

SEC. 33. This act shall take effect from the passage thereof, and the legislature may alter or repeal the same at any time.

Approved March 7th, 1881.

CHAPTER 93.

AN ACT AMENDING PARTS OF THE CHARTER OF THE CITY OF SAINT PAUL, AND ACTS AMENDATORY THEREOF.

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

SECTION 1. It is hereby made the duty of the board of public works of the city of Saint Paul, as soon after the passage of this act as practicable, and annually thereafter, to cause proposals to be published in the official paper of said city, in the same manner and for the same length of time as in the case of other public improvements, for the construction, repair and relaying of such sidewalks as may be ordered built, repaired or relaid by the common council during the year ending on the first day of January next ensuing. General plans and specifications applicable to all sidewalks that may be ordered built, repaired or relaid during the year by said common council, shall be made and filed with the clerk of the board of public works, at least ten days before the day named for the receipt of said bids by the board of public works, and the work shall be let and placed under contract as now provided by law for the construction, relaying and repair of sidewalks for which an assessment is to be made, except that the bids for the construction, repair and relaying of said sidewalks shall be accompanied by a bond to the city of Saint Paul in the sum of five thousand dollars (\$5000), executed by the bidder and two responsible sureties, conditional that he shall execute the work for the price mentioned in his bid, according to the plans and specifications, in case a contract shall be awarded him, and in case of default on his part to execute the contract and perform the work, said bond may be sued and judgment recovered thereon by the said city, for the full amount thereof, in any court having jurisdiction of the amount, and except further, that in determining the question of what constitutes the lowest reliable and responsible bidder, must be determined by said board of public works independent and exclusive of the bond required by this section.

The common council of said city may cause sidewalks to be constructed, relaid or repaired whenever they deem that the public interest requires it, without a reference to the board of public works. Whenever said council shall order the construction of

such sidewalks, a copy of such order shall be transmitted to the board of public works, whose duty it shall be, without any unnecessary delay, to transmit said order to the person or persons having the contract for the construction, repair or relaying of sidewalks for the time being, who shall within five days thereafter, cause the sidewalks so ordered constructed, relaid or repaired by the common council, to be built, relaid or repaired, as the case may be, and it shall be the duty of the city engineer within five days after having been notified by such contractor of the construction, repair or relaying of said sidewalks, to examine the same, and if said sidewalks shall be found to be constructed, repaired or relaid in accordance with the contract therefor, to report the fact to the board of public works, who shall cause an assessment to be made as hereinafter provided.

At the first meeting in each and every month, unless otherwise ordered by said board, they shall give at least ten days notice by publication in the official newspaper of said city to the effect that at a certain time and place they will proceed to make an assessment to tax for constructing, relaying or repairing said sidewalks. Said notice shall briefly describe the location and nature of said improvements and shall be published at least three times, which period of ten days shall commence with the first publication of said notice at the time and place specified in said notice, or such other time and place as may be fixed by adjournments: the said board shall assess the amount as nearly as they can ascertain the same, which will be required to defray the cost of such improvement including the necessary expense of making and collecting such assessment upon the real estate or lots of land fronting on such improvement.

In making said assessment the said expense and costs shall be apportioned in accordance with the number of lineal feet of said real estate or lots of land fronting of said improvement as aforesaid. When said assessment is completed the said board shall give six days notice by one publication in the official newspaper of the city, to the effect that at a time and place therein specified, that said assessment will be confirmed, unless cause is shown to the contrary, and that objections must be filed one day before such time of meeting with the clerk of said board. Such objections shall be mad and filed in the same manner, and said board shall proceed in hearing the same and have the same power to revise, correct, confirm or set aside such assessment or proceed *de novo*, as provided in section fifteen (15) of this chapter. Said assessment when confirmed, shall be final and conclusve, and no appeal shall lie therefrom.

A warrant shall issue for the collection thereof, and said assessments shall be enforced and collected as other assessments made under this chapter.

Whenever the said contractor shall fail to build, repair or relay any sidewalk within the time designated by the board of public works, or in any other respect fail to comply with the terms of

his said contract. the said board of public works shall have power to furnish and use men and material to complete the work and charge the expense to the contractor. and the same shall be deducted from any money due him or to become due such contractor or may be collected from him in a suit by said city. or said board of public works may re-advertise for bids for the completion of the unexpired term of said contract and let a contract in the same manner as hereinbefore provided in the original contract.

In case the said contractor shall proceed to properly perform and complete his said contract, and all the provisions, clauses, matters and things therein contained. the said board of public works may. upon said contractor filing with the city engineer an affidavit that all the work and labor for which an estimate is asked is fully paid for, from time to time, as the said work progresses, grant to said contractor, every thirty (30) days, an estimate of the amount already earned, reserving, however, fifteen (15) per cent. therefrom.

Provided, however, that said fifteen (15) per cent. shall be included in the final estimate allowed said contractor. *Provided, however,* that nothing in the foregoing section shall be construed to prevent any property owner from constructing his or her own sidewalk, under the authority and direction of the city engineer, provided said sidewalk shall have been constructed before a sidewalk had been ordered in front of the property by the common council. In that case the property owner shall have no authority whatever in the premises, to construct said sidewalk, but the same shall be built by the city, as provided by law.

SEC. 2. That the board of public works of the city of St. Paul shall consist of six reputable free holders and qualified electors of said city, no two of whom shall be resident of the same ward, and none of whom shall be members of the common council of said city, or hold any office under the charter and ordinances of the city. They shall be appointed by the mayor, by and with the advice and consent of the common council, on the second (2d) Monday in March in each year, or as soon thereafter as practicable, and their term of office shall be for a term of three (3) years, and until their successors are appointed and qualified; *provided,* that the term of the existing members of said board shall terminate as now provided by law; *Provided, further,* that two (2) of the persons appointed in the year one thousand eight hundred and eighty-one (1881) shall hold their office for one (1) year, one (1) for two (2) years, and one (1) for three (3) years.

SEC. 3. That the board of public works and the common council shall, on the second (2) Tuesday in March of each and every year, at two (2) o'clock P. M., or as soon thereafter as practicable, meet in joint convention. The president of the common council to be the president of said convention, and elect a competent and scientific person as civil engineer to the board of public works, by a viva voce of two-thirds (2-3ds) of all the members elect of the common council and the board of public works. Said engineer

shall perform all the civil engineering required by said board of public works in the promotion of all public works committed to their charge or required by said board in connection with official duty. He shall be ex officio city engineer. Said city engineer shall transact no other business than that required of him in the performance of his duties as city engineer during his continuance in office. *Provided*, that said convention shall meet from day to day until said city engineer shall be elected; *and provided further*, that the term of office of the city engineer shall expire on the second (2d) Tuesday in March of each year.

SEC. 4. That the personal notice required by section twenty-five (25) of chapter seven (7), of the act approved March fourth (4th), one thousand eight hundred and seventy-four (1874), reducing the laws relating to the city of St. Paul into one (1) act, and amending the same, may be made by depositing in the St. Paul post office a postal card addressed to the property owners to be assessed, or their agents resident in St. Paul, at least four days prior to the making of an assessment, upon which card shall be either printed or written substantially what the personal notice by said section twenty-five (25) is now required to contain, but the failure to give such personal notice shall in no wise affect the validity of said assessment, or of any of the proceedings.

SEC. 5. That all that portion of the fifth (5th) ward of the city of St. Paul lying westwardly of the railroad track of the St. Paul and Duluth Railroad Company, shall constitute aldermanic district number one (1) of said ward, and that all the rest and residue of said ward shall constitute district number two (2) of said fifth (5th) ward.

SEC. 6. That it is hereby made the duty of the Register of deeds of Ramsey county, to record any deed or any other instrument in which the grantor or grantee is the city of St. Paul, without requiring the same to be certified, "taxes paid and transferred" entered or paid by sale of land described within any General Laws of the State to the contrary notwithstanding.

SEC. 7. The common council of the city of St. Paul shall have power to preserve quiet and order on the levees and on the streets of said city, at the arrival and departure of railroad cars, steamboats and other vessels and modes of conveyance and prescribe and regulate the manner and place in which drivers, porters, runners, solicitors, agents and baggage collectors for hotels or public houses or express companies, draymen, cabmen, cartmen, hackmen, omnibus drivers and solicitors for passengers or for baggage with their drays, carts, cabs, carriages, sleighs or other vehicles shall stand, and to prohibit or prevent them from entering or driving within any railroad depot or upon any railroad grounds, or entering upon any railroad car or steamboat or other mode of conveyance to solicit passengers or baggage. It may also prescribe places or stands in the streets of said city within which drays, carts, cabs, hacks, coaches, carriages, sleighs, sleds and other vehicles may stand and be kept for hire, and within which loads of wood, coal, hay and

other articles may be kept for sale, and to regulate such stands and places.

SEC. 8. The police department of the city of St. Paul shall consist of the mayor who shall be the chief executive officer and head of the department, a chief of police, a captain of police, two sergeants, two detectives, and as many policemen, patrolmen and police officers as may be authorized by the common council of said city, with the approval of the mayor.

SEC. 9. In addition to the other bonds required by the city charter and the acts amendatory thereof, of persons contracting with said city to do any work, labor, or furnish any material before any contract for the doing of any work, labor, or furnishing any material to or for said city, shall be binding and valid as against said city, said contractors shall enter into bond with the city of St. Paul, for the use of all persons who may do work or furnish materials pursuant to any contract between said contractors and said city, conditioned for payment of all just claims for such labor, work or materials, as they become due under said contract; which bond shall be in such an amount not less than the contract price agreed to be paid for the performance of such contract, and with such sureties as shall be approved by one of the judges of the district court of Ramsey county, and shall file the same in the office of the city comptroller of St. Paul.

SEC. 10. That so much of the city charter as authorizes the appointment of two (2) street inspectors is hereby repealed and the duty now imposed by law upon said street inspectors is hereby transferred to and made a part of the duties of the city engineer, who is charged under the direction of the board of public works with the erection, control and supervision of all the sidewalks, streets, lanes, bridges, alleys and public levees; and it is hereby made his duty at all times to have and to keep all the sidewalks, streets, lanes, bridges, alleys and public levees in a cleanly condition, passable and safe for public use and travel; and that to enable said engineer to satisfactorily discharge the duties created by this section, he is authorized to detail from the force employed in the city engineers' office, two persons, or to appoint two persons, who under his direction shall perform the duty now performed by said street inspectors, which persons so detailed or appointed shall receive such compensation as the board of public works with the consent of the common council may determine.

SEC. 11. That all street grades which have been ordered changed by the common council of the city of St. Paul, since the 12th of March, one thousand eight hundred and seventy-eight (1878), without having been recommended by a majority of the board of public works, if no assessment of damages has been made therefor, before any assessment in regard to said change shall be made or any further action had in regard thereto, the common council of said city shall refer the same to the board of public works for their recommendation, and if not recommended by said board of public works, said change of grade, unless

made upon the ground, shall be deemed to be abandoned by the city, and all proceedings under said attempted change of grade is hereby declared null and void. If the change of grade be recommended by said board of public works, the common council shall proceed to complete said change of grade and assessments, as now provided by law, after the recommendation of said board, *provided, however*, that the change of grade of any street heretofore ordered by the common council without the same first having been recommended by the board of public works, where the assessment has been made, shall be legal and valid to all intents and purposes as if recommended by said board of public works, and the same are hereby satisfied and legalized.

SEC. 12. That it is hereby made the duty of the treasurer of the county of Ramsey, in the collection of taxes, to keep a set of books, so as to show at all times the exact amount of money received or collected for the city of St. Paul, and for the board of education of the city of St. Paul, and that all taxes received by said county treasurer for the city of St. Paul, and the board of education of the city of St. Paul, shall be distributed as collected on the books of said county treasurer to the credit of said city of St. Paul, and the board of education of the city of St. Paul, and fifty (50) per cent. of all penalties received by the county treasurer for delinquent taxes shall belong to and shall be paid to the treasurer of the city of St. Paul for the use of said city by said county treasurer, and the said county treasurer shall, on the first week day of each and every month or so soon thereafter as the same may be demanded pay over to the city treasurer of the city of St. Paul all moneys and penalties collected the previous month for said city, as well as all moneys collected for the board of education of said city as shown by the county treasurer's book or books.

SEC. 13. The common council of the city of St. Paul shall have authority to license and regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, circuses, concerts and theatrical performances, and also license and regulate all auctioneers, billiard tables, pigeon-hole tables, nine or ten pin alleys, bowling saloons, butcher shops and butcher stalls and vendors of butchers' meats, hucksters, vendors or dealers in fruits or vegetables, stock yards, pawn brokers, insurance offices and insurance agents, taverns, lager beer saloons, victualing houses and all persons vending, dealing in or disposing of spiritous, malt or fermented liquors.

SEC. 14. That whenever in the city charter, or any of the amendments thereto, the words "first (1st) Wednesday of May" is fixed as the expiration of the term of any city officer the same shall be stricken out and the words "the first (1st) Tuesday of June" inserted in lieu thereof.

SEC. 15. The common council of the city of St. Paul shall have authority to erect and maintain market houses, establish markets and market places, to restrain and prohibit during market hours the sale at any other places than in the public markets or market

places meats, poultry, wild game, fruits or vegetables or other articles except by regular licensed dealers and by them only, at their regular places of business and for which place they shall have a license, and to restrain and prohibit the purchase by any grocer or other dealers in vegetables, poultry or other provisions, any meats, poultry, wild game, fruits, berries, vegetables or any other article in any public market or market place during market hours, except for the use of his or her family. *Provided, however,* that nothing in this section shall be construed to prohibit the sale of vegetables, country produce or poultry upon the public streets, lanes or alleys of said city after the hour of twelve (12) o'clock noon of each day.

SEC. 16. The common council of the city of St. Paul, in addition to its other powers, is hereby authorized to ordain such other and further ordinances, not inconsistent with the laws of the State, which shall be deemed expedient for the good government of the city, the protection of its property, the preservation of peace and good order, the suppression of vice, the benefit of trade and commerce, the preservation of health, the prevention and extinguishment of fires, and to prescribe limits in which neither wood, lumber, lath, shingle or hay can be piled or stored or lumber yards established or maintained within said city.

SEC. 17. The common council of the city of St. Paul shall have power to purchase real estate for the use of said corporation, or to aid in the purchase of real estate for such public purposes as the common council may deem proper by a unanimous vote of all the members thereof elect, and by a like vote to sell and convey such real estate as the city may own, and which are not needed for municipal purposes, and all conveyances heretofore made and executed by said corporation are hereby legalized and satisfied; *and provided* that said common council shall never contract or increase any indebtedness for the purchase of real estate without special authority first obtained from the legislature.

SEC. 18. The salary of the city comptroller shall be twenty-five hundred dollars (\$2500) per annum. The salary of the city engineer shall be twenty-five hundred dollars (\$2500) per annum. The salary of the city treasurer shall be twenty-nine hundred dollars (\$2900) per annum and fees. The salary of the city attorney shall be twenty-five hundred dollars (\$2500) per annum, besides clerk hire which shall not exceed six hundred dollars (\$600) per annum, and there is hereby appropriated out of the city treasury, the sum of twelve hundred dollars (\$1200) for money paid and expended for clerk hire during his present term of office. The salary of the clerk of the board of public works shall be eighteen hundred dollars (\$1800) per annum which shall include clerk hire. The salary of the chief of the fire department to be such sum as may be fixed by the common council not to exceed fifteen hundred dollars (\$1500) per annum. *Provided,* that said common council may fix the salaries of said officers at a lower rate than above specified, and that no additional allowances or sum shall be paid to the

city comptroller, city treasurer, city attorney, clerk of the board of public works, than as above specified, or which may be hereafter fixed, subject to the above limitations, by the common council for clerk hire or assistance in the discharge of the duties of their several offices as now are or hereafter may be prescribed by law.

SEC. 19. All acts and parts of acts contravening this act are hereby repealed.

SEC. 20. This act shall take effect and be in force from and after its passage.

Approved March 7, 1881.

CHAPTER 94.

AN ACT TO AMEND SECTION SEVENTEEN (17) CHAPTER TWO (2) OF THE AMENDED CHARTER OF THE TOWN OF TAYLORS FALLS, CHISAGO COUNTY, MINNESOTA. APPROVED MARCH SIXTH (6TH), EIGHTEEN HUNDRED AND SEVENTY-ONE (1871).

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

SECTION 1. That section seventeen (17) of chapter (2) of the charter of the town of Taylors Falls, Chisago county, Minnesota, as amended March, sixth (6th) eighteen hundred and seventy-one (1871), be and the same is hereby amended so as to read as follows:

Sec. 17. The common council shall have the exclusive right to license persons vending or dealing in spirituous, vinous, fermented, mixed, malt or intoxicating liquors within the limits of the said town of Taylors Falls, and persons so licensed shall not be required to obtain a license from the board of county commissioners. *Provided*, that no license shall be granted for less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) per year. *Provided further*, that said common council may grant license for the sale of malt liquors, for a sum not less than one hundred dollars (\$100) nor more than two hundred and fifty dollars (\$250), or to any druggist for the sale of spirituous or vinous liquors for medicinal or commission purposes for a sum not less than fifty dollars (\$50) nor more than one hundred and fifty dollars (\$150) per year. Previous to the granting of any such license a bond shall be filed with the recorder and approved by the common council, with the same penal sum and with the same conditions as are required by chapter sixteen (16) of the general statutes. The common council shall have full power and authority to declare and impose fines, penalties and punishment and to enforce the same against any person or persons who may violate this section of the