

after the confirmation of the award; and the provisions of section twelve (12) of said chapter ten (10) shall apply respecting the furnishing of abstracts of title and as to the course to be pursued where a title is defective or doubtful, and upon the payment of the compensation awarded, or setting apart the same in the city treasury, the title to the land and property and water power taken and appropriated, shall vest in fee in the city of Minneapolis.

SEC. 43. This act shall be a public act and need not be pleaded, nor proven in any case.

SEC. 44. This act shall take effect and be in force from and after its passage, but the present city council shall continue until a new council shall be elected at the annual city election on the first (1st) Tuesday of April, A. D. one thousand eight hundred and seventy-eight (1878), and until the aldermen then elected, or a majority thereof, shall qualify.

Approved March 9, 1878.

CHAPTER 26.

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 AN ACT AMENDATORY THEREOF, APPROVED MARCH FIRST (1st), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX (1876.)

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

SECTION 1. That section fifty-nine (59) of chapter seven (7), title one (1) of the above entitled act is hereby amended so as to read as follows:

Section 59. The city treasurer of said city may, at any time before or after the time of redemption has expired, assign any certificates of sale of property 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, together with the amount of any prior assessment, 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 shall be entitled to a deed as in other cases; *Provided*, That after the expiration of the time of redemption of any certificate of sale of property, if the same shall remain unredeemed, the mayor, committee of ways and means, comptroller and city treasurer, or a majority thereof, may authorize the city treasurer to sell, assign and transfer the interest of the city in and to any such certificate, for such sum or price as to them may appear for the best interest of the city.

SEC. 2. Section one (1), chapter twelve (12) of the above entitled act is hereby amended so as to read as follows:

Section 1. The common council shall not have power to relieve any citizen from the payment of any lawful tax or license, or to exempt him from any burden imposed upon him by law, or order or ordain the payment of any demand not authorized and audited according to law; nor shall the common council have power to ordain or authorize any compromise of any disputed demand, or any allowance therefor or therein, except as provided in the contract therefor, or the payment of any damages claimed for alleged injuries to person or property, except by ordinance, and adopted by a vote of three-fourths of the council. And no action shall be had or maintained against the city of St. Paul for any damages claimed for alleged injuries to persons or property after the first (1st) day of May, one thousand eight hundred and seventy-eight (1878), unless an action be commenced within two (2) years after a cause of action has accrued.

SEC. 3. Section thirty-four (34) of chapter seven (7), title one (1) of the above entitled act, is hereby amended so as to read as follows:

Section 34. All assessments levied under the provisions of this chapter shall be a paramount lien on the real estate on which the same may be imposed, from the date of the warrant issued for the collection thereof.

SEC. 4. That section forty-seven (47) of chapter seven (7) title one (1) of the above entitled act is hereby amended so as to read as follows:

Sec. 47. The right of redemption in all cases of sale for assessments shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in case of sales of real estate for taxes on 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 (24) per cent per annum, and any other assessments which may be made under or by virtue of this chapter, or the charter of the city of St. Paul, subsequent to the sale, with the interest accruing thereon, at the rate, and payable in accordance with the provisions of section thirty-five. (35) If the real estate of any lunatic or infant be sold under this chapter, 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 redemption money to the city treasurer, and upon such payment the city treasurer shall execute to said redemptioner a certificate of satisfaction of said assessment, judgment and lien, upon the return of the certificate of sale, or proof of its loss, and the filing with the comptroller of an affidavit 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 and clerk of said city, conveying to such purchaser or assignee the premises so sold and unredeemed as aforesaid.

Provided, however, that at least thirty days notice, and by at least five publications prior to the time when the right of redemption will expire, on any certificate issued by the city treasurer for the non-payment of any assessment, the comptroller shall cause a notice to be published in the official paper of the city, that deeds will be issued by the city of St. Paul, at the expiration of the time of redemption to the holder of any certificate aforesaid, unless sooner redeemed, giving the number of certificate, description of property, amount sold for, what improvement issued for, the owner's name as appears on the treasurer's books, and the date of the expiration of the time of redemption. A memorandum of all deeds made and delivered shall be entered by the comptroller in the book wherein such sales are recorded, and a fee of one (1) dollar may be charged by the comptroller for every deed so issued.

Provided, That nothing in this act contained shall be construed to 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 the State. In 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. 5. That section fifty-five (55) of chapter seven (7) title one (1) of the above entitled act, is hereby amended so as to read as follows:

SEC. 55. No purchaser of lands or lots, or other property sold for assessments or his heirs or assigns, shall be entitled to a deed until he or they shall have paid all assessments made thereon, prior or subsequent to the assessments, under which such purchase was made. The amount of all such prior or subsequent assessments so paid by any such purchaser, his heirs or assigns, and all moneys paid by such purchaser, his heirs or assigns, to redeem the premises from any sale for any such assessment, shall be a lien on the premises in his favor, and the amount thereof with interest, at two (2) per cent. per month from the time of such payment or redemption, shall be refunded to such purchaser, or to be paid to the treasurer of said city for the use of such purchaser, his heirs or assigns, by the owner or person entitled to redeem, before any redemption shall be made, except as provided in the section next following:

SEC. 6. That section thirty (30) of chapter seven (7) title one (1) of the above entitled act is amended by adding thereto the following proviso:

Provided, further, that all notices under this act, or any act amendatory thereof required, or which may or is to be given under this act, or any act amendatory thereof, by publication in the official paper, 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.

SEC. 7. Section twenty seven (27) chapter seven (7) title one (1) of the above entitled act is hereby amended by adding thereto the following, viz: and it is hereby made the duty of the board of public works in case of the default hereafter of any contractor, to complete his contract with the city, within the time limited in said contract, or within the time to which said contract may have been extended by the board of public works, to cause suit to be commenced forthwith, upon the bond executed and delivered to the city, in accordance with the provisions of this section.

SEC. 8. That section two (2) of the act approved March first (1st), one thousand eight hundred and seventy-six (1876), amendatory of the act above entitled, is amended by striking out in the thirty-ninth (39th) line of said section, the figures "1878" and inserting in lieu thereof the figures "1879."

SEC. 9. That section seventeen (17) of chapter seven (7), title one (1), of the above entitled act, is hereby amended by adding thereto the following proviso, viz.:

Provided, however, that whenever it may be necessary to condemn any land for the opening, extension or the widening of any street over which any stream of water runs, and which the owner thereof may desire to utilize as a water power, the common council upon being advised of such fact, may order the taking and the condemnation of the necessary land for such street, with the reservation that the owner of such land shall have the right to construct flumes or mill races across, through or under said street, and construct dams above and below said street and flow said land. *Provided,* said flumes, races, dams or flowing shall be so constructed and used as not to obstruct public travel on said street.

SEC. 10. That section seven (7) of chapter (7), title two, of the above entitled act is hereby amended by striking out the proviso which limits the amount of bonds to be issued within the limits of any sewerage district.

SEC. 11. That hereafter, no public improvement which requires an assessment to be made on property to be benefited, shall be ordained by the common council unless at least a majority of the board of public works shall recommend the making of such improvement.

SEC. 12. That section one (1) of chapter nine (9) of the above entitled act, is hereby amended as follows, viz.: By striking out after the word "designated" in the tenth (10) line of said section to

and including the word "provided" in the twenty-sixth (26th) line of said section, and in lieu thereof, inserting the following: "And neither the chief of police nor any officer or member of the police department, who may be appointed by the mayor, by and with the consent of the common council as aforesaid, shall be removed unless for cause, nor unless he be first furnished with, and notified of the charges, nor until such officer or member shall have a reasonable opportunity to be heard in his own defense. The mayor and common council may fix a time and place for the trial of such officer or member, compel the attendance of witnesses, and hear and determine the case. If such officer or member neglect to appear and answer, the common council may declare the office vacant. *Provided, the mayor may suspend any officer or member of the said police department pending the proceedings aforesaid.*

SEC. 13. This act to be in force from and after passage.

Approved March 12, 1878.

CHAPTER 27.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE INCORPORATION OF THE CITY OF FARIBAULT," APPROVED FEBRUARY TWENTY-NINTH (29th), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO (1872).

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

SECTION 1. That section twelve (12) of chapter two (2) of said act be amended so as to read as follows:

SEC. 12. The assessor shall be styled the city assessor, and shall be responsible for the faithful discharge of all the duties pertaining to the proper assessment of all the taxable property of the city, for the purpose of levying city, county and State taxes, and he may nominate each year not to exceed two (2) assistants, who, when confirmed by a majority vote of the council, shall assist the assessor in the performance of his duties under such regulations and for such remuneration as the council shall establish. And upon the completion of the assessment roll, the assessor shall return the same to the common council, who may alter, revise and equalize the same as they may deem just and proper: said city assessor shall hold his office for one (1) year and until his successor is elected and qualified.