

CHAPTER XXXIX.

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, AND AN ACT ENTITLED AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AUTHORIZE THE CITY OF ST. PAUL TO LEVY ASSESSMENTS FOR LOCAL IMPROVEMENTS, APPROVED FEBRUARY 29, 1872.

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

SECTION 1. That the following is hereby added to section 26 of said act:

If the board of public works, or the common council, in carrying out the provisions of this act, should find unforeseen obstacles in grading, excavating, filling, paving, or in any case of improving, or opening, or widening streets, or public highways not provided for, they, or either of them, may, by resolution, order such change or modification in such improvements as they, or either of them, may deem just and equitable, at any time before or after the confirmation of any assessment, or before or after the making or letting of any contract to do the same. The said board of public works, after an assessment has been made, may correct any mistake in such assessment, either as to the amount, or owner, or description of the lot or parcel of land, so as to conform to the facts and right of the case as intended; and if such mistake either increases or diminishes the total assessment, the amount thereof shall be charged or credited to the ward improvement fund, or pro rata to each ward in which the work may be. *Provided*, That before any mistake shall be corrected, or modified, as aforesaid, by either the council or the board of public works, the party affected by such modification or mistake shall have personal notice, if a resident of St. Paul and known, or notice by one publication in the official paper of the city, six days before acting thereon, if not known, or is a non-resident of St. Paul. Said corrections shall be filed with the clerk of said board and city treasurer. *And it is further provided*, That said city council may provide for the payment of any assessment under this act, by making the same payable one-half as now provided for the whole amount, and one-half in one year thereafter, with interest at the rate of twelve per cent. per annum.

SEC. 2. Also add to section twenty-nine the following:

Be it further enacted, that the city of St. Paul may issue bonds to be called, "City of St. Paul Improvement Bonds," to the amount of one hundred thousand dollars, in denominations of not less than one hundred dollars, nor more than one thousand dollars, to draw interest at the rate of seven (7) per cent. per annum, payable semi-annually either in the city of New York or the city of St. Paul. The principal of said bonds to mature in twenty-five years. *Provided, however,* That the said bonds shall not be issued until the contract is let and made. When funds sufficient are collected into the city treasury from assessments, the city council may order the redemption and payment of the said improvement bonds or any part thereof with the consent of the bondholder. But if said bonds cannot be so paid or redeemed by the treasurer after ten days' notice by ten several publications in the official paper of the city of St. Paul, then the council may order the city treasurer to buy an equal amount of county, city, or United States bonds, the principal and interest on which, to be applied to the payment of the principal and interest on the said improvement bonds. That said improvement bonds may be sold for not less than ninety (90) cents on the dollar, or may be paid to the contractor or contractors, or to such person or persons as the city may owe for lands taken for public use, or for damages for any change of grade on any street, or for materials furnished, or work and labor done on any public improvement in said city for which an assessment may or can be made. If said bonds are sold to other purchasers, the proceeds shall be placed in the city treasury and paid out by the city treasurer to the aforesaid person or persons when so ordered by the council, and replaced by the said assessments for the payment or redemption of said improvement bonds, and section twenty-nine of the act of which this is amendatory, is so amended, that all contracts for doing any public street improvements shall provide for the payment thereof out of the proceeds of said improvement bonds instead of from the assessments; but said assessments shall proceed and be made as heretofore, and when collected shall be paid out or invested as hereinbefore provided, and so much of said section twenty-nine as conflicts with this act is hereby repealed as to all future contracts. The city of St. Paul shall levy on the property in said city annually, a sufficient sum to promptly pay the interest on said improvement bonds, and to create a sinking fund to promptly pay the principal at maturity.

That section twenty-two is hereby so amended as to read as follows:

All sidewalks in the city of St. Paul shall be built by contract, without a previous reference by the common council to the board of public works. The city council may order said sidewalks whenever they deem the public require them, and when so ordered it shall be

the duty of the board of public works to give ten days' notice by one publication in the official paper of the city, of the time and place they will receive bids therefor as in other improvements. As soon as the contract is let, the board shall give at least six days' personal notice to the lot owner or owners, if a resident of St. Paul, (or by one publication, if a non-resident, or if not found) that at a certain time and place they will proceed to make an assessment to pay for constructing said sidewalks, and said assessment shall be per front foot on the lot, block or parcel of land fronting on the same, and then give six days' notice by one publication as aforesaid of the time and place of the confirmation thereof by said board, whereupon a warrant shall issue for the collection of the same, ten days after the confirmation, against all lots or lands then remaining delinquent, with interest and costs as in other improvements, and with like remedies until the final collection thereof. It shall be deemed personal notice in all cases under this act, when the same is served by delivering a copy or by reading the same to the person, or by leaving a copy at his or her last usual place of abode, with some person of suitable age and discretion.

That section two is hereby amended by adding thereto the following: "Or for any public improvement, public park, public squares or public grounds, cistern or cisterns, reservoir or reservoirs, deemed by the common council necessary in aiding to extinguish fire, or for other public purposes."

That section four is hereby amended by striking out of the first line the words, "except in case of sidewalks," and also by inserting after the words "one thousand dollars" the words "per annum," and said section is further amended by adding thereto the words, to-wit, "Said board of public works may adopt and use a common seal, and alter the same at pleasure." And said section is further amended by striking out of the last line the words "city clerk" and insert instead thereof the words "board of public works."

That section eight is hereby amended by inserting the word "one" before the word "publication," so that it shall read "by one publication."

That section twenty-five is hereby amended by inserting the word "one" before the word "publication," and after the words "of said city" add "or by personal notice if a resident of St. Paul, to be served in like manner as herein provided in other cases if found, if not, then by one publication in the official paper of the city."

Also section thirty-six is hereby amended by inserting after the words "the city treasurer shall give," these words: "Six days notice by one publication in the official paper of said city, and by personal notice to each owner of said lots or lands if found, to be served in like manner as herein provided in other cases, if said owner is a

resident of St. Paul, if not, by one publication as aforesaid," and strike out the words, "six days' publication."

Also amend said act by adding to section thirty-two the following, to-wit: All notices under this act required or which may or is to be given under this act by publication, shall be deemed sufficient and legal, if published on the regular publication day of said official paper, and Sunday shall be considered a day and be counted for the purposes of this act. Nothing in this act shall invalidate any assessment or other proceedings heretofore had or pending under any previous act.

Section forty-one is hereby so amended as to read as follows: Ten cents costs shall be laid to each lot against which judgment is rendered, five cents to be for clerk's fees and five cents for advertising the notice of sale.

SEC. 3. The compensation of each member of said board shall be fixed by the common council from time to time, but in no case shall it exceed six hundred dollars per annum, except as to the president of said board, who may be allowed eight hundred dollars per annum.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage.

Approved February 21, 1873.

CHAPTER XL.

AN ACT IN RELATION TO THE ERECTION OF PUBLIC BUILDINGS FOR THE USE OF THE CITY OF ST. PAUL AND THE COUNTY OF RAMSEY, UPON BLOCK TWENTY (20) OF ST. PAUL PROPER, KNOWN AS THE COURT HOUSE SQUARE, IN THE SAID CITY OF ST. PAUL.

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

SECTION 1. That on or before the first day of May, eighteen hundred and seventy-three, (1873,) five persons, residents and freeholders of said county of Ramsey, shall be chosen by the judge of the district court and the judge of the common pleas court, as special commissioners, to carry into effect the purpose of this act; and all vacancies by resignation or otherwise, shall be filled by the judges