

CHAPTER 23.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ST. PAUL, IN THE COUNTY OF RAMSEY, AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, AND CERTAIN OTHER ACTS RELATING TO SAID CITY, INTO ONE ACT, AND TO AMEND 'THE SAME,'" APPROVED MARCH FIFTH (5TH), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR (1874), AND ACTS AMENDATORY THEREOF.

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

SECTION 1. That section five (5) of an act entitled an act to amend certain sections of the act entitled "An act to reduce the law incorporating the city of St. Paul, in the county of Ramsey and State of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one act, and to amend the same, approved March fifth (5th), one thousand eight hundred and seventy-four (1874), and to amend an act relating to said city, approved March fourth (4th), one thousand eight hundred and seventy-five (1875), approved March first (1st), one thousand eight hundred and seventy-six (1876)," is amended by striking out all after the word "common council" in the twenty-third (23d) line of said section, to the words "that the common council shall," in the twenty-seventh (27th) line of said section, and insert in lieu thereof, the following words: "that the salary of the chief engineer of the fire department shall be fourteen hundred dollars (\$1,400) per annum, from the seventh (7th) day of June, one thousand eight hundred and seventy-six (1876), unless the common council shall designate a less sum. The engineer, of fire engines, drivers, and other employees of the fire department, shall be paid such reasonable compensation as the common council may allow, not exceeding the amounts now allowed and paid by said city; and that said section is hereby further amended by adding thereto the following proviso, viz.: *Provided*, that nothing herein contained shall be so construed as to prohibit the allowance and payment to aldermen, who have, or may serve upon the board of abatement, such compensation as is allowed by law to the members of the board of equalization, for their services as such members.

SEC. 2. That the proviso to section thirteen (13) of chapter five (5) of an act entitled "an act to reduce the law incorporating the city of St. Paul, in the county of Ramsey, and State of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one act, and to amend the same, approved March fifth (5th), one thousand eight hundred and

seventy-four (1874)," is hereby amended so as to read as follows: *Provided*, that the common council may appropriate such sums, each year, to the fire companies, and the fire department, as the common council, by a three-fourths vote, may determine to be for the best interests of the fire department.

SEC. 3. That section sixty-eight (68), chapter seven (7), page ninety-eight (98), of the charter and ordinances of the city of St. Paul, is hereby amended by striking out all after the words, "parties entitled thereto," in the eighth (8th) line of said section, and inserting in lieu thereof the following words: In case of sidewalks, when the whole work has been completed by the contractor, to the satisfaction of the board of public works, and approved by the common council, said contractor shall be advanced, out of the local improvement fund, the amount due him, which amount shall be placed to the credit of said fund out of the assessment upon the property benefitted, whenever the same is collected. The surplus of all moneys realized from assessments of every kind whatsoever, over and above what may be necessary to pay the damages, costs and expense, shall be paid out of the ward fund of the ward in which the improvement is located.

SEC. 4. Section four (4) of chapter seven (7) on page one hundred and four (104) of the charter and ordinances, is hereby amended, by adding the following proviso to said section, viz.: *Provided*, that when the cost of change of grade does not exceed two hundred dollars (\$200), no assessment shall be made to pay the same, but shall be paid for out of the ward fund of the ward in which the improvement is made.

SEC. 5. That section seven (7) of the act, approved March first (1st), one thousand eight hundred and seventy-six (1876), entitled, "An act to amend certain sections of the act, entitled, 'An act to reduce the law incorporating the city of St. Paul, in the county of Ramsey, and State of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one (1) act, and to amend the same,'" approved March fifth (5th), one thousand eight hundred and seventy-four (1874), and to amend an act relating to said city, approved March fourth (4th), one thousand eight hundred and seventy-five (1875), be and the same is hereby repealed.

SEC. 6. That in addition to the elective officers of the city of St. Paul, now provided by law, there shall be elected at the next general city election, two (2) constables, who shall hold their office for two (2) years, and until their successors are elected and qualified, and who shall have the power, within the city, as constables at common law, and under the statute.

SEC. 7. That subdivision thirty-four (34) of section three (3) of chapter four (4), on page forty-one (41) of the charter and ordinances, is hereby amended by adding thereto the following proviso, viz.: *Provided*, that the common council may, by ordinance, make such disposition of the fines collected and received by the city under any ordinance ordained by the common coun-

cil to enforce this subdivison, as may, in its opinion, be for the best interests of the public.

SEC. 8. It shall be the duty of the board of health of the city of St. Paul, from time to time, to investigate and report to the common council, where improved drainage and sewerage is necessary to the public health, and what nuisances exist, which are the result of defective drainage and sewerage, and the common council may, by a two-thirds vote, order the construction of such sewers as are needed to preserve the public health, and to remove nuisances in accordance with the reports and recommendation of the board of health. The cost of constructing, altering or repairing any sewer as aforesaid, as nearly as can be ascertained, together with the necessary expenses of making the assessment, shall be assessed by the board of public works of said city, upon the real estate benefitted thereby, and enforced and collected in the manner and under the regulations provided by law for other local improvements. *Provided*, that if the board of public works shall be of the opinion that property can not be found benefitted to the extent of the cost and expenses of said improvement, the common council may order any deficiency, as reported by the board of public works, of the cost and expenses over and above the property benefitted, to be paid out of the district sewerage fund. *Provided further*, that in the construction of any sewer under this section, it shall not be necessary to advance the fifty (50) per cent. now required by law before any contract is let.

SEC. 9. That all that part of the charter of the city of St. Paul, which allows damage for a change of grade, heretofore made on any street in the city of St. Paul, or in any way growing out of, or incidental to, such change of a previously established grade, or growing out of any change of an established grade heretofore ordered, or heretofore made by the order or directions of the common council of the city of St. Paul, shall be construed to be recoverable only by and through and under the provisions of chapter seven (7), title three (3), entitled street grades, as found in an act entitled, "An act to reduce the law incorporating the city of St. Paul, in the county of Ramsey, and State of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one act, and to amend the same," approved March fifth (5th), one thousand eight hundred and seventy-four (1874), and all acts and parts of acts inconsistent with this act, are hereby repealed.

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

Approved March 6, 1877.