

CHAPTER 235.

AN ACT TO CREATE THE VILLAGE OF DULUTH OUT OF A PART OF THE TERRITORY OF THE CITY OF DULUTH, AND TO APPORTION THE DEBTS OF THE CITY OF DULUTH BETWEEN ITSELF AND THE VILLAGE OF DULUTH, AND PROVIDE FOR THE PAYMENT THEREOF.

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

SECTION 1. All that part of the city of Duluth bounded as follows, to-wit: Commencing at a point on the outer dock line where the centre line of Third (3d) avenue east, or a prolongation thereof, intersects the same, thence north-westerly along the centre line of said avenue to the alley between Third (3d) and Fourth (4th) streets, thence south-westerly along the centre line of said alley to Pridmond avenue, thence south-westerly along the centre line of said avenue to its intersection with Superior street near Fourteenth (14th) avenue west, thence south-westerly along the centre line of said Superior street to Third (3d) street, thence south-westerly along the centre line of said Third (3d) street to the alley, thence south-westerly along said alley to Twenty-third (23d) avenue west, thence around Rice's Point, including and embracing the same to and through the canal to the place of beginning, is hereby detached from the city of Duluth, and set apart for incorporation as a village, under the provisions of chapter one hundred and thirty-nine (139) of the General Laws of the year one thousand eight hundred and seventy-five (1875), and amendment thereto, and the name of such corporation shall be the village of Duluth.

SEC. 2. The mayor, the president of the council and the city justice of the city of Duluth, are hereby designated, authorized and empowered to fix a time and place at which the legal voters, residents within the limits of said village, shall meet and organize under the provisions of this act, and of said chapter one hundred and thirty-nine (139) of the Laws of one thousand eight hundred and seventy-five (1875). *Provided*, that the city of Duluth shall continue to have and to exercise jurisdiction over the territory and inhabitants of said village until a village council shall be fully organized.

SEC. 3. The village of Duluth shall, after the expiration of one (1) year from the passage of this act, become jointly liable with the city of Duluth on all the bonds issued by said city prior to the passage of this act, unless the said village of Duluth shall, within said one (1) year, take up and cause to be cancelled, as hereinafter provided, two hundred and eighteen thousand dollars (\$218,000) of the outstanding evidences of indebtedness of said

city of Duluth. *Provided*, that interest to January first (1st), one thousand eight hundred and seventy-eight (1878), on all bonds issued by said city previous to the passage of this act, and not redeemed, and all coupons maturing before said date, shall be regarded and treated as a part of said outstanding evidences of indebtedness.

SEC. 4. The said village of Duluth is authorized and empowered to issue its coupon bonds to an amount not exceeding one hundred thousand dollars (\$100,000), for the purpose of taking up as hereinafter provided, the outstanding bonds and interest thereon to January first (1st), one thousand eight hundred and seventy-eight (1878), and the orders of said city, [and] for no other purpose whatever. The said bonds shall be prepared under the direction of the village council, who shall determine the numbers and amounts thereof, they shall be signed by the president of the council, and attested by the recorder of the village, who shall affix the seal of the village thereto, and the recorder shall keep a record of all bonds so attested by him, in a book to be kept for that purpose, showing the date, number and amount of each bond, where and to whom delivered, and a record of the cancellation of any bond, if any shall be cancelled. Said bonds shall become due [and payable] on the first (1st) day of January, A. D. one thousand nine hundred and eight (1908), and shall bear interest at the rate of six (6) per cent. per annum, payable semi-annually on the first (1st) day of January and July in each year, upon the presentation of matured coupons. The interest on bonds issued on or before the fifteenth (15th) day of September in any year, shall commence on the first (1st) day of January next ensuing, and the first (1st) coupon shall become due on the first (1st) day of July following. The principal and interest of said bonds shall be payable in the city of New York, at such agency as shall be designated by the treasurer of Saint Louis county. Said bonds shall be delivered to the judge of the district court of the eleventh (11th) judicial district for issuance, as hereinafter provided.

SEC. 5. Any person holding any bonds, matured coupons, or orders issued by the city of Duluth prior to the passage of this act, may surrender the same to the said judge of the district court for exchange for the said bonds of the village of Duluth, and whenever two hundred and eighteen thousand dollars (\$218,000) of such bonds, coupons, and orders have been so surrendered to the said judge, he shall issue to the persons so surrendering the same, the said bonds of the village of Duluth to one-fourth the amount so surrendered. Said judge shall keep a record of all bonds, matured coupons, and orders surrendered to him under this act, and of all bonds issued and delivered by him in exchange, in a book to be provided by the village of Duluth, and kept for that purpose, which shall show the number, date, and amount of each bond, matured coupon, and order so surrendered, and the name of the person surrendering the same, and also the number, date, and amount of each village bond so issued by him, the date of such issue, and the person to whom issued, and before issuing

and delivering any such village bond, he shall endorse thereon, or annex thereto, a certificate setting forth that such bond has been issued and delivered by him under the provisions of this act, the date of such issue, and the person to whom issued, which certificate shall be signed by said judge, and attested by the clerk of said county of Saint Louis, and no bond issued under this act shall be of any validity without such certificate endorsed thereon or annexed thereto. Upon the issue and delivery of said village bonds, all bonds, matured coupons, and orders so surrendered, and for which such village bonds shall have been given in exchange, shall be by said judge cancelled and delivered to the city of Duluth.

SEC. 6. If, after cancelling bonds, matured coupons and orders, as hereinbefore provided, there shall still remain in the hands of said judge, surrendered for exchange, any other such evidences of indebtedness, or if any such shall at any time afterwards be so surrendered, he shall forthwith issue and deliver to the person surrendering the same, the bonds issued under this act, to one-fourth the amount thereof, and thereupon the bonds, matured coupons and orders so surrendered, shall become the property of the village of Duluth, and shall be held by said judge in trust for said village.

SEC. 7. In making the exchanges hereinbefore provided for, the said judge shall, for the purpose of making change, and for no other purpose, issue to persons surrendering the evidences of indebtedness for exchange as aforesaid, certificates of the amount due them under the provisions of this act, after having issued to them village bonds to as nearly [to] the amount to which they are entitled as the denomination of the bonds furnished by the village of Duluth will admit, and such certificates shall, when presented in sufficient quantities, be received in exchange for the said bonds of the village of Duluth, and if not so exchanged, may be paid without interest, by the treasurer of Saint Louis county, out of the sinking fund hereinafter provided for.

SEC. 8. Whenever the bonds, matured coupons and orders so held by the said judge in trust for the village of Duluth, shall amount to not less than twenty-five thousand dollars (\$25,000), the village of Duluth may apply to the district court of the county of Saint Louis, to have a portion of the territory of the city of Duluth detached from said city and attached to the village of Duluth, and the court, after notice to all parties interested, or such as the judge thereof may direct, and after taking proofs and hearing all parties interested who may desire to be heard, may, by an order of the court, which shall be entered in the records of said court for the county of Saint Louis, detach from said city of Duluth a portion of the territory thereof contiguous to the said village of Duluth, the assessed valuation of which shall bear the same relations as nearly as practicable to the assessed valuation of all the real estate then in the city of Duluth, as the evidences of indebtedness so held by the village of Duluth against the city of Duluth bears to the total funded indebtedness of said city issued prior to the passage of this act and then outstanding, and thereupon the evi-

dences of indebtedness so held by the village of Duluth against the city, shall be cancelled by said judge and delivered up to the city of Duluth.

SEC. 9. The said judge shall, on or before the fifteenth (15th) day of October, A. D. one thousand eight hundred and seventy-seven (1877), and on or before the fifteenth (15th) day of October of each succeeding year, so long as he shall continue to issue any of said village bonds, certify to the county auditor of Saint Louis county the total amount of bonds issued under this act, what amount of the same were issued in exchange for evidences of indebtedness which have been cancelled and surrendered, and what amount in exchange for bonds, matured coupons and orders which are held by the village of Duluth, and the said auditor shall thereupon, and in each succeeding year, levy sufficient taxes on the village of Duluth and the city of Duluth to pay the interest due and to become due during the next succeeding year on all said bonds. He shall levy on the village of Duluth an amount that will bear the same relation to the whole amount to be so levied as the bonds so issued in exchange for evidences of indebtedness which have been cancelled as aforesaid bear to the whole amount of bonds issued, and the remainder he shall levy on the city of Duluth, and the levies so made shall be treated as a part of the levy for county purposes, and shall be collected as other taxes are collected, and the interest coupons on any of said bonds for the payment of which such taxes have been levied, shall be receivable in payment of said taxes. *Provided*, that when the said village shall take up and cancel any of said bonds, no further levies for interest on such bonds shall be made.

SEC. 10. The taxes collected as provided in section nine (9) shall be applied by the county treasurer of Saint Louis county as follows:

First.—The amount collected from the city of Duluth shall be applied in the redemption of matured coupons or other past due evidences of indebtedness so held by the village of Duluth against the city of Duluth, and coupons or other evidences of indebtedness so redeemed shall be by said treasurer cancelled and delivered to the city of Duluth.

Second.—All amounts so collected, from both the city and the village, shall be by the said county treasurer applied to the redemption of matured coupons of said village bonds as presented, and the same, when redeemed, shall be by him cancelled and delivered to the village of Duluth.

SEC. 11. In the year eighteen hundred and eighty-three (1883), and each year thereafter, the auditor of Saint Louis county shall levy a tax on the village of Duluth and city of Duluth together of the sum of two thousand dollars (\$2,000), which sum shall be levied on said village and on said city respectively, in the same proportion each year as taxes for the payment of interest shall be levied as aforesaid, and the same shall be collected as other taxes are collected, and the amount so collected from the city of Duluth shall be applied, first in the redemption of matured coupons and

other past due evidences of indebtedness held by the village against the city of Duluth, and all sums so collected from both the city and the village, shall constitute a sinking fund for the redemption of said village bonds, and shall be disposed of by the treasurer of Saint Louis county, as follows: On the first (1st) day of July, A. D. eighteen hundred and eighty-four (1884), or as soon thereafter as one thousand five hundred dollars (\$1,500) shall have accumulated in such sinking fund, and annually thereafter on the first (1st) day of July, he shall apply such fund to the purchase, from the lowest bidder, after advertisement in one (1) paper at Duluth, and one (1) in New York City, for three (3) successive weeks immediately prior thereto, of any of the bonds issued under this act. *Provided*, said lowest bid shall not exceed one hundred and five dollars (\$105), otherwise the said fund shall be invested in bonds of the United States at their market value.

SEC. 12. No taxes shall be levied by the city of Duluth to pay the principal or interest of bonds or orders held by the village of Duluth against it as aforesaid, except as hereinbefore provided, until further legislation authorizing such levy.

SEC. 13. The issue of bonds under this act by the village of Duluth shall be taken and deemed to be an acceptance by said village of all the terms of this act, and also as a contract with those who shall accept said bonds that the provisions for paying interest and creating a sinking fund shall remain in force until such bonds are fully paid, and that no other bonds shall be issued by the village of Duluth until the total indebtedness of said village shall not exceed ten (10) per cent. of the assessed valuation of the real estate within said village.

SEC. 14. All acts and parts of acts, including parts of the charter of the city of Duluth, inconsistent with this act are hereby repealed.

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

Approved February 23, 1877.

CHAPTER 236.

AN ACT TO REIMBURSE CARLTON COUNTY FOR EXPENDITURES INCURRED IN THE TRIAL OF CERTAIN PARTIES FOR MURDER.

WHEREAS, Daniel Shumway, Thomas Griffin, and Louis Brothbeck were indicted by the grand jury of the county of Carlton for the crime of murder, and the venue of the trial under such in-