

and ten (110) of the general laws of one thousand eight hundred and seventy-seven (1877).

SEC. 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1878.

CHAPTER 25.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CONSOLIDATING THE CITIES OF ST. ANTHONY AND MINNEAPOLIS, AND INCORPORATING THE SAME INTO ONE CITY BY THE NAME OF MINNEAPOLIS," APPROVED FEBRUARY TWENTY-EIGHTH (28th), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO (1872) AS AMENDED BY SUBSEQUENT ACTS.

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

SECTION 1. That the act referred to in the title of this act, as amended by subsequent acts of the Legislature of the State of Minnesota, be and the same is hereby amended as is hereinafter set forth.

SEC. 2. That chapter one (1) of said act be and the same is hereby amended so as to read as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the county of Hennepin contained within the limits and boundaries hereinafter described, shall be a city by the name of Minneapolis, and the people now inhabiting and those who shall hereafter inhabit the same district shall be a municipal corporation by the name of "The City of Minneapolis," and by that name may sue and be sued, implead and be impleaded in any court, make and use a common seal, and alter it at pleasure, take and hold, lease and convey all such real, personal and mixed property and estate as the purposes of the corporation may require, or the transaction or exigencies of its business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted

with, and shall have all the general powers possessed by municipal corporations at common law, and in addition thereto shall possess all powers hereinafter specifically granted, and all the authorities thereof shall have perpetual succession.

SEC. 2. The district of country constituting the city of Minneapolis and the limits and boundaries thereof, shall include the whole of the former city of St. Anthony, and also the whole of the former city of Minneapolis, except that on the south boundary thereof from the east line of section thirty-four (34) to the quarter section line running north and south through the centre of section thirty-six (36); the south boundary of the city between these two (2) lines shall be one-quarter of one (1) mile south of the north line of sections thirty-five (35) and thirty-six (36).

SEC. 3. The said city shall be divided into six (6) wards, which shall be bounded as follows:

First Ward. All that part of said city lying east of the center of the main channel of the Mississippi river, and north of a line commencing at a point where the center of the main channel of said river is intersected by the center line of the suspension bridge; thence eastwardly along the center of said suspension bridge and the center of the street leading therefrom across the stone bridge, crossing the east channel of said river to Central avenue, and along the center line of Central avenue to its junction with the Second avenue north-east, and along the center line of Second avenue north-east to Ninth street, and along the center line of Ninth street to Division street, and along the center line of Division street on the south side of Ramsey, Lockwood and others addition east to the eastern boundary of said city, shall constitute the First ward of said city.

Second Ward. All that part of said city lying east of the center of the main channel of the Mississippi river and not included in the first ward as above described, shall constitute the Second ward of said city.

Third Ward. All that part of said city lying west of the center of the main channel of the Mississippi river and north of a line commencing at a point where the center line of said main channel would be intersected by the center line of Third avenue north, if extended thereto; thence along such extension to Third avenue north; thence along the center line of Third avenue north to Sixth street; thence along the center line of Sixth street to its intersection with the north line of the south-west quarter of section twenty-two (22), in township twenty-nine (29) of range twenty-four (24); thence due west to the west line of said city, shall constitute the Third ward of said city.

Fourth Ward. All that part of said city lying west of the center of the main channel of the Mississippi river and between the Third ward and a line commencing at the point where the center line of First Avenue south, if extended thereto, would intersect the center line of the main channel of said river, thence along such extension to First Avenue south, thence along the center line of First Avenue south to its intersection with Nicollet Avenue,

thence along the center line of Nicollet Avenue, formerly known as the Blaisdell road, to the south boundary of said city; shall constitute the fourth ward of said city.

Fifth Ward. All that part of said city lying west of the center of the main channel of the Mississippi river and between the Fourth ward and a line commencing at the point where the center line of the main channel of said river is intersected by the center line of the iron bridge crossing said river from Tenth Avenue south, thence along the center line of said iron bridge to Tenth Avenue south, thence along the center line of Tenth Avenue south and the extension thereof to the south boundary of said city, shall constitute the Fifth ward of said city.

Sixth Ward. All that part of said city lying to the east and south-east of the Fifth ward and west of the center of the main channel of the Mississippi river, shall constitute the Sixth ward.

SEC. 3. That section one (1) of chapter two (2) of said act is amended so as to read as follows:

Section 1. There shall be an annual election for the election of officers of said city holden on the first Tuesday of April in every year, at such place or places in each ward as the city council shall designate; and the polls shall be kept open from nine (9) o'clock in the forenoon until five (5) o'clock in the afternoon; and the city clerk shall give ten (10) days notice of the time and places of holding such election and of the officers to be elected. But no failure to give such notice or defect in such notice shall invalidate any election.

SEC. 4. That section two (2) of chapter two (2) of said act be and the same is hereby amended so as to read as follows:

Section 2. The elective officers of said city shall be a mayor, a treasurer and a comptroller, all of whom shall be residents and qualified voters of said city. Each ward shall elect three (3) aldermen who shall be residents and qualified voters of the ward for which they may be elected. All other officers necessary for the proper management of the affairs of the city shall be appointed by the city council unless otherwise provided. At the annual city election to be holden on the first Tuesday of April A. D. one thousand eight hundred and seventy-eight (1878), there shall be elected in each ward one (1) alderman who shall hold his office for one (1) year; one (1) alderman who shall hold his office for two (2) years and one (1) alderman who shall hold his office for three (3) years, the same to be designated on the ballots voted; and, thereafter, one (1) alderman shall be elected in each ward at the annual city election and hold his office for the term of three (3) years, and every alderman elected shall hold his office until his successor is elected and qualified. No alderman shall be eligible to any office to be filled by appointment or election by the city council.

SEC. 5. That section seven (7) of chapter two (2) of said act is amended so as to read as follows:

SEC. 7. The elections in said city shall be held and conducted by the aldermen of the wards who shall be judges of election in their several wards, and shall take the usual oaths or affirmations prescribed by the general laws of this State, to be taken by the judges of elections, and shall have power to appoint clerks of such election, and to administer the necessary oaths. Said elections shall be held and conducted in the same manner, and under the same penalties, and vacancies among the judges of election shall be filled as required by the general laws of this State regarding elections. *Provided*, That no judge or clerk of election shall be eligible to any office voted for at such election. *Provided further*, that whenever deemed necessary, the city council may divide any of the wards of the city into two or more election precincts, designating their boundaries, and the aldermen residing in such precincts if any, shall be judges of election therein, and the city council may appoint such additional persons as judges as may be necessary to constitute a full board of judges in each precinct, who may qualify and act as judges. The city council may from time to time designate the place for holding elections in any ward or precinct, which shall continue to be the place for holding elections therein until another place is so designated subject to the power of the voters present to change the place of voting as at the annual State elections. It shall be the duty of the city council of said city, previous to the election to be held on the first (1st) Tuesday of April, A. D., one thousand eight hundred and seventy-eight, (1878) to appoint the places for holding elections in the several wards hereby created, and in the precincts within such wards which the council may establish, and to appoint all three of the judges of election in each of such wards and precincts, and such judges so appointed shall act at that particular election instead of the aldermen of said city, but aldermen may be appointed as such judges at that election.

SEC. 6. That section eleven (11) of chapter two (2) of said act is amended so as to read as follows:

SEC. 11. The term of every officer elected under this act shall commence on the second (2d) Tuesday of April of the year for which he was elected, and shall continue unless otherwise provided for two (2) years, and until his successor is elected and qualified. *Provided*, That the mayor and comptroller shall be elected in one thousand eight hundred and seventy-eight, (1878) and every two years thereafter, and the treasurer in the alternate years. The term of every officer appointed by the city council shall be one (1) year, and until his successor be appointed and qualified, except where otherwise specially provided.

SEC. 7. That section nine (9) of chapter three (3) of said act is amended so as to read as follows:

Section 9. The city council at its first (1st) meeting after each annual election, shall appoint three (3) street commissioners, one (1) for the first (1st) and second (2d) wards of said city, one (1)

for the third (3d) and fourth (4th) wards of said city, and one (1) for the fifth (5th) and sixth (6th) wards of said city, whose term of office shall be for one (1) year. It shall be the duty of such street commissioners to see that all streets and sidewalks under their charge, which have been graded and opened for travel are kept clear from obstructions, and in such repair as to be safe and passable, also to superintend, subject to the direction of the city engineer, the grading of streets and laying of sidewalks, and to carry into effect all orders of the city council. But no street commissioner shall do any work upon streets except such as is necessary to keep traveled streets and improved sidewalks in repair and passable condition, unless such work is specially ordered by the city council. The street commissioners shall keep accurate accounts of all their work and expenditures, and make detailed and itemized reports thereof to the city council at least once in every two months, and oftener if ordered by the council; and no bill for compensation to such street commissioners shall be allowed unless the same shall be accompanied or preceded with full and itemized reports of his work and expenditures up to the time of the rendition of such bill.

SEC. 8. That section seven (7) of chapter three (3) of said act is hereby amended by striking out the words "any justice" and inserting instead thereof the words "the municipal court."

SEC. 9. That section ten (10) of chapter three (3) of said act is hereby amended so as to read as follows:

Section 10. The city council shall on or before the first (1st) day of May in every year appoint three (3) assessors who shall perform all the duties and be responsible to all the obligations imposed by law upon assessors in respect to the assessment of property for city, state, county and other purposes, except that such assessors shall have from the first (1st) day of May, until the second (2d) Monday of July of each year to make such assessment. and in making assessments the like rules shall govern both in respect to the property to be listed and assessed, and the manner of listing and assessing the same as are or may be prescribed by the general laws of this state, so far as applicable; but all notices may be signed and other acts done by one (1), two (2) or all of such assessors, as may be convenient; in all cases where there are any differences between said assessors the judgment of a majority shall govern and the act of the majority stand as the act of the whole; in all other cases the acts of either one (1) of such assessors shall stand as the acts of the whole, and be as valid as if all had joined therein and agreed thereto. The assessor first named in the appointment of assessors shall have the charge of making up the assessment rolls. The standing committee on taxes of the city council shall constitute a board of equalization, who shall meet together at the city council rooms in said city, on the second (2d) Monday of July of every year, and revise, amend and equalize the assessments upon the rolls of said assessors and it shall be the duty of

the assessors to be present at all meetings of the said board of equalization to present before the board all facts relating to the assessments; such board of equalization is vested with all the powers which is or may be vested in county boards of equalization under the general laws of this state, so far as applicable, and shall not be limited by any limitations in respect to reducing aggregate sums of real or personal property, as returned by the assessors. Such board shall sit from day to day, or adjourn from time to time, as it shall deem proper, until it shall have completed the equalization of such assessments, and every person aggrieved by any assessment shall have the right to appear before such board and present his grievances for the consideration and action of the board. The assessment rolls, after being revised by the board, shall be reported to the city council, who may confirm the same or return the same to the said board of equalization for [further] revision, and to be again reported to the city council. When the city council shall have confirmed the assessment, the city clerk shall enclose therein a memorandum of such confirmation, and said rolls shall then be returned to the county auditor as other assessment rolls. The county board of equalization shall have no authority to revise or change the valuation of any specific property, as set forth in assessment rolls which have been confirmed by the city council.

SEC. 10. That section eleven (11) of chapter three (3) of said act is amended so as to read as follows:

Section 11. The municipal court of said city shall have exclusive cognizance and jurisdiction of all trials and examinations within said city cognizable before a justice of the peace under the laws of this State, and of all suits, prosecutions and proceedings for the recovery of all forfeitures, fines and penalties or infliction of punishments for the breach of any by-law, regulation or ordinances of said city, and of all offenses against the same. And in all case of convictions for assaults, batteries and affrays, disorderly conduct, breaches of the peace, keeping or frequenting disorderly houses or houses of ill-fame, the municipal court may, in addition to any fine or punishment authorized [and] imposed, or without such fine or other punishment, compel the accused to give security to keep the peace and be of good behavior for a period not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500). The judges and special judges of said court shall have the powers of justices of the peace, as conservators of the peace in all ministerial and *ex parte* matters. All fines and penalties imposed by said court shall belong to and be a part of the revenues of said city.

SEC. 11. That section twelve (12) of chapter three (3) of said act is hereby amended so as to read as follows:

Section 12. Any police officer or policeman may at any time be removed by a vote of two-thirds of all the members elect of the city

council, or may be discharged by the mayor as provided in section two (2) of this chapter.

SEC. 12. That section thirteen (13) of chapter three (3) of said act is hereby amended by striking therefrom the words "divisions and."

SEC. 13. That section fourteen (14) of chapter three (3) of said act is hereby amended by striking therefrom the words "divisions and."

SEC. 14. That section sixteen (16) of chapter three (3) of said act is hereby amended by striking therefrom the words "divisions or" and the words "divisions and" wherever they occur in such section.

SEC. 15. That section seventeen (17) of chapter three (3) of said act is amended so as to read as follows:

Section 17. He shall keep a list of orders drawn upon the treasury, and shall note thereon the cancellation of such orders whenever the same shall be cancelled, and shall keep such other books and records as shall be convenient for preserving the account of all transactions and business of the city or wards; and all books, lists and records heretofore kept or which shall be kept in the comptroller's office, and copies thereof by him certified, shall be competent evidence of all matters shown by them.

SEC. 16. That section eighteen (18) of chapter three (3) of said act is amended so as to read as follows:

Section 18. Whenever the amount expended or contracted or appropriated to be expended, chargeable to the city fund or to any ward fund shall, together with estimated current expenses chargeable to such fund, equal the amount of such fund in the treasury, and one-third of the uncollected taxes levied for that year and applicable to the same fund, the comptroller shall at once report the condition of such fund to the city council, and shall not thereafter countersign any contract payable from such fund until the amount in the treasury appertaining to such fund shall be so increased that, together with one-third of the outstanding uncollected taxes levied for the same year there shall be enough to meet the requirements of the proposed contract. He shall countersign no orders upon the treasury until there shall be money in the treasury belonging to the proper fund wherewith to pay the same; and all orders on the treasury shall be countersigned in the order in which the claims are allowed upon each fund respectively.

SEC. 17. That section twenty (20) of chapter three (3) of said act is amended so as to read as follows:

SEC. 20. All claims and demands against the city before they are allowed by the city council, shall be audited and adjusted by the comptroller, and all orders on the treasury shall be examined and countersigned by him, and by him be kept until he shall de-

liver the same unto the persons entitled thereto; and he shall take and preserve receipts for all orders so delivered. He may keep and use a seal of office, which may be used instead of the seal of the city in the execution of licenses and such other sealed instruments as the comptroller shall be specially directed to issue, and any such use of such seal heretofore by the comptroller is hereby legalized.

SEC. 18. That section twenty-one (21) of chapter three (3) of said act is amended by striking therefrom the words "divisions or" in the last clause thereof.

SEC. 19. That section twenty-two (22) of chapter three (3) of said act is amended by striking therefrom the words "or either of the divisions."

SEC. 20. That section twenty-four (24) of chapter three (3) of said act is amended by striking therefrom the words "or either of the divisions."

SEC. 21. That section twenty-five (25) of chapter three (3) of said act is amended by striking therefrom the words "all justices of the peace," and instead thereof insert the words "the judge and special judges of the municipal court."

SEC. 22. That section twenty-six (26) of chapter three (3) of said act is amended by adding at the end thereof the following: "A vote of three-fourths ($\frac{3}{4}$) of the members of the city council shall be required to increase the salary of any city officer above the salary paid to his predecessor during the year next preceding. All fees and emoluments of whatever character arising to any city officer or received by any city officer as such officer, shall be reported to the city council monthly, and paid monthly into the city treasury."

SEC. 23. That section twenty-seven (27) of chapter three (3) of said act be and the same is hereby amended by striking out therefrom the following words: "Receiving by telegraph and printing the daily morning or evening telegraphic reports of the Western Associated Press."

SEC. 24. That section three (3) of chapter four (4) of said act is amended by striking out from the twelfth (12th) line thereof as printed in the charter as published in one thousand eight hundred and seventy-seven (1877), by authority of the city council, the words "a city justice" and inserting instead thereof the words "the municipal court," also by changing subdivision "First" of the same section so as that it shall read as follows:

First.—To license and regulate the exhibitions of common showmen and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concerts and theatrical performances; also

to license and regulate all auctioneers, pawnbrokers, billiard tables, pigeon hole tables, nine or ten pin alleys, bowling saloons, shooting galleries, taverns, victualling houses, and all persons vending, dealing in or disposing of spirituous, vinous, fermented or malt liquors. *Provided*, That all licenses except for exhibitions, caravans, menageries, circuses, concerts and theatrical performances, shall extend to and terminate upon the first Monday of May next after the same shall be issued.

SEC. 25. That section six (6) of chapter four (4) of said act is amended by striking therefrom the words "[city] justices," and instead thereof inserting the words "judges and clerk of municipal court."

SEC. 26. That section seven (7) of chapter four (4) of said act is amended so as to read as follows:

SEC. 7. The city council may during any fiscal year, after the city tax shall have been levied, and by a vote of two-thirds of the members of said council issue the bonds of said city, bearing interest not exceeding eight (8) per cent. per annum, and for a term not exceeding one (1) year, in such amounts and under such regulations as the city council may prescribe in anticipation of the taxes levied for such fiscal year. *Provided*, That the amount of such bonds shall never be issued to exceed one-third ($\frac{1}{3}$) of such taxes; and, *provided further*, that such bonds or the proceeds thereof shall only be applied to such purposes as the taxes in anticipation whereof they are issued might be applied; and, *provided further*, that no bonds under this section shall be issued in anticipation of any taxes after the first (1st) day of January, A. D. one thousand eight hundred and eighty. (1880) and the city council shall never have any authority to issue any time orders on the treasury, nor any certificates of indebtedness.

SEC. 27. That section two (2) of chapter five (5) of said act is hereby amended by striking therefrom the words "each of the two divisions and."

SEC. 28. That section three (3) of chapter five of said act is amended by striking therefrom the words "*Provided*, That the proceeds arising from the sale and lease of property belonging to either of the said divisions of the city shall be applied first to the payment of the indebtedness of the division to which said property belonged."

SEC. 29. That section four (4) of chapter five (5) of said act is hereby amended by striking therefrom the word "division" wherever it occurs in said section, and inserting instead thereof the word "ward;" also by striking from said section the words "with the assent of the majority of the aldermen elected from such division."

SEC. 30. That section five (5) of chapter five (5) of said act is hereby amended so as to read as follows:

SEC. 5. The city council shall cause to be transmitted to the county auditor of Hennepin county on or before the first (1st) day of September of every year, a statement of all taxes by it levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner, as State and county taxes are paid, and the payment thereof enforced; and the county treasurer of said Hennepin county shall pay over such taxes together with all costs, interest and penalties which shall be collected on account of the same, when collected, to the treasurer of said city; and such county treasurer shall make settlements with, and pay over such moneys to the city treasurer as often as once every three (3) months, and he shall also on such settlements pay over to the city treasurer such portion of the interest paid by bankers with whom funds of said county are deposited, as have accrued upon funds arising from city taxes and assessments so deposited with such county funds, or as part thereof; and said county treasurer is hereby required at his next settlement with the city treasurer after the passage of this act to pay over to said city treasurer all penalties to which said city was entitled under this section, as the same was amended by the act of March five (5) one thousand eight hundred and seventy-four, (1874) in which amendment the word "penalties" shall be construed to include interest collected on such taxes, but not to include costs.

SEC. 31. That section eight (8) of chapter five (5) of said act is amended so as to read as follows:

SEC. 8. The city council may provide for the examination from time to time of such cancelled orders, and also of cancelled bonds or other obligations in the hands of the treasurer, and for their destruction; preserving such record or voucher thereof as the city council or any committee thereof may deem proper.

SEC. 32. That chapter six (6) of said act be and the same is hereby amended so as to read as follows:

CHAPTER VI.

SECTION 1. All public property, except property used for educational purposes, within the limits of said city shall belong to said city of Minneapolis and all indebtedness and obligations of the former city of St. Anthony and the former city of Minneapolis and of the former divisions of the present city of Minneapolis, shall, together with all interest accrued or to accrue thereon, be assumed and paid by the city of Minneapolis, and the two divisions of said city heretofore existing are hereby merged.

SEC. 2. The city council shall have power and it shall be its duty to provide by taxation, in advance of the maturity of any debts or obligations of the city for the full and prompt payment thereof.

SEC. 3. The city council of said city is hereby required to appropriate and cause to be paid from the general funds of said city the sum of fifty thousand (\$50,000.00) dollars at least, to be used and expended in constructing and establishing an efficient system of water works or water supply for that portion of said city which lies east of the Mississippi river and formerly constituted the east-division of said city.

SEC. 4. A commission is hereby created consisting of John S. Pillsbury, Robert B. Langdon and Orlando C. Merriman, which commission is hereby authorized and empowered to fix upon and determine the system of water works or of water supply which can best be constructed for the supply with pure water of that part of the city which lies east of the Mississippi river, and whether the same can be connected with the present water works of said city and worked by the same power or not. And the said commission is hereby invested with full power to contract in the name of the city of Minneapolis for water power, sites for pump houses and other grounds to be used for the purpose of such water works and for the necessary buildings and machinery and mains and hydrants and putting the same in complete working order, so that the amount they shall expend thereon shall not exceed the said limit of fifty thousand (\$50,000.00) dollars.

SEC. 5. The city council shall provide and appropriate moneys to meet and discharge all contracts which the aforesaid commissioners shall make or enter into respecting the matters referred to in the last preceding section, and may, whenever it shall be necessary for the providing of such moneys, raise the same by issuing bonds of said city bearing interest at the rate not exceeding eight (8) per cent. per annum, the interest payable semi-annually, according to attached coupons, and the principal payable at such times as the city council may determine not exceeding three (3) years from the date of issue of such bonds.

SEC. 6. Whenever such commissioners shall determine that it is necessary that private property, consisting either of lands, buildings, water power or any other species of private property, be taken for the construction of such water works or providing such water supply or the laying of water pipes, they shall make or cause to be made, such plat or survey as may be necessary to show or explain the same, with any necessary statement showing such determination attached thereto, and file the same with the city clerk who shall present the same to the city council at its next regular meeting thereafter; and it shall be the duty of the city council forthwith to appoint commissioners in accordance with the provisions of section three (3), of chapter eleven (11) of this act, who shall proceed in the manner provided for in said chapter eleven (11), and the same proceedings thereafter shall be had respecting the condemnation and appropriation of such property and payment of compensation, filing objections, taking appeals and in all other matters, as are provided for in said chapter eleven (11).

SEC. 7. The expenditure of said amount of fifty thousand

($\$50,000.00$) dollars for water works, for the use and benefit of that portion of said city lying east of the Mississippi river is hereby declared to be a matter of strict right, in view of the inequality of the two former divisions of said city, which is now placed upon the whole city; and it is therefore declared and enacted that the whole of that amount shall be expended for such water works or supply of water as shall be for the exclusive use and advantage of that part of the city which lies on the east side of said river; and if it shall be determined that such water supply can be furnished from the present water works or water power located on the west side of the Mississippi river, the cost of no part of such water works or water power nor of any additions thereto, on the west side of said river, nor of the laying of any water mains on the west side of such river, until the same shall reach the bed of the river to cross to the east side of said river, shall be reckoned as any part of the sum of fifty thousand ($\$50,000$) dollars, so authorized and directed to be expended for water works or water supply for that part of said city lying east of said river, but the cost thereof shall be otherwise provided for by the city council under its general authority in relation to water works in said city.

SEC. 8. In case either of said commissioners shall refuse or neglect to serve or if any vacancy shall for any cause happen in said commission the remaining commissioners are authorized to fill the vacancies and report the same to the city council. Either commissioner may at any time call a meeting of the commissioners by written notice of the time and place of meeting served personally or left at the dwelling of the other commissioners at least twenty-four (24) hours before such meeting; and any two (2) of such commissioners shall constitute a quorum and may transact any business which such commissioners can transact, including the power to declare vacancies and fill the same in the said commission.

SEC. 9. The water works or water supply authorized and directed to be constructed as provided for in this chapter, shall be maintained by the city as its other water works is maintained and in a state of equal efficiency.

SEC. 10. All bridges in said city crossing the Mississippi river or any channel thereof or any natural stream in said city, tributary to said river, whatever the form or material used in the construction thereof, shall, together with the guards and embankments connected therewith, and the immediate approaches thereto, which form a necessary part of the same, be built, maintained and kept in repair by the city as a general city charge. All other expenses connected with the opening, grading and keeping in repair, streets, lanes, alleys, highways and thoroughfares shall be paid from taxation upon the several wards wherein such work shall be done, except where other provision is made therefor by this act.

SEC. 11. All taxes which have been levied for ward purposes in the former ten wards of said city, including the tax levy made in the year one thousand eight hundred and seventy-seven (1877), and still uncollected, and all moneys which shall be in the treas-

ury of said city on the first Tuesday of April, A. D. one thousand eight hundred and seventy-eight (1878,) to the credit of the funds of either of said former wards, shall be first applied and appropriated to the payment and discharge of the indebtedness of such wards; severally, and no part thereof shall be otherwise used until all such indebtedness shall be paid and discharged or sufficient funds shall have been received and set apart in the treasury for the discharge of the same. On or before the first day of August, A. D. one thousand eight hundred and seventy-eight (1878), it shall be the duty of the comptroller of said city to report to the city council the exact financial condition of each of said former ten wards, and if there shall not then be sufficient money in the treasury to pay the whole of the indebtedness of any of such former wards, the city council shall at the time of the levy of taxes for the year one thousand eight hundred and seventy-eight (1878), levy upon the property within the limits of such former ward, a special tax sufficient to discharge all such outstanding indebtedness, and such former ward is hereby continued for the purpose of such taxation a separate district, and such special tax, when collected, shall be applied to the discharge of such indebtedness.

SEC. 12. The tax provided for in the last preceding section shall not be held invalid by reason of happening to be greater or less than the amount actually needed for the purpose for which it shall be levied, nor by reason of any failure to comply with the requirements of said section or for any other irregularity; and if any excess of moneys shall be realized therefrom, the same may be disposed of by the city council as in the case of moneys belonging to such former wards in the excess of the indebtedness thereof as provided in the next section.

SEC. 13. Whenever it shall be found that there are moneys in the treasury belonging or to the credit of such former wards, over and above the indebtedness of the same, the city council may apportion the same among the new wards formed from such former wards, or appropriate the same to such improvements as shall be most equitable and of benefit to the same portion of the city from which such moneys were received.

SEC. 14. If prior to the first (1st) day of April, A. D. one thousand eight hundred and seventy-nine (1879), there shall be any pressing necessity for the expenditure of any money in any ward to keep traveled streets in a passable condition, and there shall be no funds in the treasury belonging to such ward to make such repairs, the city council may by a two-thirds ($\frac{2}{3}$) vote advance to such ward from the general city funds enough moneys to make such necessary repairs, but such advances shall be returned to the general city fund from the first moneys thereafter in the treasury to the credit of the funds of such ward.

SEC. 15. No railway company or street railway company shall have any right in clearing their track through any part of said city or otherwise, to pile up snow or other material, and leave the same piled upon any traveled portion of any street in said city; and any such company shall be liable to any person who shall be injured

by means of any such obstruction caused by such company, or its servants, for all damages sustained. And in case any damages shall be recovered against the city for injuries caused by such obstructions the city shall have the right to recover the same again from the company by whom the obstruction was caused.

SEC. 32. That chapter seven (7) of said act is hereby amended so as to read as follows :

CHAPTER VII.

FIRE DEPARTMENT.

SECTION 1. The city 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 buildings within the limits prescribed shall be made and constructed of fire proof materials, or of such materials, and with such precautions against fire as the city council shall by ordinance prescribe, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits when the same shall be damaged to the extent of fifty (50) per cent. or more of the value thereof, and to prescribe the manner of obtaining consent to make repairs in such fire limits and of ascertaining the extent of damage.

SEC. 2. The city council shall have power to prescribe in what manner and of what material chimneys shall be constructed, and 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 secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, and the throwing of ashes in the streets and highways. To regulate and prevent the carrying on of manufactories, dangerous in causing and promoting fires, and the storing of inflammable or explosive materials, and the use of fireworks and firearms; and to regulate and prevent the sale or keeping for sale or use of any fireworks, Chinese crackers, rockets, torpedoes or other explosive contrivances, and to provide for the seizure and destruction of the same; also to compel owners of buildings to have scuttles in roof and stairs or ladders to the same; and to make any other provisions to guard against fires, or to facilitate the quenching of fires, or to prevent the spreading of fires, which the city council may deem proper.

SEC. 3. The city council may also authorize the chief engineer and assistant engineers of the fire department, and the officers of fire companies and the fire police, and the mayor and police 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: also to erect, construct and maintain fire alarms

telegraphs and boxes, and any other means for giving notice of fires, and to provide for the punishment of persons injuring or interfering with the same.

SEC. 4. The city council shall have power and authority to make all needful rules and regulations for the government of the fire department and for the protection and use of all engines, horses and other property and apparatus pertaining to the fire department, and of the waterworks, mains, pipes, cisterns and hydrants in said city, and to prescribe punishment for injuries to any such property, or violation of any such rules or regulations, and may also provide for the payment and compensation of such officers and men connected with the fire department, as the council may deem proper.

SEC. 5. The city council shall have the power to purchase, keep and maintain fire engines, and other apparatus, and to build and maintain engine houses, hose houses, and such other buildings as may be necessary or convenient; and to authorize the formation of engine, hook and ladder and hose companies, and provide for the due and proper support and regulation of the same, and for the officers of such companies, and their election or appointment, and may also disband any such companies, and prohibit their meeting, and take from them the use of any property or apparatus. The companies so formed may adopt rules and regulations for their own government not inconsistent with law or the ordinances of said city. And all firemen shall while active members of any company be exempt from service on juries and from military duty.

SEC. 6. There shall be a meeting of the firemen who are active members of such companies, on the Friday next following the first (1st) Tuesday of April of every year, at such place as the council may appoint, or in case no place is appointed by the council, then at such place as the chief engineer of the fire department may designate, when such firemen may nominate a person for chief engineer of the fire department, and two persons for assistant engineers of the fire department, and the city council at its first regular meeting thereafter, or as soon thereafter as may be, shall appoint a chief engineer of the fire department, and a first assistant and second assistant engineer of the fire department, and shall not be restricted to the nominations made by the firemen.

SEC. 7. The city council may also appoint a fire police, of such number and with such powers as the council may determine. It may also appoint a fire warden for said city, to see that the ordinances of the city regulating the building and care of chimneys, and respecting all other precautions against dangers from fire are not violated, and who shall have power and be fully authorized to enter any dwelling house or other building at all hours between seven (7) o'clock in the morning and six (6) o'clock in the evening, and examine all chimneys, stoves, furnaces, pipes and other parts of such buildings, and see that the ordinances of the city respecting the same are enforced; or the city council may invest the chief engineer of the fire department with all the powers of such fire warden. It shall further be the duty of such fire warden to

examine particularly into the cause of every fire that shall happen within the city, and to make and keep a brief record of the same, and make report thereof to the council at its first regular meeting in every month.

Sec. 8. If any person shall at any fire refuse to obey the order of the chief engineer of the fire department, or other person vested with authority by the city council as indicated in section three (3) of this chapter, such person may be arrested by the direction of the officer whose orders are so disobeyed, and upon complaint made before the municipal court of said city, shall be punished by fine not exceeding fifty dollars (\$50) and costs of prosecution and imprisonment until such fine and costs are paid, not exceeding sixty (60) days.

Sec. 9. The city council may, whenever in its judgment the interests of the city shall require it, organize a paid fire department; or it may provide for the payment of such officers and members of the fire department as it may deem proper; and may change the numbers and organization of companies as it may direct; and may provide for the partial disbanding of companies or the discharge of members therefrom; and shall at all times have full and plenary power to regulate and change the organizations of companies, and control all property and apparatus connected with the fire department.

SEC. 33. That section one (1) of chapter eight (8) of said act is amended so as to read as follows :

Section 1. The city council shall have the care, supervision and control of all highways, bridges, streets, alleys, public squares and grounds within the limits of the city, and may build, maintain and repair bridges, lay out and open new streets, lanes and alleys, and extend, widen, change or vacate any that are now or hereafter may be in said city; and purchase or condemn private property for streets, lanes, alleys, thoroughfares, public squares, sites for public buildings or structures connected with the maintenance of the fire department, or to construct, add to or extend or keep up water works, or for any other public purpose connected with the government of said city. All work connected with streets, highways, lanes, alleys or public grounds, may be let by contract or done directly by the city, under the supervision of the city engineer, proper street commissioner, or such other person as the city council may appoint. And the city council may authorize its committees to act definitely on behalf of the city upon such matters.

SEC. 34. That section five (5) of chapter eight (8) of said act is amended by striking therefrom the words "city justices," and instead thereof inserting the words "the municipal court."

SEC. 35. That section six (6) of chapter eight (8) of said act is amended by striking therefrom the words, "any of the justices," and inserting instead thereof the words, "the municipal court;"

also by striking therefrom the words, "city justice," and inserting instead thereof the word "court."

SEC. 36. That section nine (9) of chapter eight (8) of said act is amended by striking therefrom the words, "(except officers' fees;" and is also further amended by striking therefrom the words, "city justices," and instead thereof inserting the words, "municipal court."

SEC. 37. That section sixteen (16) of chapter eight (8) of said act is hereby amended so as to read as follows:

Sec. 16. The street commissioners shall have all the powers possessed by road supervisors under the laws of this State, so far as applicable, and shall be under the control of the city council, and shall obey all orders and directions of the council, and report to the council whenever required.

SEC. 38. That section eight (8) of chapter eight (8) of said act is amended so as to read as follows:

Sec. 8. All ordinances and resolutions heretofore made and established by the city council of the city of St. Anthony, or by the common council or city council of the city of Minneapolis, and not inconsistent with the provisions of this act, shall remain in force except as altered, modified or repealed by the city council of the city of Minneapolis, and all books and pamphlets published, or which may be published, purporting upon their title page to be published by the authority, order or direction of the city council, and purporting to contain the ordinances of said city, standing rules and orders of said city council, or either are hereby declared to be competent and *prima facie* evidence of the contents of such ordinances, standing rules and orders, and of any resolutions or other matters purporting to be the act of said city council, which may be found printed therein, and of the due and legal adoption approved and publication thereof; and the certificate of the city clerk, that any printed slip or paper to which such certificate may be attached, contains or is a true copy of any ordinance, resolution, proceeding of the city council, or other paper, the original of which is presumably in the possession of said city clerk, shall constitute such printed slip or paper competent and *prima facie* evidence of the contents and purport of the ordinance, resolution, proceeding of the city council, or other paper, and of the legal passage, adoption, approval and publication thereof. *Provided*, That in all actions, prosecutions and proceedings of every kind in the municipal court of the city of Minneapolis, such municipal court shall take judicial notice of all ordinances of the said city, and it shall not be necessary to plead or prove such ordinances in said municipal court.

SEC. 39. That section nineteen (19) of chapter eight (8) of said act is hereby amended so as to read as follows:

SEC. 19. It is hereby made the duty of all owners of land adjoining any street, lane or alley in said city, to construct, re-

construct and maintain in good repair such sidewalks along the side of the street, lane or alley, next to the lands of such owners respectively, as may have been heretofore constructed, or as shall hereafter be constructed or ordered or directed by the city council to be built, and of such material and width, and upon such place and grade as the city council may by ordinance or otherwise prescribe.

Whenever the city council shall deem it necessary that any sidewalk in the city of Minneapolis shall be constructed or reconstructed, it shall by resolution direct such construction or reconstruction specifying the width thereof and material of which the same is to be constructed. The publication of such resolution once in the official paper of the city shall be sufficient notice to the owners of the land along which such sidewalk is to be built to construct the same, and unless such owners shall, each along his respective land, construct and fully complete such sidewalk within two weeks after the publication of such resolution as aforesaid, the city engineer shall report to the city council a description of each lot or parcel of land along which such sidewalk has not been built, and his estimate of the cost of building such sidewalk along each of such lots and parcels. Such estimate shall not be binding upon the city council, but advisory merely, and the council may obtain any other information as to such cost, and the council shall fix upon and designate the cost of building such sidewalk in front of each lot and parcel of lands, and thereupon the city council shall assess and levy upon and against each lot and parcel of land so reported, (after correcting mistakes if any) along which such sidewalk has not been built such sum as will cover the cost of building such sidewalk along and fronting upon the same lots and parcels of land respectively, and cause to be made an assessment roll of the same, which may be in the following form or any other form which the city council may adopt.

The city council of the city of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of.....

..... a sidewalk along the..... side of.....
 from..... to..... in accordance with a resolution of
 the city council passed the.... day of A. D. 18 , and duly published
 in the official paper of said city, and the..... day of..... A. D.
 18 . The amount assessed against and levied upon each lot
 or parcel, being the amount necessary to build such sidewalk along
 and fronting upon the same lot or parcel of land.

Name of owner if known.	Description of Land.	Amount.	
		Lot.	Block.
		Dolls.	Cts.

Done at meeting of city council this..... day of.....
 A. D.

Attest:.....

City Clerk.

President of the Council.

Such assessment shall be collected in the same way in all things as is provided for the collection of special assessments under the provisions of chapter ten (10) of this act; and the city council may either before or after making such assessment cause such portions of such sidewalk as have not been built by the owners of lands fronting on the same, and all street crossings, to be built by the proper street commissioner, or upon contract or by any other person as the council may determine. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the proper street commissioner to immediately repair the same in a good substantial and thorough manner, and to report to the city council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made, and such reports shall be carefully filed and preserved by the city clerk, and the city council shall once in each year at or as near as conveniently may be the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks, which have been so repaired by street commissioners, the cost of making such repairs in each case. Such assessments for all such repairs within the year may be combined in one assessment roll, and may be in the following form or any other form which the city council may adopt.

The city council of the city of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of repairs of sidewalks fronting upon each lot or parcel, which the respective owners have neglected to make, and which have been made by the proper street commissioners since the day of

A. D. The amount assessed against and levied upon each of said lots and parcels of land is the actual cost of the repairs of sidewalks abutting upon each lot or parcel, and so repaired by such commiseioners:

Name of owner if known.	Description of land.	Lot.		Block		Amount.	
						Dolls.	Cts.

Done at meeting of city council this day of

A. D. 18.

Attest:

City Clerk.

President of the Council.

And such assessment shall be collected in all things as provided for the collection of special assessments by the provisions of chapter ten (10) of this act. And it is not only made the duty of all owners of land within said city to keep in good repair all sidewalks constructed or existing along or abutting upon their respective lots and parcels of land, but such owners are hereby declared to be liable for all damage, to whomsoever resulting, arising from their fault or evident neglect in not keeping any such sidewalk in good repair after notice of defective

condition, and in safe, passable condition. And no action shall be maintained against the city of Minneapolis by any person injured through or by means of any defect in any sidewalk, unless the owner of the land along which such sidewalk was so defective is joined in said suit as a party defendant; and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant owning such land, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied. And if said city shall pay such judgment it shall become the owner of the same, and may enforce payment of the same from the other defendant, and shall be entitled to execution thereon against him, and to take such after proceedings as judgment creditors are entitled to take. Moneys to build or repair sidewalks, where the same shall be done by the street commissioner under this section, or in case of building by a contractor, may be advanced from the funds of the proper ward, to be re-imbursed by the special assessments when collected, and the expense of constructing all street crossings of sidewalks shall be chargeable to the proper ward. And whenever any damages for injuries to any person through or by means of defective sidewalks shall be paid by the city, the money to pay the same shall be raised by taxation upon the ward wherein the injuries happened.

SEC. 40. That section twenty (20) of chapter eight (8) of said act is hereby amended so as to read as follows:

Section 20. The city council shall have power to establish the grades of any street where such grade has not been established, and may by the vote of two-thirds of the members elected change the grade of a street after such grade has been established, and may also by a vote of two-thirds of the members elected vacate any highway, street, lane or alley, or portion of either; and such power of vacating highways, streets, lanes and alleys within the city of Minneapolis is vested exclusively in said city council; and no court, or other body or authority, shall have any power to vacate any such highway, street, lane or alley, nor any part or portion of any plat of lands within said city.

SEC. 41. That chapter ten (10) of said act be and the same is hereby amended so as to read as follows:

CHAPTER X.

LOCAL IMPROVEMENTS AND ASSESSMENTS THEREFOR.

SECTION 1. The city council of the city of Minneapolis 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, and in such manner as is prescribed in this chapter, and in other portions of this act.

SEC. 2. Such assessment may be levied by the city council for paving, curbing, walling, bridging, gravelling, macadamizing, planking, opening, extending, widening, altering or straightening any street, lane, alley or highway, and for keeping the same in repair; also for filling, grading, protecting, ornamenting and improving any square or public grounds; also for constructing, laying, reconstructing and repairing sidewalks and cross-walks, area walls, gutters, sewers and drains; also for laying, re-laying or extending water mains and pipes.

SEC. 3. The city council is hereby authorized in its discretion to cause to be paved, re-paved or macadamized any street, lane, alley or highway, or part thereof, in said city, and to levy and collect the expense and cost of the same by special assessment upon the property fronting on such improvements of an equal sum per front foot, without regard to a cash valuation.

SEC. 4. Whenever the city council shall determine to cause to be made any of the improvements mentioned in the last preceding section, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the improvement and the material to be used therein; and thereupon it shall be the duty of the city engineer to make and present to the city council an estimate of the cost of such improvement, stating therein the proportion of such estimated cost which will be required to construct such improvement in front of abutting lands; and the proportion thereof required to construct the same across streets, lanes and alleys; also a list of the several lots and parcels of land fronting upon such proposed improvement, with number of feet front of each extending along such improvement and the names of the owners of the several parcels, as nearly as the city engineer can readily ascertain the same. A brief minute of the reception of such report shall be made and published in the record of the proceedings of the city council, which shall be held to be sufficient notice to all persons concerned; and such report shall lie over without any assessment being made until the next regular meeting of the city council, which shall occur at least one (1) week after the reception of such report; but the city council, in its discretion, may direct the city engineer to advertise for and receive in the meantime, bids for doing the work and furnishing the material required to construct and complete such improvement, and report the same to the council. At the meeting of the city council to which said report was laid over, or at any subsequent meeting, the city council may consider such estimate and list, and any further communication from the city engineer respecting the matter; and under such rules as it may make, shall hear all persons interested in the matter of such improvement, who may desire to be heard, and the council may adhere to its resolution of making such improvement or may modify the character of the same or abandon it. If the city council shall determine to go on with such improvement, whether modified or not, it may, either before or after having contracted for the construction of such improvement, estimate and fix upon the cost of such improvement and the proportion or amount of such cost which is

required to construct such improvement opposite to or in front of lots and parcels of land described in the list so made by said city engineer, and may assess and levy such proportion or amount of such cost, upon the said lots and parcels of land, upon the basis of an equal sum per front foot of each lot or parcel, measuring along the line of such improvement. And the city council shall cause to be made and shall adopt an assessment roll thereof, which may be in the following or any other form which the city council may deem proper:

The city council of the city of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is levied to defray the expenses of— and said lots and parcels of land are assessed upon the basis of an equal sum per front foot along the line of such improvement.

Name of owner when known.	Description of land.	Block.	Lot.	Dollars.	Cts.
------------------------------	-------------------------	--------	------	----------	------

Done at meeting of city council, this—day of—A. D.,
18—.

Attest: _____
City Clerk.

President of the Council.

SEC. 5. The city council is also authorized, in its discretion, to cause to be paved or repaved in any manner it may direct, with or without curbing, the gutters along any side of any street, lane or alley or portion of either, and levy, assess and collect the expense and cost of the same by special assessment upon the property on the same side of such street, lane or alley and fronting on such improvement, of an equal sum per front foot without regard to a cash valuation. And the like proceedings, so far as applicable, may be taken as is prescribed in the last preceding section and the assessment and levy may be made in the same manner and the assessment roll in substantially the same form as in the case of assessments provided for in that section.

SEC. 6. The city council is also authorized in its discretion to cause sewers to be constructed in and along any streets, lane or alley of said city, or portions of either, of such sizes, dimensions, materials, and in such manner as it may designate, and to assess, levy and collect the cost and expense of the same by special assessment upon the property fronting on such improvements of an equal sum per front foot, and without regard to a cash valuation. And the like proceedings may be taken as is prescribed in section four (4) of this chapter, and the assessment and levy may be made in the same manner, and the assessment roll, in substantially the same form, as is therein provided.

SEC. 7. The city council is also authorized in its discretion to lay, relay or extend water mains in or through any of the streets, lanes or alleys of said city, or portions of either, of such sizes, di-

mensions and material and in such manner as it may designate, and to levy and collect the cost and expense of the same, not exceeding, however, the cost of laying a six inch pipe where the pipe laid shall exceed that size, upon special assessment upon the property to be benefitted by such improvement, in each case, without regard to a cash valuation.

SEC. 8. Whenever the city council shall vote to cause to be made such improvement as is mentioned in the last preceding section, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of such improvement, and material to be used therein; and thereupon it shall be the duty of the city engineer to make and present to the city council an estimate of the cost of such improvement, and the city council may avail itself of any other information, by causing bids to be received for performing and completing such improvement, or otherwise as to the probable cost of such improvement, and shall finally determine upon and fix upon the cost of such improvement, not exceeding, however, the cost of laying a six inch pipe wherever a larger pipe is to be used, and when the amount of such cost shall be so determined by the city council, the city council shall appoint five freeholders of said city, no two of whom shall reside in the same ward, as commissioners to view the premises and assess the amount so fixed upon by the city council upon the lands and property to be benefitted by such improvement without regard to cash valuation and in proportion to the benefits to be received by each parcel by means of such improvement. Three or more of such commissioners shall constitute a quorum, and be competent to do any act required of such commissioners. They shall be notified by the city clerk by notice served on them severally, either personally or through the mail, to attend at his office on or before a day fixed by him, not less than two days after the service or mailing of such notice, to qualify and enter upon their duties; and if any commissioner shall refuse or neglect to attend as aforesaid, he shall forfeit and pay to the city of Minneapolis the sum of fifty (50) dollars to be recovered to the use of said city, in a civil action in the municipal court. And in case a quorum of such commissioners shall not so attend at the time and place designated in said notice, the mayor or acting mayor of said city, may in writing appoint one or more commissioners in the stead of any of such absentees. The commissioners shall be sworn by the clerk, or any officer authorized to administer oaths, to discharge their duties as such commissioners in the matter with fidelity and impartiality, and make due return of their action to the city council. They shall give notice by one publication in the official paper of said city, that at a time in such notice mentioned, which shall be at least one week after the day of the publication of such notice, they will meet at a place designated in such notice, and on the line of the proposed improvement, and proceed to view the premises to be benefitted by such improvement, and to assess thereon in proportion to benefits, the amount fixed by the city council as the cost of such improvement, and that they will then

and there hear such allegations and proofs as interested persons may offer. And such commissioners shall meet and view the premises pursuant to such notice and may adjourn from time to time, and a less number than a quorum may adjourn, and after viewing the premises the commissioners may for the hearing of evidence and preparation of their assessment or report, adjourn or go to any convenient place in said city; and may have the aid and advice of the city engineer and any other officer of said city. After hearing all evidence and viewing the premises the said commissioners shall proceed to make a true and impartial assessment of the cost of making such improvement as fixed upon by the city council, upon the land and property to be benefitted thereby, and apportion and assess the same upon the several parcels in proportion to the benefits which each parcel will receive from such improvement, and shall prepare and report to the city council an assessment list containing such assessment, and setting forth a brief description of each tract and parcel assessed and the name of the owner, if known, and the amount assessed against each parcel, and such report shall lie over, until the next regular meeting of the council, which shall occur at least one week after the reception of such report, at which time, or at any meeting subsequent thereto, the city council may act upon such assessment, and may hear any complaints against the same, or refer the matter to a committee of the council to hear such complaints, and report thereon. The council may confirm such assessment or annul the same, or send the same back to such commissioners for further consideration, and the commissioners may in such case again, upon giving notice published once in the official paper of said city, meet at a time and place to be designated in such notice, which time shall be at least two days after the publication of such notice, and may hear any further evidence that may be adduced by interested parties, concerning such assessment, and adjourn from time to time, and may correct any mistakes in such assessment, and alter and revise the same as they shall deem just, and again report the same to said city council, who may thereupon confirm or annul the same. Whenever the city council shall confirm any assessment made by commissioners under this section, such assessment shall be final and conclusive upon all parties interested, and the city council shall proceed at the same or any subsequent meeting to levy such assessment upon the several parcels of land described in the list reported by such commissioners in accordance with the assessment so confirmed, and cause to be made and adopted, an assessment roll of the same, which may be in the following form or in any other form which the council may adopt.

The city council of the city of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of _____ water mains in the city of Minneapolis along _____

This levy is made conformably to the report and assessment of commissioners duly appointed to make such assessment, and in proportion to the benefits from such improvements to accrue to the parcels assessed.

Names of owners if known.	Description of land.	°		Amount.	
		Lot.	Block.	Dolars.	Cents.

Done at meeting of city council, this _____ day of _____

A. D. 18 _____

Attest; _____

City Clerk.

President of Council.

SEC. 9. The city council is hereby authorized in its discretion, to lay out and open new streets, lanes and alleys in said city, and to widen, straighten or extend any street now existing, or which may hereafter exist, and to purchase or condemn for such purposes any real estate or interest therein, which is private property; also for the purpose of draining, to enter upon, lower, raise or divert any stream of water, except the Mississippi river, or any ditch or drain running within the limits of said city; and to provide for the payment of the value of such property as may be taken, and damages done to private property by means of any such improvements, and the expense of making the improvement where it consists of lowering, raising or diverting any stream of water, or any ditch or drain, by assessing, levying and collecting the expense of the same, by special assessment, upon the property to be benefited by such improvements; in each case in proportion to benefits, and without regard to a cash valuation.

SEC. 10. Whenever the city council shall vote to cause to be made any of the improvements mentioned in the last preceding section, which shall make it necessary to take, injure or interfere with private property, it shall determine and designate in a general way as nearly as may be convenient, the character and extent of the proposed improvement; and thereupon it shall be the duty of the city engineer to make and present to the council a plat and survey of such proposed improvement, showing the character, course and extent of the same, and the property necessary to be taken or interfered with thereby, with the names of the owners of each parcel of such property so far as the engineer can readily ascertain the same, and such statement as may in the opinion of the engineer be proper to explain such plat and survey and the character and extent of the proposed improvement, and his estimate of the cost of such improvement, if it consists in lowering, raising or diverting any stream of water, ditch or drain. And the council may cause such plat and survey to be modified and amended or changed as it may deem proper, and in case the improvement consists of lowering, raising or draining any stream of water, ditch or drain, the city council shall estimate and fix upon the cost of making such improvement. When such plat and survey shall be finally adopted by the city council, it shall be filed with the city

clerk, and it shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the council. The city council shall then or afterwards appoint five freeholders of said city, no two of whom shall reside in the same ward, as commissioners to view the premises, and to ascertain and award the amount of damages and compensation to be paid to the owners of property which is to be taken or injured by such improvement; and to assess the amount of such damages and compensation, and the expense of the improvement where it consists of lowering, raising or diverting any stream of water or any ditch or drain, upon the lands and property to be benefitted by such improvement, in proportion to the benefits to be received by each parcel, and without regard to a cash valuation. Three or more of such commissioners shall constitute a quorum and be competent to perform any duty required of such commissioners; and they shall be notified of their appointment, and vacancies in their numbers be filled, in the same manner, and they shall take the same oath, and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way as is provided in the case of commissioners appointed under section eight (8) of this chapter.

They shall give notice by two (2) publications in the official paper of said city, that such survey and plat is on file in the office of the city clerk, for the examination of all persons interested, and that they will on a day designated in such notice, which shall be at least ten (10) days after the first (1st) publication of such notice, meet at a place designated in said notice, on or near the proposed improvement, and view the property proposed to be taken or interfered with, for the purpose of such improvement, and ascertain and award therefor compensation and damages, and view the premises to be benefitted by such improvement, and assess thereon in proportion to benefits the amount necessary to pay such compensation and damages, and the cost of making the improvement when it consists of lowering, raising or diverting any stream of water, ditch or drain, and that they will then and there hear such allegations and proofs as interested persons may offer. And such commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and after having viewed the premises, may for the hearing of evidence and preparation of their award and assessment adjourn or go to any other convenient place in said city, and may have the aid and advice of the city engineer and of any other officer of the city. After viewing the premises and hearing the evidence offered, such commissioners shall prepare and make a true and impartial appraisement and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement, but if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefitted by such improvement, then the commissioners in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the said owner, in respect to the remainder of the same property, and

award him only the excess of the compensation or damage over and above such benefits. The said commissioners shall then assess the amount of such compensation and damages so awarded upon such land and property benefitted by such proposed improvement, together with the expense and cost of making the improvement as fixed upon by the council if the improvement consists in lowering, raising or diverting any stream, ditch or drain, [appertaining] assessing the same upon the several parcels, in proportion to the benefit which each parcel will receive from such improvement and deducting therefrom any damages or injury to the same parcels which is less than the benefits, and assessing only the excess, and prepare and report to the city council their appraisal and award, and also an assessment list containing such assessment, and a brief description of each tract or parcel of property assessed, and the name of the owner if known, and the amount assessed against each parcel, and such report shall lie over until the next regular meeting of the council, which shall occur at least one week after the reception of the report, at which time, or at any meeting subsequent thereto, the city council may act upon such report, and hear any complaint touching such award or assessment, or it may refer the matter to a committee of the council to hear such complaints and report thereon. The council may confirm such award and assessment, or either, or annul the same, or send the same back to the same commissioners for further consideration; and the commissioners may, in such case again, upon giving notice, published once in the official paper of said city, meet at a time and place to be designated in said notice, which time shall be at least two (2) [days] weeks after the publication of such notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in such award and assessment, and alter and revise the same as they shall deem just, and again report the same to the city council, who may thereupon confirm or annul the same. Whenever the city council shall confirm any such award and assessment such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as hereinafter provided, and the city council shall proceed at the same or any subsequent meeting to levy such assessment upon the several parcels of land described in the assessment list reported by the commissioners in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same which may be in the following form or in any other form which the council may adopt:

The city council of the city of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. This assessment is made to defray the compensation and damages awarded for the taking of and injury to private property (and estimated cost of the improvement), in and about the

as shown on the plat and survey of the same on file in the office of the city clerk of said city. This levy is made conformably to the report

and assessment of commissioners duly appointed to make such assessment, and in proportion to benefits from such improvements to accrue to the parcels assessed.

Names of owners if known.	Description of land.	Lot.	Block.	Amount.	
				Dollars.	Cts.
Done at meeting of city council this _____ day of _____					

A. D. 18—.

Attest _____

City Clerk.

President of the Council.

SEC. 11. Any person whose property is proposed to be taken or interfered with under the provisions of the last preceding section, and who deems that there is any irregularity in the proceedings of the council or action of the commissioners, by reason of which the report of the commissioners or award made by them ought not to be confirmed, may at any time before such award is confirmed by the city council, file with the city clerk, in writing, his objections to such confirmation, setting forth therein, specifically, the particular irregularities complained of; and if, notwithstanding such objections, the city council shall confirm such award, the person so objecting shall have the right to appeal from the order of the city council confirming such award, to the district court of the county of Hennepin, at any time within ten (10) days after such order. Such appeal shall be made by serving a written notice of such appeal upon the city clerk of said city, which shall specify the property of the appellant affected by such award, and refer to the objections filed as aforesaid; and by also delivering to said city clerk of the city of Minneapolis, a bond, executed by the appellant or by some one on his behalf, with two (2) sureties, who shall justify in the penal sum of fifty dollars (\$50), conditioned to pay all costs that may be awarded against the appellant. Thereupon the city clerk shall make out and transmit to the clerk of said district court a copy of the award of said commissioners, as confirmed by the council, and of the order of the council confirming the same, and of the objections filed by the appellant as aforesaid, all certified by said city clerk to be true copies, within ten (10) days after the taking of such appeal. But if more than one appeal be taken from any award it shall not be necessary that the clerk, in appeals subsequent to the first, shall send up anything except a certified copy of the appellant's objections. There shall be no pleadings on such appeal, and the only question to be decided shall be whether the commissioners had jurisdiction to make the award, and whether in their proceedings there was any such irregularity, or omission of duty, prejudicial to the appellant, and specified in his said written objections, that as to him the award ought not to stand. The case may be brought on for hearing on eight (8) days notice at any general or special term of the court, and shall have precedence of other civil cases; and the judgment of the court shall be either to confirm or annul the award in so far only as the same affects the property of the appellant proposed to be taken or

damaged and described in [said] written objections, from which judgment no appeal nor writ of error shall lie; and if the court shall be of opinion that such appeal was frivolous or vexatious, it may adjudge such costs against the appellant as to it may seem proper, not exceeding twenty-five (\$25.00) dollars, otherwise no costs shall be recovered by either party.

SEC. 12. Whenever an award of compensation and damages shall have been confirmed by the city council as provided for in section ten (10) of this chapter, the same shall, except in so far as it may be annulled upon appeals as provided for in section eleven (11) of this chapter, be a lawful and sufficient condemnation and appropriation of the land and property for which such compensation and damages are awarded; and the city council shall thereupon cause to be paid to the owners of such property or their agents, the amount awarded to each, severally, and so soon as sufficient of the assessments shall be collected for that purpose, and within one (1) year after the confirmation of such award; but the claimant shall in all cases furnish an abstract of title, showing himself entitled to all of such compensation or damages before the same shall be paid. In case there shall be doubt as to who is entitled to such compensation or damages or any part of the same in any case, the city council may require of the claimants a bond with good and sufficient sureties, conditioned to indemnify and save harmless, the city, against all other claims for such compensation or damages or for the property for which the same was awarded and all loss, costs and expenses on account of such claims. If the owner of any property so appropriated is not known or there is any doubt as to who is entitled thereto, the amount awarded shall, by the city council, be appropriated and set apart in the city treasury, for whoever shall be entitled thereto, and be paid over whenever any person shall show clear right to receive the same. Upon the payment of [said] awards or appropriating and setting apart the money in the city treasury to pay to the same, the city shall become vested with the title to the property taken and condemned, absolutely, for all purposes for which the city may ever have occasion to use the same and may enter upon and use the same at once.

SEC. 13. Whenever any portion of an award made by commissioners and confirmed by the council under the provisions of section ten (10) of this chapter, shall be annulled by the court upon appeal as is hereinbefore provided for, the city council may again appoint commissioners to view the property which was affected by such appeal, and appraise and award the compensation and damages to be paid by the taking or appropriation of the same, and the like proceedings shall be had so far as applicable as is prescribed in said section ten (10), except that such commissioners shall make no new assessment of cost and expense. They shall, however, in arriving at the compensation and damages to be awarded, take into consideration and offset any benefits which in their judgment the contemplated improvement will be to the remainder of the property, part of which may be taken or appropriated, and report their

award to the city council, whereupon the same proceedings may be had, as far as applicable, as upon an original award; and if such award shall again upon appeal be annulled by the court, still another commission may be appointed, and award made in the same manner, and so on until a valid award shall be made; but no new assessment for benefits shall be made merely by reason of any change in the amount of the sum awarded for compensation and damages; and any sum which may be lacking to pay the awards shall be paid from the funds of the proper ward.

SEC. 14. If any special assessment heretofore made by the city council, or under its direction, to defray the expenses of laying, relaying or extending water mains, has been or shall be either in whole or in part annulled, vacated or set aside by the judgment of any court; or if the city council shall become satisfied that any such assessment is so irregular or defective that the same cannot be enforced and collected, the city council shall anew or hereafter compute and determine upon and fix, in a gross amount, the cost of making any such improvement, not exceeding, however, the cost of laying a six inch pipe where a larger pipe was used; and the city council shall then appoint commissioners as provided in section eight (8) of this chapter, to view the premises and assess the amount so fixed upon by the city council upon the lands and property benefited by such improvement, without regard to cash valuation, and in proportion to the benefit received by each parcel by means of such improvement. All the provisions of said section eight (8) of this chapter respecting commissioners shall apply to commissioners appointed under this section, and the action of the city council in respect to their reports shall be the same as is provided in said eight (8). But if the city council should fail to confirm the final assessment reported by such commissioners, the city council may then again appoint new commissioners whose duties shall be the same as that of the commissioners which shall be first appointed under this section, and the whole proceeding shall be in the same manner until an assessment shall be reported which shall be confirmed by the city council. Whenever the city council shall confirm any assessment made by commissioners under this section, such assessment shall be final and conclusive upon all parties interested; and the city council shall proceed at the same or any subsequent meeting, to lay such assessment upon the several parcels of land described in the list reported by such commissioners, in accordance with the assessment so confirmed, and shall cause to be made and adopted an assessment roll which may conform as near as may be to the form provided in section eight (8) of this chapter, or be in any other form which the city council may adopt. After such assessment roll shall have been completed, the city clerk shall note thereon against every piece of land upon which a former assessment for the same improvement has been paid, the words "paid on former assessment," which shall cancel such assessment on that parcel.

SEC. 15. The city clerk shall record all assessment rolls of special assessments in books to be by him kept for that purpose,

and shall on or before the first (1st) day of September of every year deliver to the county auditor of the county of Hennepin all such assessment rolls not theretofore delivered, and the said county auditor shall extend the assessments in proper columns against the property assessed, and such assessments shall be collected and the payment thereof enforced with and in the like manner as state, county and other taxes are collected and the payment thereof enforced. And such assessments, when collected, shall be paid over by the county treasurer to the city treasurer of said city, together with all costs, penalties and interest collected thereon at the times of making payment of city taxes to the city treasurer.

SEC. 16. No omission, informality or irregularity in any proceeding in the making of any special assessment by commissioners, shall affect the validity of the same if the assessment list shall be signed by at least three (3) of the commissioners, and confirmed by the city council. And the assessment roll, and the record of the same kept by the city clerk, or a copy of such record, certified by the city clerk, shall be competent evidence that such assessment was duly levied by the city council, and conclusive evidence that all notices required to be given or published in the course of the proceeding after the appointment of the commissioners were duly given and published, and that such commissioners were duly sworn, and *prima facie* evidence that all other proceedings from and including the appointment of the commissioners to and including the confirmation of their report and assessment list by the city council, were duly taken, had and performed as required by this act. And no failure of the city clerk to record the assessment roll or to deliver the same to the county auditor, on or before the time prescribed for such delivery, or to do any other act or thing of him required shall in any way invalidate any assessment. And no variance from the directions herein contained as to the form or manner of any of the proceedings shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

SEC. 17. In case any special assessment shall in any suit where its validity shall be questioned be adjudged void, the city council may in its discretion notify the county auditor to cease collecting the same if it shall have been transmitted to him for collection, and may proceed anew by the appointment of commissioners and further proceedings, as in the case of an original special assessment for the same purpose, to make and levy a new assessment, in the place and stead of the assessment which shall have been adjudged void; and the city clerk before delivering the assessment roll of such new assessment to the county auditor for collection, shall ascertain and note thereon payments which have been made under such void assessment for the same purpose, which notations shall cancel the assessments as to the parcels and lots on which such payments were made. Such new assessments shall be collected in the same manner as original special assessments.

SEC. 18. No special assessment shall be questioned or held to be invalid because the amount of such special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which such assessment shall be made. If the amount raised by such special assessment shall happen to be less than the amount required for such improvement, the balance shall be paid from the fund of the ward or wards wherein such improvement shall be made, except that in the case of water mains and sewers, such balance shall be paid from the general city fund; and if there shall happen to be any surplus from any such special assessment, the same shall be carried to the credit of the same fund from which a deficiency would have been supplied, or be otherwise disposed of as to the city council shall seem most just towards the persons upon whom such special assessment has been levied. And upon any assessment rolls or other papers made or used in any of the proceedings, it shall not be necessary that words shall be written out in full, but abbreviations, letters, figures and recognized characters may be used wherever their use shall be convenient. And no error or mistake as to the name of the owner of any property shall be regarded as material in any proceeding under this act.

SEC. 19. It shall require a two-thirds vote of the members elect of the city council to determine, in the first instance, to make any improvement for which a special assessment may be levied, except in respect to sidewalks, when a majority vote shall be sufficient, but this restriction shall not apply to any subsequent act of the council touching such improvement or the special assessment to provide means therefor.

SEC. 20. Any improvement, the means to make or construct which may be raised by special assessment, may be performed by contract let in the ordinary way, or directly by the city by the employment of labor and purchase of material or in any other manner which the city council may deem proper in each particular case; and the city council may, in its discretion, in any case, instead of causing the special assessment to be made entirely upon estimates, as is hereinbefore provided for, wait until the letting of the contract for such improvement or until such improvement shall be made, before determining and fixing upon the cost and expense of such improvement, and appointing commissioners to make the assessment. And in case it shall be necessary in the course of the work upon any such improvement to use money about the same in advance of collections upon special assessment therefor, the city council may advance such money from the fund which would be liable to be drawn upon to make up any deficiency in the special assessment, and shall cause such money to be again returned to such fund from the collections of the special assessment as soon as collected.

SEC. 21. The city council shall fix the compensation to be paid to commissioners appointed under the provisions of this chapter or under the provisions of any other portion of this act.

SEC. 22. Wherever any assessments have been heretofore

made, and are in process of collection under the former provisions of this act, such collections shall go on and the former provisions of this charter are continued in force for all purposes connected with such collections, and in case any outstanding uncollected assessments for the cost of building or repairing sidewalks, are or shall be adjudged invalid, the city council may re-assess the same, making any proper corrections and include such re-assessment in the aggregate assessment for repairs upon sidewalks, which shall be hereafter assessed agreeably to the provisions of section nineteen (19) of chapter eight (8) of this act, noting on the assessment roll opposite the description of the property, the word "re-assessment," and the same shall be collected as the other assessments on such roll are collected.

SEC. 42. That a new chapter be and to same is hereby added to said act, in terms as follows:

CHAPTER XI.

SECTION 1. The city council shall have the right and it is hereby authorized to enter upon, take, use and appropriate any lands within the limits of said city, which it shall deem necessary for the purpose of public grounds, engine houses, markets or other public buildings or for water works, and may also take, use and appropriate in connection with any water works of said city or land taken for water works, water power to any amount which the city council may deem necessary, together with the use of all flumes, canals, tunnels and other structures and contrivances for the use of water power, which may be convenient in and about the application and use of the water power so taken and appropriated.

SEC. 2. Whenever the city council shall consider it necessary to procure grounds for any public grounds, engine house market or public building or for water works or any water power for water works, the city council shall appoint a committee of not less than three (3) of its members who, together with the city engineer, shall make examination and propose to the city council a location and description of land suitable for such public ground, engine house, market or other public building or for water works as the case may be, and if for water works, the amount of water power deemed necessary to be taken and appropriated, and the most convenient manner of taking and using the same, and present to the city council a plat of the land proposed to be taken; and in their report shall show so far as the committee shall deem necessary, what canals, tunnels, buildings or structures can be used in the appropriation and any other matters which the committee shall deem proper for the information of the council; and such committee may present for the consideration of the council more than one location and plat.

SEC. 2. Such committee shall file their report with the city clerk of said city, who shall give notice by publication twice in the official paper of said city, that such report is on file in his office for the inspection of all persons interested; and that the same will be presented to the city council for action thereon, at a meeting of said council to be named in such notice, which shall be the regular meeting of said council, which shall occur next after one week from the second publication of such notice. At the meeting named in said notice, the city clerk shall next after the reading of minutes of previous meetings present such report, and the matter may be acted upon by the council at the same or any subsequent meeting. The council under such rules as it may prescribe, may hear any persons interested in the matter, or refer the matter to a committee to hear such persons and report.

SEC. 3. Whenever the city council shall determine upon the lands, water power and other property to be taken and appropriated, it shall designate the same as nearly as may be convenient, and shall cause such plat or survey as may be necessary to show or explain the same, to be made and filed therewith with the city clerk; and the city council shall then or afterwards appoint five commissioners who shall be freeholders of said city, and no two of whom shall reside in the same ward, to view the lands, water power or other premises to be taken and appropriated, and ascertain and award the amount of damages and compensation to be paid to the owners of the property so to be taken and appropriated. Such commissioners shall be appointed in the same manner, and notified in the same way, and vacancies in their number be filled, and they shall take the same oath, and be subject to the same penalty for neglect or refusal to act as is prescribed in the case of commissioners appointed under the provisions of section eight (8) of chapter ten (10) of this act. They shall give notice by two publications in the official paper of said city, that they will on a day designated in such notice, which shall be at least ten (10) days after the first publication of such notice, meet at a place designated in such notice, on or near the premises proposed to be taken and appropriated, (and view the property proposed to be taken and appropriated) and ascertain and award therefor compensation and damages; and that they will then and there hear such allegations and proofs as interested persons may offer; and such commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and after having viewed the premises may, for the hearing of evidence and preparation of their award, adjourn or go to any other convenient place in said city; and such commissioners shall make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property is to be taken or appropriated, and report the same to the city council: and such award shall lie over until the next regular meeting of the council, which shall occur at least one week after the reception of such award, at which or at any subsequent time the city council may act on such award and hear any objections made thereto, or may refer the

matter to a committee to hear such objections and report thereon. The council may confirm such award or annul the same or send the same back to the same commissioners for further consideration, and such commissioners may in such case, again, on giving notice, published once in the official paper of said city, meet at a time and place to be designated in said notice, which shall be at least two days after the publication of such notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and correct any mistakes in such award, and revise and alter the same as they may deem just, and again report such award to the city council, who may confirm or annul the same. When any such award shall be confirmed by the city council, the same shall be final and conclusive upon all parties interested, except as hereinafter provided.

SEC. 4. Any person whose property is proposed to be taken under the provisions of this chapter, and who deems that there is any irregularity in the proceedings of the council, or action of the commissioners by reason of which the award of the commissioners ought not to be confirmed, may at any time before such award shall be confirmed by the city council, file with the city clerk in writing, his objections to such confirmation, setting forth therein specifically the particular irregularities complained of, and if notwithstanding such objections the city council shall confirm the award, such person so objecting shall have the right to appeal from the order of the city council confirming such award, to the district court of the county of Hennepin, in the same manner which is provided in section eleven (11) of chapter (10) of this act, and all the provisions of said section eleven (11) respecting the taking of the appeal, notice of appeal, bond, return to the appeal by the city clerk, and proceedings in the district court upon the appeal, and judgment thereon, and the effect and finality of such judgment, and respecting costs, shall apply to appeals taken under this chapter. And whenever any part of an award shall be annulled upon such appeal the city council may again appoint commissioners as provided for in this chapter to view the property affected by such appeal and award compensation and damages for the taking and appropriation of the same, and the like proceedings shall be had so far as applicable as is prescribed in the case of commissioners first appointed under the provisions of this chapter. and as often as an award shall be annulled upon appeal, commissioners may be again appointed and a new award made, until the final awards shall all stand confirmed.

SEC. 5. Whenever an award of compensation and damages shall be confirmed by the city council and not appealed from, and whenever the same when appealed from shall not be set aside by the court, the same shall constitute a lawful and sufficient condemnation and appropriation to public use of the land and property and rights in property for which compensation or damages are so awarded; and the city council shall thereupon cause to be paid from the general fund of said city to the owners of such property, the amounts awarded to each severally, and within one year

after the confirmation of the award; and the provisions of section twelve (12) of said chapter ten (10) shall apply respecting the furnishing of abstracts of title and as to the course to be pursued where a title is defective or doubtful, and upon the payment of the compensation awarded, or setting apart the same in the city treasury, the title to the land and property and water power taken and appropriated, shall vest in fee in the city of Minneapolis.

SEC. 43. This act shall be a public act and need not be pleaded, nor proven in any case.

SEC. 44. This act shall take effect and be in force from and after its passage, but the present city council shall continue until a new council shall be elected at the annual city election on the first (1st) Tuesday of April, A. D. one thousand eight hundred and seventy-eight (1878), and until the aldermen then elected, or a majority thereof, shall qualify.

Approved March 9, 1878.

CHAPTER 26.

AN ACT TO AMEND 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," APPROVED MARCH FIFTH (5th), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR (1874), AND AN ACT AMENDATORY THEREOF, APPROVED MARCH FIRST (1st), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX (1876.)

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

SECTION 1. That section fifty-nine (59) of chapter seven (7), title one (1) of the above entitled act is hereby amended so as to read as follows:

Section 59. The city treasurer of said city may, at any time before or after the time of redemption has expired, assign any certificates of sale of property 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, together with the amount of any prior assessment, with interest thereon, at the rate of twenty-four per cent. per annum and costs, and such assignee