

furnishing a working capital for said company," and before the words "they may issue and sell the bonds of the company." the following words, viz: "from time to time, or of discharging any debts or liabilities which it has heretofore incurred or may hereafter incur in the prosecution or conduct of its business, or in the administration of its affairs."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1881.

---

## CHAPTER 120.

AN ACT TO AMEND "AN ACT TO ALLOW THE COMMON COUNCIL OF THE CITY OF SAINT PAUL TO LAY OUT A LEVEE AND STREET," APPROVED MARCH 8th, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE (1879).

*Be it enacted by the Legislature of the State of Minnesota.*

SECTION 1. That section one (1) of an act entitled "an act to allow the common council of the city of St. Paul to lay out a levee and street, approved March 8th, one thousand eight hundred and seventy-nine (1879), be and the same is hereby amended so as to read as follows:

Sec. 1. The municipal corporation of the city of Saint Paul is hereby authorized to appropriate and condemn whatever land and real estate that it may deem necessary for the opening, extending and widening a street or levee along the Mississippi river throughout its entire length within the sixth ward of said city of St. Paul, and to levy assessment therefor upon the property fronting upon such improvement or upon the property to be benefited by such improvement without regard to the cash valuation as now provided by law for other local improvements in the city of St. Paul. *Provided, however,* that whenever the board of public works shall be required by an order of the common council to report upon the necessity and propriety of such improvement, if in the opinion of the board of public works, property cannot be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby, they shall so report and to what an amount of the costs, property cannot be found benefited to pay for such improvements and if the amount does not exceed twenty thousand (20,000) dollars for the entire improvement, the common council may by a three-fourths (¾) vote of all the members elect, order a part of the damages, costs and expenses incurred in the opening, extending and widening said levee or street as aforesaid, to be paid out of the

local improvement fund of the city of Saint Paul, but to an amount not to exceed twenty thousand (20,000) dollars for the whole improvement as aforesaid. *Provided*, if for any cause the common council shall order the opening, extending or widening of a part only of the levee, street or river front along said Mississippi river within the limits of the sixth ward, in that case a *pro rata* part according to distance, only of the sum authorized by this act in addition to the amount to be assessed shall be used or appropriated by said common council for said improvement. *Provided, further*, that it is hereby made the duty of the common council of said city, either at the next succeeding tax levy after such improvement has been ordered, to levy a tax for a sum which shall be sufficient to reimburse the local improvement fund of said city for the advance made as aforesaid, or to issue the bonds of said city to amount equivalent to the sum advanced out of said local improvement fund in aid of said improvement to repay said advance. Said bonds shall bear interest at a rate not to exceed five (5) per cent. per annum and shall be payable at such times as the common council may order. *Provided, further*, that said bonds shall never be sold less than par.

Sec. 2. That after the street or levy referred to in the foregoing section shall have been opened, extended and widened as therein provided and the grade thereof established, the common council, by a three-fourths ( $\frac{3}{4}$ ) vote of all the members elect, is hereby authorized and empowered to issue the bonds of the city of Saint Paul, to the amount of five thousand (5000) dollars to aid in the grading and improving said street or levee between Ethel street in Levin's addition to West St. Paul and the west line of F. Ames' addition to West St. Paul, and the board of public works in making the assessment for said grading aforesaid shall only make said assessment for the expense and cost of the same in excess of five thousand (5000) dollars.

That said bonds shall bear interest at a rate not to exceed five (5) per cent. per annum and shall be payable at such times as the common council may order, and when sold the proceeds thereof shall be paid into the city treasury to the credit of said improvement fund. *Provided, however*, if any part of the twenty thousand (20,000) dollars appropriated by the first section of this act, be unexpended in the opening, extending and widening the said levee or street as therein provided, the said unexpended sum shall be added to the fund appropriated by this section, and used in the grading as aforesaid.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7th, 1881.