

Section 2. The elective officers in said city shall be a mayor, treasurer, assessor and recorder; all of which said officers shall be residents within and qualified voters of said city. Each ward shall elect annually one (1) alderman, who shall be a qualified voter of the ward for which he shall be elected, and who shall hold his office two (2) years; and each ward shall elect one (1) justice of the peace and one (1) constable, who shall be qualified voters of the ward for which they shall be elected at the annual election in the spring of one thousand eight hundred and seventy-eight (1878), who shall hold their respective offices two (2) years, and until their successors are elected and qualified, and one justice of the peace and one constable shall be elected in each ward biennially after the said election in one thousand eight hundred and seventy-eight (1878), so that there shall be but one justice of the peace and one constable for each, after the term of the present incumbent expires. The treasurer, assessor and recorder shall hold their respective offices for two (2) years; and until their successors are elected and qualified.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1878.

CHAPTER 48.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO REDUCE THE LAWS INCORPORATING THE CITY OF STILLWATER IN THE COUNTY OF WASHINGTON AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, INTO ONE ACT AND TO AMEND THE SAME.

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

SECTION 1. That sections six, (6) seven, (7) eight, (8) nine, (9) ten, (10) eleven, (11) twelve (12) and thirteen (13) of chapter four (4) of an act of the legislature of the State of Minnesota, entitled "an act to reduce the laws incorporating the city of Stillwater in the county of Washington and State of Minnesota, and the several acts amendatory thereof into one act, and to amend the same. Approved March third, (3d) one thousand eight hundred and seventy, (1870) be and the same are hereby amended so as to read as follows:

SEC. 6. The city council shall have power to order and contract for the making, grading, repairing, cleansing, improving and adorning of the streets, lanes, alleys, public grounds, reservoirs, gutters, sewers and wharves within the city.

SEC. 7. Whenever the city council shall deem it necessary to construct or re-construct any sidewalk within the city, they shall direct the owners or occupants of any lots adjoining such sidewalk to make and construct the same at his or their own proper cost and charge, and in such a manner and within such a time as in such direction specified. If such work is not done in the manner, and within the time prescribed, the city council shall cause the same to be done at the expense of the lots adjoining such sidewalks.

SEC. 8. The costs and expenses of surveying streets, lanes, alleys, sidewalks, sewers, public grounds and reservoirs, and estimating the work thereon, and of cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, and of repairing sidewalks, shall be paid out of the city funds; opening, grading, graveling, planking or paving streets and alleys to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley. Sewers may be ordered by the city council, to be built at the expense of the lots or parcels of land to be benefited thereby, and which shall be apportioned by said city council among said lots or parcels of land.

SEC. 9. Whenever the city council shall determine to make any public improvement as authorized by sections six, (6) seven (7) and eight (8) of this chapter, they shall cause to be made an estimate of the whole expense thereof, and the proportion to be assessed and charged to each lot, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in or excavated in front of each lot, and such estimate shall be filed in the office of the city clerk, for the inspection of parties interested. The city council shall give notice by advertisement for two weeks in some newspaper published in said city, or by serving a notice in writing upon the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be graded, graveled, planked or paved, constructed or re-constructed requiring them to do the work mentioned in such notice, within a reasonable time, therein to be specified, and if the said work is not done within such time, the city council shall enter into contract for the doing thereof, or shall cause the same to be done by the officers and employees of said city, and shall keep an accurate account of the expense thereof.

SEC. 10. Whenever the general interest of the city requires deep cutting, or extraordinary filling in any street, and the owners of lots and parcels of land fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall represent to the city council in writing that the expense of such excavation or filling will exceed the benefits the same will be to the property assessed therefor, the city council shall appoint five (5) freeholders not interested in said lots or parcels of land, who first being duly

sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises. If those first appointed refuse or are incapacitated to serve, the council shall appoint others in their stead. Upon examination of the premises, if, in their opinion the cost of such improvement shall exceed the benefit to be derived therefrom, it shall be their duty to report to the city council, and shall specify in such report what portion of the work to be performed, shall be chargeable to such lots, or what portion shall be chargeable to the city funds, and such part or proportion as shall be so reported, as properly chargeable to the lots or parcels aforesaid, shall become a lien upon said real estate, and be collected and enforced as hereinafter provided, and the remainder shall be paid out of the city fund. *Provided*, That no such representation or petition shall be received unless presented within ten days after the publication of the notices requiring the work to be done; and, *provided further*, that it shall be the duty of the city council to appoint such commissioners whenever it shall appear to them that such lands or lots belong to infants, or other persons under legal disability not represented by guardians.

SEC. 11. The city council shall have power to regulate and cause to be constructed, altered and maintained, wharves along the river or lake St. Croix, and shall have and exercise the same control over said lake, to the center thereof, that they possess by virtue of this act over the streets and alleys in said city. The expense of constructing, altering, grading, paving and maintaining the same shall be apportioned by the city among, and is hereby made payable by the lots or parcels of land extending to said river or lake, in proportion to the work done opposite said lot or parcel of land, to be estimated by the surveyor.

Provided, however, That before causing such work to be done, the same notice shall be given as is required in case of grading the streets; *provided further*, that the owner of such lots shall have the same power of petitioning the city council as is provided by section ten (10) of this chapter in regard to the grading of streets and alleys, when the same proceeding shall be had, and the work apportioned as therein provided.

SEC. 12. That in case the said city shall by its officers, servants and employees perform said work chargeable to said lots or land, the actual cost thereof shall become a lien upon said land from the date of the commencement of said work and shall take precedence over all other claims and liens upon said lots or land, and in case said work so chargeable to said lots shall be done and performed under and by virtue of a contract with said city, then the same shall become a lien upon said lots or lands, to the amount of the contract price of said work, said amount to become a lien from the date of the commencement of said work, and to take precedence of all other claims and liens upon said lots or land. The amount so due or to become due to the said city of Stillwater or to said contractor or contractors as herein provided, shall bear interest at the rate of twelve (12) per cent. per annum from the date of the completion of said work. After the comple-

tion of any contract entered into by the city council, for work chargeable to lots or lands by virtue of this act, they shall give to the contractor or contractors, a certificate under the hand of the mayor and seal of said city council, stating therein the amount of work done by such contractor, the nature thereof, and the description or parcel of land upon which such certificate shall be transferable by endorsement thereon, and shall bear interest as above provided, and no informality or error in the proceeding shall vitiate such lien, and in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for the payment thereof.

SEC. 13. That the city of Stillwater, or any person or persons owning any lien upon lots or land, as herein provided, may foreclose the same in the district court of Washington county and sell under the direction of said court the said lots or land in payment of the amount so due upon said lien, the said lien to be foreclosed in the same manner as other liens upon real estate, and the said sale of said lots and land made in the same manner as other judicial sales of land are made by said court. That the defendant, owner or person in possession of said lots or land shall not be allowed to defend said action or prevent the foreclosure of said lien by reason of any informality or error in said proceedings, by which said lien is obtained, except that said work for which said lien is claimed, was done without the actual knowledge of the defendant or owner of said lots or land, and that it was also done without actual or constructive notice to the defendant or person in possession of said lot or land.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved March 5, 1878.

CHAPTER 49.

AN ACT TO AMEND CHAPTER NINE (9), OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED SEVENTY-FOUR (1874), BEING AN ACT TO INCORPORATE THE VILLAGE OF BLOOMING PRAIRIE, IN STEELE COUNTY.

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

SECTION 1. That section two (2) of chapter nine (9) of the special laws of eighteen hundred and seventy-four (1874), being an act to incorporate the village of Blooming Prairie, in Steele county, be and the same is hereby amended so as to read as follows: