect, or in case of a defect in the attendance of the members of said board, or for any other reason which shall be satisfactory to said board for so doing. The said board shall have the power to adjourn such hearing from time to time, and shall have power in their discretion to revise and correct the said assessment, and to confirm or set aside the said assessment and proceed to make an assessment *de novo*. Said assessment when confirmed shall be final and conclusive upon all parties interested therein, except as hereinafter provided. When said assessment is confirmed, a copy thereof attested by the clerk of [or] president of said board, shall be filed in the office of the city clerk of said city, and when no appeal is taken thereto as herein provided, a warrant shall issue to the treasurer of said city for the collection of the same from the property upon which the same has been assessed, signed by the mayor, city clerk, and the city comptroller. If said assessment shall be set aside by the said board as aforesaid, or by the court, the said board of public works shall proceed *de novo* to make another or new assessment, and they shall proceed in like manner and give the like notice as herein required in relation to the first, and all parties in interest shall have the like rights; and the said board shall perform like duties, and have like powers in relation to any subsequent determination as are hereby given in relation to the first. As soon as practicable after the said copy of said assessment has been filed in the office of the city clerk aforesaid, the city clerk shall cause a brief notice of the fact of such filing to be published in the official paper of said city at least three successive days upon which said paper is published.

SEC. 10. That section sixteen of said act be amended so as to read as follows:

Section 16. Any person whose property has been appropriated and who has filed objections to said assessment as hereinbefore provided, shall have the right, at any time within twenty days after the first day of publication of said notice provided for in the next preceding section, to appeal to the district court of the county of Ramsey or to the court of common pleas of the county of Ramsey of this state, at the next general term of such court then ensuing from the

Right of appeal

order confirming said assessment. Said appeal shall be made by filing a written notice with the city clerk specifying in such [notice] the name of the court in which the appeal is taken and a description of the property of said appellant so appropriated, and the objections of said appellant to such assessment, and by filing with the clerk of [the] court, last aforesaid, a bond to said city of St. Paul, conditioned to pay all costs which may be awarded against the appellant, in such sum and with such surety as shall be approved by the judge of said court last mentioned, or in case of his absence or inability to act by the judge of any court of record of this state, together with a copy of said notice with the date of filing thereon certified by the city clerk.

Right of appeal

In case of appeal a copy of the assessment roll as confirmed aforesaid, and of the objections as aforesaid made to the confirmation thereof certified by the clerk of said board, at the expense of the appellant, shall be filed in the office of the clerk of the court to which such appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal, against the city of St. Paul as an "appeal from assessments."

The said cause shall be then at issue and shall have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried in said court as in the case of other civil causes except that no pleading shall be necessary, and on such trial the only questions to be passed upon shall be whether the said board of public works had jurisdiction in the case, and whether the valuation of the property specified in the objections is a fair valuation, and the assessment so far as it affects said property is a fair and impartial assessment. The judgment of the court shall be either to confirm or annul the assessment in so far as the same affects the property appropriated aforesaid of the said appellant, from which judgment no appeal or writ of error shall lie.

SEC. 11. That section seventeen shall be amended by striking out the words, "by the common council," where they occur for the first time in said section.

Strike out words.

SEC. 12. That section twenty-one shall be amended so as to read as follows:

Sec. 21. Any proceedings taken by the said board of public works, in carrying out the provisions of this act, shall be recorded in a book or books kept for that purpose by the clerk of said board, describing particularly the respective improvements and the [said] real estate taken and assessed. The said books in which the said proceedings have been entered aforesaid, and the official files and papers of said board

Clerk of board to keep record of all proceedings.

of public works, shall be deemed public records and be *prima facie* evidence of the facts therein stated; and certified copies thereof by the clerk or officer having proper custody thereof, with the corporate seal of said city attached, shall be evidence in all courts to the same effect as if the originals were produced. The clerk of said board shall [be] entitled to receive from any private party, for any certified copy or transcript aforesaid furnished such private party, the like fees as are received for such services by the clerk of any court of record in [of] this state.

SEC. 13. That section twenty-two of said act shall be amended so as to read as follows:

Sec. 22. Sidewalks shall be laid, relaid and repaired by order of the common council of the city of Saint Paul, without a previous reference to the board of public works, in the manner following:

Expenses of
building side-
walks, how
paid.

The said common council may order any improvement aforesaid mentioned in this section to be made, by resolution, either upon the petition in writing of an apparent majority of the owners of the property to be assessed therefor, or by a vote of a majority of all the members elect of said council without such petition. When any improvement aforesaid, mentioned in this section shall be ordered by the said common council as aforesaid, the city clerk shall, without delay, transmit a copy of the resolution of said common council ordering the same, to the board of public works. And the said board of public works shall thereon cause notice to be given to the owners of property to be assessed therefor to make such improvement at their own expense. Such notice may be given by personal service upon the owner or occupant, or by leaving the same at his usual place of business or abode, or by publication thereof at least four times in the official paper of said city; and it shall not be required to specify in said notice the name of the owner or owners. If such work be not done in the manner prescribed, and to the satisfaction of said board, within thirty days after service of said notice in person, or at the usual place of business or abode, or within thirty days after the first day upon which said notice has been published, the said board of public works shall cause the work to be let and done as in the case of other public work hereafter provided; and when said work is completed, said board shall assess the expense thereof, with all cost of notices and the proceedings upon the real estate, or lots of land, in front of or adjacent to said improvement. In making said assessment, the said expense and cost shall be apportioned in accordance with the number of lineal feet of said real estate or lots of land,

fronting on or adjacent to said improvement; and said assessment shall be enforced and collected as other assessments under the provisions of this act.

SEC. 14. That section twenty-three of said act be amended so as to read as follows:

Sec. 23. Whenever any order shall be finally passed by the common council of said city as heretofore provided, for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing or planking any street, lane, alley, or highway, or for keeping the same in repair; or for filling, grading, protecting, improving or ornamenting any public square; or for constructing area walls, gutters, sewers, and private drains, the city clerk shall transmit a copy of such order of said council to said board of public works, and [the] said board of public works shall cause the said work to be let and done as hereafter provided; and after the whole of said work shall have been placed under contract as hereafter provided, the said board shall thereupon proceed, without delay, to assess the amount as nearly as they can ascertain the same, which will be required to defray the cost of such improvement, including the necessary expenses of making such assessment [and collecting the same, upon the real estate which said board shall deem will be benefited by such improvement,] in proportion, as nearly as may be, to the benefit resulting thereto, in manner hereinafter provided: provided, that the repairing of any street, alley, highway, public ground, bridges or sewers, the cost of which repairs is estimated not to exceed the sum of two hundred dollars, may be done under the direction of said board by the street inspectors, to be appointed as hereinafter provided, and in such case shall be paid out of the street improvement fund of the proper ward; and, provided further, that nothing herein contained shall prevent the said common council of said city from ordering the construction of one or more main sewers or culverts in accordance with any general system of sewerage which said council may adopt, and from dividing under such general system of sewerage, the said city into two or more sewerage districts, and from ordering the cost of such main sewers or culverts to be paid by the city at large, or from a distinct [district] sewerage fund in each of such sewerage districts as the common council may prescribe.

All orders of the council for grading, filling, leveling, paving, &c., to be transmitted to the board—expenses, how borne.

SEC. 15. That section twenty-five of said act shall be amended so as to read as follows:

Sec. 25. Before proceeding to make an assessment for any improvement mentioned in section twenty-three, said

Of assessments for expenses of improvements enumerated in section 14.

board of public works shall give six days notice by publication in the official paper of said city, of the time and place of their meeting for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for and the amount to be assessed. 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 said board may, in their discretion, receive any legal evidence, and may adjourn, if necessary, from time to time, and place to place.

Sec. 16. That section twenty-six of said act shall be amended so as to read as follows:

Proceedings for revision and confirmation of last named assessment.

Sec. 26. When the said board of public works shall have completed their assessment provided for in sections twenty-two, twenty-three, twenty-four [and] twenty-five, they shall cause like notice to be given of the time and place when said board shall meet to hear objections, and for the confirmation of such assessment, as hereinbefore required in relation to assessments for the condemnation of real estate; and objections shall be made in like manner, and under the same regulations and conditions, and all parties in interest shall have the like rights, (except the right of appeal,) and the said board of public works shall perform like duties, and have like power in relation to such assessments as are herein given in relation to such assessments for the condemnation of real estate. When confirmed by the said board of public works said assessment shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases, and no appeal shall lie in any case from the order of confirmation. If any assessment be annulled or set aside, the said board of public works shall proceed *de novo* to make another or new assessment in like manner, and give like notice as herein required in relation to the first, a copy of said assessment as confirmed aforesaid shall be filed with the city clerk of said city.

Sec. 17. That section twenty [twenty-seven] of said act shall be amended so as to read as follows:

Public improvements to be advertised and let by contract.

Sec. 27. Whenever any public improvement shall be ordered for which an assessment is to be made, as aforesaid, the said board of public works shall cause proposals for doing said work to be advertised in the official paper of said city, a plan and profile of the work to be done, accompanied with specifications for the doing of the same, being first deposited with the clerk of said board, to be kept by him at all times open for public inspection; which advertisement shall be continued for at least ten days in said official paper, and shall state substantially the work to be done.

The bids for the doing of such work shall be sealed, bids directed to the board of public works of the city of Saint Paul, and shall be sealed in such a manner that they cannot be opened without detection, and shall be accompanied by a bond to the city of Saint Paul, in the sum not less than twenty per cent. of the cost of the work according to the price bid as nearly as can be ascertained, executed by the bidder and two responsible sureties; conditioned that he will [shall] execute the work for the price mentioned in his bid, and according to the plans 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, said bond may be sued and judgment recovered thereon by the said city for the full amount thereof, in any court having jurisdiction of the amount. Said bids shall be opened by said board at their next meeting after the time limited for such proposals, or such other time thereafter as said board may appoint.

SEC. 18. That section twenty-eight of said act [shall] be amended so as to read as follows:

Sec. 28. All contracts shall be awarded to the lowest reliable and responsible bidder or bidders who shall have complied with the above requisition, and who will sufficiently guarantee to the satisfaction of the said board the performance of said work to the satisfaction of the said board. Such contract shall be made on the part of said board in the name of the city of Saint Paul, and shall be executed on the part of said city by the president of said board, or such of their members as said board may designate, and the corporate seal of said city shall be thereto attached, and the said contract shall be countersigned by the city comptroller. A copy of said contract shall be filed in the office of the city comptroller, and registered in a book kept by said comptroller for that purpose.

Contracts to be awarded to the lowest bidder.

SEC. 19. That section twenty-nine of said act shall be amended so as to read as follows:

Sec. 29. The said board of public works shall reserve the right in their said contracts, in case of improper construction, to suspend said work at any time and relet the same, or to order the entire reconstruction of said work if improperly done. In cases where the contractor or contractors shall proceed to properly perform and complete the said contracts, the said board of public works may, from time to time, as the work progresses, grant to said contractor or contractors an estimate of the amount already earned, reserving fifteen per cent. therefrom, which shall

Work may be suspended and relet, if improperly done.

Manner of payment.

entitle said contractor or contractors to receive the amount which may be due thereon when the money applicable to the payment of such works shall have been collected. When the whole work has been completed by such contractor or contractors, to the satisfaction of the board of public works, the amount or balance due him shall be audited and allowed by the common council of said city, and shall be payable out of the collections derived from such special assessment for the said work, with interest at the rate of twelve per cent. per annum from the time of such allowance until a sufficient amount of collections aforesaid are received by the city treasurer to pay the same; and, provided, that in case of any deficiency in such collections aforesaid from such assessment aforesaid, to pay such contractor at the expiration of three years from the time of the allowance of said claim, that then such deficiency shall be paid to such contractor or contractors by said city of Saint Paul, and charged to the improvement fund of the proper ward. No contract shall be entered into for any improvement to be paid for by assessments aforesaid, unless the contractor will agree to receive his pay therefor in manner provided in this section; and in all contracts for improvements aforesaid to be paid for by assessments aforesaid, the provisions of this section in relation to the manner of payment to said contractor, shall be deemed part of such contracts.

SEC. 20. That section thirty of said act shall be amended by striking out the words "board of commissioners," where they occur, and inserting in the place thereof "board of public works."

SEC. 21. That section thirty-one of said act shall be amended so as to read as follows:

Collection of special assessments.

Sec. 31. When any special assessment shall have been confirmed aforesaid, for improvements aforesaid or for benefits aforesaid, it shall be the duty of the city clerk to issue a warrant for the collection thereof, which shall be under the corporate seal and signed by the mayor, comptroller and city clerk, and shall contain a printed or written copy of the assessment roll as confirmed aforesaid, or so much thereof as describes the real estate and the amount of the assessment in each case. In case of an appeal, as provided for by section sixteen, said appeal shall not delay or affect the collection of the assessment under such warrant, except as to the property of such appellant appropriated aforesaid. And in case such appeal shall be sustained and the assessment in relation to said property appropriated of said appellant shall be set aside by the court, the board of public

works shall make a new assessment as to the property of such appellant last mentioned, proceeding, *de novo*, as to the same, in accordance with the provisions relating to improvements referred to in section seven; and in case the amount of damages or recompense which said board of public works may award such appellant upon such new assessment shall exceed the first, the difference shall be paid by said city of Saint Paul and charged to the street improvement fund of the proper ward.

SEC. 22. That section thirty-five of said act shall be amended so as to read as follows:

Sec. 35. If the assessments charged in any special assessment warrant, whether made by reason of the appropriation or condemnation of land, or for improvements or otherwise, howsoever, under this act, shall not be paid within sixty days after the first day of publication of notice by the city treasurer that he has received such warrant for collection; the assessment then remaining unpaid shall be collected with interest at the rate of two per cent. thereon, for each and every month thereafter until the same shall be paid.

Interest at two per cent per month, after 60 days if not paid.

SEC. 23. That section thirty-six of said act shall be amended so as to read as follows:

Sec. 36. It shall be the duty of the city treasurer between the fifteenth day of January and the last day of February in each year, to make report to the district court in and for the county of Ramsey, or the court of common pleas of the county of Ramsey, of this state, at any general or special term thereof, of all assessment warrants issued upon assessments under this act aforesaid, which were delivered to him on or before the last day of the preceding October, asking for judgment against the several lots and parcels of lands described in such list of warrants for the amount of assessments, interest and costs respectively due thereon; provided, that the said city treasurer may, at any time in his discretion, after the expiration of the said period of sixty days specified in the preceding section, make like report and application for judgment to either of said courts, at a special or general term thereof, in relation to any assessment aforesaid, whether heretofore or hereafter made, which shall remain unpaid for over the said period of sixty days aforesaid. The city treasurer shall give notice by six days publication thereof in the official paper of said city of his intended application for judgment, which 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 request all persons interested to attend at said term. The advertisement so published shall be deemed and

Judgments on unpaid assessments.

taken to be sufficient and legal notice of the aforesaid intended application by the city treasurer to such court for judgment, and shall be held a sufficient demand and refusal to pay the said assessments. The moneys so collected shall be set apart and kept inviolate for the purposes for which they are so collected, as part of the improvement fund of the proper ward or wards respectively, and any surplus remaining, after all payments to be made thereon, shall be credited to the general street improvement fund of such ward or wards respectively, and any deficit which may occur by reason of reassessments, reletting work, or by inadequate assessments, shall be charged to the general street improvement fund of the proper ward or wards respectively.

SEC. 24. That section forty of said act shall be amended by striking out the words "Clerk's and Judges' fees" in the twenty-seventh line of said section, according to the printed special laws of eighteen hundred and seventy-one, and by inserting in the place thereof the words "for clerk's fees."

SEC. 25. That section forty-seven of said act shall be amended so as to read as follows:

Right of redemption same as on other tax sales.

SEC. 47. The right of redemption in all cases of sales for assessments shall exist to the owner, his heirs, creditors, or assigns, to the same extent as is allowed by law in the case of sales of real estate for taxes on the payment in lawful money of the United States of the amount, for which the same was sold with interest from the time of such sale at the rate of twenty-four per cent. per annum, and any other assessments which may be made under [and by] virtue of this act, or the charter of the city of Saint Paul, subsequent to the sale with the interest accruing thereon at the rate, and payable in accordance with the provisions of section thirty-five. If the real estate of any infant or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability shall be removed. Redemption shall be made by the payment of the amount of redemption money to the city treasurer, and taking his vouchers therefor, and filing the same in the office of said Comptroller who shall thereupon note the fact of said redemption upon his record of sales, and said comptroller shall thereupon give to said redemptioner a certificate to that effect; and the person holding a certificate of sale may surrender the same to the comptroller to be cancelled, and the fact shall, in like manner, be noted upon said record, and the said comptroller shall give such person surrendering such certificate, if desired, a certificate to that effect. Upon the return of the certificate of sale, or proof of its loss, and the filing with the comptroller of an affida-

vit to that effect, if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser or his assigns, under the corporate seal of said city signed by the mayor, comptroller, clerk of said city, conveying to such purchaser or assignee the premises so sold and unredeemed as aforesaid. A memorandum of all deeds so made and delivered shall be entered by the comptroller in the book wherein such sales are recorded, and a fee of one dollar may be charged by the comptroller for every deed so issued; provided that nothing in this act contained shall be construed to the effect [affect] or prejudice the lien of the state for all taxes which have been, or may be levied upon such property under the general laws of this state. In such cases of redemption the city treasurer shall notify the person holding the certificate of sale that the amount of such certificate with the interest thereon so paid is in the city treasury subject to his disposal.

SEC. 26. That section fifty-two of said act shall be amended so as to read as follows:

SEC. 52. All sales of property for the non-payment of said assessment, whether heretofore or hereafter made, shall be made at the front door of the city hall in said city of Saint Paul, commencing on the same day fixed by the general laws of this state for the sale of taxes, at and after the hour of ten o'clock in the forenoon in each year, and may be adjourned from day to day (Sundays excepted) until the whole is completed; provided, that in all cases where a defense has been interposed or the owner has appeared generally or specially in said proceeding in court, or an appeal has been taken from the judgment of such court, the treasurer of said city may make sale as aforesaid at any time after final judgment upon giving notice as prescribed in sections forty-one and forty-two, at the city hall aforesaid, at such time as he may fix for the purpose; and provided also, that in any case, whether in relation to assessments heretofore or hereafter made, [said city treasurer] may make such sales at any time after final judgment, although prior to the time of such annual sales.

Sales of property to be made at the City Hall.

SEC. 27. That section fifty-five of said act be amended by adding at the end thereof the words "and interest on said amounts respectively at the rate of twenty-four per cent. per annum."

SEC. 28. All judgments rendered under this act upon said assessments shall bear interest at the rate of twenty-four per cent. per annum from date thereof until paid.

Judgments to bear interest at 24 per cent. per annum.

SEC. 29. The city treasurer of said city may at any time before the time of redemption has expired assign any certi-

Assignment of
certificates
held by the
city.

ificate of sale of property aforesaid, bid in by the city as aforesaid, to any person by endorsement thereon after payment by such person into the city treasury of the amount at which the same was so bid in, with interest thereon at the rate of twenty-four per cent. per annum, and costs; and such assignee shall have the same right and title thereunder as if he had purchased the same originally at the sale, and when the right of redemption shall have expired shall be entitled to a deed as in other cases.

Street inspec-
tors to be ap-
pointed.

SEC. 30. The said board of public works shall, as soon after their organization as practicable, appoint two street inspectors, whose duty it shall be to render their personal services in repairing the streets of said city and to perform such other services and such duty, and in such localities as the said board may prescribe or direct. The said street inspectors shall be removable at the pleasure of said board and shall receive such compensation as the said board of public works, with the concurrence of the common council, may determine. Said street inspectors, before entering upon the discharge of their duties, shall take and subscribe an oath to the effect that they will faithfully discharge their duties, and shall also give bond to said city of Saint Paul, with sureties, in such sum and with such condition as the said board may approve, which said bond shall be filed with the comptroller of said city: provided, that the present street commissioners shall act as such street inspectors at the present compensation, until their term of office shall expire, on the second Tuesday of April, eighteen hundred and seventy-three.

Board of Public
Works and offi-
cers declared
to be city offi-
cers.

SEC. 31. The said board of public works and the members thereof, and officers aforesaid, to be appointed by said board, shall be and the same are hereby declared to be officers of the said city of Saint Paul, and their assessments, proceedings, and official acts hereby authorized, shall be and the same are declared to be the acts and proceedings of the said city of Saint Paul.

Repeal of in-
consistent laws
and reserva-
tions.

SEC. 32. All provisions of laws inconsistent with this act are hereby repealed, but the repeal or amendments herein contained of any law or part thereof, shall not affect any act done or any right accruing, accrued or established, or any assessments or proceedings of the common council of said city, or of the commissioners of assessments as heretofore existing, or of other officers of said city or other proceedings ended or pending, and all assessments or other proceeding pending or unfinished, made or had under the act of which this act is amendatory or under any other law, shall not abate, but shall continue and conform to and be completed

(and be enforced) under the provisions of the said act as hereby amended.

Provided, that in any case where an order has been passed by the common council before the passage of this act, for any improvement under this [the] act of which this act is amendatory, and the assessment for such improvement has not yet been confirmed, the common council of said city shall have power to revoke said order and annul all proceedings in such case with the same effect as if they had not been commenced, and thereupon no further action shall be taken in relation to such proposed improvement, except by original proceedings commenced under the provisions of this act: and provided further, that in case any assessment has been returned to the said common council, and notice of application to said common council for the confirmation thereof has been given prior to the passage of this act, under the said act of which this act is amendatory, and the assessment has not yet been confirmed or disposed of by said common council, the said council may, (unless they revoke the order passed for such improvement, and annul said proceedings, as hereinbefore provided,) in their discretion, revise and correct such assessment, or confirm the same, or annul the same, and direct a new assessment to be made. If a new assessment shall be directed in such case, the said board of public works shall thereupon proceed in said matter, and all further proceedings shall be had in said matter in accordance with this act, and in all cases where such assessments have been confirmed prior to the passage of this act, and the work has not yet been placed under contract, the work shall be let and placed under contract by said board of public works, in accordance with the provisions of this act.

SEC. 33. This act shall take effect from and after its passage.

When act to
take effect.

Approved February twenty-nine. eighteen hundred and seventy-two.