

SPECIAL LAWS

OF

MINNESOTA.

PASSED AND APPROVED AT THE SIXTEENTH SESSION OF THE STATE LEGISLATURE,
COMMENCING JANUARY SIXTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-
FOUR, AND TERMINATING MARCH SIXTH, ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-FOUR.

CHAPTER I.

AN ACT ENTITLED AN ACT TO REDUCE THE LAW INCORPORATING THE
CITY OF ST. PAUL, IN THE COUNTY OF RAMSEY, AND STATE OF
MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF,
AND CERTAIN OTHER ACTS RELATING TO SAID CITY, INTO ONE
ACT, AND TO AMEND THE SAME.

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

That the several acts of the Legislature of this State incorporat-
ing the City of Saint Paul, and the several acts and parts of acts
amendatory thereof, and certain acts hereinafter referred to relating
to said city, be and the same are hereby amended, consolidated and
incorporated into one act, as follows :

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION. 1. All the district of country in the county of Ramsey
contained within the limits and boundaries hereinafter described,
shall be a city by the name of Saint Paul, and the people now

inhabiting, and those who shall hereafter inhabit, within the district of country herein described, shall be a municipal corporation by the name of the "City of Saint Paul," and by that name shall sue and be sued; complain and defend in any court; make and use a common seal and alter it at pleasure; and take, hold and purchase, lease and convey such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with; and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 2. The district of country aforesaid, constituting the "City of Saint Paul" and the limits and boundaries thereof, shall be as follows: All of sections numbered twenty-three (23), twenty five, (25), twenty-six (26), thirty-five (35), thirty-six (36), the east half of section twenty-two (22,) and the north half of the north-east quarter of section twenty-seven (27), all in township number twenty-nine (29), north of range twenty-three (23) west; all of sections twenty-nine (29), thirty (30), thirty-one (31,) thirty-two (32), thirty-three (33), and the south half, and north-west quarter of section twenty-eight (28), all in township number twenty-nine (29), north of range twenty-two (22) west; all of sections (1,) two (2), eleven, (11), and so much of section twelve (12), as lies north of the middle of the Mississippi river, all in township number twenty-eight (28), north of range twenty-three (23) west; and so much of sections five (5), six (6) and seven (7), in township number twenty-eight (28), north of range twenty-two (22) west, as lies north of the middle of the Mississippi River; and all that portion of section four (4) in township number twenty-eight (28), north of range number twenty-two (22) west, lying northeasterly of the centre of the Mississippi River, including the islands therein, to-wit.: Ames', Boal and Lamb's Islands, Raspberry, Barnes and Harriet Islands, being bounded as follows, to-wit.: commencing where the south line of section four (4), town twenty-eight (28), north of range twenty-two (22) west, intersects the centre of the Mississippi River, thence east along said south line of section four (4), to the southeast corner of said section, thence north along the east line of said section, and along the east lines of sections thirty-three (33) and twenty-eight (28), town twenty-nine (29), north of range twenty-two (22) west, to the quarter-section corner on the east line of said section twenty-eight (28), thence west along quarter-section line to the centre of said section twenty-eight (28), thence north along quarter-section line to the quarter-section corner on the north line of said section twenty-eight (28), thence west along the north line of said

section twenty-eight (28), and along the north lines of sections twenty-nine (29) and thirty (30), town twenty-nine (29), north of range twenty-two (22) west, and along the north line of section twenty-five (25), town twenty-nine (29), north of range twenty-three (23) west, to the northwest corner of said section twenty-five (25), thence north along the east line of section twenty-three (23), town twenty-nine (29), north of range twenty-three (23) west, to the north-east corner of said section twenty-three (23), thence west along the north line of said section twenty-three (23), and along the north line of section twenty-two, town twenty-nine (29), north of range twenty-three (23) west, to the quarter-section corner on the north line of said section twenty-two (22), thence south along quarter-section line to the quarter-section corner on the south line of said section twenty-two (22), thence south to the south-west corner of the north half of the north-east quarter of section twenty-seven (27), town twenty-nine (29), north of range twenty-three (23) west, thence east along the south line of said north half of said north-east quarter of said section twenty-seven (27), town twenty-nine (29), range twenty-three (23) west, to the west line of section twenty-six (26,) town twenty-nine (29), north of range twenty-three (23) west, thence south along the west lines of sections twenty-six (26) and thirty-five (35), town twenty-nine (29); north of range twenty-three (23) west, and along the west lines of sections two (2) and eleven (11), town twenty-eight (28), north of range twenty-three (23) west, to the south-west corner of said section eleven (11), thence east along the south line of said section eleven, (11), to the centre of the Mississippi River, thence along the centre of the Mississippi River to the point of beginning, and including Harriet, Barnes', Raspberry and Boal's Islands.

SEC. 3. The said city shall be divided into five wards, to be called the First, Second, Third, Fourth and Fifth wards, limited and bounded as follows: All the district of country and territory east of the middle of Broadway and Mississippi streets and the New Canada road, extending from the Mississippi river to the northern boundary of the city, shall be the Fifth ward. All the district of country and territory between the west line of the Fifth ward and a line commencing at the Mississippi river and extending along the center of Jackson and Sylvan streets, and thence due north to the northern boundary of the city shall be the First ward. All the district of country and territory between the west line of the First ward, south of Minnehaha street, and a line commencing at the Mississippi river and extending along the centre of Wabasha street to its terminus, thence along the centre of Bluff street to the line dividing blocks seven and eight (7 and 8), in Ewing and Chute's addition, thence north along said line to the center of Aurora ave-

nue, thence along the center of Aurora avenue to the center of Park avenue, thence along the center of Park avenue to the center of Minnehaha street, thence along the center of Minnehaha street to the westerly line of the First ward, shall be the Second ward. All the district and country between the west line of the Second ward and a line commencing at the Mississippi river and extending up the center of Eagle street to the center of Exchange street, thence along the center of Exchange street to the center of Third street, thence along the center of Third street to its intersection with Dayton and Summit avenues, thence along the center of Summit avenue to the center of Rice street, thence along the center of Rice street to its northern terminus, thence due north to the northern boundary of the city, thence east along said northern boundary to the west line of the First ward, thence south along said west line to the center of Minnehaha street, thence along the center of Minnehaha street to the center of Park avenue, shall be the Third ward. The Fourth ward shall comprise all the district of country and territory lying west of the west line of the Third ward, and east of the west line of the city, and extending north from the center of the Mississippi river, including Harriet island, to the north line of the city.

SEC. 4. The common council of said city may change the boundaries of the several wards in said city, or increase the number of such wards, by ordinance for that purpose; but no such change or increase shall be made within three months prior to the date of a general or charter election in said city, or a special election in a ward.

CHAPTER II.

ELECTIONS.

SECTION 1. There shall be an annual election by the qualified electors of said city, for elective officers hereinafter provided, held on the second Tuesday of December in each year, in each election district in said city, now or hereafter established, and at such place or places in such election districts as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon; and ten days previous notice shall be given by the common council of the time and place of holding such election, and of the officers to be elected. Each ward of said city, now or hereafter established, shall be an election district: *Provided*, That the common council shall, where the same has not already been done, divide each and every ward of said city, now or hereafter to be established, into two or more election districts, which shall be numbered as the first, second, &c.,

election district of such ward. *And provided further*, That the common council shall have the power, at any time, thirty days prior to any election, to alter or change any election district, or establish additional election districts, in any ward. All annual elections whether for "state and county officers," or "city," or "municipal officers," within said city, shall thereupon be held in such election districts, anything in said charter of said city, or of any general law to the contrary notwithstanding; *Provided*, That such division into such election districts, shall be made at least thirty days prior to the election to be held therein respectively.

SEC. 2. The elective officers in said city shall be a mayor, city treasurer, city controller, city attorney, and justice of the peace for said city, who shall be styled city justice; all of which said officers shall be residents within and qualified voters of said city. Each ward shall elect three aldermen, one justice of the peace, and one constable, who shall be residents in and qualified voters of the ward for which they may be elected. All other officers necessary for the proper management of the affairs of said city, and not otherwise provided for in this act, shall be appointed by the common council. At every annual election for city officers, there shall be elected one alderman from each ward, who shall hold his office for three years. The city attorney, the city justice, and the justice of the peace and constables in each ward, shall hold their offices for two years and until their successors are elected, and qualified. The city controller shall hold his office for the term of four years, and until his successor is elected and qualified. The city treasurer shall hold his office for the term of two years, and until his successor is elected and qualified. *Provided*, That the present city treasurer shall hold his office for the term of two years from the first day of January, eighteen hundred and seventy-four.

SEC. 3. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from such office by a vote of two-thirds of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless first furnished with, and notified of the charges, nor until such person shall have had a reasonable opportunity to be heard in his defence. The common council shall have power to fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall neglect to appear and answer to such charge, the common council may declare the office vacant.

SEC. 4. Whenever a vacancy shall occur in the office of any elective officer of said city, such vacancy shall be filled by the appointment by the common council of said city, until the next annual election; and the successor of such person so appointed to fill any vacancy aforesaid, shall be elected at the next annual election for the unexpired term.

SEC. 5. All elections by the people shall be by ballot, and each ballot shall contain all the names of the persons voted for, with a proper designation of the office, written or printed thereon, and a plurality of votes shall constitute an election. When two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

SEC. 6. All persons entitled to vote for state and county officers, and who shall have resided for ten days next preceding the election in the election district where they offer their vote, shall be entitled to vote for any officer elected under this law, and to hold any office hereby created. The common council of said city shall each year, in sufficient time before each annual election, whether for state, county or city officers, and for every annual election, appoint three qualified electors in each election district of said city to be judges of election in their respective districts, for all state, county, city or municipal officers, or otherwise, each of whom shall be of opposite party if practicable, and the said judges in each elective district aforesaid, shall appoint two qualified electors in their elective districts respectively, to be clerks of such elective districts respectively and of opposite party if practicable. Said elections shall be held and conducted in the manner and under the same penalties as required by the laws of the state regarding elections; excepting that the returns for all city elections shall be made to the city clerk. All vacancies of any of the judges or clerks aforesaid, may be filled by appointment of the said common council, or in case of their omission so to do, by the remaining judge or judges.

SEC. 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the officers appointed in accordance with the preceding section, in the same manner, and the returns thereof shall be made in the same form and manner as general and annual elections, and within such time as may be prescribed by resolution.

SEC. 8. Any officer removing from the city or ward for which he was elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill vacancy as herein prescribed.

SEC. 9. The term of any officer hereafter elected under this law, unless otherwise provided for, shall commence on the first day of January next succeeding his election, and shall, unless otherwise provided, continue for two years, and until his successor is elected and qualified.

SEC. 10. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being first given.

CHAPTER III.

CITY OFFICERS, THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city; and treasurer, clerk, controller, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Saint Paul a bond, with at least two sureties, each of whom shall take an oath that he is worth the amount stated in the affidavit, over and above all his debts, exemptions or liabilities, which shall in the aggregate be equal to the penalty of the bond, and said bonds shall contain such penal sum, and such conditions as the common council may deem proper; and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

SEC. 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approves thereof, he shall sign the same; and such as he shall not sign he shall return to the common council, with his objections thereto, by depositing the same with the city clerk, to be presented to the common council at their next meeting thereafter. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such consideration, the common council shall pass the same by a vote of two-thirds, it shall have the same effect as if approved by the mayor; and in such case the vote shall be by yeas and

nays, which shall be entered by the city clerk of record. If any ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

SEC. 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot from their number a president and vice-president. The president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, from any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent at any meeting of the common council, the vice-president shall act as presiding officer for the time being, and shall discharge the duties of such president, and act in his place. The president, or temporary presiding officer, while presiding over the common council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by either when acting as mayor aforesaid, shall have the same force and validity as if performed by the mayor. The mayor and aldermen of said city shall have the right to administer oaths and affirmations, take acknowledgments of deeds, and do and perform generally all acts which may be done or performed by notaries public under the laws of this state.

SEC. 4. There shall be a clerk of said city, styled the city clerk, who shall be elected by the common council, and hold his office at the city hall. He shall keep the corporate seal, and all papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the treasurer, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The clerk shall have power to administer oaths and affirmations, and take the acknowledgment of deeds and other writings.

SEC. 5. The city attorney for said city shall perform all professional services incident to his office, and when required shall furnish opinions upon any legal question submitted to him by the common council or by any of its committees, or by the board of public works, and shall perform such other duties as may be prescribed by the common council by ordinance. He shall receive a salary of at least two thousand five hundred dollars (\$2,500) per annum, payable as in the case of other city officers.

SEC. 6. The city treasurer shall receive all moneys belonging to said city, including all taxes, license moneys and fines, and other rev-

venues of said city, and keep an accurate and detailed account thereof, in such manner as to show the exact financial condition of said city. He shall exhibit to the common council at least fifteen days before the annual election, and as often as said common council or the finance committee thereof may require, a full and detailed account of all receipts and expenditures since the date of his last annual report, or for any required period, and also the state of the city treasury; which annual account shall be filed with the clerk, and published in the official paper of said city. He shall give such bond as the common council may require, and the same shall be conditioned for the faithful performance, of all the duties imposed by this act, and particularly the duties required by chapter five of this act relating to the treasury department. No funds of the city shall be loaned by the treasurer to any city officer, or other person, or otherwise disposed of, except in accordance with law. Any violation of this provision shall be a misdemeanor, punishable by imprisonment for a period not exceeding one year, or by a fine not exceeding one thousand dollars, or both, in the discretion of the court. At the first meeting of the council in each month, the treasurer shall report the amount of city funds under his control, and where placed or deposited.

SEC. 7. The city controller shall annually submit to the common council, at their first stated meeting in March, an itemized report of the financial condition of the city. He shall make a list of all outstanding city bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they may respectively bear, and recommend such action to the common council as will secure the prompt payment of the principal and interest of such bonds. He shall also submit to said council, at their first stated meeting in December of each year, a synoptical report of the financial condition of the city.

SEC. 8. He shall report annually, on or before the first day of October, to the common council, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the first day of January of each year.

SEC. 9. He shall make, or cause to be made, estimates of the expenses of any work to be done by the city, whenever directed by the common council, and countersign all contracts made in behalf of the city, and certificates of work by any committee of the common council or by any city officer.

SEC. 10. It shall be the duty of the controller to keep regular books of accounts, in which he shall enter all indebtedness of the city, and which shall, at all times, show the precise financial condition of the city; the amount of bonds, orders, or other evidences of

indebtedness issued by the common council, the amount of all bonds, orders, &c., which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders, or other evidences of indebtedness of the city, and to keep an exact account thereof, stating to whom and for what purposes issued, to keep accounts with all the receiving and disbursing officers of the city, showing the amount which they have received from all the different sources of revenue, and the amount which they have disbursed under the direction of the common council.

SEC. 11. If on or before the first day of January of any year, the amount expended or to be expended, chargeable to any of the special funds, (adding thereto the current expenses estimated for the remainder of the fiscal year, and chargeable to such fund,) shall be equal to three-fourths of the tax authorized to be raised, or revenue estimated for such fund, he shall at once report the same to the common council, and he shall not countersign any contracts chargeable to such fund, until the amount of taxes actually collected be ascertained, and during the remainder of the fiscal year, he shall not countersign any contract the expenses of which shall exceed the revenue actually collected for the fund to which such expenses are properly chargeable, except as herein otherwise provided.

SEC. 12. He shall examine the reports, books, papers, vouchers and the accounts of the treasurer, and from time to time shall perform such other duties as the common council may direct.

SEC. 13. He shall at all times have access to the said reports, books, papers, vouchers and accounts, and shall assist the treasurer in carrying out the provisions of chapter five of this act; All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the controller, and all orders on the treasurer shall be examined and countersigned by him before they are delivered by the city clerk.

SEC. 14. It shall be the duty of the city controller, in auditing and adjusting claims and accounts against the city, to designate and specify upon each claim, demand and account so audited and adjusted, the particular fund out of which the same shall be paid, and the same shall not be audited or adjusted by him, or reported to the common council, until there shall be sufficient funds to the credit of the particular fund out of which the same is payable, to pay the same as well as all other claims before that time audited and allowed against such fund.

SEC. 15. The controller shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such records shall be open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city is a party.

He shall give such bond as the common council may require, and the same shall be conditioned for the faithful performance of all the duties required by chapter five of this act, relating to the treasury department. He shall receive a salary of at least two thousand dollars (\$2,000) per annum, payable as in the case of other city officers.

SEC. 16. The city justice for the city shall possess all the authority, power and rights of a justice of the peace of the county of Ramsey under the laws or constitution of the state, and shall have in addition thereto, sole, exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace; but warrants returnable before said justice may be issued, in criminal cases, by any other justice in the city, but no fee shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance, or regulation of said city of Saint Paul or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offenses committed against the same. All prosecutions for assaults, batteries, affrays and other offenses not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the city of Saint Paul, and the same proceedings shall be had in all civil and criminal suits before said justice, where not otherwise herein directed, as are established and required to be had in civil and criminal actions, by the laws of this state before a justice of the peace. *Provided*, That in cases of prosecution for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for an assault, battery, or breach of the peace, or affray, or other offense not indictable, committed within the city limits, no appeal shall be allowed where the judgment or fine imposed, exclusive of costs, is less than twenty-five dollars (\$25.00). In all cases of convictions for assaults, batteries, affrays and other offenses not indictable, within said city, and in all cases of conviction under any ordinance of said city, for breach of the peace, disorderly conduct, keeping houses of ill-fame, or of frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, the justice shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt as a court of record. *Provided*, That nothing

herein contained shall be deemed to divest the district judge or judge of the court of common pleas of their authority as conservators of the public peace. In case of the absence, sickness or other inability of such justice, or for any sufficient reason, the mayor, by warrant, may authorize any other justice of the peace within said city to perform the duties of said justice of the peace for the city; and it shall thereupon be the duty of the mayor to inform the city attorney and chief of police of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace; and the justice of the peace so appointed shall, for the time being, possess all the authority, powers and rights of said city justice. And all fines, forfeitures, or penalties, imposed for offenses cognizable before the city justice, or for the violation of any ordinance, by-law, or regulation of said city, shall, when collected, before or upon appeal, be paid into the treasury of said city, whether the prosecutions were carried on in the name of the city or state.

SEC. 17. The city justice shall, as often as the common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him belonging to said city; and said justice shall be entitled to receive from the county of Ramsey such fees in criminal cases as are allowed to other justices in the county, for similar services.

SEC. 18. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one newspaper printed in said city, in which shall be published all ordinances, and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper. *Provided*, That the common council may order the publication of ordinances, advertisements, proceedings, or such resolutions as may be of general importance, in such other newspapers as they may direct.

SEC. 19. The city printer or printers, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution, and no account for the publication of such notice, ordinance or resolution shall be allowed or adjusted by the controller, without the certificate of the city clerk that such proof of publication has been made and filed.

SEC. 20. If any person, having been an officer in said city, shall

not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description, in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one thousand dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects, in the manner prescribed by the laws of this state.

SEC. 21. No alderman shall be a party to or interested in any job or contract with the city, and any contract in which any alderman may be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and the alderman interested in the same. The members of the common council shall be exempt from serving on any jury during their term of office.

SEC. 22. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless herein otherwise provided for; but no officer elected or appointed by the common council or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one year, and until his successor is elected or appointed, and duly qualified, except as provided in this act. The common council shall also have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act; such compensation shall be fixed by resolution, at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during such year.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The aldermen shall constitute the common council, and the style of all ordinances shall be: "The Common Council of the City of St. Paul do ordain," &c. The common council shall meet at such time and place as they by resolution may direct. A majority of the aldermen shall constitute a quorum.

SEC. 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be delivered personally or left at their usual place of abode. The common council shall be the judge of the election and qualifica-

tion of its own members, and in such case shall have power to send for persons and papers, and shall also determine the rules of its own proceedings, and have power to compel the attendance of absent members.

SEC. 3. The common council shall have the management and control of the finances, (subject to the provisions of this act), and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient; they shall have the power to establish and maintain a city prison and watch-houses, for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense whatever, in any way cognizable before the city justice; to make all rules and regulations for the government and management of such prison and watch-houses, to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation; the keepers of said prison and watch-houses shall have and possess all the powers and authority of jailors at common law or by the laws of this state. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law passed or ordained by them; and all such ordinances, rules and by-laws are hereby declared to be and have the force of law; *Provided*, That they be not repugnant to the constitution and laws of the United States, or of this state; and for these purposes shall have authority by ordinances, resolutions or by-laws.

First.—To license and regulate the exhibition of common show-men and shows of all kinds, and the exhibition of caravans, circuses, concerts and theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon hole tables, nine or ten pin alleys, bowling saloons, butcher shops and butcher stalls and venders of butcher's meat, pawnbrokers, insurance offices and insurance agencies, taverns, lager beer saloons, victualing houses, and all persons vending, dealing in or disposing of spiritous, vinous, malt or fermented liquors; *Provided*, That this act shall not be so construed as to prevent pork-packers from disposing of offal or trimmings of hogs, nor shall any person selling game, or who may dispose of any animals raised or fattened by him, or who may sell fresh meats by the carcass or quantities not less than by the quarter, be deemed or held to be a vender of fresh or butcher's meats under the provisions of this act; and also to license and regulate the selling

or contracting for the sale of any goods, wares or merchandise by samples, when such goods, wares or merchandise are thereafter to be sent or delivered to the purchaser; *And Provided further*, That not less than five dollars, nor more than five hundred dollars, shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed one dollar; and said common council may at any time revoke any license granted under this act for malconduct in the course of trade, and may regulate and restrain the sale of fresh or butcher's meat within the corporate limits of said city, and punish or restrain the forestalling of poultry, game, eggs or fruit within said city; *And Provided*, That no general law of this state shall be construed as to prevent the licensing or regulation of insurance offices and insurance agencies by said common council.

Second.—To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said city; and to restrain any person from giving or dealing in spiritous, fermented or vinous liquors, unless duly licensed by the common council.

Third.—To prevent any riots, noise, disturbance and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses or groceries, and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof; and to authorize the destruction of all instruments used for the purpose of gaming.

Fourth.—To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap-factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Fifth.—To direct the location and management of slaughter-houses and markets, breweries, distilleries and pawn-browkers, and to establish rates for and license venders of gun-powder, and regulate the storage, keeping and conveying of gunpowder or other combustible material.

Sixth.—To prevent the encumbering of streets, sidewalks, lanes, alleys, public grounds or wharves, with carriages, carts, wagons, sleighs, boxes, lumber, fire wood, posts, awnings, or any other materials or substances whatever.

Seventh.—To prevent and punish horse-racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of said city.

Eighth.—To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances; *Provided*, That when a sale of such animals shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasurer of said city, for the use and benefit of the owners thereof, if called for by such owner within one year from the day of such sale.

Ninth.—To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

Tenth.—To prevent any person from bringing, depositing, or having within said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind; and on default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Eleventh.—To make and establish public pounds, pumps, wells, cisterns, hydrants, reservoirs, and to provide for and conduct water into and through its streets, avenues, alleys and public grounds, and to provide for and control the erection of water works for the supply of water to its inhabitants; to regulate, and at a reasonable rate, to license hacks, carts, omnibuses, trucks, wagons and other vehicles engaged in hauling or carrying for hire, and the charges of the drivers of such vehicles; to regulate and at a reasonable rate to license second-hand stores and junk shops, and to erect lamps and to provide for lighting the city, and to control the erection of gas works, or other works for lighting the city, streets, public grounds and public buildings, and to create, alter and extend lamp districts.

Twelfth.—To establish and regulate boards of health, provide hospitals and hospital grounds, the registration of births and deaths and the returns of the bills of mortality, and regulate or prevent the burial of the dead within the city limits.

Thirteenth.—To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Fourteenth.—To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks or other public grounds or property in said city, or in any way doing any damage to such sidewalks, grounds or property.

Fifteenth.—To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or any property therein or annoying any citizen thereof.

Sixteenth.—To prevent open or notorious drunkenness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Seventeenth.—To restrain and regulate porters, and also runners, agents and solicitors for the boats, vessels, stages, cars, public houses or other establishments.

Eighteenth.—To establish public markets and other public buildings, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Nineteenth.—To provide for the receipt, storage, transportation, safe keeping and dealing and traffic in gunpowder, gun-cotton, petroleum, kerosene or other dangerous, explosive or inflammable oils or substances within said city, or within one mile of the corporate limits thereof, and to provide for the summary condemnation or destruction of any of said articles as may be kept, stored, dealt in, transported through or received in said city, contrary to such ordinances as said city may enact for the safety of life and property therein.

Twentieth.—To regulate the place and manner of weighing hay and selling the same, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to conduct and superintend the same.

Twenty-first.—To compel the owner or occupant of buildings or grounds to remove snow, dirt, or rubbish from the sidewalk, street, or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Twenty-second.—To control and regulate the construction of piers or wharves, or grading said wharves into the Mississippi river, within the corporate limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent or remove all obstructions in the water of said river. And to prescribe and regulate rates of wharfage and pierage to be charged to any boat or vessel mooring at any landing, wharf, or pier within the limits of said city, and paid to said city; and to regulate the landings, levee, wharves and piers within the limits of said city, and boats and vessels landing and mooring at the same.

Twenty-third.—To prevent, control and regulate the landing of persons from boats and vessels whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons

as to preserve the health of said city; and also to regulate, control and prevent the landing and conveyance of paupers and persons in a destitute condition into said city, and not having a legal settlement or residence therein, by any boat or vessel or other means of conveyance, and to require that such persons shall be taken back to the place from whence they may have been brought by the person or persons bringing or leaving them in said city.

Twenty-fourth.—To regulate time, manner and place of holding public auction or vendues.

Twenty-fifth.—To provide for watchmen, and to prescribe their number and duties, and regulate the same; and to create and establish the police of said city, and to prescribe the number of police officers and their duties, and to regulate the same.

Twenty-sixth.—To provide by ordinance for a standard of weights and measures; for the appointment of a city sealer, and to require all weights and measures to be sealed by the city sealer, and to provide punishment for the use of false weights and measures.

Twenty-seventh.—To regulate the inspection of flour, pork, beef, salt, fish, whisky, and other liquors and provisions.

Twenty-eighth.—To regulate the measurement and inspection of lumber, shingles, timber, and building materials.

Twenty-ninth.—To appoint inspectors, weighers, and gaugers; to regulate their duties and prescribe their compensation.

Thirtieth.—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Thirty-first.—To remove and abate any nuisance, obstruction, or encroachment upon the streets, alleys, public grounds and highways of the city.

Thirty-second.—To remove and abate any nuisance injurious to the public health or safety, and to remove or require to be removed any building which, by reason of dilapidation, defects in structure, or other causes, may have or shall become imminently dangerous to life or property; and to provide for the punishment of all persons who shall cause or maintain such nuisances. A statement of such expense, specifying the lots or parcels of land upon which it was incurred, shall be filed by the city clerk in the office of the register of deeds of the county of Ramsey, and shall thereupon become a lien in favor of said city upon such lot or parcel of land. The amount of such expense may be recovered by said city against the owner or owners of said lot or parcel of land, and the lien be enforced in a civil action in any court of competent jurisdiction; *Provided*, That such statement shall be filed within three months after such expense has been incurred by said city, and that if suit shall not be brought aforesaid to enforce such lien within one year thereafter, the same shall abate; *And provided further*, That said lien shall not obtain

before the filing thereof, against a bona fide purchaser, without notice of such expenditures.

Thirty-third.—To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and make regulations and to prevent the introduction of contagious diseases into the city; and to make quarantine laws, and enforce the same within the city limits. The jurisdiction of said city shall extend to and be in force over any lands within the county of Ramsey purchased or used by said city for the purpose of a quarantine, for police and sanitary regulations; and for the preservation of the health of said city and the suppression of disease and abatement of public nuisances, and the suppression of any business contrary to the sanitary regulations of the common council or the board of health, the jurisdiction of said city shall extend for a circuit of one mile from the present city limits, east of the Mississippi river.

Thirty-fourth.—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Thirty-fifth.—Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred dollars and imprisonment in the city prison or county jail not exceeding thirty days, or both, and to be fed on bread and water, at the discretion of the city justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace not exceeding six months, and in a sum not exceeding five hundred dollars.

Thirty-six.—The common council of said city may provide by ordinance that any one convicted of an offense before the city justice, subjecting such offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor in any work house established by said city for that purpose, or in case of a male offender, may be kept at hard labor during his term of imprisonment in such workhouse, or upon the public streets and improvements of said city, or both; and may also provide by ordinance that any one convicted of an offence before the city justice aforesaid, and committed upon non-payment of a fine imposed, may be kept at hard labor in any workhouse of said city aforesaid, or in case of a male offender, may be kept at hard labor either in such workhouse, or upon the public streets and improvements, or both, until such person shall work out the amount of such fine at such rate of compensation as said common council may prescribe, for a time not exceeding the term of such commitment; and the common council shall have full power to establish by ordinance all needful regulations for the security of such prisoners thus employed, and to pre-

vent escape and secure proper discipline, and shall have power to establish a suitable workhouse in said city for the purpose aforesaid, and under such regulations as the said common council may provide; *Provided*, That the common council aforesaid shall be and is hereby authorized to use the jail of Ramsey county as the workhouse of the city of Saint Paul, *provided for in this act*; the prisoners of the city to be as at present in the custody of the sheriff of Ramsey county, except while working upon the public streets and improvements of said city, when they shall be under the control of the police force of said city; *And provided further*, That the city justice shall not have the power, for vagrancy, to commit any person to the city prison, city workhouse or county jail, or to order any such person to work upon the public streets or improvements of said city for a longer period than thirty days.

Thirty-seventh.—The common council shall have power to control and regulate the construction of buildings, chimneys and stacks, and to prevent and prohibit the erection or maintenance of any insecure or unsafe buildings, stacks, walls or chimneys in said city, and to declare them to be nuisances, and to provide for their summary abatement, and to provide for the regulation or the summary abatement of any work or building which is detrimental to the safety, health or security of said city.

Thirty-eighth.—To provide for the appointment of a person, at such salary and with such duties as the common council may prescribe, to inspect and supervise the construction of buildings and other improvements. Also to provide for the entry at any time by any of its officers into any building, or upon any work to ascertain whether the same is dangerous or insecure.

Thirty-ninth.—To regulate or prohibit the carrying or wearing, concealed, by any person, any dangerous or deadly weapon, and to provide for the confiscation thereof.

Fortieth.—To regulate the penning, herding and treatment of all animals within the city.

Forty-first.—To restrain, control and regulate the cutting of ice in the Mississippi river, within the limits of said city.

SEC. 4. All ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the members of the common council present, by ayes and noes, and published in the official paper before the same shall be in force, and shall be admitted as evidence in any court of the state, without further proof; and they shall be recorded by the city clerk in books to be provided for that purpose. No appropriation shall be made without a vote of a majority of the members elect of the common council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council. In the publication of resolutions they

may be included in the publication of the proceedings of the council with the dates of their approval, without appending in such publication the signatures to such resolutions.

SEC. 5. The powers conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law, depots, houses or buildings of any kind within the limits of said city, wherein more than twenty-five pounds of gun powder or more than five barrels of forty-two gallons each, (or such greater or less quantity as said common council may direct by ordinance,) of petroleum, kerosene, naphtha or other inflammable or explosive oils or substances are deposited, stored or kept at any one time; gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

SEC. 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, city justice, and other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the [term] for which the officers of said city were elected or appointed shall have expired. And the common council shall require each and every such officer and agent, to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of [their] said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to said council, or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall order suits and proceedings at law against any officer and agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties; and shall make a full record of all such settlements and adjustments.

SEC. 7. The common council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds, and parks and sewers, and all other public improvements and public property within the limits of said city, and shall cause all streets which may have been opened and graded under the authority of said city, or with its assent, to be kept open and in repair and free from nuisances. The city corporation shall be exempt from all liability for damages caused by railroads, either to persons or property, when said railroads, or engines or cars, are passing along, across, under, over or upon any street, lane, alley, or other public way, within the limits of the city of St. Paul.

SEC. 8. The common council of said city shall have the sole and

exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the common council, except upon the petition of a majority of the owners of property on the line of such public grounds, streets, alleys, or highways, resident within the said city; such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys, or highways, proposed to be vacated, and shall be verified by the oath of at least two of the petitioners. The common council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of said city, for four weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the common council, or a committee appointed by them, on a certain day and place therein specified, not less than ten days from the expiration of such publication. The common council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. The common council thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by a resolution passed by a three-fourth vote of all the members elect, declare such public grounds, streets, alleys, or highways vacated, which said resolution, after the same shall go into effect, shall be published as in the case of ordinances, and thereupon a transcript of such resolution, duly certified by the city clerk, shall be filed for record, and duly recorded in the office of the register of deeds of the county of Ramsey.

SEC. 9. Any person feeling aggrieved by any such vacation or discontinuance, may, within twenty days after the publication thereof, by notice in writing served on the mayor of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court, or court of common pleas of the county of Ramsey, appeal to either of said courts from such vacation or discontinuance, where such appeal shall be tried by the court and jury as in ordinary cases, and the judgment of which court shall be final. It shall be the duty of the city clerk, as soon as any such appeal is taken, to transmit to the proper court a certified copy of the record of all proceedings in the case, at the expense of the appellant. Such appeal shall be entered and brought on for trial, and be governed by the same

rules in all other respects as appeals from justices of the peace in civil suits, except that no pleadings shall be required.

SEC. 10. The common council shall have power to regulate and cause to be constructed, altered and maintained, wharves and piers, or grading and paving along the banks of the Mississippi River, and shall have and exercise the same power and control over the said river within the limits of said city, that they may possess over streets, highways and alleys, so far as such power and control may not be inconsistent with the laws of the United States or of this state. The expense of constructing, altering and maintaining such wharves, piers, grading and paving shall be paid out of the general fund of said city.

SEC. 11. The common council shall have power and authority, by a vote of three-fourths of all the members elect of said council, to grant the right of way upon, over and through any of the public streets, highways, alleys, public grounds or levees of said city, to any steam railway or horse railway company or corporation, upon such limitations and conditions as they may prescribe by ordinance.

SEC. 12. The common council shall have the power to regulate the laying of all water pipes and mains, and fixtures to be erected or laid or placed in any street, lane, alley or public way in the city of Saint Paul, by any company, corporation, or person, now or hereafter created, and it shall be the duty of such corporation, company, or person, so owning or controlling said water, and pipes and mains, on application therefor, to furnish water to the city of Saint Paul and all its departments, (in addition to its right to the same for the extinguishment of fires,) and for any other public or police purpose, at all such reasonable times and places as the common council may direct or prescribe, and also at such reasonable terms and rates as the parties may agree upon or as may be determined by two citizens of said city, one to be chosen by the city and one by the water company or person controlling the same, and if they fail to agree, they shall select a third person, and then their decision shall be the price to be paid by said city. In no event nor under any circumstances shall said water be withheld from said city for the fire department; but if said city shall fail to pay the price fixed, the said water company or person controlling the water, or pipes, or mains, or fixtures, shall have all the remedies at law for the collection thereof; and if said water company or any company or person controlling the same shall violate any of the provisions of this section, it shall be deemed a misdemeanor; and any person acting under the order, permission, or authority of said water company who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor and be subject to indictment, and

be punished by a fine of not more than one thousand dollars, to which may be added imprisonment in the county jail not longer than twelve months. If said city shall fail to pay said water company for the period of sixty days after due, it shall pay thereafter two per cent. per month until paid.

CHAPTER V.

THE TREASURY DEPARTMENT.

SECTION 1. The present bonded or permanent funded debt of the city shall not be increased, nor shall any new bonds of the city be issued except for now existing debts or in liquidation of or exchange for bonds heretofore issued, or except bonds heretofore authorized for sewerage purposes; *Provided*, That interest not provided for by taxation, may at any time be funded by bonds or otherwise, in the discretion of the common council; nor shall the city loan her credit, become a stockholder in, or make contribution or donation to any private company or corporation. The said common council shall have full power and authority to issue bonds to fund the present floating or funded indebtedness of the city, including all past due bonds with the interest due or accrued thereon, such bonds to be payable in not less than twenty years after date, with interest payable semi-annually in the city of New York or in the city of St. Paul. No bond hereafter to be issued by said city, for the above or any other purpose, shall draw more than eight per cent. interest per annum, and the common council are fully authorized and required to provide by taxation for the prompt payment of interest, and for a sinking fund sufficient to meet such bonds and all other bonds of said city at maturity, whether heretofore or hereafter to be issued. And all acts of the legislature of this state, whether heretofore or hereafter to be passed, authorizing an issue of bonds by said city, shall be construed to contain a provision for the payment of the interest thereon, and for a sinking fund sufficient to pay the same by taxation, unless the contrary shall be expressed in such act.

SEC. 2. All moneys credited to the general fund of said city shall be under the control of the common council, and shall be paid out as heretofore upon the order of the mayor and clerk, countersigned by the controller, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the specific purpose for which they were drawn, and shall be payable generally out of any funds in the general fund belonging to the city; but no such order shall be paid out of the bridge fund or other special fund which has been specifically pledged as

aforesaid; and such specific funds shall only be drawn out upon orders drawn upon such funds by virtue of a resolution of the common council. All orders shall be payable to the order of the person in whose favor they may be drawn, and they may be transferred by endorsement. No order on the treasury shall be drawn or issued, until there shall be funds sufficient to pay the same, together with the orders that may then be outstanding; and the controller is prohibited from countersigning any such order until there shall be sufficient funds in the treasury to meet such orders, together with the orders which may then be outstanding; *Provided*, That this prohibition shall not apply to orders to pay the police force, city officers and pay rolls of the street commissioners.

SEC. 3. All property real and personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government, and payment of its debts and liabilities, and the same shall be assessed in the manner provided by law. The said common council may levy an annual tax upon all property in said city taxable under the laws of this state, to and for the specific purposes following, that is to say:

First.—To provide for the interest on all outstanding bonds to become due during the fiscal year, and for a sinking fund sufficient to meet and pay such bonds at maturity, and the floating indebtedness of the city.

Second.—To provide for the support of the public free schools of said city.

Third.—To provide a "general fund" to pay the general current and incidental expenses of the city, including salaries of officers, police, street force, fire department, lighting the city, water department, printing and stationery, and for a contingent fund not exceeding ten thousand dollars, and to provide for the preservation of the health of the city; but the amount of money to be raised for the above purposes shall only be so much as will be necessary, in addition to the amount received from licenses, fines, markets, and other incidental sources, for an economical administration of the affairs of the city, and shall not exceed ten (10) mills on the dollar of the assessed value of the taxable property of the city; and the money so raised shall not be expended for any other purpose than above stated.

Fourth.—To provide a fund for each ward therein of said city, for such improvements, repairs, or other expenses, within such ward, as may be properly ordered to be paid out of the fund of such ward, there may be levied annually a tax not exceeding four mills on the dollar of the assessed value of the property in the city. The amount of such taxes collected from real estate shall be credited to

the ward-fund of the ward from which the same was collected, and the amount of such taxes collected from personal property, shall be divided equally among the wards of said city. The common council of said city may set apart such proportion of said ward-fund as said council may deem expedient, not exceeding one-fourth thereof, as a district sewerage fund for such districts as may be situated within such ward; and said common council may also make said ward-funds respectively chargeable with the interest, or sinking fund, or principal, when due, of or for any bonds which may be issued by said common council to aid in the construction of main sewers in said city to the extent in each ward that said bonds shall be issued in aid of any main sewers within said ward.

SEC. 4. The said levy shall be made by said common council on or before the first day of November of each year, and the same shall be entered upon the tax duplicates for the county of Ramsey, and collected annually in like manner as state and county taxes are collected.

SEC. 5. The county treasurer of the county of Ramsey shall pay over to the city treasurer of said city any and all taxes and moneys collected by him, or received by him for said city, on the first Monday of each and every month next after such taxes or moneys are collected or received, any general or special law of the state to the contrary notwithstanding. Immediately after the first levy of taxes under section three of this chapter, the city treasurer shall open and keep in his books separate and distinct accounts for each of the several items of taxation therein provided for; and particularly separate and distinct interest and sinking fund accounts for all bonds and floating indebtedness; for the general fund, and for the ward fund, or any other special fund; and thereafter, whenever the said county treasurer shall pay over to said city treasurer any taxes belonging to said city, and collected under the levy provided for by said section three, the said city treasurer shall credit each of the said respective funds with its proportionate amount of such payment according to the tax levy for such separate fund, and the same shall remain so credited, and shall not be paid out by said treasurer except in payment of such interest, or other specific fund for which said funds shall have been levied and collected. And no ordinance, resolution, or order of the said common council, or of any committee thereof, or officer of said city, shall warrant or authorize the said treasurer to divert any of said separate funds from the legitimate purpose for which the same were collected and credited as aforesaid, or to borrow or transfer any balance or portion of one of said funds to the credit of the other, except as hereinafter provided.

SEC. 6. In all cases where the common council have heretofore or may hereafter pledge or set apart any specific source of revenue

of said city for any particular purpose, by ordinance, the said city treasurer shall open and keep in his books separate and distinct accounts of each of such revenues so pledged or set apart; and thereafter, so long as said ordinance remains in force, he shall credit all such revenues to such account, and the same shall only be paid out upon orders against the said fund, and for the particular purposes for which the same is so pledged; and no resolution of the common council or order or direction of any committee thereof, or officer of said city, shall warrant or authorize the said treasurer to divert any of said separate funds from the legitimate purposes for which the same was collected, or to borrow or transfer any balance or portion of one of said funds to the credit of the other, except as hereinafter provided. *Provided*, That a separate fund, created by ordinance, may be diverted to the general fund or to any other special fund by an ordinance duly enacted for that purpose; but nothing contained in this section shall be construed to affect the powers and duties of the commissioner of the interest and sinking fund of said city hereinafter provided for.

SEC. 7. It shall be the duty of the controller, in auditing and adjusting claims and accounts, as hereinbefore provided, to designate and specify upon each claim, demand and account so audited and adjusted, the particular fund out of which the same shall be paid; and the same shall not be audited or adjusted by him, or reported to the council, until there shall be sufficient funds to the credit of the particular fund out of which the same is payable, to pay the same, as well as all other claims before that time audited and allowed against such fund. The common council may at any time, by resolution, direct the city treasurer to set aside any of the revenues of said city not specially pledged to the interest and sinking fund, nor arising from the annual tax levy, as a special fund for the purpose of paying the police force, street force, and the salaries of city officers; and thereafter, the said police and street force and city officers may be paid out of any moneys in such special fund, or out of the general fund, as the common council may direct.

SEC. 8. The city clerk shall not prepare or sign any order on the treasury, unless the requirements of section seven have been complied with by the controller; and in drawing all orders he shall designate therein the particular fund designated upon the claim by the controller; and the controller shall not countersign such order, unless the same shall be drawn upon the particular fund by him designated therefor.

SEC. 9. Any willful neglect or refusal on the part of the said city treasurer, the city controller, the city clerk, or the county treasurer of Ramsey county, to perform the duties required in this chapter, or any vote or act of any alderman, or of said officers, or

other officer of said city, made or done with the willful intent to evade the provisions of this chapter, or to divert the funds raised by taxation, or pledged by ordinance to a specific purpose, is hereby declared to be a misdemeanor; and upon conviction thereof such officer shall be punished by a fine not exceeding five thousand dollars, and by imprisonment in the county jail of Ramsey county not exceeding three years.

SEC. 10. In all cases where the bonds of said city heretofore issued, bear a higher rate of interest than seven per cent. per annum, the common council of said city shall have power to issue new bonds of said city, to be called "preferred bonds," which shall bear interest at the rate of seven per cent. per annum, payable semi-annually in the city of New York or in the city of Saint Paul, and redeemable in not less than five, nor more than twenty-five years after their dates, in such forms and amounts as the common council of said city may direct.

SEC. 11. Any holders of said bonds of said city, bearing a higher rate of interest than seven per cent. per annum, shall, upon delivering up any such bonds, last mentioned, to the common council, to be exchanged for said "preferred bonds," be entitled to receive under such regulations as the common council may establish, "preferred bonds" aforesaid, to the same amount as the amount of the principal of the bonds so delivered up, adding thereto the unpaid interest thereon at the rate of seven per cent. per annum. The controller of said city shall carefully register the bonds so delivered up and exchanged, with their numbers, dates, amounts, purpose for which issued, and other needful particulars, and thereupon the same shall be cancelled. The said controller shall also certify upon the back of said "preferred bonds," so exchanged as aforesaid, the numbers, dates, purposes for which issued, and other needful particulars, of the bond or bonds delivered up in exchange for such "preferred bonds," in each case.

SEC. 12. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act, and no vote of the common council, in relation thereto, shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

SEC. 13. No money shall be appropriated or expenditures be made by the council for defraying the expenses of any reception, parade, show or celebration, or any public dinner, or for any similar purpose or occasion. *Provided*, That the common council may appropriate the sum of two hundred dollars each year, to defray the expenses of the annual parade of the fire department of said city.

SEC. 14. The mayor, controller and treasurer of said city, the

president of the common council, and the chairman of the finance committee of said common council, shall constitute and be denominated, "The Commissioners of the Interest and Sinking Fund of the city of Saint Paul."

SEC. 15. Any four of the officers above named, of whom the controller shall be one, shall be and are hereby authorized and required to discharge the trusts and duties vested in them, in the succeeding sections of this chapter, but shall not be entitled to receive any additional compensation or salary for such services.

SEC. 16. The said commissioners shall from time to time invest the moneys which shall constitute the sinking fund for the redemption of the city debt, or any surplus of interest to the credit of the interest fund, or as much as they can, in the purchase of bonds issued by said city, at the market price, not exceeding the par value thereof; and if, at any time, such investments cannot be made at par, then the said commissioners shall be authorized to invest the said moneys, or such part thereof as they may see fit, either in the purchase of said bonds, or in the bonds of the State of Minnesota, or in United States bonds, notwithstanding said bonds may be above the par value thereof. *Provided*, That they shall at all times give the preference to the purchase of city bonds, if the same can be procured at a reasonable rate.

SEC. 17. Whenever the said commissioners shall have invested any part of the said fund in the purchase of the bonds of this State, or of the United States, and shall at any time thereafter be enabled to purchase any of the city bonds at such prices as they may judge best for the public interest, they shall forthwith sell and dispose of the same and invest the said bonds of the State, or of the United States, or the net proceeds thereof, in city bonds, if in their opinion such disposition would be beneficial to the public interests.

SEC. 18. Whenever the said commissioners shall have invested any part of the said fund in the purchase of city bonds, and shall at any time thereafter be enabled to purchase any of the city bonds which shall be by its terms redeemable at an earlier day, they may forthwith sell the same and invest the net proceeds in such other city bonds, if in their opinion, such exchange shall be desirable and beneficial to the public interest.

SEC. 19. Whenever any of the moneys constituting the sinking fund, for the redemption of the city debt, shall be required for any such purchases or investments, as are in this chapter mentioned, or for the redemption of any city bonds at their maturity, the amount of money respectively required shall be paid by the treasurer, upon a warrant signed by said commissioners, or any four of them, the city controller being one, and also by the city clerk, who shall affix the seal of the city thereto.

SEC. 20. All moneys constituting the fund for the payment of the bonds of the city, whenever required to meet such bonds, shall be drawn from the treasury in the manner provided in the foregoing section.

SEC. 21. It shall be the duty of the controller to keep a correct journal of the proceedings of the said commissioners, to be verified by any four of them, himself being one, and once in each year, or oftener if required, to render unto the common council a full and detailed report of the proceedings of the said commissioners, and all investments or other acts of said commissioners shall be based upon resolutions duly entered in said journal.

SEC. 22. In the event of a vacancy in office, or inability of any of said commissioners to attend to the trusts hereby imposed, it shall be the duty of the common council to designate one or more of their number to supply the place of such commissioner or commissioners, for the time being, by resolution. The said commissioners shall meet at any time upon the call of the mayor, the president of the council, or the controller. The mayor shall preside at such meetings.

SEC. 23. All bonds and securities purchased by said commissioners, shall be held for safe keeping by the city treasurer. Whenever city bonds are paid upon the warrant of said commissioners, a record thereof shall be made in the books of said commissioners, and the same shall be carefully cancelled and burned in the office of the controller, under the direction and supervision of said commissioners.

SEC. 24. It shall be the duty of the said commissioners to protect the credit of the city and direct and superintend the remission of funds for the payment of interest; and the bonded indebtedness of the city, to the city of New York, or wherever said interest and bonds may be payable, and if at any time they shall find that the interest fund for the payment of the interest upon the bonded indebtedness of said city shall not be sufficient to meet and pay such interest, the said commissioners may by a resolution to be entered upon their records, and signed by any four of said commissioners, of whom the controller shall be one, recommend to the common council, that any surplus balance to the credit of the sinking fund, or so much thereof as may be necessary to meet and pay said interest, may be transferred to the credit of such interest fund, or in case of a surplus of the interest fund for any one year, they may recommend in like manner that the said surplus may be transferred to the credit of the sinking fund; or they may, in like manner, recommend that a certain specific sum may be transferred from the credit of the "general fund" or the "ward" or "local improvement fund," or any fund specifically pledged by ordinance, to the credit of the interest fund, or the sinking fund aforesaid. *Provided*, That before

the said resolution and recommendation shall become operative, the same shall be reported to the common council of said city, and shall be approved by resolution thereof upon the vote of two-thirds of all the members of such council, and the said resolution shall be certified by the city clerk to the controller, and shall by him be entered upon the records of said commissioners, and the same shall authorize the said commissioners to make such transfer of funds as shall have been mentioned in their recommendation and approved by the common council in the manner provided by this chapter. *Provided*, That this section shall not be so construed as to permit the transfer of funds from the interest or sinking to the credit of any other funds of said city. *And provided further*, That if at any time, by virtue hereof, any part of the sinking fund shall be transferred as aforesaid to the credit of the interest fund, such amount so transferred shall be included as an additional item in the tax levy for sinking fund for the next annual levy, and shall be collected in like manner and as a part of, and in addition to the sinking fund for such levy.

SEC. 25. The proviso to section ten of an act approved February 29th, 1872, entitled "an act to amend the charter of the city of Saint Paul," in the words following, viz.: "*Provided*, That no assessment or levy of any tax shall be made upon any part of the property real or personal, embraced within the enlarged limits of the city as extended by this act, for the payment of any portion of the interest and principal of the existing indebtedness of said city, funded or otherwise. In all assessments or levies of taxes for payment of such indebtedness, the lands and property embraced in such enlarged limits shall be expressly omitted;" and so much of section three of an act approved March 6th, 1873, entitled "an act to extend the limits of the city of Saint Paul," in the words following, viz.: "It is hereby expressly declared that neither the territory hereby added to said city, nor the lands, tenements or hereditaments, nor the personal property of any resident situate and being, or which may be situate on said territory hereby annexed to said city, shall ever be assessed or taxed for the payment of any part, either principal or interest, of the existing debt of said city, either funded or otherwise; but all assessments or levies of taxes for such antecedent indebtedness of said city aforesaid, is hereby expressly prohibited,"—are hereby continued in force.

SEC. 26. The tax to be levied under section four for the "general fund," shall embrace the following specific objects, which shall be included and itemized in the annual report of the city controller, as required by section eighth of chapter three of this act, to wit.:

Salaries of city officers.

Police department.

Expenses of city hall.

Fire department.
 Board of health.
 Water department.
 Street lamp department.
 Contingent fund.

And for such other specific purpose or purposes as are prescribed by laws heretofore enacted and still in force, as aforesaid, and the taxes levied and collected for such specific object or objects, shall be applied only to defray the expenditures, together with the arrearages due and unpaid, for such specific object or objects, which arrearages or indebtedness shall be provided for in the next tax levy; *Provided*, That in case of the neglect or refusal of the city controller to itemize the expenditures of the city in his annual report, as provided in this section, it shall be the duty of the common council to provide for such deficiency, by including it in the tax levy of the current year.

CHAPTER VI.

BOARD OF PUBLIC WORKS.

SECTION 1. There is hereby established an executive department of the municipal government of the city of St. Paul, to be known as "The Board of Public Works of the city of Saint Paul," to be constituted and organized as hereinafter provided.

SEC. 2. The said board of public works shall consist of five reputable freeholders and qualified electors of said city, no two of whom shall be residents of the same ward, and none of whom shall be members of the common council of said city, or hold any other office under the charter and ordinances of the city. They shall be appointed by the mayor by and with the advice and consent of the common council, on the second Monday of March in each year or as soon thereafter as practicable, and their term of office shall be for the period of three years and until their successors are appointed and qualified. *Provided*, That the present members of said board shall hold their offices for the terms for which they were respectively appointed, and until their successors are appointed and qualified; and *provided further*, That the persons to be appointed in the places of those members whose terms will expire in the year eighteen hundred and seventy-four, shall be appointed for the term of one, two and three years respectively, the period of the term of such members to be designated by the mayor in his appointments. In case the office of any member shall become vacant during his term, the said mayor shall, in like manner, as soon as practicable thereafter, appoint a person of like qualifications aforesaid, to fill said vacancy

during said unexpired term and until a successor shall be appointed and qualified. In case any member of said board is sick, or temporarily absent from said city, or otherwise temporarily prevented from acting as a member of said board, or is interested in any specific lot or parcel of land in relation to which said board are to act in making an assessment, the said mayor may upon request to him by any member of the board or property owner interested, appoint a suitable person with like qualifications of members of said board, to act in place of any member prevented from acting as aforesaid or interested as aforesaid, pro tempore.

SEC. 3. The said mayor shall deliver to each person appointed by him as aforesaid, pro tempore or otherwise, a certificate of his appointment, and each of said persons shall, before entering upon the discharge of his duties, take and subscribe an oath, to be endorsed upon such certificate, to the effect that he will faithfully and impartially execute his duties to the best of his abilities, and cause such certificate and oath within ten days after said appointment to be deposited with the register of deeds of the county of Ramsey, whose duty it shall be to file and record the same, at the expense of said city.

SEC. 4. In case of any person so appointed by said mayor failing for the space of ten days after receiving his certificate of appointment, to deposit the same, with his oath aforesaid in the office of said register of deeds as aforesaid, or in case any member of said board shall remove into or become a resident of a ward wherein another member resides, the said office shall be declared vacant by the said mayor upon the fact being made known to him. Any member wishing to resign his office shall tender his resignation in writing to the said mayor, who shall be at liberty to accept or reject the same.

SEC. 5. Each member of said board so appointed by said mayor, except as herein otherwise provided, shall be entitled to receive a compensation from said city for his services at the rate of six hundred dollars per annum and no more, except the president, who shall receive the sum of eight hundred dollars per annum, and no more, payable out of the general fund, as in the case of other city officers; and any person appointed to act as a member of said board, pro tempore, as aforesaid, shall be entitled to compensation from said city at the rate of three dollars per day, and no more, for every day in which he shall be actually so employed.

SEC. 6. No member of the board of public works, nor officer or clerk in their employ, shall be interested, either directly or indirectly, in any contract made and entered into by said board of public works, for any work or for any materials to be furnished therefor; and all contracts made with said board, in which any member or officer of said board shall be so interested, shall, at the

option of the city, be declared utterly void and of no binding effect whatever; and any member or officer of said board, interested in any contract, shall thereby forfeit his office, and be removed therefrom on proof of such delinquency; and it is hereby made the duty of each member of said board of public works, and of the mayor and of every officer of said city to report to the common council any such delinquency when discovered. Any member, officer or clerk of said board, who shall be interested, directly or indirectly, in any such contract or contracts aforesaid, and any contractor or other person who shall take any such contract or contracts with knowledge of such interest of such member, officer or clerk of said board in said contract or contracts, or who shall corruptly influence or attempt to influence the action of any member, officer or clerk of said board, in the letting, making or entering into any contract, or in the performance of any official duty of such member, officer or clerk, shall be guilty of a misdemeanor, and liable on indictment and conviction thereof, to be punished by imprisonment for a period of not exceeding six months, or a fine not exceeding one thousand dollars, or by both such imprisonment and fine in the discretion of the court.

SEC. 7. Any member of said board may be removed for cause by a two-third vote of all the aldermen authorized to be elected and under the same regulations as provided by this act in relation to elective officers of said city, and not otherwise.

SEC. 8. The board of public works, as provided for under this act, shall be deemed and is hereby declared to be a continuation of the present board of public works of the city of Saint Paul, created under laws prior to this act.

SEC. 9. Said board shall annually elect one of their number President; and they shall have the power to establish by laws, rules and regulations for their government and the officers and employees thereof.

SEC. 10. They shall appoint a clerk of said board, whose duty it shall be to keep the records and papers thereof, and he shall record their proceedings and perform such other duties as may be assigned to him by said board, he shall receive a salary, to be fixed by said board of public works, with the concurrence of the common council of said city, payable out of the general fund, as in the case of other city officers. Before entering upon the discharge of his duties, he shall take and subscribe an oath that he will faithfully execute his duties to the best of his ability; he shall also execute a bond to the city of Saint Paul with sureties in such sum and upon such conditions as may be approved by said board, which bond shall be filed with the city clerk. Such clerk shall be removable at any time at the pleasure of said board.

SEC. 11. Said board shall appoint some competent and scientific person as civil engineer to said board, who shall be removable at the pleasure of said board. Said engineer shall perform all the civil engineering required by said board in the prosecution of all public works committed to their charge, or required by said board, in connection with their official duty; he shall be ex-officio city engineer and perform such other civil engineering and surveying, as may be directed by the common council of said city, or as may be required by the charter and ordinances thereof. He shall receive a salary, to be fixed by said board of public works, with the concurrence of the common council of said city, payable out of the general fund as in the case of other city officers, and he shall be entitled to such additional compensation for assistants as may be allowed by said board, with the concurrence of the common council. Said engineer shall, within ten days after his appointment, take and subscribe an oath to the effect that he will faithfully execute his duties to the best of his ability, and he shall also execute a bond to the city of Saint Paul, with sureties in such sum and upon such condition as shall be approved by said board.

SEC. 12. Meetings of said board shall be called by the president, or a majority of said board; and they may meet at such stated times, and in such manner as may be established by their rules, by-laws or regulations.

SEC. 13. The duties of the president shall be prescribed by the by-laws of said board, and in his absence the board may appoint a president pro tempore, with like powers and duties, any member failing to attend a regular or special meeting of said board, except in case of sickness, or absence from the city with leave of the board, shall pay a fine of ten dollars for each failure, to be entered upon the minutes of said board, and reported to the controller and deducted from his monthly pay. A majority of the board shall constitute a quorum for the transaction of business, and they shall cause to be kept a record of their proceedings, which shall at all times be open to public inspection. The said board shall furnish the common council of said city whenever required, with any information needed in relation to their proceedings.

SEC. 14. The said board of public works shall as soon after their organization as practicable, appoint two street inspectors, whose duty it shall be to render their personal services in repairing the streets of said city, and to perform such other services and duty, and in such localities as the said board may prescribe or direct. The said street inspectors shall be removable at the pleasure of said board, and shall receive such compensation as the said board of public works with the concurrence of the common council may determine, said street inspectors before entering upon the discharge of

their duties, shall take and subscribe an oath to the effect that they will faithfully discharge their duties, and shall also give bond to said city of Saint Paul with sureties, in such sum and upon such conditions as said board may approve, which said bond shall be filed with the controller of said city.

SEC. 15. The board of public works may adopt and use a common seal and alter the same at pleasure.

SEC. 16. A majority of said board shall be a quorum, in all cases where a full vote of all the members may not be expressly required, and said board may adjourn from time to time. In case a quorum is not present at any meeting, the member or members present may adjourn said board to another day; and in case none of the members are present at any time appointed for a meeting of said board, the clerk of said board may adjourn the same to another day.

CHAPTER VII.

LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS THEREFOR.

TITLE I.

STREETS, SIDEWALKS, ETC.

SECTION 1. The municipal corporation of the city of Saint Paul is hereby authorized to levy assessments for local improvements upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, without regard to a cash valuation.

SEC. 2. Such assessment may be made by the said city of Saint Paul for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering and straightening any street, lane, alley, or highway, and for keeping the same in repair; also for filling, grading, protecting, improving and ornamenting any public park, square or grounds, now or hereafter laid out; also for constructing, laying, relaying and repairing cross and sidewalks, area walls, gutters, sewers and private drains.

SEC. 3. The expenses of any improvements mentioned in the foregoing section may be defrayed, save as herein otherwise provided, by an assessment upon the real estate benefited thereby, or by an assessment upon the real estate fronting thereon, to be levied in the manner hereinafter prescribed. *Provided*, That cross footwalks over public streets, lanes or alleys, shall be paid out of the improvement fund of the proper ward, also all cross footwalks and sidewalks adjacent to public squares, public grounds, and public

parks, shall be paid out of the general fund of said city, and that all or any part of the expense of improving or ornamenting public grounds, squares and parks, may, if the common council of said city deem it expedient, be paid out of the improvement fund of the proper ward, or the general fund of said city.

SEC. 4. All assessments for local improvements aforesaid, as provided in this chapter, shall be made by the board of public works of the city of St. Paul, except as may be herein otherwise provided.

SEC. 5. All applications or propositions for any improvement mentioned in section two of this chapter, shall be made to or emanate from the common council of said city, and shall, except in the case of sidewalks, be first referred to the board of public works by the said common council. *Provided*, That any such application made to the said council shall be in writing, and that said council shall not be required to proceed further with any such application by a reference to the board of public works, or otherwise, unless said council is satisfied that a majority of the property owners, who would probably be assessed for the expense of any such improvement have subscribed such application. Upon such reference said board shall then proceed to investigate the same; and if they shall determine that such improvement is necessary and proper, they shall report the same to the common council, accompanied with an estimate of the expense thereof, and a proper ordinance or order directing the work. If they do not approve of such application or proposition, they shall report the reasons for their disapproval, and, in case of such disapproval, the said common council shall not order the doing of such work, or the making of such public improvement, except by a vote of two-thirds of all the members elect of said council. *Provided*, That in case such disapproval of said board is by an unanimous vote of all the members elect of said board, such work or improvement shall only be ordered by said council by an unanimous vote of all the members thereof elect. In case the said board shall report in favor of said improvement, or some part thereof, or a modification of said improvement, the common council may, in their discretion, (unless otherwise provided for in this chapter,) order the doing of such work, or the making of said public improvement; and, in all cases, the common council, after having obtained from said board of public works an estimate of the expense, may make such modifications of the proposed plan as may be petitioned for by any of the owners of the property to be assessed, or as the council may think proper. *Provided*, That such modification shall not materially change the character and object of the improvement as reported by said board, or materially increase the expense thereof. *Provided, however*, That the council shall, in no case, or-

der the doing of any of such work or the making of any such improvement unless in their opinion real estate to be assessed for such work or improvement can be found benefited to the extent of the damages, costs and expense necessary to be incurred thereby.

SEC. 6. In case such improvement referred to in the preceding section shall relate to the opening, straightening, widening, contracting, altering, extending, or grading of any street, lane, alley, or highway or public grounds in said city, and said board shall report in favor of the same, they shall furnish the said common council as part of their said report, with a plan or profile of the contemplated improvement, and shall also report whether, in their opinion, real estate to be assessed for said improvement can be found benefited to the extent of damages, costs and expenses necessary to be incurred thereby, and whether the said improvement is asked for upon the petition or application of the owners of a majority of the property to be assessed for such improvement, and if it appear by such report that the owners of a majority of the property so to be assessed have not petitioned therefor, the same shall be ordered only by the votes of at least two-thirds of all the members elect of said council.

SEC. 7. Whenever any order is passed by the common council by virtue hereof for the making of any public improvement (mentioned in section two of this chapter, save as herein otherwise provided,) which shall require the appropriation or condemnation of any land or real estate, the said board of public works shall, as soon as practicable, proceed to ascertain and assess the damages and recompense due the owners of such land respectively, and at the same time to determine what real estate will be benefited by such improvement and assess the damages, together with the costs of the proceedings, on the real estate by them deemed benefited, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel.

SEC. 8. The said board of public works shall then give fifteen days notice by publication in the official newspaper of the city, of the time and place of their meeting, for the purpose of making said assessment; in which notice they shall specify what such assessment is to be for; and they shall describe the land to be condemned as near as may be done by general description; said notice shall be published at least three times, and said period of fifteen days shall commence from the first publication; and all persons interested in any such improvement shall have the right to be present and be heard, either in person or by counsel, and the city attorney as counsel for the city of St. Paul, shall be permitted to appear before them at such hearing to represent the interests of said city. The said board shall view the premises to be condemned, and receive any legal evi-

dence that may be offered for the purpose of proving the true value thereof, or the damages that will be sustained, or benefit conferred by reason of the contemplated improvement; and the said board for this purpose are hereby authorized to administer oaths to all witnesses produced before them, and they may adjourn from time to time, and place to place, until such assessment is completed.

SEC. 9. The said board of public works in making said assessments, shall determine and appraise to the owner or owners the value of the real estate appropriated for the improvement, and the injury arising to them respectively, from the condemnation thereof, which shall be awarded to such owners respectively, as damages, after making due allowances therefrom for any benefit which such owners may respectively derive from such improvements.

SEC. 10. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damage, in either case the said board of public works shall strike a balance, and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only, shall in any case be collectable, of them or paid to them.

SEC. 11. In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the said board of public works in their discretion, in making such assessment, where part of the land to be laid out into such street or alley, has been theretofore donated by any person or persons for such street or alley, to appraise the value of the land so donated, and to apply the value thereof as far as the amount so appraised shall go, as an offset to the benefits assessed against the person or persons making such donation, or those claiming under them; but nothing herein contained shall authorize any person or persons by whom such donation is made, to claim from the city the amount of such appraisal, except as an offset as herein provided. And where the assessment is one for the widening of any street which may have been theretofore, either in whole or any part, donated to the public by the proprietors of the adjoining land, it shall also be lawful for said board of public works in their discretion, to make such allowance therefor, in their assessment of benefits, as shall in their opinion be equitable and just.

SEC. 12. If there should be any building standing in whole or in part, upon the land to be taken, the said board of public works shall add to their estimate of damages for the land, the damages also for the building or part of building necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to the owner to remove, or of

the part thereof necessary to be taken, shall also be determined by the said board of public works, and notice of such determination shall be given by them to the owner when known, if a resident of the city, or left at his usual place of business or abode. If the owner is not known, or is a non-resident, twenty days notice to all persons interested shall be given by publication in the official paper of the city; such notice shall be published at least five times, and said period of twenty days shall commence from the first publication. Such owner may at any time, within twenty days after service, or the first publication of such notice, notify to such board of public works, in writing, his election to take such building or part of building at their appraisal; and, in such case, the amount of such appraisal shall be deducted by the said board of public works, from the estimated damages for the land and building, where they belong to the same owner, and from the estimated damages for the building where they belong to different owners; and the owner shall have such time for the removal of the building after the confirmation of the assessment, as the board of public works may allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the said board of public works shall, after the confirmation of the assessment, and after the money is collected or otherwise provided and ready in the hands of the treasurer, to be paid over to the owner for his damages, proceed to sell such building or part of building at public auction, for cash, giving at least ten days' public notice of the sale by publication in the official paper of the city, and cause such building to be then forthwith removed. The proceeds of such sale shall be paid into the city treasury, to the credit of special assessment fund raised for the said improvement. Said ten days' notice shall be published at least five times, and said period of ten days shall commence from the first publication.

SEC. 13. If the lands and buildings belong to different persons, or if the land be subject to lease, the injury done to such persons, respectively, may be awarded to them by the board of public works, less the benefits resulting to them, respectively from the improvement.

SEC. 14. Having ascertained the damages and expenses of such improvement, as aforesaid, the said board of public works shall thereupon apportion and assess the same, together with costs of the proceedings upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the improvement, as nearly as may be, and shall briefly describe the real estate upon which their assessments may be made; and it shall constitute no

legal objection to such assessment, that the amount thereof either exceeds or falls short of the original estimate of the cost of the improvement submitted to the common council by the board of public works.

SEC. 15. When completed, the said board of public works shall cause the assessment aforesaid of damages and benefits to be entered in a book to be kept for that purpose by the clerk of said board. After the same is so entered, notice shall be given by said board by publication in the official paper of the city, for at least ten times, to the effect that such assessment has been completed and entered as aforesaid, and that at a time and place therein specified the said board will meet for the purpose of hearing objections, and that all such objections must be filed, in writing, with the clerk of said board, at least one day prior to said meeting, and that unless sufficient cause is shown to the contrary, the same will be confirmed. All objections to said assessment shall be in writing, and filed with the clerk of said board at least one day prior to the said meeting of said board last mentioned. *Provided*, That the said board may, in its discretion, allow any party interested, who has accidentally or inadvertently omitted to file his objections aforesaid, to do so at the time of meeting of said board aforesaid. Should no quorum be present at the said appointed meeting of said board, the said meeting may be adjourned by the member or members of said board present, or if none of the members are present, by the clerk of said board, to such other convenient time and place as may be deemed expedient. *Provided*, That nothing herein contained shall preclude the said board from causing a new notice aforesaid to be given of a meeting of the said board for the purpose of hearing objections to said assessment, and for the confirmation thereof in manner as before required, in case the previous notice shall be found imperfect, or in case of a defect in the attendance of the members of said board, or for any other reason which shall be satisfactory to said board for so doing. The said board shall have the power to adjourn such hearing from time to time, and shall have power, in their discretion to revise and correct the said assessment, and to confirm or set aside the said assessment and proceed to make an assessment, *de novo*. Said assessment, when confirmed, shall be final and conclusive upon all parties interested therein, except as hereinafter provided. When said assessment is confirmed, and when no appeal is taken thereto as herein provided, a warrant under the seal of said board, shall issue to the treasurer of said city for the collection of the same from the property upon which the same has been assessed, signed by the mayor, clerk of said board, and the city controller. If said assessment shall be set aside by the said board aforesaid, or by the court, the said board of public works shall pro-

ceed *de novo* to make another or new assessment, and they shall proceed in like manner and give the like notice as herein required in relation to the first, and all parties in interest shall have the like rights; and the said board shall perform like duties, and have like powers in relation to any subsequent determination as are hereby given in relation to the first. As soon as practicable after the said assessment has been confirmed and entered, the clerk of said board shall cause a brief notice of the fact of such confirmation and entry to be published in the official paper of said city at least three successive days upon which said paper is published.

SEC. 16. Any person whose property has been appropriated and who has filed objections to such assessment as hereinbefore provided, shall have the right at any time within twenty days after the first day of publication of said notice provided for in the next preceding section, to appeal to the district court of the county of Ramsey or to the court of common pleas of the county of Ramsey, of this state, at the next general term of such court then ensuing from the order confirming said assessment. Said appeal shall be made by filing a written notice with the clerk of the board of public works, specifying the name of the court in which the appeal is taken, and a description of the property of said appellant so appropriated, and the objections of said appellant to such assessment, and by filing with the clerk of said court, last aforesaid, a bond to the city of St. Paul, conditioned to pay all costs which may be awarded against the appellant, in such sum and with such surety as shall be approved by the judge of said court last mentioned, or in case of his absence or inability to act, by the judge of any court of record of this state, together with a copy of such notice with the date of filing thereon certified by the clerk of the board of public works. In case of appeal, a copy of the assessment roll as confirmed aforesaid, and of the objections as aforesaid made to the confirmation thereof certified by the clerk of said board, at the expense of the appellant, shall be filed in the office of the clerk of the court to which such appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal, against the city of Saint Paul as an "appeal from assessments." The said cause shall then be at issue and shall have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried in said court as in the case of other civil causes except that no pleading shall be necessary, and on such trial the only questions to be passed upon shall be whether the said board of public works had jurisdiction in the case and whether the valuation of the property specified in the objections is a fair valuation, and the assessment, so far as it effects said property, is a fair and impartial assessment. The judgment of the court shall be either to confirm or

annul the assessment in so far as the same affects the property appropriated aforesaid of the said appellant, from which judgment no appeal or writ of error shall lie.

SEC. 17. When such assessment shall have been confirmed, and no appeal taken therefrom, or if an appeal shall have been taken, when judgment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. The common council shall thereupon cause to be paid to the owner of such property or to his agent, the amount of damages over and above all benefits which may have been awarded therefor, as soon as a sufficient amount of the assessment shall have been collected for that purpose, but the claimant shall in all cases furnish an abstract of title, showing himself entitled to such damages, before the same shall be paid. If in any case there shall be any doubt as to who is entitled to the damages for land taken, the city may require of the claimant a bond with good and sufficient sureties, to hold the city harmless from all loss, costs and expenses, in case any other person should claim such damages. In all cases the title to land taken and condemned in the manner aforesaid, shall be vested absolutely in the city of Saint Paul, in fee simple.

SEC. 18. As soon as the money is collected and ready, in the hands of the treasurer, to be paid over to parties entitled to damages for property condemned, ten days' notice thereof by one publication, shall be given by the city treasurer in the official paper of the city, and the city may then, and not before, enter upon, take possession of, and appropriate the property condemned; and whenever the damages awarded to the owner of any property condemned by said city for public use shall have been paid to such owner, or his agent, or when sufficient money for that purpose shall be in the hands of the city treasurer, ready to be paid over to such owner, and ten days' notice thereof shall have been given in the official paper of the city, the city may enter upon and appropriate such property to the use for which the same was condemned.

SEC. 19. When the whole of any lot or parcel of land or other premises under lease or other contract, shall be taken for the purposes aforesaid by virtue of this act, all the covenants, contracts and engagements between landlords and tenants, or any other contracting parties, touching the same or any part thereof, shall, upon publication of the notice required in the preceding section, respectively cease and be absolutely discharged.

SEC. 20. Where part only of any lot or parcel of land or other premises so under lease, or other contract shall be taken for any of the purposes aforesaid by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same, upon publication of the aforesaid notice, shall be absolutely discharged,

as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid and recoverable for the same.

SEC. 21. Any proceedings taken by the said board of public works, in carrying out the provisions of this chapter, shall be recorded in a book or books kept for that purpose by the clerk of said board, describing particularly the respective improvements, and the real estate taken and assessed. The said books in which said proceedings have been entered aforesaid, and the official files and papers of said board of public works, shall be deemed public records, and be *prima facie* evidence of the facts therein stated; and certified copies thereof by the clerk, or officer having proper custody thereof, with the seal of said board attached, shall be evidence in all courts to the same effect as if the originals were produced. The clerk of said board shall be entitled to receive from any private party, for any certified copy or transcript aforesaid furnished such private party, the like fees as are received for such services by the clerk of any court of record in this state.

SEC. 22. The common council of said city may cause sidewalks to be constructed, relaid or repaired, whenever they deem that the public interest requires it, without a reference to the board of public works. Whenever said council shall order the construction of such sidewalks, a copy of such order shall be transmitted to the board of public works, whose duty it shall be, thereupon to cause proposals for doing said work to be advertised for in the official paper of said city, in the same manner and for the same length of time as in the case of other public improvements, specifications for doing the same being first deposited with the clerk of said board, and said work shall be let and placed under contract in the same manner and under the same regulations as provided for in other cases of public improvements, for which an assessment is to be made. As soon as the contract is let the said board shall give at least ten days' notice by publication in the official newspaper of said city to the effect that at a certain time and place they will proceed to make an assessment to pay for constructing, relaying or repairing said sidewalks, said notice shall briefly describe the location and nature of said improvement, and shall be published at least three times, which period of ten days shall commence with the first publication of said notice, at the time and place specified in said notice or such other time and place as may be fixed by adjournment the said board shall assess the amount as nearly as they can ascertain the same, which will be required to defray the cost of such improve-

ment including the necessary expense of making and collecting such assessment upon the real estate or lots of land fronting on said improvement. In making said assessment the said expense and cost shall be apportioned in accordance with the number of lineal feet of said real estate or lots of land fronting on said improvement as aforesaid. When said assessment is completed the said board shall give six days' notice by one publication in the official newspaper of the city to the effect that at a time and place therein specified that said assessment will be confirmed unless cause is shown to the contrary, and that objections must be filed one day before such time of meeting, with the clerk of said board. Such objections shall be made and filed in the same manner, and said board shall proceed in hearing the same and have the same power to revise, correct, confirm, or set aside such assessment or proceed *de novo*, as provided in section fifteen of this chapter. Said assessment, when confirmed, shall be final and conclusive, and no appeal shall lie therefrom. A warrant shall issue for the collection thereof, and said assessments shall be enforced and collected as other assessments made under this chapter.

SEC. 23. Whenever any order shall be finally passed by the common council of said city as heretofore provided, for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing or planking any street, lane, alley or highway, or for keeping the same in repair; or for filling, grading, protecting, improving or ornamenting any public square; or for constructing area walls, gutters, sewers, and private drains, the city clerk shall transmit a copy of such order of said council to said board of public works. The said board of public works shall cause the said work to be let and done as hereinafter provided; and after the whole of said work shall have been placed under contract as hereafter provided, the said board shall thereupon proceed, without delay, to assess the amount as nearly as they can ascertain the same, which will be required to defray the cost of such improvement, including the necessary expense of making such assessment, in proportion as nearly as may be, to the benefit resulting thereto, in manner hereinafter provided. *Provided*, That in the repairing of any street, alley, highway, public ground, bridges, or sewers, the cost of which repairs is estimated not to exceed the sum of two hundred dollars, may be done under the direction of said board, and in such case shall be paid out of the street improvement fund of the proper ward; and, *Provided further*, That nothing herein contained, shall prevent the said common council of said city from ordering the construction of one or more main sewers or culverts in accordance with any general system of sewerage which said council may adopt, and from dividing under such general system of sewerage, the said city into two or more sewerage districts, or

from ordering the cost of such main sewers or culverts to be paid by the city at large, or from a district sewerage fund in each of such sewerage districts as the common council may prescribe, or as may be provided in the act entitled an act relative to sewerage in the city of Saint Paul, passed February 17th, 1873, which act is hereby continued in force.

SEC. 24. When, in any case, any portions of the cost and expense of making any improvement mentioned in the foregoing section, 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 the real estate benefited thereby, 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*, That any real estate belonging to such railway company, and deemed benefited by the said improvement, shall be assessed as in other cases.

SEC. 25. Before proceeding to make an assessment for any improvement mentioned in section twenty-three, said board of public works shall give six days' notice by publication in the official paper of said city, of the time and place of their meeting for the purpose of making such assessment, in which notice they shall specify what such assessment is to be for, and the amount to be assessed; said notice shall be published at least two times, and said period of six days shall commence from the first publication. The said board shall also give at least four days personal notice to the same effect to all property holders interested, or their agents, resident in the city of St. Paul, if known to the said board and found, but the failure to give such personal notice shall in nowise affect the validity of said assessment, or of any of the proceedings. All persons interested in any such assessment, shall have the right to be present and be heard, either in person or by counsel, and the said board may in their discretion, receive any legal evidence, and may adjourn, if necessary, from time to time, and place to place.

SEC. 26. When the said board of public works shall have completed their assessment provided for in sections twenty-three, twenty-four and twenty-five, they shall cause like notice to be given of the time and place when said board shall meet to hear objections and for the confirmation of such assessment, as hereinbefore required, in relation to assessments for the condemnation of real estate; and objections shall be made in like manner, and under the same regulations and conditions, and all parties in interest, shall have the like rights, (except the right of appeal,) and the said

board of public works shall perform like duties, and have like power in relation to such assessments as are herein given in relation to such assessments for the condemnation of real estate. When confirmed by the said board of public works, said assessment shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases, and no appeal shall lie in any case from the order of confirmation. If any assessment be annulled or set aside, the said board of public works shall proceed *de novo* to make another or new assessment in like manner, and give like notice as herein required in relation to the first.

SEC. 27. Whenever any public improvement shall be ordered for which an assessment is to be made, as aforesaid, the said board of public works shall cause proposals for doing said work to be advertised in the official paper of said city, a plan or profile of the work to be done, accompanied with specifications for the doing of the same, being first deposited with the clerk of said board, to be kept by him at all times open for public inspection; which advertisement shall be published for at least ten times in said official paper, and shall state substantially the work to be done. The bids for the doing of such work shall be sealed, bids directed to the board of public works of the city of Saint Paul, and shall be sealed in such a manner that they cannot be opened without detection, and shall be accompanied by a bond to the city of St. Paul, in the sum not less than twenty per cent. of the cost of the work, according to the price bid, as nearly as can be ascertained, executed by the bidder and two responsible sureties; conditioned, that he shall execute the work for the price mentioned in his bid and according to the plans and specifications, in case the contract shall be awarded to him. And in case of default on his part to execute the contract and perform the work, said bond may be sued and judgment recovered thereon by the said city, for the full amount thereof, in any court having jurisdiction of the amount. Said bids shall be opened by said board at their next meeting after the time limited for such proposals, or such other time thereafter as said board may appoint.

SEC. 28. All contracts shall be awarded to the lowest reliable and responsible bidder or bidders, who shall have complied with the above requisition, and who will sufficiently guarantee to the satisfaction of the said board the performance of said work to the satisfaction of said board. Such contract shall be made on the part of said board, in the name of the city of St. Paul, and shall be executed on the part of said city by the president of said board, or such of their members as said board may designate; and the corporate seal of said board shall be thereto attached, and the said contract shall be countersigned by the city controller. A copy of said contract shall be filed in the office of the city controller

and registered in a book, kept by said controller for that purpose; *Provided*, That said board may reject any bid which they shall deem unreasonable or unreliable. *And provided further*, That no contract shall be awarded except upon or by the vote of at least three members of said board in favor thereof.

SEC. 29. The said board of public works shall reserve the right in their said contracts in case of improper construction to suspend the work at any time, and re-let the same or to order the entire reconstruction of said work, if improperly done. In cases where the contractor or contractors shall proceed to properly perform and complete the said contracts, the said board of public works may, from time to time, in their discretion as the work progresses, grant to said contractor or contractors, an estimate of the amount already earned, reserving fifteen per cent. therefrom, which shall entitle said contractor or contractors to receive the amount which may be due thereon, when there is money applicable to the payment of such work. When the whole work has been completed by such contractor or contractors, to the satisfaction of the board of public works, the amount or balance due him shall be audited and allowed by the common council of said city, and shall be payable out of the moneys applicable to the payment of such work.

SEC. 30. Two or more of the notices required or authorized by this act to be given by the board of public works or the city clerk, by publication in the official paper of the city, in any special assessment proceedings, may be comprised in one advertisement. *Provided*, Such notices are of the same general character, or for like object, and, *provided*, that in other respects, the notice so published shall sufficiently comply with the essential statutory requirements. And the provisions of this section shall extend to and embrace all notices required to be given in the official paper of the city, by the city treasurer, or the delivery to him of all special assessment warrants for collection, and of his intended application to some court of general jurisdiction for judgment thereon, provided for by this chapter.

SEC. 31. When any special assessment shall have been confirmed aforesaid, for improvements aforesaid, or for benefits aforesaid, it shall be the duty of the clerk of the board of public works to issue a warrant for the collection thereof, which shall be under the seal of said board, and signed by the mayor, controller and clerk of said board, and shall contain a printed or written copy of the assessment roll as confirmed aforesaid, or so much thereof as describes the real estate and the amount of the assessment in each case. In case of an appeal as provided for by section sixteen, said appeal shall not delay or affect the collection of the assessment under such warrant except as to the property of such appellant appropriated aforesaid.

And in case such appeal shall be sustained, and the assessment in relation to said property appropriated of said appellant shall be set aside by the court, the board of public works shall make a new assessment as to the property of such appellant last mentioned, proceeding *de novo*, as to the same in accordance with the provisions relating to improvements referred to in section seven; and in case the amount of damages or recompense which said board of public works may award such appellant upon such new assessment shall exceed the first, the difference shall be paid by said city of Saint Paul, and charged to the street improvement fund of the proper ward.

SEC. 32. All warrants issued for the collection of special assessments shall be delivered by the controller to the city treasurer, taking his receipt therefor.

SEC. 33. Upon the receipt of any warrant for the collection of any special assessment, the city treasurer shall forthwith give notice by ten days' publication in the official newspaper of the city, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office, and that in default thereof the same will be collected at the cost and expense of the persons liable for the payment of such assessments.

SEC. 34. All assessments levied under the provisions of this chapter, shall be a paramount lien on the real estate on which the same may be imposed, from the date of the warrant issued for the collection thereof. It shall be the duty of the treasurer of said city, upon receipt of said warrant, to forthwith deposit a copy thereof, certified by him, with the register of deeds of the county of Ramsey, whose duty it shall be to file the same in his office, for which filing said register of deeds shall be entitled to receive from said city the sum of twenty-five cents. And it shall be the duty of the city treasurer, whenever any assessment on any parcel of land has been fully satisfied, to enter satisfaction, without fee, over his own signature, opposite the description of said parcel of land on said copy so filed, and for this purpose the said city treasurer shall have free access thereto, without payment of any fee to said register of deeds.

SEC. 35. If the assessments charged in any special assessment warrant, whether made by reason of the appropriation or condemnation of land, or for any other improvements whatsoever under the provisions of this chapter, shall not be paid within thirty days after the first day of publication of notice by the city treasurer, that he has received such warrant for collection; the assessment then remaining unpaid shall be collected with interest at the rate of two

the court may, by rule or otherwise, direct how, and in what form such proceedings and judgments may be entered or docketed, and what further record, if any, shall be made thereof, and what papers shall be filed and how kept and preserved.

SEC. 39. It shall be the duty of the court upon the filing of said reports, to proceed immediately to the hearing of the same, and they shall have priority over all other causes pending in said court. The said court shall pronounce judgment against the several lots and parcels of land described in said reports for which no objection shall be filed for the amount of the assessment, interest, damages and costs due severally thereon. The owner of any property described in said reports, or any person beneficially interested therein, may appear at the said court at the time designated in the city treasurer's notice, and file objections in writing to the recovery of judgment against such property; no objection shall be interposed or sustained in relation to any of the proceedings prior to the confirmation of the assessment except to the jurisdiction of the common council or the board of public works, and no objections as to any other of the proceedings shall be sustained on any mere formal irregularity or defect, and the city treasurer may amend by leave of the court in its discretion in any matter in furtherance of justice. The court shall hear and determine all objections in a summary manner without pleadings, and shall dispose of the same with as little delay as possible, consistently with the demands of public justice; but should justice require that for any cause the suit as to one or more owners should be delayed, judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof, the same as in all other cases.

SEC. 40. In all cases where judgment shall be rendered by default against the property described in said reports, the court shall thereupon direct the clerk of said court to make out and enter an order for the sale of the same, which said order shall be substantially in the following form:

WHEREAS, due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make defense or show cause why judgment should not be entered against the said lands and other property for the assessment, damages, interest and costs due and unpaid thereon, *Therefore*, It is considered by the court, that judgment be and is hereby entered against the aforesaid lots and parcels of land in favor of the city of St. Paul, for the sum annexed to each lot or parcel of land, being the amount of assessment, interest, damages and costs due severally thereon; and it is ordered by the court, that the several lots and parcels of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of assessment, interest, damages and costs, annexed to them severally, be sold as the law directs.

In all cases where a defense shall be interposed and judgment shall be rendered against the property, a similar order adapted to the circumstances of the case, shall be made and entered of record. Thirty-five cents costs shall be laid to each lot against which judgment is rendered for fees of the clerk of said court, and the further sum of twenty-five cents to each lot for advertising the notice of sale; *Provided*, That in all cases where a defense is interposed and not sustained, the court may direct by special order or by rule such additional costs to be included in the judgment, as may be deemed proper. *Provided further*, That in cases where no defense is interposed, said sum of thirty-five cents shall be in full of all fees of the clerk, including the entry of satisfaction, and when any proceeding is dismissed, the clerk shall only be entitled to charge the city twenty-five cents per lot.

SEC. 41. It shall be the duty of the clerk of such court, within twenty days after such order is granted as aforesaid, to make out under the seal of said court, a copy of so much of said city treasurer's report in such case as gives a description of the land against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court thereon; which shall constitute the process on which all lands, lots, sub-lots, pieces and parcels of land, shall be sold for the amount of any assessments, interest, damages, and costs, so levied, assessed or charged upon them; and the said city treasurer, is hereby expressly authorized and empowered to make sale of such lands, lots, pieces or parcels of land or other property, upon ten days' notice, to be published at least three times in the official paper of said city, which period of said ten days shall commence with the first publication.

SEC. 42. The said advertisement, so to be published in each case of a judgment upon any collection warrant and report as aforesaid, shall contain a list of the delinquent lots and parcels of land to be sold, the names of the owners if known, the amount of judgment rendered thereon, respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale at a time and place to be named in said advertisement by said city treasurer. The omission of the name of any owner, or any mistake respecting the same, shall not invalidate the sale if the property be otherwise described with sufficient certainty. The proceedings may be stopped at any time upon the payment of said judgment to the city treasurer.

SEC. 43. In all proceedings and advertisements for the collection of such assessments, and the sale of lands therefor, letters and figures may be used to denote lots, sublots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

SEC. 44. Certificates of sale shall be made and subscribed by the city treasurer, which shall be delivered to the purchaser, which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of the assessment, with the amount of the judgment for which the same was sold, and the time when the right to redeem will expire. The city treasurer shall continue such sale from day to day, until all the lots or parcels of land contained in his precept, on which judgment remains unpaid, shall be sold or offered for sale. And in case of any defect or mistake in the judgment or order, or the copy delivered to the clerk, or in the advertisement or certificate of sale, or other proceedings taken after such judgment, the court may amend such judgment and order a resale if necessary, or amend the certificate of sale, or direct a re-advertisement, or in any other manner remedy said defect or mistake.

SEC. 45. The person purchasing any lot or parcel of land, shall forthwith pay to the city treasurer the amount of the judgment due thereon, and on failure so to do, the said property shall be again offered for sale in the same manner as if no such sale had been made; and in no case shall the sale be closed until payment shall have been made. If no bid shall be made for any lot or parcel of land, the same shall be struck off to the city; and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

SEC. 46. The city treasurer shall make return of his precept to the court from which the same was issued. A record of all sales made by the city treasurer, shall be kept in the office of the controller, which shall be open to public inspection at all reasonable times; and said record, or copies thereof, certified by said controller, shall be deemed sufficient evidence to prove the sale of any land or property for assessments, or any other fact authorized to be recorded therein.

SEC. 47. The right of redemption in all cases of sales for assessments shall exist to the owner, his heirs, creditors, or assigns, to the same extent as is allowed by law in case of sales of real estate for taxes, on payment in lawful money of the United States of the amount, for which the same was sold, with interest from the time of such sale at the rate of twenty four per cent. per annum, and any other assessments which may be made under or by virtue of this chapter, or the charter of the city of St. Paul, subsequent to the sale with the interest accruing thereon at the rate, and payable in accordance with the provisions of section thirty-five. If the real estate of any lunatic or infant be sold under this chapter, the same may be redeemed at any time within one year after such disability

shall be removed. Redemption shall be made by the payment of the redemption money to the city treasurer, and taking his vouchers therefor and filing the same in the office of said controller, who shall thereupon note the fact of said redemption upon his record of sales, and said controller shall thereupon give to said redemptioner a certificate to that effect, and a person holding a certificate of sale may surrender the same to the controller to be cancelled, and the fact shall, in like manner, be noted upon said record, and the said controller shall give such person surrendering such certificate, if desired, a certificate to that effect. Upon the return of the certificate of sale, or proof of its loss, and the filing with the controller of an affidavit to that effect, if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser or his assigns, under the corporate seal of said city, signed by the mayor, controller and clerk of said city, conveying to such purchaser or assignee the premises so sold and unredeemed as aforesaid. A memorandum of all deeds so made and delivered shall be entered by the controller in the book wherein such sales are recorded, and a fee of one dollar may be charged by the controller for every deed so issued. *Provided*, That nothing in this act contained shall be construed to affect or prejudice the lien of the state for all taxes which have been, or may be levied upon such property under the general laws of this state. In such cases of redemption, the city treasurer shall notify the person holding the certificate of sale that the amount of such certificate, with the interest thereon so paid, is in the city treasury subject to his disposal.

SEC. 48. Such certificate of purchase shall be assignable by endorsement, and an assignment thereof shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser.

SEC. 49. Whenever it shall appear, to the satisfaction of the controller, before the execution of a deed for any property sold for assessments, that such property was not subject to assessment, or that the assessment had been paid previous to the sale, he shall, with the approval of the common council of said city, make an entry opposite to such property on his record of sales, that the same was sold in error, and such entry shall be *prima facie* evidence of the fact therein stated. *Provided*, That where the sale shall have been made to any purchaser other than the city, the common council of said city before approving of such entry, shall first cause notice to be given, by mail, or in such manner as said council may direct, to the purchaser, his heirs, assigns or legal representatives of the said proceeding; and, *Provided further*, That in case such entry is approved the purchase money shall be refunded to the parties entitled thereto.

SEC. 50. All deeds made to purchasers of lots and parcels of land sold for assessments, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his or her heirs or assigns to the premises thereby conveyed, of the following facts :

First, That the land or lot conveyed was subject to assessment for local improvements, at the time the same was advertised for sale, and had been duly assessed, and that all of the proceedings of the common council and board of public works of said city, in the premises previous to such assessment, were valid and regular.

Second. That the assessments were not paid at any time before the sale.

Third. That the land or lot conveyed had not been redeemed from the sale at the date of the deed.

And shall be conclusive evidence of the following facts :

First. That the land or lot was advertised for sale in the manner and for the length of time required by law.

Second. That the land or lot was sold for assessments, as stated in the deed.

Third. That the grantee in the deed was the purchaser.

Fourth. That the sale was conducted in the manner required by law.

And in all controversies and suits, involving the title to the lot or land claimed, and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land or lot was not subject to the assessment at the date of sale, that assessments had been paid, that the land or lot had never been assessed or that the same had been redeemed according to the provisions of this chapter ; but no person shall be permitted to question the title acquired by said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land or lot, at the time of the sale, or that the title was obtained from the United States or this state, after the sale. All deeds referred to in this chapter shall be admitted to record, without prepayment of taxes, or the county auditor's certificate that the taxes have been paid.

SEC. 51. Any change made in the incumbent of the office of the city treasurer during the pendency of any such proceedings, shall not operate to affect or delay the same, but the successor or successors in office of such city treasurer shall be authorized to do all acts necessary to complete such proceedings the same as if his predecessor had continued in office. In case of a vacancy occurring in any such office, the proceedings shall be prosecuted by the controller until such vacancy is filled by election or otherwise.

SEC. 52. All sales of property for the non-payment of assessments, provided for in this chapter, shall be made in the daytime at public venue, in the city of Saint Paul, at the time and place stated in the notice of sale prescribed in sections forty one and forty-two of this chapter, and may be adjourned from day to day (Sundays excepted) until the whole is completed.

SEC. 53. Any city treasurer, or other officer, who shall in any case refuse or knowingly neglect to perform any duty enjoined upon him by this chapter, or who shall consent to, or connive at, any evasion of its provisions, whereby any proceedings required by this chapter, shall be prevented or hindered, shall, for every such neglect or refusal, be liable to said city individually, and upon his official bond, for double the amount of loss or damage caused by such neglect or refusal, to be recovered in an action of debt, in any court having jurisdiction of the amount thereof.

SEC. 54. No error in the proceedings of the common council or board of public works, or of any of the officers of said city, in referring, reporting upon, ordering or otherwise acting, concerning any local improvement provided for in this chapter, or in making any assessment therefor, or in levying or collecting such assessment, not affecting the substantial justice of the assessment itself, shall vitiate or in any [way] affect such assessment. The reports of the city treasurer and assessment warrants held by him, referred to in section thirty-six of this chapter shall be *prima facie* evidence that the proceedings up to the date of such warrants, were valid and regular, and the certificates of sale issued as provided for in this chapter, shall be *prima facie* evidence of the validity and regularity of all proceedings up to the date of such certificates.

SEC. 55. No purchaser of lands or lots or other property sold for assessments, or his heirs or assigns shall be entitled to a deed, until he or they shall have paid all assessments made thereon, subsequent to the assessments under which such purchase was made. The amount of all such subsequent assessments, so paid by any such purchaser, his heirs or assigns, [and all moneys paid by such purchaser, his heirs or assigns,] to redeem the premises from any sale for any such assessment, shall be a lien on the premises in his favor, and the amount thereof with interest at two per cent. per month, from the time of such payment or redemption, shall be refunded to such purchaser, or be paid to the treasurer of said city for the use of such purchaser his heirs or assigns, by the owner or person entitled to redeem before any redemption shall be made except as provided in the section next following.

SEC. 56. After any real estate shall have been bid in or struck off to the city, said city may enter upon such real estate, and take possession thereof, and through and [or] by the city treasurer may rent

or lease the same until the rent shall pay the amount due on such special assessment, interest, penalty and costs. *Provided*, That if any lot or parcel of land so struck off to said city shall be again sold for like assessments, while the said city holds its title as purchaser aforesaid, the same shall not be sold to any purchaser except said city for less than the amount actually remaining unpaid on the preceding assessment, as well as such subsequent assessment with interest aforesaid at the rate of twenty-four per cent. per annum.

SEC. 57. For the additional duties imposed on the city treasurer by this chapter, he shall receive a fee on all collections made by him upon warrants for special assessments, as follows, viz. : Upon the first one hundred thousand dollars actually collected by him in any one year, commencing January 1st, three per centum ; upon all moneys so collected by him in any one year, commencing January 1st, in excess of one hundred thousand dollars and not exceeding two hundred thousand dollars, two per centum ; upon all moneys so collected by him in any one year, commencing January 1st, in excess of two hundred thousand dollars, one per centum.

SEC. 58. All judgments rendered under this chapter upon said assessments, shall bear interest at the rate of twenty-four per cent. per annum from the date thereof, until paid.

SEC. 59. The city treasurer of said city may at any time before the time of redemption has expired, assign any certificate of sale of property aforesaid, bid in by the city as aforesaid, to any person by endorsement thereon, after payment by such person into the city treasury of the amount at which the same was so bid in, with interest thereon at the rate of twenty-four per cent. per annum and costs ; and such assignee shall have the same right and title thereunder as if he had purchased the same originally at the sale, and when the right of redemption shall have expired, shall be entitled to a deed as in other cases.

SEC. 60. In all cases where application has been or shall be made for judgment under sections thirty-six, thirty-seven, thirty-eight and thirty-nine of this chapter, and judgment is refused by the court as to any of the lots or parcels of land assessed, by reason of any defect or irregularity in the proceedings affecting the validity of the final order of the common council of said city ordering the improvements for which the assessment is made, and in all cases where any court has heretofore set aside or declared void, or shall hereafter set aside or declare void any such assessments as to any of the lots or parcels of land assessed, by reason of any defect or irregularity affecting the validity of such final order of said council ; if it shall appear to said common council that any of the said lots or parcels of land have been or will be benefited by such improvement, the said council shall direct a new assessment to be made by

said board, upon any such lot or parcel of land, for its proportionate part of such cost, and expense of such improvement, not exceeding the benefits accruing to such lot or parcel of land from such improvement, and such new assessment shall be made by said board as near as may be in accordance with the provisions of sections twenty-five and twenty-six of this chapter, and when the same shall have been made and confirmed by said board, the same shall be enforced and collected in the same manner as other special assessments are enforced and collected under the provisions of this chapter. The fact that the contract has been let, or that such improvement shall have been in whole or in part completed, shall not prevent such new assessment from being made, or in any way affect the jurisdiction of the common council to direct or order such new assessment as aforesaid, nor shall the omission of said board in the first assessment to furnish the common council with the report contemplated by section six of this chapter, or the omission to furnish said council with a plan or profile of the proposed improvement, or the omission to report specially whether in their opinion real estate to be assessed for such improvement can be found benefited, to the extent of the damages; costs and expenses necessary to be incurred thereby, constitute any objection to such new assessment, or in any way prevent the common council from causing or directing such new assessment to be made. In all cases where judgment has been or shall be refused by the court as aforesaid, and in all cases where any court has heretofore set aside or declared void, or shall hereafter be set aside or declared void as aforesaid any such assessment as to any of such lots or parcels of land, by reason of any defect or irregularity affecting any of the proceedings subsequent to the final order of said council ordering said improvement, but not affecting the validity of such final order of said council a new assessment shall be made by the board of public works upon any of such lots or parcels of land aforesaid, as to which said first assessment has been set aside, or declared void, or judgment refused, and in making such new assessment said board shall proceed under and in accordance with the provisions of sections twenty-five and twenty-six of this chapter; and when the same shall have been made and confirmed by said board, the same shall be enforced and collected in the same manner as other special assessments are enforced and collected under the provisions of this chapter. In case the amount of such assessment shall be less than the amount of the first assessment upon the lots and parcels of land re-assessed, the deficit shall be paid out of the local improvement fund, except that in case of sewers it shall be paid out of the proper sewerage fund.

SEC. 61. If, in any case, the first assessment prove insufficient, the board of public works shall make a second in the same manner,

and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid.

SEC. 62. In all cases where the treasurer shall be unable to enforce the collection of any special assessment, by reason of irregularity or omission in any proceeding subsequent to the confirmation of such assessment, the said board shall be authorized and empowered to cause a new warrant to issue to the treasurer for the collection of any assessment which, by reason of such irregularity or omission, remains unpaid or not collected. The treasurer shall proceed under such new warrants to enforce and collect the assessments therein specified in the same manner, as near as may be, as is prescribed by the provisions of this chapter for the enforcement and collection of special assessments, after the same shall have been confirmed, as in this chapter 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 assessments shall be fully collected, as to each and every tract and parcel of land charged thereby.

SEC. 63. In all cases where the work for any improvement contemplated by the provisions of this chapter shall be suspended, before final completion, by the failure of the contractor to perform the same, or for any other cause, the common council may order said board to re-let the unfinished portion of such work, in the same manner, as near as may be, as provided in this chapter for the letting of contracts for public improvements, and in every case of such new contract the work shall be paid for in the same manner as contracts for other like improvements.

SEC. 64. Property owners may be allowed to construct streets and other public improvements upon or through their own property, at their own expense, in such cases and upon such terms, and under such regulations as the common council may prescribe from time to time by ordinance.

SEC. 65. It shall be deemed personal notice in all cases under the provisions of this chapter, where personal notice is required, when the notice is served by delivering a copy or by reading the same to the person to be notified, or by leaving a copy at his or her last usual place of abode, or at his or her place of business with some person of suitable age and discretion, or by leaving such copy in a conspicuous place at his or her place of business, in the day time, if such person is absent therefrom.

SEC. 66. If the board of public works, or the common council, in carrying out the provisions of this chapter, should find unforeseen obstacles in grading, excavating, filling, paving, or in any case of

improving or opening or widening streets, or public highways, or sewers, not provided for, the common council may, by resolution, order such change or modification in such improvements as they, or either of them, may deem equitable and just, at any time before or after the confirmation of any assessment, or before or after the making or letting of any contract to do the same. *Provided*, That in all contracts the case of such unforeseen obstacles shall be anticipated as far as possible, by requiring the contractor to state in his contract, and as part of the same, the price at which he will furnish such material, or do such work, as may become necessary, but which cannot be foreseen, and which price shall govern binding on the contractor in case such work or material may become necessary in the judgment of said common council or of said board; but no additional expense shall be incurred other than may be absolutely necessary to overcome such unforeseen obstacle, and in all cases where the additional expense exceeds the sum of (\$500.00) five hundred dollars, such additional work shall be let to the lowest bidder, as herein provided in the case of other contracts, in case the same can be done by another contractor, without an unreasonable interference with the first or original contractor in the performance of his contract. The said board of public works, after an assessment has been made, may correct any mistake in such assessment either as to the amount, or owner, or description of the lot, or parcel of land, so as to conform to the facts and rights of the case as intended, and if such mistake either increases or diminishes the total assessment, the amount thereof shall be charged or credited to the ward improvement fund, or pro rata to each ward in which the work may be. *Provided*, That before any mistake shall be corrected or modified as aforesaid, by either the council or the board of public works, the party affected by such modification or mistake shall have personal notice if a resident of St. Paul and known, or notice by one publication in the official paper of the city, six days before acting thereon, if not known, or is a non-resident of Saint Paul, said correction shall be filed with the clerk of said board and city treasurer.

SEC. 67. When any notice is required to be published in any newspaper, under this chapter, 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. 68. The proceeds of the city of St. Paul "Improvement Bonds," now in the city treasury, or which may hereafter be reil-

ized from said bonds, under section two of the act entitled "An act to amend an act entitled an act to authorize the city of St. Paul to levy assessments for local improvements," approved March 6th, 1871, and "An act entitled an act to amend an act entitled an act to authorize the city of Saint Paul to levy assessments for local improvements," approved February 29th, 1873, passed February 21st, 1873, and all moneys collected or to be collected upon assessments for local improvements, other than sidewalks, sewerage and property condemned for public use, and except such improvements as were let by contract prior to the passage of said act of the legislature of February, 21st, 1873, and except so much thereof as may have been heretofore lawfully appropriated, shall constitute a fund to be known as "The Local Improvement Fund," and so much of the act of the legislature of February 21st, 1873, as amends section 29 of the acts of the [legislature] referred to in the title of said act, is continued in force, except as modified by the provisions of this chapter. All contracts made since February 21st, 1873, or to be hereafter made for local improvements which are to be paid for by special assessments, under the provisions of this chapter, except for sidewalks and sewerage, shall be paid for out of said local improvement fund, and said fund shall be kept inviolate, except as herein otherwise provided, for the payment of such contracts. No contract to be paid out of the said local improvement fund shall hereafter be made until at least one half of the estimated cost of said improvement, as reported by the board of public works, shall be first paid in, or unless there shall be funds belonging to said local improvement fund properly applicable to such improvement, sufficient to pay for the same. In the case of property condemned for public use, if after the expiration of six months after the whole assessment for benefits of the improvement shall have been finally confirmed and determined, the said assessment shall not have been fully paid in, the common council of said city may, in its discretion, advance out of said local improvement fund sufficient to make up the deficit occasioned by such failure. *Provided*, That said advance shall, in no case, exceed twenty-five per cent. of the damages to be paid upon such condemnation. Such advance shall be replaced in said local improvement fund out of the assessments for such improvements which may be thereafter collected. No money shall be paid from the treasury upon the condemnation or appropriation of any property until there is sufficient funds in the treasury, properly applicable thereto, to pay the total damages awarded, and if such damages shall remain unpaid or unprovided for, for nine months after the assessment for damages and benefits shall be finally determined as to all the property involved, the proceedings shall lapse and all moneys paid into the treasury upon such condemnation, shall be returned to the par-

ties entitled thereto. In the case of sidewalks, when the whole work has been completed by the contractor to the satisfaction of the board of public works, the amount or balance due him shall be audited and allowed by the common council of said city, and shall be payable out of the collections received from the special assessments made therefor, with interest at twelve per cent. per annum from the time of such allowance until a sufficient amount of collections from such special assessments are received by the city treasurer to pay the same. *And, provided,* That in case of any deficiency in the collections from such assessments to pay such contractor, at the expiration of three years from the time of the allowance of said claim, that then such deficiency shall be paid to such contractor, by said city of Saint Paul, and charged to the improvement fund of the proper ward. All moneys collected from assessments for sidewalks over and above the amount paid to the contractor and expenses shall be placed to the credit of the proper ward. All moneys realized upon assessments for benefits in condemnatory proceedings, over and above what may be necessary to pay the damages, costs and expenses, shall be placed to the credit of the "Local Improvement Fund."

SEC. 69. If for any cause the proceedings of the common council or board of public works or any of its officers, may be found irregular or defective, whether jurisdictional or otherwise, the common 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 benefited by such improvement, to pay all the costs, damages and expenses incurred thereby; it being the true intent and meaning of this act, to make the costs and expenses of all public improvements provided for in this chapter, local to the city of St. Paul, payable by the real estate benefited by such improvement to the extent of such benefits; except that in the case of sidewalks the assessment shall be made as in such case provided.

SEC. 70. After judgment shall be ordered to be entered, against any lot or real estate, the same shall not be opened or set aside for the non-payment of assessments, except for mistake or fraud in entering the same, or in ordering the same to be entered, any provision of the general laws of the state to the contrary notwithstanding.

SEC. 71. It shall be the duty of the board of public works in estimating the benefits to any particular lot, piece or parcel of land to take into consideration the nature of the owners' interests therein, the form and position of their several parcels of land, the qualified rights of the owner in reference to its enjoyment, and any other circumstances which render the proposed improvement more or less beneficial to him or them.

SEC. 72. If in the opinion of the board of public works any work under any contract does not proceed each month so as to ensure its completion, within the time named in the contract the said board shall have power to furnish and use men and materials to complete the work and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due him or to become due such contractor, or may be collected from him in a suit by said city.

SEC. 73. The register of deeds shall not record any deed from a private person or private corporation, unless there be endorsed on such deed a certificate of the city treasurer that all assessments for local improvements have been paid, and any violation of this provision by the register of deeds, shall be a misdemeanor, and be punishable by a fine not exceeding double the amount of the unpaid assessment. It shall be the duty of the city treasurer upon the application of any person interested in such deed, where the assessment has been paid, and not otherwise, to make such certificate free of charge, but the said city treasurer shall not certify that said assessment has been paid in, in any case where the property has been purchased by the said city at the sale provided for in this act, and the time for redemption has not expired, and the city still holds the certificates of sale.

CHAPTER SEVEN.

TITLE II.

SEWERAGE.

SECTION 1. The act of the legislature entitled "an act relative to sewerage in the city of Saint Paul," passed February 17th, 1873, is hereby amended so as to read as follows:

SEC. 2. The common council of the said city of Saint Paul, in addition to the powers conferred on said council by the charter of said city, shall have power to establish and maintain at any time, and from time to time, any general system or systems of sewerage of [for] said city, or for any sewerage district or districts in which said city or any part thereof is or may hereafter be divided, or for any part or portion of said city, in such manner and under such regulations as said council may deem expedient, and such system or systems of sewerage to alter or change from time to time, as said council may deem proper.

SEC. 3. Main sewers or lateral sewers, or other sewers connected or intended to be connected with such general system or systems of sewerage, or parts or sections of such main sewers, lateral or other sewers, may from time to time be ordered by said council, to be

constructed by the board of public works of said city, in the same manner and under the same regulations as in the case of other local improvements of said city.

SEC. 4. The said common council, for the purpose aforesaid, shall have power at any time, and from time to time, to divide the said city of Saint Paul, or any such part or parts thereof as said council may deem expedient, into sewerage districts, and the same from time to time to change or alter, and to create a district sewerage fund for each or any of said districts, in such manner and under such regulations as said common council may deem expedient; *Provided*, That the said sewerage districts already established in said city shall continue until otherwise changed or abolished by said common council.

SEC. 5. The cost of constructing, altering or repairing any of the sewers or improvements herein provided for or referred to as nearly as can be ascertained, together with the necessary expenses of making the assessment, shall be assessed by the board of public works of said city upon the real estate benefited thereby, and enforced and collected in the manner and under the regulations provided by law for other local improvements of said city; *Provided*, That the said common council may order the constructing, altering or repairing the main sewers, or such part of them or such proportion of the cost thereof as said council may deem expedient to be paid by said city at large, or from a district sewerage fund in each of said districts, or ward fund of the ward wherein such improvements may be located, or out of such fund as may be properly appropriated by said common council for that purpose, under such regulations as said council may prescribe; *Provided*, That whenever assessments are made upon the real estate benefited, for the partial or entire cost and expense of constructing, altering or repairing any of the sewers or improvements provided for in this chapter, such assessments when collected shall be placed by the common council to the credit of the fund from which the cost of the work was paid; *And provided further*, That no contract for such work shall hereafter be made until after at least one-half of the estimated cost of such improvements, as reported by the board of public works, shall be first paid in, or unless there shall be funds in the treasury properly applicable to and set apart, sufficient to pay for the same.

SEC. 6. The common council shall have power to prescribe the conditions upon which such main, lateral or other sewers may be tapped and the amounts to be paid said city for permits for so doing, as well as to prescribe such regulations and to ordain such ordinances and penalties for the infraction thereof, in relation to such sewerage, and for the protection and maintenance thereof, as said common council may deem expedient.

SEC. 7. The said common council, for the purpose of aiding the constructing of main or lateral sewers aforesaid, or such part of them as said council may deem expedient, or for the purpose of creating a general or district sewerage fund, or fund for any or all of said purposes, shall have power to issue bonds of said city to an amount not exceeding two hundred and twenty-five thousand dollars, which may be designated "St. Paul sewerage bonds," payable in twenty-five years from the date thereof, with interest payable semi-annually, at the rate not exceeding seven per cent. per annum, with or without interest coupons attached, and payable, principal and interest, either in the city of St. Paul or in the city of New York, or both of said places, as said common council may prescribe. Said bonds may be issued in denominations of \$300, \$500 and \$1,000. Said bonds shall not be negotiated for less than ninety cents on the dollar. Said common council shall have power to levy an annual tax on the taxable property within said city for the purpose of paying the interest on said bonds and creating a sinking fund for the payment of the principal; *Provided*, That no greater amount of said bonds than twenty-five thousand dollars shall be issued in aid of or for the construction of said main sewers within the limits of any one sewerage district, and the interest on the bonds aforesaid, applicable to any sewerage district aforesaid, as well as the principal when paid, and the sinking fund for that purpose, may be charged by said council to the sewerage fund of said district, and to any improvement fund except the local improvement fund or ward fund of the ward wherein such improvement may be located; *Provided*, That nothing herein contained shall be construed so as to increase the amount of bonds intended to be issued by said act of February 17th, 1873.

SEC. 8. Nothing herein contained shall be construed as abridging the power of said city of Saint Paul from constructing or ordering to be constructed, such sewers or drains, other than those before mentioned, as may be deemed expedient.

SEC. 9. The act entitled "an act to authorize the city of Saint Paul to establish a system of sewerage for said city," approved February 24th, 1869, is hereby repealed.

CHAPTER SEVEN.

TITLE III.

STREET GRADES.

SECTION 1. The common council shall cause to be established, under the direction of the city engineer, the grade of all streets,

sidewalks and alleys, in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Ramsey county.

SEC. 2. Such grade may at any time thereafter be altered by a two-thirds vote of all the members elect of the common council, and after notice by publication in the official newspaper of said city for three successive weeks, at least twice in each week of the time and place when the said council will consider such proposed alteration. *Provided*, That in case a change of an established grade shall be ordered by the common council, notice of such order shall be published in the official paper of the city, and any property holder feeling himself aggrieved by such order, may, within twenty days after the publication of such order, appeal therefrom to the district court of the county of Ramsey, or to the court of common pleas of the county of Ramsey, in the manner provided for appeals in section nine of chapter four of this act. On the trial of such appeal, such court shall have full power to determine the necessity or expediency of such proposed change of grade, and all other questions involved in such appeal; and such order of the common council shall not take effect until twenty days from its publication as aforesaid, nor pending such appeal.

SEC. 3. After such alteration shall have been finally determined as herein provided, the common council shall refer the matter to the board of public works to assess the damages, if any, to property, occasioned by such alteration, and also to determine what real estate, if any, will be benefited by such alteration, and to assess upon such property benefited the amount of such damages, together with the costs of proceedings. *Provided*, That in case property benefited cannot be found to pay for the whole amount of such damages and costs, the deficit shall be paid out of the local improvement fund.

SEC. 4. Upon such order of reference of the common council being transmitted to said board of public works, the said board shall make such assessment of damages and benefits in the same manner and after giving the like notice, as near as may be, as in the case of improvements requiring the appropriation and condemnation of land or real estate; and when completed said board of public works may proceed to confirm the said assessment in manner provided by section fifteen, title one of this chapter, and shall have all the power to correct, revise, confirm, set aside, or proceed *de novo*, in said matter, with all other powers as therein provided, and the same proceedings, as nearly as may be, shall be had as prescribed in said section fifteen.

SEC. 5. Any party aggrieved by such assessment of damages, may appeal under the same regulations and restrictions, and in the

same manner provided in section sixteen of said title one, but such appeal shall not operate to stay any of the proceedings in the matter of such alteration.

SEC. 6. All such damages allowed after deducting benefits, if any, shall be advanced out of the local improvement fund and paid to the party entitled thereto.

SEC. 7. All assessments of benefits aforesaid shall be collected and enforced in the same manner as in the case of other local improvements provided for in this chapter, and the collections therefrom shall be credited to the local improvement fund.

CHAPTER VIII.

ASSESSMENT OF PROPERTY FOR GENERAL TAXATION.

SECTION 1. The act of the legislature of this state passed February 27th, 1873, entitled "An act regulating the assessment of property for taxes within the city of Saint Paul," is hereby continued in force except as may be hereinafter modified or amended; the same being incorporated in this chapter as follows, namely:

SEC. 2. There shall be a board of assessors for the assessment of property for taxation within the city of Saint Paul, appointed and organized as follows: The common council of said city, at their last regular meeting in December, or as soon thereafter as practicable, shall appoint a number of assessors corresponding to the number of wards into which said city is now or hereafter may be divided, to-wit: One assessor aforesaid for [from] each of said wards; each of said assessors shall be a resident freeholder and elector of the ward for which he may be appointed aforesaid, and shall hold his office for two years and until his successor is appointed and qualified; and said common council shall in like manner fill any vacancy by appointment in manner aforesaid, for the unexpired term and until a successor may be appointed and qualified; *Provided*, That the appointment of such board of assessors for the present year shall be made by said common council as soon after the passage of this act as practicable, and each of said assessors last mentioned shall hold office until the first day of January, eighteen hundred and seventy-five, and until his successor is appointed and qualified. Each assessor aforesaid shall file a bond approved by said common council of said city with the county auditor for the sum of one thousand dollars, and shall take an oath of office in the manner and form prescribed for the assessors under the general laws of this state, within twenty days after notice of such appointment, unless said council shall extend said time; and in case of the omission of any assessor aforesaid, to give bond and take the oath aforesaid within the time allowed

for that purpose, the said common council may declare his office vacant, and fill the same by appointment, as in the case of other vacancies.

SEC. 3. The compensation of such assessors shall be fixed by the common council, not exceeding five hundred dollars per annum, and paid like the salaries of other officers.

SEC. 4. The said board of assessors shall meet regularly on the first Monday of June in each year, at the city hall in said city, for the purpose of organization and of proceeding with their duties, unless the said common council prescribe some other time and place of meeting, and shall then, or as soon thereafter as practicable, organize by appointing from their number a chairman and clerk, and may continue their session for such time, or may adjourn from time to time, as they may deem expedient, and until their business is completed. In the absence of the chairman or clerk, they may appoint one of their number to act as chairman or clerk *pro tempore*: a majority of the members of said board shall constitute a quorum, and said board shall have power to pass by-laws for the regulation of their business. Special meetings of said board may be called by the chairman or by a majority of the members of said board, in which case reasonable notice shall be given by publication in a newspaper or in such other manner as the by-laws may prescribe; but no defect of notice shall affect the validity of the proceedings of said board in any case where a quorum or majority of the members of said board have met for the purpose of discharging their official duties, and organize and actually proceed with business.

SEC. 5. Said board of assessors shall, within the limits of said city of St. Paul, have all the powers of assessors under the general laws of this state, and the said board and its members shall discharge all the duties of assessors under the general laws of this state, and as herein prescribed.

SEC. 6. Each assessor aforesaid, appointed under this act, shall as soon as practicable, after he has been appointed and qualified in conformity with the general laws of this State, proceed in an informal manner to assess the property in and of the ward for which he was appointed, subject to the revision, correction and direction however of the said board from time to time, and shall complete his work in time for the final action of the board by the first Monday of August. The said board shall meet on the first Monday of August, and such other time or times thereafter as they may deem expedient, at the city hall of said city, and proceed to review, correct, equalize and perfect the assessment in each ward, and shall have power for that purpose in their discretion to supply all omissions or to change such assessments, or to make any assessment *de novo*. And when said assessment shall be finally perfected by said board,

as aforesaid, it shall be the duty of each assessor aforesaid, to make a separate roll or return for the ward for which he shall be [have been] appointed, of the assessment of said board within such ward, contained in a book or books to be furnished by the county auditor, in the manner prescribed by the general laws of this state, which return shall be certified or subscribed by the said assessor making the same, and countersigned by the chairman or clerk of said board, or by such officer as said board may direct, and the same shall be thereupon returned to the county auditor within the time required by the general laws of this state relating to taxes; *Provided*, That said returns and assessments shall be subject to the revision, correction and equalization hereinafter provided, and may be otherwise corrected as provided by law.

SEC. 7. The county auditor shall deliver to each assessor aforesaid, for his ward, by the first Monday of April in each year, such books, abstracts, maps, blanks and other papers as are required by law to be delivered to assessors.

SEC. 8. In each year prior to the time of meeting of the county board of equalization of the county of Ramsey, the common council of said city, at any regular or special meeting, shall appoint from their number three persons; and the county commissioners of said county, at or prior to the time of the meeting of said county board of equalization, shall appoint from their number two persons, and the said persons so appointed by said council and said county commissioners, together with the said assessors of said city, shall constitute a standing committee of said county board of equalization, and shall, with respect to the property within the present or future limits of the said city of Saint Paul, have all the powers and discharge all the duties vested in or required of county boards of equalization by the general laws of this state; and shall have all the power vested in county auditors or the board of county commissioners by the general laws of this state, to correct errors, make abatements and grant relief in case of erroneous and unequal assessments or taxes on property within the limits aforesaid of said city, *Provided*, said standing committee shall not continue its sessions beyond the third Monday of September. Each member of said committee shall take an oath to the effect that he will make a fair and impartial equalization of the property within said city, and to discharge his duties faithfully, but the omission to take such oath shall not invalidate any of his official acts or the action of said committee. A majority of said committee shall constitute a quorum, and said committee may appoint a chairman and clerk. Said committee shall commence its sessions in the office of the county auditor on the same day fixed by law for the meeting of the county board of equalization, and may continue in session or adjourn from time to time, until their business

is completed. Vacancies of the said members of said committee, appointed by said council, shall be supplied by said council; and vacancies of the said members of said committee, appointed by said board of county commissioners, shall be supplied by said board of county commissioners. The county auditor shall give notice of the time and place of meeting of said standing committee, and briefly describe its general object, by publication in the official newspaper of said city, at least one week before the commencement of their session, but the omission to give such notice shall not prejudice or invalidate the action of said committee. The said standing committee shall report their action from time to time to the county board of equalization, and their said action in relation to equalizing property making abatements and correcting errors aforesaid, shall be deemed to be and shall be returned as part of the proceedings of said county board of equalization; *Provided*, That said county board of equalization shall have power to alter, modify, annul or revise the acts of the said standing committee aforesaid; *And provided*, That said county board of equalization shall have no power to interfere with, take part in, or act in the equalization of property, or abatement of assessments or taxes aforesaid, within the limits of said city, except so far as the said action of said committee shall be deemed part of the action of said county board of equalization; and that no abatements of taxes or assessments, or corrections thereof, within said limits of said city, shall be made except by said standing committee, and except as hereinafter stated; *And provided further*, That nothing herein contained shall be construed as affecting the power and duties of the state board of equalization with respect to property within said city of Saint Paul or county of Ramsey.

SEC. 9. Each of said persons except said assessors appointed by said council and county board, shall be paid out of the county treasury the sum of three dollars per day for every day's actual service aforesaid, and the said standing committee shall have access to all records, returns and papers of said county, and such use thereof as may be needed to enable them to discharge their duties.

SEC. 10. After the final adjournment of said standing committee the said three persons appointed by said common council, or a majority thereof, in connection with the county auditor, shall have power until the first day of September succeeding the assessment in each year, and with respect to property assessed within the said limits of said city, upon proper cause shown by the party aggrieved, to make such an abatement of taxes, or penalties, or both, assessed or incurred against any property in any case, as they may deem just, and also to order any tax which has been improperly assessed or paid by mistake, to be refunded by the county treasurer, and the taxes so refunded shall be chargeable to and deducted from the

several funds on account of which the same were collected in the hands of the county treasurer.

SEC. 11. So much of any law heretofore passed as requires any report or return to the common council of said city respecting such equalization, or abatements, or corrections, or action of any committee thereon, and so much of any law as may be inconsistent with this act, are hereby repealed.

CHAPTER IX.

POLICE DEPARTMENT.

SECTION 1. The police department of the city of St. Paul, shall consist of the mayor, who shall be the chief executive officer and head of the department, a chief of police, a captain of police, one or more sergeants of police, and as many policemen, patrolmen and police officers as may be authorized by the common council of said city, with the approval of the mayor. The mayor shall nominate, and by and with the consent of the common council shall appoint the chief of police, the captain, sergeants, and all policemen, patrolmen, and police officers at any time appertaining to the police department of said city, and by whatever name designated; and any officer or member of this department who may be appointed by the mayor, whether such appointment be with or without the advice and consent of the common council, may be by said mayor removed from office, whenever in his opinion the welfare of the city may demand such removal, and such removal may also be made at any time by a resolution of the common council, passed by a vote of two-thirds of all the members elect. *Provided*, That neither the chief of police, nor any member of the police force shall be removed by said mayor without the written consent of a majority of a standing committee of police; which committee shall consist of the president of [the] said common council and four aldermen, to be appointed as other standing committees of said council; and provided also that the mayor may remove any policeman or patrolmen without the consent of said standing committee, at any time within six months from the date when such policemen or patrolmen shall be appointed as in this section provided. In case of riots or other disturbances, the mayor may appoint as many special or temporary policemen as he may deem necessary for the preservation of the public peace. All officers and members of the police force, appointed as in this section provided, shall severally hold their offices until vacated by death or resignation, or, until they shall be removed as above provided; and they shall perform all the duties, and be subject to all the rules and

regulations which now are or may hereafter be prescribed by the common council.

SEC. 2. Whenever there is a vacancy in any of the offices of this department, other than the office of mayor, the mayor shall fill the same by appointment, such appointment to be with the advice and consent of the common council.

SEC. 3. The chief of police and all police officers or members of the police force subordinate to him shall possess the power of constables at common law, and by the statute law of this state, they shall execute and serve all warrants, process, commitments and all writs whatever issued by the city justice for any violation of the laws of this state, or of the ordinances or by-laws of said city, and they shall have power to pursue and arrest any person fleeing from justice in any part of this state, and when performing the duties of constables for any violation of law other than ordinances of said city, shall be entitled to the fees that constables receive for like duties; *Provided*, That no member of this department shall go outside of the limits of said city in pursuit of any offender, or to execute any warrant or process, except in the case of offenses committed within said city.

SEC. 4. No person shall hereafter be appointed to, or hold any office in this department, who is not a citizen of the United States, and who shall not have been a resident of this state for two years next preceding his appointment, and who cannot read, write and speak the English language.

SEC. 5. All the officers of this department and all aldermen of the city, and all justices of the peace within the city, shall be officers of the peace, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if necessary of all citizens and military companies; and if any citizen, bystander, military officer or private shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars. And in cases where the civil power may be required to suppress riots or disorderly behavior, the officers of this department, if any such are present, shall direct the proceedings, and if no such officer be present, then the same shall be directed by the superior or senior of the officers above-named, not members of this department, who may be present.

SEC. 6. The mayor and chief of police are authorized and required to make all needful rules and regulations not inconsistent with the laws of this state or the ordinances of this city, for the government and control of the police department, and with a view to making this department, and all the officers and agents appointed under it, efficient, vigilant, prompt and useful to the

city. All rules and regulations made in pursuance hereof, shall be in writing, signed by the aforesaid officers, and shall be filed in the office of the city clerk, and shall be binding upon all the persons connected with this department. A small book containing this chapter and such ordinances and regulations as may be adopted, shall be printed in legible type, and securely bound with leather; the chief of police shall deliver one of said books to each member of the department, who shall always have the same in his possession, and make himself thoroughly acquainted with its contents by frequent perusal.

SEC. 7. Any member of the police department who shall accept from any person while in custody, or after he shall have been discharged, or from any of his friends, or any other person, any gratuity or reward, or any description of drink; or who shall receive from any person, without the written permission of the mayor, any reward for the arrest of any thief, or recovery of any goods or money, or compensation for damages sustained in the discharge of his duty, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than five nor more than one hundred dollars.

SEC. 8. The officers and privates shall be required, while on duty, to wear a blue cloth cap with emblems of their respective offices and number of the police in metallic letters and figures over the vizor, also a star, to be designated by the mayor and chief of police, and also a regulation uniform substantially like that worn by the police [force] of other cities.

CHAPTER X.

FIRE DEPARTMENT.

SECTION 1. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same; and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be given up. Each company shall not exceed one hundred able bodied men, between the ages of eighteen and fifty years, and may elect their own officers, and form their own by-laws not inconsistent with the laws of this state or the ordinances of said city; and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed, shall be exempt from highway work and poll tax, from serving on juries and military duty during the continuance of such membership; and any person having served for the term of five

years in either of said companies, shall be forever thereafter exempt from serving on juries, from poll tax and from military duty, except in cases of insurrection or invasion.

SEC. 2. There shall be a meeting of the members of said companies on the third Monday of November of each year, at such places as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment one chief engineer and two assistant engineers, and the common council may thereupon confirm said nominations; and the persons so appointed shall perform such duties as the common council may prescribe. *Provided*, That no person except one who has been an active fireman for at least one year immediately prior to such nomination and recommendation shall participate in the making thereof; *And provided, further*, That upon the rejection of any nomination the members of said companies qualified as aforesaid may meet at a time and place to be designated by the chief engineer, and nominate and recommend for such appointment a person other than the one previously nominated.

SEC. 3. Whenever any person shall refuse to obey any lawful order of any engineer, or mayor, or alderman, at any fire, it shall be lawful for the officer giving such order, to arrest, or direct orally any constable, police officer, watchman, or any citizen to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished, and in the same manner, such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest, or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifty dollars.

SEC. 4. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and any building within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

SEC. 5. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous.

To prevent the deposit of ashes in unsafe places, and throwing of ashes in the streets and highways. To require citizens to provide as many fire-buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in time of fire. To regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires. To regulate and prevent the use of fire works and fire arms. To compel the owners or occupants of buildings to have scuttles in the roofs, and stairs and ladders to the same. To authorize the mayor, aldermen and other officers of the city, to keep away from the vicinity of any fire all idle and suspected persons; and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat; and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

SEC. 6. The common council may provide by ordinance for the organization of the fire department in said city, and the duties of the several officers and members thereof. They shall make reasonable appropriations for the support of said fire department, or of the several companies thereof, which shall be paid out of the general fund of said city.

CHAPTER XI.

BOARD OF HEALTH—ITS POWERS AND DUTIES.

SECTION 1. The common council of the city of Saint Paul shall, at their first stated meeting in January of each year, elect one health officer, who shall hold his office for one year and until his successor is appointed and qualified. He shall be a competent physician of regular practice in said city, and shall perform such duties as may be prescribed by ordinance; and before entering upon the duties of his office, he shall take the usual oath of office and give such bond as shall be required by the common council, conditioned for the faithful performance of his duties, and shall receive such compensation as the common council shall determine. The said health officer, and the senior aldermen from each ward, shall constitute the board of health for said city.

SEC. 2. Whenever any building, excavation, erection, premises, business pursuit, matter or thing, or the sewerage, drainage, or ventilation thereof, within the limits of the city of Saint Paul, shall, in the opinion of said board, whether as a whole, or in any particular, be in a condition or in effect dangerous to life or health, said board may take and file among its records what it shall regard as sufficient proof to authorize its declaration that the same, to the extent it may specify, is a public nuisance or dangerous to life or

health ; and said board may thereupon enter in its records the same as a nuisance, and order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as said order shall specify ; and shall cause said order, before its execution, to be served on the owner, occupant or tenant thereof, or some of them, which to said board may appear most directly interested in its execution, provided said parties or any of them, are in said district and can be found, and such service can be conveniently made ; and if any party so served, or intended to be according to this law, shall, before its execution is commenced, or within three days after such service or attempted service, apply to said board or the president thereof, to have said order or its execution stayed or modified, it shall then be the duty of said board to temporarily suspend or modify said order or the execution thereof, save in the case of imminent danger from impending pestilence, when said board may authorize extraordinary powers, as herein elsewhere specified, and to give such party or parties together, as the case, in the opinion of the board, may require, a reasonable and fair opportunity to be heard before said board and to present facts and proofs (according to the rules and directions of said board) against said declaration and the execution of said order, or in favor of its modification according to the regulations of the board ; and shall enter on its minutes such facts and proofs as it may receive, and its proceedings on such hearing, and any other proof it may take ; and thereafter may rescind, modify or reaffirm its said declaration and order, and require execution of said original or of a new or modified order to be made, in such form and effect as it shall finally determine.

SEC. 3. Said board may, by resolution, confer upon the president power to exercise, in the absence of the board, the authority given in the foregoing section to temporarily suspend or modify any order or its execution, and said board may change or modify any order made under the first clause of the preceding section, except that in case where no hearing is asked for by the parties affected, the order shall not be so altered as to render it more stringent than the original order.

SEC. 4. Said board may order or cause any excavation, erection, vehicle, vessel, water-craft, room, building, place, sewer, pipe, passage, premises, ground, matter or thing, in said city of St. Paul, or adjacent waters, regarded by said board as in a condition dangerous or detrimental to life or health, to be purified, cleansed, disinfected, altered or improved, and may also order any substance, matter or thing being, or left in any street, alley, water, excavation, building, erection, place or grounds, (whether such place where the same may be, be public or private,) and which said board may regard dangerous or detrimental to life or health, to be speedily

removed to some other place; and may designate or provide a place to which the same shall be removed, when no such adequate or proper place in the judgment of said board is already provided. The said board may require the police force of the city of Saint Paul to execute any of the orders referred to in this act, and it shall be the duty of such police force to execute the orders of the said board of health.

SEC. 5. And said board of health shall use all reasonable means for ascertaining the existence and cause of disease or peril to life or health, and for averting the same throughout the limits of the city of St. Paul, and shall promptly cause all proper information in possession of said board to be sent to the local health authorities of any city, village or town in this state, which may request the same, and shall add thereto such useful suggestions as the experience of said board may supply; and it is hereby made the duty of said health authorities, whenever and wherever the same shall be established, to supply the like information and suggestions to said board of health of the city of St. Paul, and said board may take measures and afford inducements and facilities for general and gratuitous vaccination and disinfection, and may afford medical relief to and among the poor of said city, as in their opinion the protection of the public health may require, and may remove or cause to be removed to a proper place within said city, to be by them designated, any person sick with small pox or other contagious disease, and in the presence of great and imminent peril to the public health in said city, by reason of impending pestilence, it shall be the duty of said board to take such measures and to do and order and cause to be done such acts, though not herein elsewhere or otherwise authorized, and make such expenditures [having first for said expenditures obtained the consent of the common council of the city of St. Paul,) as it may in good faith declare the public safety and health demand. And such peril shall not be deemed to exist except when and for such period of time as the mayor of the city of St. Paul together with said board, shall declare by proclamation the same to continue or exist.

SEC. 6. And it shall be the duty of the police force of the city of St. Paul, promptly to advise the said board of health of all threatened danger to human health or life, and of all matters thought to demand its attention, and regularly to report to said board of health all violations of its rules and of said ordinances, and of the health laws, and all useful sanitary information. And it shall be the duty of the said police force faithfully and at the proper time to enforce and execute the sanitary rules and regulations and the orders of said board of health made pursuant to the powers of the said board of health upon the same being received in writing and duly authenti-

cated as said board of health may direct. And in and about the execution of any order of the board of health, police officers and policemen shall have as ample power and authority as when obeying any order of or laws applicable to the police authorities, or as if acting under a special warrant of a justice or judge duly issued. But for their conduct their responsibility shall not be to the board of health, but shall continue as is now provided by law.

SEC. 7. Said board may enact such by-laws, rules and regulations, as it may be deemed advisable, in harmony with the provisions and purposes of this act, and not inconsistent with the constitution and laws of this state for the regulation of the action of said board, its officers and agents, in the discharge of its and their duties and for the protection of life and public health, and from time to time may alter, annul or amend the same. And all courts and tribunals within the limits of the city of Saint Paul shall take cognizance of and give effect to said ordinances and the several parts thereof, and may punish any person guilty of a violation of the same with a fine not exceeding one hundred dollars, to be paid when collected into the treasury of the city; but nothing in this section contained shall be construed as in any manner limiting any power herein elsewhere contained.

SEC. 8. Said board shall cause to be kept a general complaint book or several such books, in which may be entered by any person in good faith, any complaint of a sanitary nature which such person thinks may be useful, with the name and residence of the complainant, and may give the name of the person or persons complained of, and the date of the entry of the complaint, and such suggestions of any remedy as may, in good faith, be thought appropriate; and said books shall be open to all reasonable public examinations as the board may authorize, and the board shall cause the facts in regard to such complaints to be investigated, and the appropriate remedy to be applied.

SEC. 9. Said board shall hold such regular meetings as are now provided by law, and special meetings as frequently as the proper and efficient discharge of its duties shall require, and the rules or by-laws shall provide for the giving of proper notices of all such meetings to the members of the board; and all meetings shall, in every suit or proceeding, be taken to have been duly called and regularly held, and all orders and proceedings to have been duly authorized, unless the contrary be proven.

SEC. 10. It shall be the duty of said board of health to aid in the enforcement of, and as far as practicable, to enforce all laws of this state, applicable within the limits of the city of Saint Paul, to the preservation of human life, or to the care, promotion or protection of health: and said board may exercise the authority given by the laws aforesaid to enable it to discharge the duties hereby imposed;

and this section is intended to include all laws relative to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicines or food. And said board is authorized to require reports and information, at such times and of such facts, and generally of such nature and extent relating to the safety of life and the promotion of health as its by-laws and rules may provide, from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools, and from the managers, principals and officers thereof; and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all theatres, and other places of public resort or amusement in said district; and it is hereby made the duty of the officers, institutions and persons so called on, or referred, to promptly give such reports, verbally or in writing, as may be required by said board.

SEC. 11. That every clergyman, magistrate or other person, who may perform a marriage ceremony, shall make and keep a registry of the marriages celebrated, and therein enter the full name of the parties married, and the residence, age and condition of each; and every physician, midwife and other person who may professionally assist or advise at any birth, shall make and keep a registry of every such birth, and therein enter the time and place, ward and street, of such birth, and the sex and color of the child born, and the name and residence of each of the parents, so far as the foregoing facts can be ascertained; and every physician and professional adviser who has attended any person at a last illness, or has been present by request at the death of any person, shall make and preserve a registry of such death, stating the cause thereof and specifying the date, hour, place and street of such death.

SEC. 12. That it shall be the duty of every person mentioned in the last section (or required to make or keep any such register) to present to the said board of health a copy of such register, signed by such person, or a written statement by him signed, of all the facts in said register required to be entered, within five days after the birth or marriage, and within thirty-six hours after the death of any person to whom such registry may or should relate.

SEC. 13. That it shall be the duty of all coroners within the said city of St. Paul, within three days after the taking of any inquest, to file a written statement with the said board of health, signed by the coroner making the same, stating, so far as he is able, where, and upon the body of whom, such inquest was held, and the cause and date and place of the death of such person.

SEC. 14. It shall be the duty of the said board of health to make such further rules and regulations as to them may seem necessary

and proper for the more fully carrying out of the three preceding sections.

SEC. 15. That the said board of health are hereby authorized, and it shall be their duty to make such rules and ordinances as to them may seem necessary and proper for the purpose of compelling all physicians practising within the limits of the city of Saint Paul to make report of all cases of contagious diseases upon which they may be in attendance, and all keepers of boarding or lodging houses, all inn keepers and hotel keepers, to make report of all cases of contagious diseases occurring within their respective houses, and generally to make such regulations and rules as to them may be deemed necessary for the carrying into effect the objects of this section, and of obliging reports of contagious diseases to be made to the said board of health by all persons becoming cognizant of the same.

SEC. 16. That for the purpose of more fully carrying into effect the provisions of this act, the health officer of the city of Saint Paul shall be ex-officio president of the said board of health, and the city clerk of the said city shall be the secretary of the said board, and the president of the said board shall be "sanitary superintendent," under the control and direction of the said board. And the sanitary superintendent shall be entitled to have one assistant (except upon special emergency the common council of said city may provide two or more of such assistants,) who shall be appointed by the board of health upon the recommendation of the health officer, and such assistant or assistants shall hold their office for such time as the said board of health may require, but may be discharged at any time by a resolution of the common council. The said assistant or assistants and the secretary of said board shall be entitled to a salary for the duties assigned to and performed by them, and the rules and regulations of the said board, which salary shall be fixed by the common council, at any time, by resolution.

SEC. 17. The said board of health are hereby authorized and it shall be their duty to make rules and ordinances regulating the interment and removal of dead bodies, and their entry into, removal from and passage through the said city of Saint Paul. And no body shall be buried within the limits of said city, removed therefrom, or received therein, or passed through the said city, without a written permit first obtained from the said board of health, to be issued in a manner and under the conditions by them prescribed, and the said board of health shall make all rules and regulations necessary for carrying out the objects of this section.

SEC. 18. That the jurisdiction of the city of Saint Paul shall extend to and prevail over all public cemeteries under the control of organizations established in said city, and it shall be the duty of the board of health to make such rules and regulations as it may

deem necessary regarding the interment of dead bodies within the same, and prescribe the duties of all sextons and keepers of such cemeteries relative to the reception of and burial dead bodies.

SEC. 19. Whoever shall violate any of the provisions of this act, or any order of said board of health, made under the authority of the same, or any by-laws or ordinances therein referred to, or shall obstruct or interfere with any person in the execution of any order of said board, or willfully omit to obey any such order, shall be guilty of a misdemeanor. A willful omission or refusal of any individual, corporation or body to conform to any sanitary regulation of said board, duly made for the protection of life, or the care, promotion or preservation of health, pursuant to its powers and authority, shall be a misdemeanor. And all prosecutions and proceedings against any person or persons for such misdemeanor may be had or tried before any judge or tribunal having jurisdiction of any misdemeanors within the limits of the city of St. Paul, and any person or persons convicted of any such misdemeanor shall be fined in a sum not less than five dollars nor more than one hundred dollars.

SEC. 20. Copies of the record of the proceedings of said board, of its rules, regulations, by-laws and books and papers, constituting part of its archives, when authenticated by its secretary, shall be presumptive evidence, and the authentication be taken as presumptively correct in any court of justice, or judicial proceedings when they may be relevant to the point or matter in controversy, of the facts, statements and recitals therein contained, and the action, proceedings, authority and orders of the said board of health shall at all times be regarded as in their nature judicial and be treated as *prima facie* just and legal.

SEC. 21. It shall be the duty of the city attorney and the police justice of the city of Saint Paul, to act promptly upon all complaints and in all suits or proceedings for any violation of this act, and in all proceedings approved or promoted by said board, and to bring the same to a speedy hearing or termination, and to render judgment and direct execution therein without delay.

SEC. 22. The authorities of the city of Saint Paul may establish a quarantine ground in any suitable place either within or without its limits; and the jurisdiction of the city of Saint Paul, and the authorities thereof, shall extend to and prevail over such place established as a quarantine ground, to the same extent as within the limits of said city.

SEC. 23. The board of health of the city of Saint Paul may from time to time establish the quarantine to be performed by all vessels whose destination is to the said city; and may make such quarantine regulations as they shall judge necessary for the health and safety of the inhabitants.

SEC. 24. The quarantine regulations so established shall extend to all persons and all goods and effects arriving in such vessels, and to all persons who may visit or go on board the same.

SEC. 25. The quarantine regulations aforesaid, after notice thereof shall have been given by publication of the health ordinances of said city, shall be observed by all persons, and any person who shall violate any such quarantine regulations shall be guilty of a misdemeanor, and punished in the same manner as is provided in section nineteen (19) of the act for the punishment of persons violating the health ordinances of the said city.

SEC. 26. The board of health of the city of St. Paul, may at all times cause any vessel arriving at such city, when such vessel or the cargo thereof shall, in their opinion, be foul or infected, so as to endanger the public health, to be removed to the quarantine ground, and to be thoroughly purified at the expense of the owners, consignees or persons in possession of the same, and they may also cause persons arriving in or going on board of such infected vessels, or handling such infected cargo, to be removed to any hospital under the care of such board of health or otherwise, there to remain under their orders.

SEC. 27. All expenses incurred on account of any vessel, person or goods under any quarantine regulations, shall be paid by such person, or the owner of such vessel or goods respectively, and until said expenses are paid the same shall be a lien upon such vessel or goods respectively, and for which said vessel or goods may be retained by the said city; *Provided*, That if such expenses are not paid within ten days after the same are incurred, the said city may to pay the same, sell the said vessel or goods at public auction to the highest bidder, after giving ten (10) days' notice thereof by at least three publications in the official paper of the city, and any violation by the owner, officer or agent of any vessel or goods, of the quarantine regulations and rules herein provided for, or of this chapter, shall be punished by a fine of not less than five dollars nor more than one hundred dollars.

SEC. 28. The quarantine ground shall be under the direction of the sanitary superintendent, who shall have the power to appoint one assistant, unless a greater number be granted by the common council of said city, whose duty it shall be to be in constant attendance at such quarantine ground when required by the health officer, and whose salary shall be fixed by the common council, and the said board of health of the said city shall regulate the duties of the said officers of said quarantine, and shall make such rules and regulations for the visiting of vessels passing such quarantine, and granting permits to the same, as to them may be deemed necessary and proper.

SEC. 29. All rules and ordinances of the board of health, before they shall take effect, shall have at least one publication in the official paper of the city.

CHAPTER XII.

MISCELLANEOUS AND SUPPLEMENTARY.

SECTION 1. No penalty for judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the aldermen elect.

SEC. 2. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police, or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

SEC. 3. In all prosecutions of any violation of this act, or of any by-law or ordinance of the city of Saint Paul, the first process shall be a warrant; *Provided*, That no warrant shall be necessary in case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of the city of Saint Paul, but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged, in the same manner as if the arrest had been by warrant. All warrants, process or writs by the city justice, for violation of any ordinance or by-laws of said city, shall run in the name of the city of Saint Paul, and shall be directed to the chief of police, or any police officer of said city.

SEC. 4. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by the city justice, pursuant to any ordinance, or by-law of the said city of Saint Paul, or pursuant to any provision of the charter of said city, as a punishment for any offense, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the common jail of Ramsey county, and be there imprisoned for a term not exceeding three months, in the discretion of the city justice, unless the fine or penalty aforesaid be sooner paid or satisfied, and in all cases where the punishment of such offenders shall be by imprisonment, such imprisonment shall be in the said common jail of Ramsey county, and from and after the time of arrest of any person or persons, for any offense whatsoever, until the time of the trial or hearing, the person or persons so arrested may be imprisoned in the said common jail of Ramsey county, or in the city prison, and in all cases where the said city justice is or may be authorized to commit any person or persons for any other cause by virtue of the provisions of the charter of said city, he may commit such person or persons to

the said common jail of Ramsey county. The sheriff of Ramsey county, and jailers, and prison keepers of said common jail of Ramsey county, and their and each of their deputies, are required to receive such persons in custody and confine them safely in said common jail of Ramsey county, until they shall be discharged by due course of law; and such sheriff, jailers, prison keepers, and their deputies, offending in the premises, shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of this state. The said city of Saint Paul shall be liable to pay for the support and keeping of said prisoners the same charges and allowances as are allowed for the support and keeping of prisoners committed under the authority of the state. *Provided*, That nothing herein contained shall prevent the common council from providing by ordinance for subjecting any offender to be kept at hard labor, in any workhouse established by said city for that purpose, or from keeping any male offender at hard labor upon the public streets as provided for in chapter four of this act.

SEC. 5. The city of Saint Paul shall not be liable, in any case, for the board or jail fees of any person who may be committed by any officer of the city, or any magistrate, to the jail of Ramsey county, for any offense punishable under the state laws.

SEC. 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SEC. 7. When any suit or action shall be commenced against said city, the service thereof may be had by leaving a copy of the process, by the proper officer, with the mayor; and it shall be the duty of the mayor forthwith to inform the city attorney thereof, who shall take such other proceedings as by the ordinances or resolutions of said council may be in such case provided, or as may be needful in the matter.

SEC. 8. The city may prosecute an appeal in all cases to the district court or court of common pleas for Ramsey county, or to the supreme court of the state. The mayor, in case of such appeals or in any action or proceeding to which the city is a party, and in which a bond may be necessary, shall execute a bond, signed by him and the city clerk, who shall affix the corporate seal thereto, conditioned as may be necessary in such action, proceeding or appeal, but no sureties or justification shall be required for said bond. Nor shall the city be required in any case to file a bond or give other security for costs.

SEC. 9. In case any judgment shall be rendered in any court of record against the city for a sum exceeding five hundred dollars,

and no appeal shall be taken therefrom within thirty days thereafter, it shall be the duty of the city attorney to file a certified transcript of such judgment with the city controller. And it shall be the duty of the said common council to include in the next annual levy of taxes to be thereafter assessed and collected, a sum sufficient to pay such judgment, with legal interest accrued thereon; the amount so collected shall be credited to the general fund of said city, and such judgment shall thereafter be paid as other claims and demands against said city, but no execution shall issue upon such judgment for a period of six months after the first annual levy of taxes by said city after the date of filing the said transcript of said judgment as aforesaid with the city controller. *Provided*, That the said common council may order the payment of such judgment at any time after the rendition thereof, if there shall be sufficient moneys in the general fund of said city not otherwise appropriated.

SEC. 10. The following property now, or at any time hereafter, belonging to said city, shall be exempt from levy and sale under or by virtue of any execution: engine houses, hook and ladder houses, together with the grounds and lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose or other fire apparatus used by any company created or authorized by the common council of said city; market houses and the furniture thereof; city hall and furniture of common council and office rooms; the public levee, streets or other real estate used for public purposes; the quarantine grounds and the buildings erected thereon, and fixtures and appurtenances thereof, and the present or future interest of the city in the Saint Paul bridge, or in or to the franchises, property and stock of the Saint Paul bridge company; or any other public property which said city shall own, hold or be interested in for the public use, or the rents, uses, profits or incomes whereof are due and payable to the city treasurer. Nor shall any seal or personal property of any inhabitant of said city, or of any individual or corporation, be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

SEC. 11. All deeds, leases and other instruments executed by said city, for the conveyance of real estate, or any interest therein, for a term exceeding one year, shall be authorized by a resolution of the common council, which shall be quoted or referred to in such instrument, and signed by the mayor and city clerk, who shall affix the seal of the city thereto, and shall be countersigned by the controller.

SEC. 12. All bonds hereafter to be issued by said city, and all orders on the city treasurer shall be signed by the mayor and the city clerk, who shall affix the seal of the city thereto, and shall be

countersigned by the controller. Warrants of the commissioners of the interest and sinking fund shall be signed as provided in chapter five of this act, and the city clerk shall affix the seal of the city thereto.

SEC. 13. The said city may lease, purchase and hold such real and personal estate, as the common council may deem necessary or convenient, and may lease, sell and convey the same, and the same shall be free from taxation.

SEC. 14. All contracts for work to be done for said city or for the purchase of materials or property of any kind, for the public use of said city, not otherwise provided for in this act, in which the value of such work, or the price or value of such property or materials, shall exceed the sum of two hundred dollars, shall be let to the lowest responsible bidder, reserving to the council the right to reject all unreasonable bids. In such case the common council shall require a notice of not less than six days of the time and place of letting such contract, by publication in the official paper of said city, which notice shall substantially describe the work to be done and such other particulars as the council may order, and shall designate the time and place when and where sealed proposals shall be received therefor; the said proposals shall be opened and considered by the common council at any regular or stated meeting thereafter or at a special meeting if designated in the notice; and upon any bid aforesaid being accepted, a contract in accordance therewith shall be drafted and submitted to said council, at any regular or special meeting, for its approval, and upon the same being approved and signed by the presiding officer of the council, it shall be executed on the part of the city by the mayor and the city clerk, with the corporate seal of the city attached and countersigned by the controller, and filed with the bond in the office of such controller. The said council shall require a bond on the part of the contractor, to be executed with such conditions, and with such sureties, and in such amount as the council may prescribe, for the purpose of securing the performance of the contract; the common council shall also have power to require every bid to be accompanied by a bond on the part of the bidder in such sum and with such sureties and conditions as the common council may prescribe. Contracts for work or for the purchase of materials or property where the value of the work or the price of the property or materials shall not exceed the sum of two hundred dollars, may be authorized by a resolution of the common council, to be made and entered into by any committee or officer of said city designated in such resolution, *Provided*, That in the event of extraordinary and sudden injury by fire, flood or other unforeseen cause, to the Saint Paul bridge, or to any

public street, public levee, public building or other public property of said city, whereby such property or adjoining property may be endangered or damaged, or the public health or safety may require the immediate repair thereof, the said council may authorize the same by resolution passed by a two-third vote of all the members elect, but the cost and expense thereof shall not in any case exceed the sum of one thousand dollars, and the same shall be paid out of the contingent fund if there be no moneys in the general or other appropriate fund to pay the same. In case of any contract provided for in this chapter, required to be let upon notice aforesaid, the controller shall not countersign the same until there shall be sufficient moneys in the appropriate fund to meet the indebtedness to be incurred by such contract. When the said contract shall have been so countersigned by such controller, he shall immediately thereafter deliver a certified copy thereof to the party or parties named in such contract, and until the delivery of such certified copy the same shall not be deemed the contract of said city, and no work shall be commenced or done thereunder until such contract is so delivered, nor shall the same be accepted by said city, or any accounts, claims or demands allowed, audited or paid therefor.

SEC. 15. Any contractor or person who accepts a contract under said city, shall take the same with the condition that he shall be personally and directly responsible for any and all loss, damage or injury to person or property, by reason of the neglect or failure of himself or any one in his employ, to so perform such work as to guard against all loss, damage and injury to person or property, and shall guard said work by suitable guards by day, and with lights at night, so as to prevent any such loss, damage or accident.

SEC. 16. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city engineer, and also filed in the office of the register of deeds of Ramsey county.

SEC. 17. The city of Saint Paul shall have the power to take private property for public use upon just compensation therefor being first paid or secured, such power shall be exercised through its common council or board of public works, or both, or other officers of said city, as provided in this act, or as may be hereafter provided by law.

SEC. 18. All additions to the city of Saint Paul made, laid out and platted, as required by law, shall, before the same takes effect, or is recorded in the office of the register of deeds of Ramsey county, be presented to the common council of said city, at some regular or special meeting thereof, for acceptance by said city of

the dedication of streets, lanes, alleys, parks, or other public grounds therein.

SEC. 19. Said city shall accept the same, when the streets, alleys, lanes, parks or other public grounds thereof, proposed to be dedicated, shall conform to the streets, lanes, alleys and other highways of the adjoining additions already laid out and dedicated, platted and recorded, so far as is practicable from the topography of said addition and adjacent additions; and the proprietor or proprietors of such new addition shall, when they present their plat for acceptance as aforesaid, also present a plat or map of the additions or addition adjoining the same, if any, showing how said proposed new addition joins and conforms to the streets, alleys, lanes, parks or other public grounds in the older or accepted additions. And the said city of St. Paul shall not be required to work, repair, or keep in repair, or otherwise open or improve any street, alley, lane, park or other public grounds in such new addition, until the same has been accepted as aforesaid; *Provided*, That all the principal and important streets and avenues in said new additions, shall be at least eighty (80) feet wide, and all alleys or lanes at least twenty (20) feet wide.

SEC. 20. No law of this state contravening the provisions of the act, shall be construed as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law. Nothing in this act shall be construed to supersede any officer or officers of said city, now acting by virtue of the act incorporating said city, or the several acts amendatory thereof heretofore passed, or under any ordinance of said city heretofore enacted; and such officer or officers shall continue in office as heretofore, until his or their term of office shall expire, except as otherwise expressly provided for in this act.

SEC. 21. Every ordinance of said city shall, after its passage, be published in the official newspaper of said city, and shall not be in force until after such publication. The proof of such publication, by the affidavit of the foreman or one of the publishers of such newspaper, with a printed copy of the ordinance annexed thereto, or any other competent proof of such publication, shall be conclusive evidence of the legal passage, enactment, publication and promulgation of such ordinance, in any court in this state.

SEC. 22. The files, papers and records in the office of the city clerk, city engineer, clerk of the board of public works, or any other officer of said city, or copies thereof duly certified by the officer having the same in charge, proofs of publication of all notices, resolutions, orders or proceedings of the common council or board of public works, required to be published under this act, on file in the proper office, or copies thereof certified

by the officer having the same in charge, shall be received and read in evidence in all courts and places without further proof. All printed compilations of the laws and ordinances of the city, and all printed publications of the proceedings of the common council or of the board of public works, or any of the officers of said city, if published or purporting to be published, compiled or revised by or under the authority of the said city or any of its officers, shall be admissible in all courts of law and on all other occasions in this state as evidence of such laws, ordinances and proceedings.

SEC. 23. So much of any act of the legislature heretofore passed for the incorporation of the city of St. Paul, or amendatory thereto, or relating to assessments for local improvements within said city and not necessary to carry out any of the provisions of this act, and not contained or incorporated in this act, and so much of any act as may be inconsistent with this act is hereby repealed, but such repeal of any acts or parts of acts of the legislature, shall not in any manner affect, injure or invalidate any bonds, contracts, suits, prosecutions, claims or demands that may have been duly and lawfully issued, entered into, performed, or commenced, or that may exist under or by virtue or in pursuance of the said acts or any of them, but that the same shall exist and be enforced and carried out as fully and effectually to all intents and purposes as if this act had not been passed. And all ordinances, resolutions, regulations, rules, by-laws, orders, assessments and proceedings of the common council of said city and of the board of public works of the city of St. Paul, and of the board of health of said city, and of the board of assessors of said city, or parts thereof, not repealed, suspended, modified or made void by any express provisions of this act, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by or under the authority of the common council of said city, of the said board of public works of said city, or board of health, board of assessors, or proper authority in pursuance of this act. And all assessments and proceedings of the common council of said city, or the said board of public works, board of assessors, board of health or other officers of said city, and all suits and prosecutions pending or unfinished, made or had under the act or acts of which this act is amendatory, or under any other law, shall not abate but shall continue and conform to, and be completed, and be enforced as nearly as may be, under the provisions of the said acts, hereby amended and of this act.

SEC. 24. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.