

the year one thousand eight hundred and ninety-four (1894) be amended so as to read as follows:

Section 5093. Justices of the peace have power and jurisdiction, throughout their respective counties, as follows:

First—To cause to be kept all laws made for the preservation of the peace;

Second. To cause to come before them, or any of them, persons who break the peace, and commit them to jail, or bail them, as the case may require.

Third. To arrest and cause to come before them, persons who attempt to break the peace, persons who keep houses of ill fame, or frequenters of the same, or common prostitutes, and compel them to give security for their good behavior, and to keep the peace.

Fourth. To cause to come before them persons who are charged with committing any criminal offense, and commit them to jail, or bail them, as the case may require; *provided, however*, that no justices of the peace shall have jurisdiction of any offenses committed within the limits of any city or village wherein a municipal court is organized and existing, but such offenses, otherwise cognizable by justices of the peace, and those arising under the charter ordinances or by-laws of the city or village shall be examined or tried by the municipal court therein existing; *provided*, this act shall not apply to territory within one-half mile of the outer limits of the state fair grounds.

Relates to certain territory.

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

Approved April 5, 1905.

CHAPTER 105.

S. F. No. 280.

An act to authorize and empower cities in this state having a population of not less than ten thousand nor more than twenty thousand inhabitants to construct, erect, purchase or otherwise acquire water works, and to issue bonds for such purpose.

Authority to construct water works.

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

SECTION 1. That each city in the State of Minnesota, now or hereafter having not less than ten thousand and

not more than twenty thousand inhabitants, according to the then last preceding national census, is hereby authorized and empowered, as hereinafter provided, to construct, erect, purchase or otherwise pursuant to authority of law, acquire a system of water works to be operated and governed by such city, in such manner and to be managed and regulated by such boards or commission, or otherwise, as from time to time may be prescribed by lawful authority, and each said city is authorized to issue bonds in payment therefore, as hereinafter provided.

Payment
for same.

SEC. 2. That each such city is hereby authorized to issue in payment for any such system of water works, or to pay and discharge or refund any bonds secured by a mortgage upon any water works heretofore or hereafter purchased by any such city, and existing at the time of such purchase, in addition to all bonds heretofore authorized to be issued by any such city, its bonds, in an amount to be determined by a two-thirds vote of all the members of its city council, not exceeding in amount five per cent of the assessed valuation of the taxable property of such city, according to the last preceding assessment thereof, for the aforesaid purpose of constructing, erecting, purchasing or acquiring in any lawful manner a system of water works.

Two-thirds
vote.

SEC. 3. Before any bond shall be issued as provided in this act, the city council shall by resolution authorize the issuance thereof, subject to the approval of the legal voters of such city, and by such resolution such city council shall determine the amount of bonds to be issued, the rate of interest, which shall not exceed four per cent per annum, payable semi-annually, and the time of the maturity of such bonds, which may be at such time or times and in such installments as the council shall in such resolution provide, and such bonds may be issued in such denominations as such resolution may provide, and such council shall in such resolution fix a time either at an annual or special election to be called for that purpose, when the voters of such city shall vote upon the question of the issuance of such bonds, and at the time so fixed by such city council the legal voters of such city shall vote upon the question of the issuance of such bonds. The form of ballot therefor shall be as follows:

Four per
cent interest.

Special
election.

Form of
ballot.

“Shall the city of ——— issue its bonds in the sum of ——— dollars, bearing interest at — per cent per annum, payable semi-annually, for the purpose of acquiring

and owning a system of water works, pursuant to a resolution of the city council of said city, passed on the — day of —, 190—?”

Yes
No

Voters who desire to vote for the issuance of such bonds shall place a cross (X) opposite the word "Yes" of said ballot, and those who desire to vote against the issuance of said bonds shall place a cross (X) opposite the word "No" of said ballot. Such election, if a special election, shall be conducted in all respects as a general election, except that it shall not be necessary to have more than two days for registration, which days shall be one week and two weeks, respectively, prior to the day of such election. If the majority of the voters who vote upon such question shall vote for the issuance of said bonds, then the same shall be issued, otherwise they shall not be issued.

Majority
Vote.

SEC. 4. The bonds of any such city issued pursuant to the terms of this act may be issued and sold from time to time as determined and authorized by ordinance or resolution adopted by the affirmative vote of a majority of all the members of the city council, and all interest upon such bonds shall be evidenced by coupons attached to such bonds, and which interest shall be payable at such times and at such place or places as may be specified in such ordinance or resolution. Such bonds shall be sealed with the seal of the city issuing them and be signed by the mayor and city clerk or recorder, and such coupons shall be signed by the city clerk or recorder, and such bonds shall not be sold for less than par value and accrued interest to the highest responsible bidder after notice published once in each week in a daily newspaper, if there be one in such city, for two successive weeks; if not, then once in each week for two successive weeks in a weekly newspaper in said city, and also once in each week for two successive weeks in a daily newspaper published in the city of St. Paul, Minnesota.

Publication
of notice.

SEC. 5. None of the proceeds of any of the bonds issued pursuant to the provisions of this act, nor any part thereof, shall be used for any other purpose than the purposes hereinbefore specified, together with the necessary expense attending such purposes, and the purpose or purposes for which such bonds shall be issued shall be

Purpose
of bonds.

distinctly set forth in the ordinance or resolution authorizing the same.

Limitation.

SEC. 6. None of the bonds of any such city issued pursuant to the terms and provisions of this act shall be deemed or taken to be a part of the indebtedness of such city within the purview of any law limiting the amount of the bonded or other indebtedness of any such city, and the bonds authorized by this act may be issued notwithstanding and without regard to any limitation of the indebtedness of such city, nevertheless the full faith and credit of every such city is irrevocably pledged to the full payment of all such bonds and interest.

Levy of tax.

SEC. 7. Every such city issuing any bonds under authority of this act is hereby required to levy each year thereafter the necessary tax upon all the taxable property of such city for the purpose of raising an amount which shall be equivalent to the reasonable value of the hydrant rental and other water consumed or used by such city and provided by such system of water works, which sum shall be paid into and credited to a fund known as the "water works fund," which shall be kept separate from all other moneys of such city, and shall be under the control and management of the governing body, board or commission of such city, which shall have the control, government and management of such water works system as may be from time to time provided by law, and likewise all rentals and revenue derived from such system of water works in any manner shall be paid into such fund, and all expenses of management and operation, and otherwise of such system of water works, shall be paid out of said fund, and from the balance thereof there shall each year be set aside a sufficient amount to pay the interest upon all bonds issued by authority of this act and such further sums as may be necessary to create a sinking fund, to pay the principal of such bonds as they mature, and a sufficient sum to pay the interest as it falls due upon any bonds secured by a mortgage upon such water works, given before any such purchase thereof. Said sinking fund to be known as the "water works sinking fund." And in case of any deficiency in the amount of said water works fund, every such city is hereby required to levy each year the necessary tax upon all taxable property of such city for the purpose of making up any such deficiency, and of paying the interest upon all such bonds so issued and of creating

Sinking fund.

a sufficient sinking fund to pay such bonds as they mature, and such sinking fund shall not be diverted to or used for any other purpose than that of paying the interest and principal upon the bonds issued by authority of this act; and none of the receipts of said water works system shall be diverted to any other purpose except that of the maintenance, operation and extension of said water works system, and of the payment of the interest and principal of the bonds issued pursuant to this act.

SEC. 8. Every such city is hereby authorized and empowered by a two-thirds vote of the common council thereof to contract on behalf of said city for the purchase of water works or for the building and construction of a system of water works, but no contract for such building or construction shall be entered into until after said city council, or other governing body, shall cause an advertisement for sealed bids for the performance of such contract to be published by the city clerk or recorder thereof, at least once in each week for three successive weeks, in a daily newspaper published in said city, if one there be; if there be none, then once in each week for three successive weeks in a weekly newspaper published in said city, and also once in each week for three successive weeks in a daily newspaper published in St. Paul or Minneapolis. The council, or other governing body, shall have authority to prescribe such terms and conditions relative to the making of such bonds for such contract and relative to the security which each bidder shall be required to make or deposit with such bid, as to such council shall seem expedient and proper, and shall have authority to reject any and all bids; but no such contract to purchase or construct shall be valid unless, either prior to the making thereof or thereafter, in case bonds are required to be issued to pay for such water works, a majority of the legal voters of such city shall vote in favor of the issuance of such bonds, as hereinbefore provided.

Two-thirds
vote of
common
council.

Publication
of notice.

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

Approved April 4, 1905.