

agents, railroad agents or officials, employes or common carriers, or other persons, shall render them all the assistance in their power when so requested, in tracing, finding or discovering the presence of any such adulterated oil.

SEC. 5. In all prosecutions under this act the cost thereof shall be paid in the manner now provided by law, and such fine shall be paid into the state treasury and placed to the credit of the state dairy and food commissioner's fund.

SEC. 6. This act shall be in force and effect from and after its passage.

Approved April 21, 1897.

S. F. No. 689.

CHAPTER 218.

Cities may
purchase
water and
light plants.

An act entitled an act to authorize and empower cities in this state having a population of more than fifty thousand to purchase any water plant or any combined water and light plant in operation in such city, and to issue water and light bonds for such purpose.

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

Cities of over
50,000 popu-
lation may
purchase.

SECTION 1. That the common council of any city in the State of Minnesota, at any time having a population of more than fifty thousand (50,000), according to the last officially promulgated state census, is hereby authorized and empowered to purchase, subject to the approval of the legal voters of such city as is hereinafter provided, any water plant, or any combined water and light plant in operation in such city; and the common council of such city is hereby authorized and empowered, subject to the conditions hereinafter provided, to issue water and light bonds of such city to such an extent as may be necessary for the purpose of purchasing any water plant, or any combined water and light plant in operation in such city, the provisions of the laws of said state, whether general or special, governing any such city to the contrary notwithstanding.

Bonds for
same, how
issued.

SEC. 2. Water and light bonds of any such city issued under this chapter shall be issued in the following manner, to-wit: After the legal voters of such city shall have voted in favor of issuing said water and light bonds as hereinafter provided, the common council shall by ordinance, passed by a majority vote of all the aldermen, authorize the issue of coupon water and light

bonds of such city running not more than thirty (30) years, bearing interest at not more than five (5) per cent [per] annum, principal and interest payable at such time and place as may be fixed by the common council; such bonds to be signed by the mayor, sealed with the seal of the city, attested by the clerk and countersigned by the comptroller, and shall be sold at not less than par value to the highest responsible bidder after notice published at least once in each week for three (3) consecutive weeks in the official paper of such city. Such water and light bonds so issued shall be a special, exclusive first lien upon all water and light franchises, plants, appliances and structures of every kind so purchased by said city, in whole or in part by the funds derived from the sale of such bonds, and in estimating the bonded indebtedness derived from the sale of such bonds, and in estimating the bonded indebtedness of any such city for the purpose of ascertaining whether the limitation of indebtedness has been reached, such water and light bonds, and any outstanding bonds on such plant which may be assumed by such city shall not be considered. Whenever the common council may deem it expedient to make such purchase they shall submit to the legal voters of the city at any general city election, or at any special election to be called by said common council for that purpose, the proposition of making such purchase and of issuing said water and light bonds to an amount deemed by said common council desirable. Any such election shall be called, if a special election, and whether special or general shall be conducted in the same manner and with the same formalities as general elections in this state. The ballots to be voted at such election may read substantially as follows:

Such bonds
first lien on
plant and
franchise.

Proposition
submitted
to legal
voters.

Ballots.

First—Shall water and light bonds to the amount of (here state amount) be issued for the purpose of purchas[ing] the water plant owned by (here state name of owner) for (here state purchase price.)

Yes

No.

Second—Shall water and light bonds to the amount of (here state amount) be issued for the purpose of purchasing the combined water and light plant owned by (here state name of owner) for (here state purchase price.)

Yes

No.

Provided, that nothing in this section contained shall be held or construed to compel said common council to submit both of said propositions at any one time, and it is hereby expressly declared to be the meaning of this act that the common council shall have authority to sub-

Propositions
may be
separate.

mit said propositions, separately or combined, as they may deem expedient.

Additional
issue of
bonds.

SEC. 3. The common council of such city may from time to time thereafter submit to the legal voters of such city, the proposition of issuing additional water and light bonds in such additional sums as they may deem necessary for the purpose hereinbefore mentioned, or for the purpose of extending any plant purchased under the provisions hereof. The ballots at such election may be substantially in the foregoing form, with such changes as may be necessary.

Majority
vote.

SEC. 4. If a majority of the voters present and voting upon said propositions at such elections shall vote in favor of issuing such water and light bonds, such city through its proper officers shall issue said bonds to the amount voted, and shall sell and negotiate the same in the manner thereinbefore provided.

Expenditure
of funds.

SEC. 5. It shall be the duty of the common council of such city to expend the money derived from the sale of all bonds issued under the provisions of this act, solely in the manner directed by the voters at said election, and it shall be unlawful for any officer, agent or employe of such city to expend said money or any part thereof for any other purpose whatever. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand (\$1,000) dollars or by imprisonment not exceeding one year, or both such fine and imprisonment.

Outstanding
bonds.

SEC. 6. If any water plant, or any combined water and light plant, so purchased by any such city shall have bonds outstanding which by their terms are not due and the parties owning same refuse to surrender the same, such city may purchase the plant, leaving such bonds outstanding; *provided*, that the face value of the bonds so unsurrendered and outstanding, with interest thereon to the date of payment for said plant, shall be deducted from the amount to be paid by such city for said plant as declared in said election; *and provided*, that in no case shall the price be paid by such city for such plant, inclusive of the bonds so unsurrendered, exceed a sum equal to the face value of the bonds voted to be issued for the purchase of such plant.

Bonds equal
to outstand-
ing bonds to
be withheld.

Provided, further, that if purchase of any such plant is made, leaving unsurrendered bonds outstanding, then an amount of water and light bonds so authorized to be issued and sold, equal to the amount of said bonds so unsurrendered and outstanding, shall be withheld and not issued or sold until such unsurrendered bonds shall be redeemed or paid, at which time said common

council shall issue and sell such authorized water and light bonds in the manner hereinbefore provided in such amounts as it shall deem necessary, making due provision as to accrued or unearned interest thereon, for the sole purpose of taking up and cancelling such surrendered and outstanding bonds.

Provided, further, that this act shall not be construed as giving such city power to purchase any such plant or plants without previous consent of the legal voters thereof at an election duly held as herein provided, whether such purchase is made leaving bonds outstanding against any such plant or plants, or by issue and sale of water and light bonds as herein provided, or the proceeds thereof, or whether such purchase is made partly in money leaving outstanding bonds.

Consent of
legal voters
necessary.

SEC. 7. The revenues derived from the operation of any plant purchased by such city under the provisions of this act, shall be used, so far as may be necessary, for the purpose of paying the interest on the water and light bonds issued for the purchase of such plant and on the bonds outstanding on such plant, and assumed as herein provided. Whenever the revenues derived from any water plant, or any combined water and light plant so purchased by any such city shall exceed the cost of operating and maintaining the same, not less than twenty-five (25) per cent. net revenue shall be set aside by the city to create a sinking fund for the purchase of such water and light bonds as the same become due.

Revenue of
plant.

SEC. 8. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage and approval.

Approved April 21, 1897.