

first. Each policy holder shall pay or receive according to the first assessment, and his policy shall then be canceled, unless he pays the sum further determined by the second assessment, in which case his policy shall continue in force, but in neither case shall a policy holder receive or have credited to him more than he would have received on having his policy canceled by vote of the directors under the by-laws.

If within two months after such alternative assessments have been collectible the amount of the policies whose holders have settled for both assessments is less than five hundred thousand dollars, the company shall cease to issue policies, and all policies whose holders have not settled for both assessments shall be void, and the company shall continue only for the purpose of adjusting the deficiency or excess of premiums among the members and settling outstanding claims.

For adjustment.

No assessment shall be valid against a person who has not been duly notified thereof in writing within one year after the expiration or cancellation of his policy. And when an assessment is ordered the directors shall forthwith cause written notice and demand for payment to be made upon each person subject thereto, by mail or personal service.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 9, 1901.

## CHAPTER 167.

S. F. No. 117.

*An act authorizing all villages incorporated under the General Laws of this state and all cities having a population of ten thousand inhabitants or less, incorporated under the General Laws of this state, to construct and rebuild sidewalks and sewers, and to assess the benefits thereof upon the lots or parcels of land adjoining the said walks or sewers, to make such assessments payable in three annual installments with interest, and authorizing such village or city to issue orders therefor bearing interest payable in accordance with said assessments, and to repeal chapter 49 of the General Laws of 1899, and acts inconsistent herewith.*

Villages and cities with 10,000 population.

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

SECTION 1. Whenever the village council of any village, incorporated under the General Laws of this state, or the common council of any city having a population of

May construct sidewalks and sewers.

ten thousand inhabitants or less, incorporated under the *General Laws of this state*, shall deem it necessary and expedient to construct or rebuild any sidewalk or sewer in said village or city, they may, acting on their own motion, and if a majority of the owners of the property fronting on the street or streets where it is proposed to construct or rebuild such walk or sewer shall petition the village council or common council of such city therefore, they shall adopt a resolution to that effect, which resolution shall specify the place or places where such sidewalk or sewer shall be constructed or rebuilt, the kind and quality of materials to be used therein, the width, the size and manner of construction thereof, and the time within which the same shall be completed, which shall not be less than forty days after the service of said resolution, as hereinafter provided.

Said resolution shall contain the names of the owners of all lots, parts of lots, and parcels of ground fronting the street or streets where such walk or sewer is to be constructed or rebuilt.

SEC. 2. Such resolution shall be served upon the persons named in said resolution at least forty days prior to the time therein named for the completion of said walk or sewer in the following manner:

First—By causing a copy thereof to be handed to, and left with, each of the persons therein named who are residents of and within said village or city, and are actually therein.

Second—If any of the persons so named in said resolution are not residents of said village or city, or cannot be found therein, then said resolution shall be published in one issue of a newspaper regularly published in said village or city, in the English language, and having a general circulation therein, or in the designated official paper of said village or city.

Third—If there be no such newspaper published in said village or city, then such service and publication may be made by posting a copy of said resolution in at least three public places in said village or city, at least forty days prior to the time named therein for the completion of said walk or sewer.

Affidavits shall be made by the person serving or posting said resolution of the manner, time and place of serving or posting the same, and by the foreman, editor or publisher of such newspaper of the time and manner of publishing the same, and such affidavits shall be attached to said resolution and, with it, filed with the village or city recorder. Any and all such services, when made in

By resolution.

Service of resolution.

accordance with the provisions of this act, shall for the purposes thereof, be deemed personal services of such resolution upon the persons named therein.

SEC. 3. If such work shall not be fully done, and said sidewalk or sewer shall not be fully constructed or rebuilt in the manner and within the time prescribed in said resolution, then the village council or common council of said city may order the same to be done by the street commissioner, or commissioner of public works, or cause the same to be done by contract let to the lowest responsible bidder, the entire expense thereof to be paid out of the general revenue funds of said village or city.

Council may order work done.

At any time within thirty days after said village or city shall have completed the construction of said walk or sewer as aforesaid, the village council or common council of such city shall adopt a resolution fixing a time and place when and where they shall hear testimony of all persons interested or affected, and ascertain the amount of benefits to property fronting such sidewalk or sewer, by reason of the construction thereof, and such resolution shall be served on all the persons named in the resolution adopted under section one (1) of this act, and in the manner therein provided.

Hearing to determine benefits.

At the time and place named in said resolution said village council, or common council of said city, shall hear any and all testimony offered by or on behalf of all parties interested or affected by the construction of said walk or sewer, and for said purpose the president of the council or other presiding officer is hereby authorized to administer oaths to witnesses. Thereupon, by resolution, the village council, or common council of said city, shall determine the amount of benefits caused by said construction, to each lot, part of lot, or parcel of ground fronting the street or streets where such walk or sewer shall have been constructed or rebuilt as aforesaid; and a full and complete record thereof shall be made and kept by the village or city recorder in a separate book kept for that purpose, which record shall contain a description of the property benefited and charged with the construction of such walk or sewer, the amount of benefit determined in each case as aforesaid, and when so determined the amount of each annual installment thereof; when transmitted to the county auditor of the county for assessment; the amount paid thereon and when paid. Such record to be used in making each annual levy and assessment, as in this act provided.

The amount of the benefits to each lot, part of lot, or parcel of ground so determined as aforesaid shall be and

Assessment of benefits.

become a charge against the same and shall be assessed thereon, as in the case of county, city or state taxes. in three annual installments.

Payments,  
how made.

SEC. 4. If such assessment for either or any of the purposes aforesaid be not fully paid to the street commissioner, village or city treasurer, or other officer authorized by law to collect the same, within twenty days after said walk or sewer has been fully constructed or rebuilt, as aforesaid, the village council, or common council of said city, may issue, or cause to be issued, the orders of said village or city, on the treasurer thereof for the aggregate amount of the unpaid balance of each of said assessments, payable in three annual installments, each of which installments shall be represented by a separate order, bearing interest at a rate to be determined by said village or city council, not exceeding six per cent per annum from their date until maturity, and payable as follows:

Three in-  
stalments  
yearly.

One payable on or before the first day of June, of the year next following the issuing thereof; one payable on the first day of June of the second year next following; and one payable on the first day of June of the third year next following.

Said orders shall be made payable to bearer, and the same may be issued, negotiated and sold by said village or city for not less than their par or face value.

All said orders shall be in substantially the following form:

Form of  
order.

\$.... Dated at..... Minnesota, .....19..

The treasurer of the (village or city) of..... will pay to the bearer hereof the sum of..... dollars and..... cents on or before the 1st day of June, A. D. 19.... with interest thereon at the rate of ..... per cent per annum from date hereof until maturity. This order represents one-third of the amount expended in the construction of a (sidewalk or sewer) in said (village or city) in the year 19....

A record of all said orders shall be made and kept by said village or city recorder, which record shall show the date same was issued, amount of order, date when due, to whom sold, amount sold for, and for what purpose the same was issued, when the same was paid, and the amount paid as shown by the treasurer's books.

Books shall be provided for said purpose.

Levy of  
taxes for  
same.

SEC. 5. After the completion of said walks or sewers as aforesaid by said village council or common council of said city, said village council, or common council of said city, shall annually, on or before the first day of

October of each year, until the whole of said assessments have been levied as herein provided, cause a statement of the amount of one of said three annual installments, with six per cent annual interest thereon computed from the time of completion of said work to the first day of June following the making of said levy added thereto, to be transmitted, with the village or city taxes for that year, to the auditor of the county, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof, and the same shall be enforced with, and in like manner, as city, county, and state taxes are collected and payment thereof enforced.

After the completion of said walk or sewer, the owner or owners of said land adjoining the same, or interested therein, shall have the privilege of paying all or any portion of the cost of construction thereof to said village or city at any time within twenty days thereafter, and before said levy has been made, and the amount so paid shall be deducted from the amount of said assessment.

SEC. 6. Chapter 49 of the General Laws of Minnesota for the year 1899, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

*Provided, however,* that this act shall not apply to any city or village of this state having a population of less than ten thousand (10,000) operating under a special law or special charter. Provisions.

*Provided, further,* that this act shall not in any way affect any assessments heretofore made by any city or village or any assessments hereafter to be made by any city or village upon any contract made prior to the time when this act shall take effect.

SEC. 7. This act shall take effect and be and remain in force from and after May 1, 1901.

Approved April 9, 1901.