

Before entering upon the duties of his office he shall take and subscribe an oath as prescribed in the general statutes for judicial officers, which oath shall be filed in the office of the city clerk of said city. He shall have the general powers of judges of courts of record, and may administer oaths, take and certify acknowledgments in all cases, and as a conservator of the peace shall have all power and authority which is or may be by law vested in justices of the peace or any other judicial officer. There shall be one special judge of said municipal court, whose manner of election, term of office, powers and duties, and qualifications, shall be the same as those of the municipal judge, except as otherwise provided in this act, and his successor shall be elected, and vacancies filled in like manner. In case of a press of business in said court, at the request of the municipal judge, or in case of the absence or sickness of the municipal judge, at the request of the mayor or acting mayor of said city; the said special judge shall act as judge of said court, and when the special judge so acts at the request of the municipal judge, each may have and exercise the powers of said court. The said special judge shall not act as judge of said court except as above provided; and when such special judge shall act as judge of said court, at the request of the mayor or acting mayor of said city, as above provided for, he shall receive compensation therefor from said city, at the rate of eight dollars per day, but he shall not be entitled to compensation from said city when acting at the request of the municipal judge, unless the city council shall so direct previous to the performance of such services. This section shall not incapacitate such special judge from acting as attorney in any case in said court, but when he is acting as judge of said court he shall take no action in such case, save as to adjourn the same.

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

Approved March 8, 1879.

CHAPTER LXXXVIII.

AN ACT AMENDING PARTS OF THE CHARTER OF THE CITY OF ST. PAUL, AND ACTS AMENDATORY THEREOF.

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

SECTION 1. Section one of an act to regulate and establish the salary and fees of certain officers in Ramsey county, Minnesota, approved March eighth, eighteen hundred and seventy-eight, is hereby amended by adding thereto the following proviso: *Provided, however,* that nothing herein contained shall prohibit the common council, by a three-fourths vote, whenever it shall be made to appear

to be necessary to authorize the employment of additional temporary clerical force in the office of the board of public works, the compensation for which shall not exceed the sum of two hundred dollars in any one year.

SEC. 2. The county treasurer of the county of Ramsey shall pay over to the city treasurer of the city of St. Paul an estimated amount of all taxes and moneys received or collected by him for said city, on the first Monday of each and every month next after such taxes or moneys are collected or received, any general or special law to the contrary notwithstanding.

SEC. 3. The board of public works shall, on the first Tuesday of May, in each year, transmit to the common council of said city, the name of a competent and scientific person as civil engineer to the board of public works of said city, for their approval or rejection by a majority vote of all the members elect of said common council. Said engineer shall perform all the civil engineering required by the board in the promotion of all public works committed to their said charge, or required by said board in connection with official duty. He shall be *ex officio* city engineer. Said civil engineer shall transact no other business than that required of him in the performance of his duties of city engineer during his continuance in office.

SEC. 4. The police department of the city of Saint Paul shall consist of the mayor, who shall be the chief executive officer and head of the department; a chief of police, a captain of police, one sergeant, a detective, and as many policemen, patrolmen and police officers as may be authorized by the common council of said city, with the approval of the mayor. The mayor shall appoint the chief of police, the captain, the detective, the sergeant, and all policemen, patrolmen and police officers at any time appertaining to the police department of said city, and by whatever name designated; and any officer or member of the police department who may be appointed by the mayor, may be by him removed from office whenever, in his opinion, the welfare of the city demands such removals; *Provided*, that such removal shall not take effect until notice thereof is given to the common council and the action of the mayor is concurred in by a majority vote of the entire number of the members elect of said council; and such removal may be made by the common council without charges having been made by the mayor of said city by a two-thirds vote of all the members elect of said common council, and provided, also, that the mayor may remove any officer or member of said police department at any time within six months from the date when such officer or member shall be appointed, as in this section provided. In case of riots or other disturbances the mayor may appoint as many special or temporary policemen as he may deem necessary for the preservation of the public peace. All officers and members of the police force appointed, as in this section provided, shall severally hold their offices until vacated by death, resignation, or until they shall be removed, as provided above, and they shall perform all the duties and be subjected to all the rules and regulations which now are or may hereafter be prescribed by the common council.

SEC. 5. Upon the receipt of a warrant for the collection of a sidewalk assessment, the city treasurer shall forthwith give notice by three days publication in the official newspaper of the city, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office, and that in default thereof the same will be collected at the cost and expense of the persons liable for the payment of such assessment.

SEC. 6. The common council are hereby authorized, in making future improvements on seventh street over Phalen's creek, if they deem it necessary to construct culverts and fill up the ravine, to condemn a sufficient amount of land in width in excess of the ordinary width of said seventh street to enable the city to make such improvements, and for the property taken for that purpose one-fourth only of the cost shall be assessed upon the property to be benefited, the balance of the cost and expenses to be paid out of the general fund of the city of St. Paul in such manner as the council may direct.

SEC. 7. In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the board of public works in their discretion, in making such assessments should there be any building in whole or in part upon the land to be taken as aforesaid, to consider the propriety of letting said building remain upon such land taken as aforesaid for such time after condemnation as they may deem for the best interests of the city, and if they shall determine to let the building remain on said land for any given period, then they shall determine the value of the use of said land to the owner of said building for the time said building may be permitted to remain, which sum when ascertained shall be deducted from the damages awarded for said building.

SEC. 8. The common council of the city of St. Paul, by a three-fourths vote of all the members elect, shall have the power to grant to individuals, firms or corporations the use of the streets and public grounds of said city, for the purpose of laying pipes for conducting steam for heating and motive power, upon such conditions as the common council may determine by resolution. *Provided, however,* that said pipes shall always be laid under the direction of the board of public works, and shall be at all times under the control of said board. *And provided further,* that nothing herein contained shall be construed as authorizing any interference whatever with the rights heretofore granted either by law, contract or ordinance to the St. Paul Gas Light Company or the St. Paul Water Company.

SEC. 9. The board of health of the city of St. Paul, shall consist of four members of the common council, to be appointed by the president of said council on the second Thursday of May in each year, together with the city engineer of said city, and the city and county physician, who shall be elected as now provided by law; *provided* he shall be elected on the first Tuesday of December of each year.

SEC. 10. The jurisdiction of the board of health of the city of St. Paul shall extend over all lakes and water courses in the county of Ramsey to the same extent as within the limits of said city.

SEC. 11. All acts and parts of acts controverting the provisions of this act are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved February 28, 1879.

CHAPTER LXXXIX.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE LOCATION OF AN AVENUE AROUND LAKE PHALEN."

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

SECTION 1. That section eight of chapter one hundred and fifty, of the special laws of one thousand eight hundred and seventy-eight, be amended by adding thereto the following: "And the said Gen. R. W. Johnson, H. J. Brainerd and Henry Brant, commissioners aforesaid, are hereby appointed to locate and survey a road one hundred feet wide from the intersection of the Lake Phalen and Lake Como Avenues with the St. Paul, White Bear and Bald Eagle Lake roads, easterly along the half section line to the avenue around Lake Phalen. That said commissioners are hereby requested to perform the duties herein prescribed as set forth, except that the dates which, or at which any act required to be done, shall be June first, one thousand eight hundred and seventy-nine, and July first, one thousand eight hundred and seventy-nine, instead of the year one thousand eight hundred and seventy-eight, and all rights of parties affected, shall be governed and regulated by the provisions of said original act, being chapter one hundred and fifty aforesaid.

SEC. 2. That the county commissioners of Ramsey county, are hereby authorized to appropriate and expend, upon opening and improving said avenues, the sum of one thousand dollars, and the supervisors of the town of New Canada, are hereby authorized to appropriate and expend upon the opening and improvement of said avenues the sum of five hundred dollars.

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

Approved February 14, 1879.