

twenty-one years lawfully enrolled in each school and entitled to apportionment as reported to him by the county superintendent of schools; and the county auditor shall transmit to the clerk of each district a copy of the apportionment of said district, and such money shall be used only in payment of teachers' wages, including board.

Provided, first, that no district shall receive any share of the apportionment of moneys accruing from liquor licenses, unless all sums paid for such licenses in such districts are appropriated to the county school fund; *provided*, second, that any district which, for the first year after its organization, shall have made provision for a four months' school, by the levy of a sufficient tax, and shall have begun and continued a school for one month, shall be entitled to its share in the first succeeding apportionment in proportion to the actual enrollment of pupils between the ages of five and twenty-one years, which enrollment shall be reported by the clerk, through the county superintendent, to the superintendent of public instruction and to the auditor of the county in which district is situated; and these officers shall include such enrollment of scholars in the next succeeding apportionment. Such district shall also be entitled to a share in each subsequent apportionment for two years succeeding, in proportion to the number of pupils who (m) have been in actual attendance thirty days, on condition that the school is taught four months each year by a qualified teacher; *provided, further*, that no district shall receive from the apportionment in any given year an amount greater than that appropriated by such district from its special tax and local one mill tax levied in that year, unless such district is levying in such year for support of school the maximum rate of taxation allowed by law.

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

Approved March 12, 1897.

CHAPTER 50.

An act to authorize all cities of the State of Minnesota having no more than fifty thousand and not less than fifteen thousand inhabitants to sprinkle its streets, lanes, alleys, avenues and public grounds and to assess the cost thereof on abutting property.

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

Provisions.

S. F. No. 299.

Street sprinkling in cities having from 15,000 to 50,000 inhabitants.

Authoriza-
tion.

SECTION 1. All cities in the state of Minnesota having no more than fifty thousand and not less than fifteen thousand inhabitants are hereby authorized to and shall have power to sprinkle the streets, lanes, alleys, avenues and public grounds of such city or any part thereof, and may make contracts for so sprinkling the same in accordance with this act on such terms and conditions as its city council may deem best.

May levy
assessments.

SEC. 2. All cities in the state of Minnesota having no more than fifty thousand and not less than fifteen thousand inhabitants are hereby authorized to levy assessments for sprinkling its streets, lanes, alleys, avenues and public grounds, upon the property fronting upon such improvement as hereafter designated.

On abutting
property.

SEC. 3. The expense of any such improvement shall be chargeable to and assessed upon the lots and parcels of land abutting upon the street, lane, alley or public ground in which such improvement is contracted to be done, upon the following basis:

Expense
chargeable.

The entire expense of such improvement in each district, designated by the council of such city for sprinkling purposes, for each season, shall be chargeable to and assessed upon the lots and parcels of land, in such district, abutting upon the streets, lanes, alleys and public grounds or parts thereof in which such sprinkling is done; such assessment to be apportioned among the several lots and parcels of land according to the number of square feet of territory sprinkled, abutting on such lot or parcel of land; but in determining such apportionment the territory abutting on a lot or parcel of land shall in no instance be estimated beyond the center of the street, nor shall any portion of any street intersection be estimated as a part of the territory abutting upon a corner lot.

Payable upon
monthly es-
timates.

All work authorized by this act shall be paid for from the local improvement fund of such city upon monthly estimates made by the person or persons designated by the city council for that purpose, and approved by such council.

Provided.

Provided, if said city council shall by resolution determine that the cost of a portion of such improvement shall be borne by the city, such portion to be designated in such resolution and not to exceed the street intersections and all territory abutting upon public parks, squares and grounds, and lots and parcels of ground owned by such city, the state of Minnesota and United States of America, then and in such case such portion so designated shall not be included in such assessment, and shall be paid for out of the general fund of such city.

SEC. 4. Before any proceedings are had by the council, said council shall each year by ordinance determine what territory in said city shall be sprinkled, and may divide such territory into one or more sprinkling districts, accurately describing the boundary lines of each district; each district so determined shall be designated by number, and thereafter all reference to such district by number shall be deemed a sufficient designation; said ordinance shall further provide for all supervision and inspection of said work and shall designate what officer or officers of said city shall supervise and inspect said work, in accordance with the plans and specifications therefor, and shall accurately determine the powers and duties of such officer or officers with reference to all sprinkling contracts awarded by the city council.

Ordinance to determine territory.

SEC. 5. The contract price to be paid by said city for the doing of such work shall be upon the basis of sprinkling one hundred square feet per week, during the life of such contract; if in the opinion of said council it is deemed impracticable, at the time of letting said contract, to designate the exact length of time during which sprinkling is necessary in the district designated, during any particular season, said council may let such contract without so designating the beginning and ending of such sprinkling season; and upon the city so letting such contract, the officer or officers of said city designated as superintendent of said work shall have power to order the beginning of said work upon three days' notice to the contractors therefor, and shall likewise have power to order said work to cease for the season, if in his opinion no necessity therefor exists, and such order and direction by said superintendent shall be final, conclusive and binding upon all parties concerned.

Basis of contract price.

SEC. 6. Prior to the passage of any resolution for the letting of a contract for sprinkling, the expense of which is to be assessed upon abutting lots or parcels of land, as provided in this act, the city council of such city shall cause plans and specifications for such sprinkling to be made and presented to the council for its approval, and the same shall immediately upon the approval thereof by the council be filed with the city clerk or recorder of said city, for the inspection of all parties interested.

Plans and specifications.

The city council shall then designate a time, not less than twenty days distant, and a place at which it will meet and act in relation to the doing of the proposed work, and direct that notice be given by the clerk or recorder of such meeting and the time and place thereof, and that in the meantime sealed proposals for the doing of such work will be received by the city clerk.

Sealed proposals.

In such notice shall be named the district where such sprinkling is to be done, and reference shall be made therein to the specifications so filed with the clerk, and the said notice shall be given by publication thereof in the official paper of such city at least once in each week for two successive weeks prior to the time designated as aforesaid by the council.

Action on
contract.

At the time and place designated in such notice an opportunity shall be given to any and all interested parties to be heard for or against such proposed work, and the recorder or clerk shall in the presence of the city council, open and read all sealed proposals which may have been received for the doing of such work, and the furnishing of all material therefor, and the city council may then, by a majority vote of all its members, accept the most favorable proposal (such proposal to be that of the lowest responsible bidder), and by resolution authorize the doing of the proposed work, or any part thereof, by the person or persons whose proposal shall have been accepted, and direct that written contract be made with him or them therefor (e), or may reject any or all proposals offered, and refuse to authorize the doing of such work, or may, in its discretion, from lack of quorum or other reason, postpone the consideration and decision of the whole matter or any branch thereof to a future time, of which postponement all parties interested shall be required and deemed to take notice.

Resolution.

Such resolution, after the same has been passed by the council, shall be signed by the president of the council and attested by the recorder or clerk, and on the next day after the passage thereof the same shall be transmitted by such recorder to the mayor for his approval.

Mayor's
veto.

If the mayor approve the same he shall append his signature with the date of his approval thereto, and return the same to said recorder within five days (Sundays excepted) from the date of its transmission to him, and if he declines to approve the same he shall within said period of five days return the same to the clerk or recorder with a statement of his objections thereto, to be presented to the council at its next meeting thereafter.

Upon the return of said resolution to the council, without the mayor's approval, the question shall again be put upon the passage of the same, notwithstanding the objections of the mayor, and if, upon such vote, which shall be taken by a call of the ayes and noes, two-thirds of all the members of the council shall vote in favor of such resolution, the same shall be declared en-

acted and shall have the same force and effect as if approved by the mayor.

If such resolution so submitted to the mayor shall not be returned by him to the recorder within said five days, Sundays excepted, after presentation thereof to him, the same shall be deemed to be approved by him, and he shall deliver the same to the clerk or recorder on demand.

SEC. 7. All contracts authorized by this act shall be executed on behalf of the city by the mayor, and attested by the clerk or recorder.

SEC. 8. Upon the completion of a season's work, authorized by this act, in any sprinkling district, the officer or officers designated by said council to superintend the same shall immediately assess the cost of such work to the several lots and parcels of land in such district in the manner provided by this act, and determine what part of the cost shall be borne by each such lot or parcel, and shall make an assessment thereof in writing in which shall be given a description of each lot or parcel so assessed, and the exact amount assessed thereto, and shall, at the next regular meeting of the city council after the completion of such assessment, submit the same to the city council, with a certificate that said work has been completed.

Assessments,
when made.

SEC. 9. On receipt of said assessment the council shall direct that the same be placed on file with the clerk or recorder for the inspection of all parties interested, and shall appoint a time not less than ten days distant, and a place when and where it will meet to consider and act upon such assessment, and the clerk or recorder shall thereupon cause notice of such meeting and the time, place and purpose thereof, to be given by one publication of such notice in the official newspaper of such city at least five days prior to the time so appointed for said meeting; in such notice reference shall be made to the number of the sprinkling district in which such assessment is made, and shall state the amount assessed for each hundred square feet of territory adjacent to the property so assessed.

Notice of assessment to
be given by
publication.

SEC. 10. At the time and place so appointed as provided in the last preceding section, the council shall proceed to consider said assessment, and hear all objections which parties interested may desire to make thereto, and may adjourn, if necessary, from time to time, and shall after due consideration make such corrections or changes in said assessment as they may deem necessary to perfect and equalize the same on the basis prescribed in this act, and shall confirm and establish the assessment as so corrected and equalized;

Hearing to be
given.

and the said assessment, as so confirmed and established, shall be final, conclusive and binding upon all parties interested, and no appeal shall lie in any case from such confirmation; and the several amounts charged in such assessment as so confirmed and established against the several lots and parcels of land therein mentioned, shall be collected as hereinafter provided.

If any assessment be annulled or set aside the said officer or officers designated to make such assessment shall proceed *de novo* to make another or new assessment in like manner, and like notice shall be given as herein required in relation to the first.

May assess
railroad com-
panies.

SEC. 11. When in any case any portion of the cost and expense of making any improvement mentioned in this act shall by virtue of any valid law or ordinance, or by virtue of any valid contract, be chargeable upon any railway company, the amount so chargeable may be assessed upon such railway company, and the balance only upon real estate chargeable as provided by this act, and the city may collect the amount so assessed upon said railway company by distress and sale of personal property in the manner provided for by the general laws of this state in the case of taxes levied upon personal property, or by suit brought for that purpose; *provided*, however, that any real estate belonging to such railway company shall be assessed as in other cases.

Warrant for
collection.

SEC. 12. When any special assessment shall have been confirmed it shall be the duty of the clerk or recorder to issue a warrant for the collection thereof, which shall be under the seal of such city, and signed by the mayor and such clerk or recorder of such city, and shall contain a printed or written copy of the assessment roll as confirmed as aforesaid, or so much thereof as describes the real estate and the amount of the assessment in each case.

SEC. 13. All warrants issued for the collection of special assessments shall be delivered by the clerk or recorder to the city treasurer of such city within five days thereafter, taking his receipt therefor.

Lien on real
estate.

SEC. 14. All assessments levied under the provisions of this act shall be a paramount lien on the real estate upon which the same may be imposed, from the date of the warrant issued for the collection thereof.

Notice of col-
lection by
publication.

SEC. 15. Upon the receipt of any warrant for the collection of any special assessment authorized by this act, the city treasurer shall forthwith give notice by one publication in the official newspaper of the city that such warrant is in his hands for collection, briefly de-

scribing its nature, and requiring the respective owners of the several lots and parcels of land mentioned in such assessment to pay the amount therein assessed against such lots or parcels respectively, to said city treasurer within thirty days from the date of the first publication of such notice.

SEC. 16. At the expiration of the time limited in the notice required by the last preceding section, the city treasurer shall return to the recorder a list duly certified by him, said treasurer, of the assessments so made which shall remain unpaid, giving in such list the description of the several lots or parcels on which the assessments have not been paid, and the several amounts assessed thereto.

Unpaid assessments.

The city recorder shall thereupon add to each such delinquent and unpaid assessment a penalty of ten per cent, and forthwith transmit a duly certified list of such unpaid assessments, with a description of the several lots or parcels of land on which the same are made, and the names of the respective owners thereof, if known, to the county auditor of the county in which such city is located, who shall enter the several amounts of the said unpaid assessments on the tax list for such city for the next ensuing year, and levy the same upon the several lots or parcels of land to which the same are respectively chargeable, and the same shall thereupon be collected as other taxes on real estate are collected.

Penalty.

SEC. 17. No assessment in this (chapter) provided for shall be set aside or held invalid by reason of any error, omission, informality or irregularity in the proceedings prior to the entry thereof on the tax list by the auditor of said county as hereinabove required, unless it shall appear that by reason of such error, omission, informality or irregularity substantial injury has been done to the party or parties claiming to be aggrieved.

Assessments not invalidated, except.

The certified list of all unpaid assessments transmitted by the city clerk to the county auditor, as designated in this act, shall be *prima facie* evidence that the proceedings up to the date of such certified list were valid and regular.

SEC. 18. In all cases where any court shall hereafter for any cause whatever set aside or declare void any assessment made under any of the provisions of this act the city council shall without unnecessary delay instruct its officer or officers to make a reassessment or new assessment to defray the expense of such improvement, and such reassessment or new assessment shall be made in accordance with the provisions of this act,

Reassessment

and when the same shall have been made and confirmed by the city council, it shall be enforced and collected in the same manner that other assessments are enforced and collected under this act.

And in case where any court shall hereafter set aside or declare void any assessment upon any lot or parcel of land for any cause, the said lots or parcels of land may be reassessed or newly assessed from time to time until each separate lot, piece or parcel of land has paid its proportionate part of the costs and expenses of said improvement as near as may be.

Issue of new warrants.

SEC. 19. In all cases where the city treasurer, county auditor or county treasurer shall be unable to enforce the collection of any special assessment authorized by this act by reason of irregularity or omission of any proceedings subsequent to the confirmation of such assessment, the clerk and mayor of such city are hereby authorized and empowered to issue a new warrant to the treasurer for the collection of any assessment which by reason of such irregularity or omission remains unpaid or not collected.

Thereafter all proceedings shall be had under such new warrants to enforce the assessments therein specified in the same manner, as near as may be, as is prescribed by the provisions of this act for the enforcement and collection of special assessments after the same shall have been confirmed as in this act provided, and as often as any failure shall occur by reason of such irregularities or omissions a new warrant may issue and new proceedings be had in like manner until such special assessment shall be fully collected as to each and every tract and parcel of land charged therewith.

Suspension of work.

SEC. 20. In all cases where work contemplated by the provisions of this act shall be suspended before final completion by failure of the contractor to perform the same, or for any other cause, the city council may relet the unfinished portion of such work in the same manner, as near as may be, as provided in this act for the letting of contracts, and in every case of such new contract the work shall be paid for in the same manner as contracts for other like improvements.

Affidavit of publication.

SEC. 21. When any notice is required to be published in any newspaper under this act an affidavit of the publisher or printer of such newspaper, or of the foreman or clerk of such publisher or printer, annexed to a printed copy of such notice taken from the paper in which it was published, and specifying the time when, and the paper in which such notice was published, shall

be evidence in all cases and in every court or judicial proceeding of the facts contained in such affidavit.

SEC. 22. If for any cause the proceedings of the city council or of any officer may be found irregular or defective, whether jurisdictional or otherwise, the city council may order a new assessment from time to time, and as often as need be, until a sufficient sum is realized from the real estate abutting on the street in which such improvement has been made to pay the costs, damages and expenses incurred thereby, it being the true intent and meaning of this act to make the cost and expenses of all public improvements provided for in this act local to such city and payable by such abutting real estate.

When new assessment may be ordered.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved March 12, 1897.

CHAPTER 51.

H. F. No. 156.

An act to amend section 10 of chapter 23 of general statutes of 1878 being section 2230 of general statutes 1894, relating to the time of payment of bills and notes due or payable on holidays and contracts to be executed on holidays, and relating to the protest of bills and notes due or payable on such holidays.

Notes and contracts, relating to holidays.

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

SECTION 1. Section 10 of chapter 23 of general statutes of 1878, being section 2230 of general statutes 1894, is hereby amended so that the same shall read as follows:

Bills of exchange, drafts, promissory notes, and contracts due or payable or to be executed on Sunday, Thanksgiving day, Good Friday, the first Monday of September, the first Tuesday after the first Monday of November of each even numbered year, Christmas day, New Year's day, the twenty-second day of February, the fourth day of July, the thirtieth day of May, the twelfth day of February, or on the following day when either of the six days last mentioned occurs on Sunday, shall be payable or performable upon the business day next preceding said days; and in case of non-payment or non-fulfilment, shall be noted and protested upon such preceding day; but notice of the dishonor, non-payment or non-fulfilment need not be given until the business day next following the days above specified.

Payable or performable on business day preceding.