

CHAPTER 16.

[H. F. No. 785.]

AN ACT RELATING TO CONTRACTS WITH THE CITY OF ST. PAUL, IN THE COUNTY OF RAMSEY, AND THE GIVING OF BONDS FOR THE PROTECTION OF PERSONS DOING WORK OR FURNISHING MATERIAL IN THE PERFORMANCE OF ANY SUCH CONTRACT.

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

SECTION 1. Before any contract for the doing of any work or labor, or furnishing any skill or material to or for the city of St. Paul, shall be valid and binding against said city, the contractor shall enter into a bond with the city of St. Paul, for the use of said city and also for the use of all persons who may perform any work or labor, or furnish any skill or material in the execution of such contract, conditioned to pay as they become due, all just claims for all work and labor performed, and all skill and material furnished in the execution of such contract, and to comply with all the requirements of the charter of said city and the amendments thereto, and with all the provisions of this act, which bond shall be in an amount not less than the contract price agreed to be paid for the performance of such contract, and shall be duly signed and acknowledged by such contractor and two (2) or more good and sufficient sureties, and after being approved as herein provided, shall be filed in the office of the city comptroller of St. Paul.

SEC. 2. The sureties on such bond shall each take and subscribe an oath that he is a resident of the State of Minnesota, and that he is seized in fee of real estate situate in said state, and not exempt by law from sale on execution of the value and worth, over and above all incumbrances thereon, of the sum for which he is to justify in said bond. More than two (2) sureties may be accepted on such bond and they may justify in separate and different sums less than the sum specified in such bond; *Provided*, that the aggregate of their justification shall be equal to two (2) sureties, each justifying in a sum equal to the amount of said bond.

SEC. 3. It shall be the duty of the city attorney of said city to see that such bond is fully and properly executed and conforms in all respects to the provisions of this act, and thereupon he shall indorse on said bond his approval of the form thereof. Such bond and the sureties thereon shall thereafter be approved by an indorsement on said bond by the mayor and corporation attorney of said city, but said mayor and attorney shall not approve any such bond unless said city attorney's approval of the form thereof be indorsed thereon, nor unless the sureties on such bond appear personally before said mayor and attorney, and are by them examined touching their fitness and ability to become sureties on such bond, and it shall be the duty of such mayor and attorney to reject any person, notwithstanding his justification subscribed to the bond, if they, or either of them, shall deem such person of insufficient ability or otherwise unfit to become a surety on such bond.

SEC. 4. Whoever shall perform or cause to be performed any work or labor, or furnish or cause to be furnished any skill or material (including any work, labor, skill or material necessary in the repair of any tool or machine, also including any tool or machine or material furnished particularly for such contract, and used thereon), in the execution of such contract, at the request of the contractor, his agents, heirs, administrators, executors or assigns, or at the request of any subcontractor, his agents, heirs, administrators, executors or assigns, or at the request of the board of public works of said city, in case said board shall have determined such contract and shall complete the same as herein provided, shall be considered a party in interest in said bond, and may bring an action thereon in his own name for the reasonable value or agreed price (as the case may be) of the work or labor performed, or skill or material furnished by him. The city of St. Paul shall also be considered a party in interest in said bond, and may bring an action thereon whenever any such contract shall have become ended or void, and the board of public works shall have completed the same, as in this act provided.

SEC. 5. Before any contractor, his agent, heirs, administrators or assigns, shall receive any estimate on any such contract with said city of St. Paul, he, his heirs, administrators, executors or assigns, shall make and file with the city comptroller an affidavit that all claims for all work and labor to date, and for which an estimate is asked, have been fully paid.

SEC. 6. No contract with said city for the doing of any public work shall hereafter be assigned or transferred in any manner, and any assignment or transfer, except by operation of law, of any such contract, shall fully end and determine such contract and shall make the same null and void as to any further performance thereof by the contractor or his assigns, without any act on the part of said city; and the board of public works of said city shall at once proceed to relet such contract, or said board may, in its discretion, proceed to complete the same as the agent and at the expense of such contractor and his bondsmen.

Any bidder for city work has the option to make a deposit of a certified check or cash in lieu of giving the bidder's bond required by the charter of said city.

SEC. 7. No assignment, transfer, abandonment or surrender, either voluntary or otherwise, of any contract with said city for the doing of any work or labor, or the furnishing of any skill or material, nor any change in any such contract, nor any extension of time in which to complete any such contract, shall ever operate to release the sureties on the bond in this act provided for; and no such assignment, transfer, abandonment, surrender, change, or extension of time shall ever be pleaded as a defense to any action upon such bond in any court in this state.

SEC. 8. The board of public works of the city of St. Paul may, whenever in their judgment one (1) or more of the sureties on such bond have become insolvent, or for any cause are no longer fit and sufficient sureties, require any such contractor to file a new or additional bond within ten (10) days after notice to that effect; and thereupon all work on such contract shall cease until such additional bond shall be filed with the city comptroller of said city, and if any such contractor shall fail for ten (10) days after notice to that effect to file

a new or additional bond, as aforesaid, his contract shall by that fact alone become fully ended and void as to any further performance thereof by such contractor. And thereupon said board of public works shall proceed to relet such contract, or said board may, in its discretion, proceed to complete the same as the agent and at the expense of such contractor or his bondsmen.

SEC. 9. If any such contract shall for any reason become ended or void, and the board of public works shall complete the same, as in this act provided, and the costs of so completing such contract shall exceed the amount unpaid by said city upon such contract at the time the same shall become ended or void, in such case it shall be the duty of the city attorney of the city of St. Paul to at once commence an action in the name of said city against such contractor and his bondsmen for the recovery of the difference in amount between the costs of so completing such contract and the amount unpaid by said city upon such contract at the time the same became ended or void.

SEC. 10. The board of public works of the city of St. Paul are hereby prohibited from entering into any contract for the doing of any work or labor, or the furnishing of any skill or material, with any person, who, within two (2) years prior thereto, shall have made default in the payment of any just claim for any work or labor performed, or for any skill or material furnished pursuant to any such contract with said city; or with any person who, within two (2) years prior thereto, shall have assigned, abandoned, surrendered, or failed to complete any such contract; or who shall have failed to comply with any of the provisions in this act.

SEC. 11. Whoever shall become surety on any such bond and shall take and subscribe the oath provided for in section two (2) of this act, who, at the time, is not a resident of the State of Minnesota, or who is then not seized in fee of real estate in the State of Minnesota of the value and worth the sum specified in such bond (or so much of said bond as he becomes surety for) over and above all incumbrances thereon, exclusive of his property exempt by law from sale or execution, is guilty of perjury; and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one (1) year nor more than five (5) years.

SEC. 12. Whoever shall make the affidavit required in section six (6) of this act, and shall receive and cause to be received from said city of St. Paul, by himself, his agents, attorneys or assigns, any such estimate, or any part thereof, while any such claim for work or labor remains unpaid, and for the recovery of which an action might be maintained on the bond herein provided for, is guilty of perjury; and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one (1) year nor more than five (5) years.

SEC. 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, save that nothing herein contained shall be construed or operate to abrogate, or change any contract or bond now made and operative or in any manner to affect the provisions of section seven (7) of Chapter three (3) of the General Laws of Minnesota for eighteen hundred and eighty-five (1885), entitled "An act to amend an act entitled an act to authorize the organization and incorporation of annuity, safe deposit and trust companies, approved March fifth (5th), one thousand eight hundred and eighty-three

(1883),” approved March fifth (5th), eighteen hundred and eighty-five (1885); but all right and authority conferred by said section shall continue to exist notwithstanding any of the provisions of this act, and any corporation duly organized and having authority to act under the terms of such section may become sole surety under any bond required by the provisions of this act, and in such case so much of the provisions of section one (1) of this act as relate to two (2) or more good and sufficient sureties shall be construed to be fully satisfied by the execution of any such bond by such corporation, and none of the provisions of section two (2), three (3) or eleven (11) of this act shall apply in such case.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

CHAPTER 17.

[H. F. No. 781.]

AN ACT AUTHORIZING THE CITY OF ST. PAUL TO CONVEY TO THE UNITED STATES LOTS THREE (3), FOUR (4) AND FIVE (5) OF BLOCK EIGHT (8) OF RICE & IRVINE'S ADDITION TO ST. PAUL, IN RAMSEY COUNTY IN THE STATE OF MINNESOTA.

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

SECTION 1. The city of St. Paul, in Ramsey county, Minnesota, is hereby authorized and empowered to convey the title in fee, without additional consideration being received, to the United States, lots three (3), four (4) and (5) of block eight (8) of Rice & Irvine's addition to St. Paul, in said Ramsey county; the said United States intending to erect thereon a post office or government building.

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

Approved March 17, 1891.

CHAPTER 18.

[H. F. No. 837.]

AN ACT TO CEDE TO THE UNITED STATES JURISDICTION OVER CERTAIN TERRITORY IN THE CITY OF ST. PAUL, MINNESOTA, AND GRANTING THE CONSENT OF THE LEGISLATURE TO THE PURCHASE OF THE SAME BY THE UNITED STATES, AS PROVIDED BY SECTION THREE HUNDRED AND FIFTY-FIVE (355) OF THE REVISED STATUTES OF THE UNITED STATES.

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

SECTION 1. That the consent of the legislature of the state of Minnesota be and the same is hereby granted to the United States, to acquire by gift or purchase and to hold in this state for the purpose