

his absence the judge of any court of record may, or the court commissioner of said county may upon application of said commissioners or of the president of said village, or such party or his next friend, appoint a suitable guardian for such party, and all notices required by this act shall be served on such guardian.

12th. Any person feeling himself aggrieved by such assessment may by notice in writing served on the president of said village, a copy whereof with proof of service, shall be filed in the office of the clerk of the district court in said Goodhue county, within twenty (20) days after the confirmation of said report, or assessment appealed from, such assessment to the district court aforesaid. Such appeal shall be tried by the court or jury as in ordinary cases, but no pleadings shall be required, and the party appealing shall specify in the notice of appeal the grounds of objections to such assessment and shall not be entitled to have any other objections than those so specified considered, and a transcript of such report certified by the village recorder or the original thereof shall be prima facie evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law. The judgment of said district court shall be final. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justice of the peace in civil actions.

SEC. 3. All acts and parts of acts inconsistent with this amendatory act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 11th, 1889.

CHAPTER 30.

[H. F. No. 452.]

AN ACT TO CONSOLIDATE AND AMEND ALL ACTS RELATING TO PARKS AND PARK WAYS IN THE CITY OF MINNEAPOLIS AND INCIDENT THERETO; AND DEFINING THE POWERS AND DUTIES OF THE BOARD OF PARK COMMISSIONERS OF SAID CITY.

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

SECTION 1. The board of park commissioners of the city of Minneapolis shall consist of the four (4) commissioners elected on the fifth (5th) day of April, one thousand eight hundred and eighty-seven (1887), and the eight (8) commissioners elected on the sixth (6th) day of November, one thousand eight hundred and eighty-eight (1888); together with the mayor for the time being of the city of Minneapolis, ex officio, the chairman for the time being of the standing committee on public grounds and buildings, and the chairman, for the time being, of the standing committee on roads and bridges

of the city council of said city, ex officio, and their successors in office; all of whom shall continue in office until the expiration of their several terms, and until their successors are elected or appointed and qualified, as provided by law. And the said board of park commissioners, and its successors shall be a department of the government of said city.

Said board of park commissioners shall have a common seal, and shall be capable of entering into, making, performing and enforcing contracts in the name of, and in behalf of the city of Minneapolis, to carry out the purposes expressed in this act. And all contracts so made and entered into shall be signed and executed by the president and secretary under the direction of the board.

All persons elected to the office of park commissioner, shall before entering upon the discharge of their duties severally file a written acceptance and oath of office in the office of the city clerk of the city of Minneapolis.

The said board of park commissioners shall elect annually from their own number a president and a vice president, and shall appoint annually a secretary who shall not be a member of said board. And said officers shall hold their respective offices until their successors are elected and qualified.

The said election shall be held on the third Saturday in January of each year; *provided*, that the persons now holding said offices shall continue in office until the third Saturday in January, one thousand eight hundred and ninety (1890), and until their successors are elected and qualified, and whenever vacancies shall occur in said offices they shall be at once filled in like manner for the unexpired term.

Whenever a vacancy may occur in the office of an elected commissioner, it shall be filled by the board.

The person elected as secretary, before entering upon the duties of his office, shall file with the comptroller of said city a bond in the penal sum of ten thousand (10,000) dollars, with at least three (3) good and sufficient sureties, acceptable to said board of park commissioners. Said secretary shall have power and is hereby authorized to administer oaths in all proceedings under this act and incident thereto.

It shall be the duty of the said secretary to submit to the said board at the first meeting in January, a report showing the transactions of his office, and other information necessary for the conduct of business.

The said board of park commissioners shall make rules to govern its proceedings, and may meet from time to time, as it may by rule or vote determine, and adjourn its said meetings. It shall make and publish from time to time, rules, ordinances and regulations for the government of its officers, agents, servants and employes, and for the government and regulation of the parks and park ways, which may be required under and pursuant to the provisions of this act. A majority of the members of said board shall constitute a quorum; but no action of said board, designating or purchasing or leasing lands, creating a bonded debt, or filling vacancies in the board of park commissioners, shall be valid unless voted for by ten (10) members of

said board; and a record of its proceedings shall be kept, and the said board shall make and publish an annual report setting forth their general proceedings, and containing a statement of the receipts and expenditures of said board; which statement of receipts and expenditures shall be submitted to the city comptroller and audited by him in the same manner as accounts of city officers. The said commissioners shall receive no compensation for their services, but may receive such sums for actual and necessary expenses incurred in performing their official duties as may be audited and allowed by the said board. The board of commissioners shall be authorized to employ and dismiss such attorneys, surveyors, agents and employes as may be necessary, and to fix the compensation of all its appointees and employes, which shall be payable from the fund hereinafter established for the purpose of this act, upon the order of said board, countersigned by the city comptroller.

No commissioner shall be interested in any contract made under the authority of said board, or in any lands to be acquired by said board, except that if any commissioner shall be owner of, or interested in, any lands which may be designated or appropriated for the uses of this act, he shall be entitled to receive compensation therefor as provided herein, but shall not act officially in respect to any matter in which he may be pecuniarily interested.

Any commissioner may be removed from office by the district court of Hennepin county, after trial and conviction, upon the petition with sworn charges presented by not less than ten (10) reputable freeholders of said city, if it shall appear at the trial that such commissioner has been guilty of misdemeanor, or malfeasance in office.

Upon the presentation of such petition to one of the judges of said court he shall issue an order returnable before such judge, or the court, requiring such commissioner to appear and show cause why he shall not be removed from his office, and upon the return of such order the court or judge shall direct the method of hearing and procedure.

The office of any commissioner under this act who shall not attend meetings of the board for three (3) successive months after having been duly notified of said meetings, without reasons satisfactory to the board, or without leave of absence from said board, may by said board be declared and thereupon shall become vacant.

SEC. 2. *Power and authority to obtain title to lands.* The board of park commissioners of the city of Minneapolis and its successors, shall have the power and it shall be its duty to devise, adopt and maintain parks and parkways in and adjacent to the city of Minneapolis; and from time to time to add thereto, to designate lands and grounds to be used and appropriated for such purposes; to cause the same to be platted, surveyed, and plats thereof filed in the office of the secretary of said board, and in the office of the city engineer in the city of Minneapolis, and the right to take possession, upon obtaining title to the same or any part thereof; to hold, improve, govern and administer the same for such purposes.

The said board of commissioners, and their successors, shall have power, and it is hereby authorized, to obtain title for and in the name

of the city of Minneapolis, to any lands so designated by it for the purpose of this act, by gift, devise, purchase or lease.

And said board may enter into any contract in the name of said city, for the purchase of any lands to be paid for in such time, or times, and in such manner as the board may agree to; and said board may accept title to lands and give back a mortgage or mortgages in the name of said city, with or without bonds to secure the unpaid purchase price. And shall have power to accept and receive donations of money, property or lands, for the use of the said city for the purposes contemplated in this act.

SEC. 3. *Authority to condemn land and method of procedure.* The said board of park commissioners shall have power, and it is hereby authorized to condemn for the use of said city, any tract or tracts, parcel or parcels of land, or any interest therein, which it may have designated as hereinbefore provided in the second (2nd) section of this act; and when such condemnation shall have been completed and the lands paid for as herein provided, the title to such land shall pass, and be vested in fee simple in the said city. For the purpose of making and perfecting such condemnation, the said board of commissioners shall proceed in the manner following:

1st. The board of park commissioners shall appoint five (5) appraisers who shall be disinterested freeholders and qualified voters of said city, and none of whom shall be residents of the ward or wards in which the property so designated is situated, to view the premises and appraise the damages which may be occasioned by the taking of private property or otherwise in making said improvements; said appraisers shall be notified as soon as practicable by the secretary of said board, to attend at a time to be fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such appraiser upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city, not exceeding fifty dollars (\$50), and shall be liable to be prosecuted therefor before the municipal court of said city, as in case of a violation of an ordinance of said city. Whenever a vacancy may occur among said appraisers by neglect or refusal of any of them to act or otherwise, such vacancy shall be filled by the board of park commissioners.

2nd. The appraisers shall be sworn to discharge their duty as appraisers in the matter with impartiality and fidelity; and to make due return of their acts to the board of park commissioners.

3d. The said appraisers shall with all reasonable speed, give notice by publication in the official newspaper of said city once a week for two (2) consecutive weeks; which last publication shall be at least ten (10) days before the day of such meeting; which notice shall contain a general description of the lands designated by the board of park commissioners, and give notice that a plat of the same has been filed, and that the said appraisers, will meet at a place and time designated in said notices and thence proceed to view the premises, and appraise the damages for property to be taken, or which may be damaged by such improvement.

4th. At the time and place according to said notice, the said appraisers shall view the premises and may hear any evidence or proof offered by the parties interested, and adjourn from time to time for

the purpose aforesaid. When their view and hearing shall be concluded, they shall determine and appraise the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by such improvement.

5th. If there should be any building standing, in whole or in part, upon any parcel of the land to be taken, the said appraisers shall in each case determine the amount of damages which should be paid to the owner or owners thereof in case such building, or so much thereof as may be necessary, should be taken, and shall also appraise and determine the amount of damages to be paid such owner or owners, in case he or they should elect to remove such building.

6th. If the lands and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury or damage done to such persons or interests respectively may be awarded to them by the appraisers. *Provided*, that neither such award of the appraisers nor the confirmation thereof by the board of park commissioners shall be deemed to require payments of such damages to the person or persons named in said award, in case it shall transpire that such person or persons are not entitled to receive the same.

7th. The said appraisers having ascertained and appraised the damage aforesaid, shall make and file with the secretary of said board of park commissioners a written report to said board of park commissioners of their action in the premises, embracing a schedule and appraisement of the damages in each case, with a description of the lands and names of the owners if known to them, and also a statement of the costs of the proceedings.

8th. Upon such report being filed the secretary of the board of park commissioners shall give notice that such appraisement has been returned, and that the same will be considered by the board of park commissioners at a meeting thereof to be named in the notice; which notice shall be published in the official newspaper of said city once a week for two (2) successive weeks, and the last publication shall be at least ten (10) days before such meeting.

Any person interested in any building, standing in whole or part upon any land required to be taken by such improvement, shall on or before the time specified for said meeting, in such notice, notify the said board of park commissioners in writing of his election to remove such building, if he so elect.

The board of park commissioners, upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise or annul the appraisement, in whole or in part; giving due consideration to any objections interposed by parties interested, in manner hereinafter specified, *provided* that said board shall not have the power to reduce the amount of any award.

In case the appraisement is annulled, in whole or in part, the board may thereupon appoint new appraisers who shall proceed in like manner, as in case of the first appraisement, as to any lands as to which the former appraisement was annulled; and upon the coming in of their report the board shall proceed in like manner and with the

same powers as in case of the first appraisalment, and may order re-appraisements so often as it shall deem proper.

9th. The damages shall be paid out of the park fund, and shall be so paid, or be deposited and set apart in the treasury of said city to and for the use of the parties entitled thereto, within six (6) months after the confirmation of such appraisalment and report; but in case any appeal or appeals shall be taken from the order confirming said appraisalment, then the amount of such damage shall not in any case be required to be paid or deposited and set apart as aforesaid, until sixty (60) days after the determination of all appeals which shall have been so taken.

And in case of any re-appraisalment or re-appraisements, the amount of such damage shall not in any case be required to be paid or deposited or set apart, as aforesaid, until sixty (60) days after final action and determination, including determination upon appeals of such re-appraisements, it being the intention that said board shall be enabled to ascertain the entire cost of any improvement before paying for any part of such improvement.

The land and property required to be taken for the purposes aforesaid shall not be appropriated until the damages awarded therefor to the owner thereof shall have been paid to such owner or his agent, or deposited and set apart for his use as aforesaid; and in case the said board or park commissioners shall be unable to determine to whom the damages so awarded should in any particular case be paid, or in case of disputed claims in relation thereto, or in case of the legal disability of any person interested, the amount of damage in any such case may be deposited by order of the board of park commissioners in the district court of Hennepin county, in the same manner as moneys are paid into court as provided by law, and in every case such deposit of the money in court shall satisfy all requirements of this act; and said court upon the proper application of any person claiming the award or any part thereof, shall determine to whom the same shall be paid.

10th. In case any owner or owners of buildings as aforesaid shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the board of park commissioners may allow for the purpose, and shall thenceforth be entitled to payment from said park fund of the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected) to remove the same within the time prescribed, such buildings or so much thereof as may be necessary upon payment or depositing the damages awarded for such taking, in manner aforesaid, may be taken and appropriated, sold or disposed of as the said board of park commissioners shall direct, and the same or the proceeds thereof shall belong to the said park fund.

11th. Any person whose property is proposed to be taken or interfered with, under any provisions of this act, and who deems that there is any irregularity in the proceedings of the said board of park commissioners, or action of the appraisers, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied

with the amount of damages awarded to him for the taking of or interference with his property, may at any time before the time specified for the consideration of the award by the board of park commissioners, file with the secretary of said board in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of, and containing a description of the property in which he is interested affected by such proceedings, and his interest therein, and if, notwithstanding such objections, the said board shall confirm the award, such person so objecting shall have the right to appeal from such order of confirmation of the board to the district court of the county of Hennepin, within ten (10) days after such order; such appeal shall be made by serving a written notice of such appeal upon the secretary of said board, which shall specify the property of the appellant affected by such award and refer to the objection filed as aforesaid, and by also delivering to said secretary a bond to the city of Minneapolis, executed by the appellant, or by some one on his behalf, with two (2) sureties who shall justify in the penal sum of fifty (\$50) dollars, conditioned to pay all costs that may be awarded against the appellant. Thereupon the said secretary shall make out and transmit to the clerk of the said district court a copy of the award of said commissioners, as confirmed by the board, and of the order of the board confirming the same, and of the objection filed by the appellant as aforesaid, all certified by said secretary 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 secretary, in appeal subsequent to the first, shall send up anything except a certified copy of the appellant's objection. There shall be no pleading on such appeal, but the court shall determine in the first instance whether there was in the proceeding any such irregularity or omission of duty prejudicial to the appellant and specified in said written objections, that as to him the award or appraisal or the appraisers ought not to stand, and whether said appraisers had jurisdiction to take action in the premises. The case may be brought on for hearing in 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 proceedings, only so far as the said proceedings affect the property of the appellant proposed to be taken or damaged, and described in said written objection. In case the amount of damages awarded is complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, upon such confirmation, appoint three (3) disinterested freeholders, residents of said city, appraisers, to re-appraise such damages. The parties to such appeal shall be heard by said court upon the appointment of such appraisers, and the court shall fix the time and place of meeting of such appraisers; they shall be sworn to the faithful discharge of their duties as such appraisers, and shall proceed to view the premises and to hear the parties interested with their allegations and proofs pertinent to the question of the amount of such damages; such appraisers shall be governed by the same provisions in respect to the method of arriving at the amount of damages, and in all other material respects as are in this act made for the gov-

ernment of appraisers appointed by said board. They shall, after such hearing and view of the premises, make a report to said court of their appraisal of damages in respect to the property of such appellant. The award of such appraisers shall be final, unless set aside by the court for good cause shown. In case such report is set aside, the court may in its discretion re-commit the same to the same appraisers or appoint new appraisers, as it shall deem best; said court shall allow a reasonable compensation for their services, and make such award of costs on such appeal, including the compensation of such appraisers, as it shall deem just in the premises. In case the court shall be of opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant. The board of park commissioners shall have the right at any time during the pendency of any proceedings for the acquisition of lands for any improvement authorized by this act, or at any time within sixty (60) days after the final order by the court, of all appeals taken in such proceedings, to abandon all such proceedings in respect to the whole improvement or any part thereof, whenever they shall deem it for the interest of the city so to do.

12th As soon as said proceedings for acquiring the title to such lands shall have been completed, it shall be the duty of said commissioners to make, or cause to be made, an accurate description of all such lands as shall have been so acquired, with a statement of the amount of damages awarded and paid to each former owner for the land so acquired, which shall be certified by the president and secretary of said board, under the official seal of the said board, and be filed in the office of the secretary of the board of park commissioners, and for record in the office of the register of deeds of said county of Hennepin; and it is hereby made the duty of said register of deeds to record the same among the records of transfers of real estate in said county, which records shall be prima facie evidence of title to such land, and of the transfer of all the interests of such former owner in the same, to said city of Minneapolis.

It shall also be the duty of said board of park commissioners to have correct plats of all such lands as they may acquire for the purposes of this act, prepared and filed in the office of the secretary of said board of park commissioners, in the office of the city engineer of the city of Minneapolis, and in the office of the register of deeds of Hennepin county; which said plat shall be kept on file and of record in the office of said register of deeds in like manner as plats of additions to the city of Minneapolis.

SEC. 4. *Appointment of Park Assessors and Assessments of Benefits.* As soon as the amount required for the purchase and condemnation of the land selected for any park or parkway, or park purposes, shall have been ascertained by said board of park commissioners with reasonable certainty, it shall determine what percentage, if any, of the amount so ascertained shall be assessed upon the lands benefited by said park or parkway, and it shall apply to the district court of Hennepin county for the appointment of three (3) freeholders of the city of Minneapolis, as park assessors, none of whom shall be residents of the ward or wards in which the property so designated is situated.

Notice of such application shall be given by publication thereof in the official newspaper of said city at least six (6) days successively, the last of which publication shall be at least three (3) days prior to the date fixed therefor, and all persons interested may appear and be heard by the court touching such appointment. After such hearing the court shall appoint three (3) disinterested assessors who shall proceed to assess upon such lots, blocks, tracts and parcels of land in the city of Minneapolis as they shall deem to be specially benefited by such park or parkway, whether such land shall adjoin and abut upon such park or parkway or not, and whether exempted from assessment or not, such sum as they shall deem a just proportion respectively of the total sum so to be assessed for benefits; and the determination of said assessors as to what lots, blocks and parcels of land especially are specially benefited shall be deemed to include all the lands so benefited. In case of the purchase of lands for any such parks or parkways, or of any part thereof, it shall be competent for said board of park commissioners to agree with the vendor or vendors of the lands so purchased upon a price therefor, which may in addition to the purchase price thereof include exemption from an assessment for benefits upon any remaining contiguous or adjacent lands owned by such vendor or vendors, the amount of which exemption shall be specifically agreed upon in the contract or conveyance; provided in all such cases an accurate description shall be furnished to said board, by the party to be exempted, specifying the lands so to be exempted, which description shall be filed in the office of the secretary of said board, and a certified copy thereof shall be recorded in the office of the register of deeds of Hennepin county; and it shall be the duty of the said register of deeds to file and record the same. Before proceeding to act under such appointment the said assessors shall make oath faithfully and impartially to discharge the duties of their said office, and shall then give notice of the time and place of their meeting, for the purpose of making said assessment, by publication thereof for six (6) successive days in the official newspaper of said city, the last of which publications shall be at least three (3) days before the time of meeting; all parties interested may appear before said assessors and be heard touching any matter connected with the assessment.

The assessors shall have power to administer oaths to witnesses and shall hear and consider any pertinent testimony offered and they may adjourn their meetings from time to time until the assessment is completed. When completed the assessment shall be signed by the assessors or by a majority who shall concur therein, and shall be returned to and filed in the office of the clerk of said district court.

The board of park commissioners shall cause to be published in the official newspaper of the city of Minneapolis at least six (6) days successively, a notice of the filings of said assessment roll; which notice shall set forth the boundaries of the district in which said assessments have been levied; and that they will on a day named therein apply to said court for the confirmation of said assessment, the last of which publications shall be at least five (5) days prior to said application.

Said district court shall have power to revise, correct, amend and confirm said assessment in whole or in part, and may make or order a

new assessment in whole or in part, and the same revise, correct, amend and confirm upon like notice. All parties interested may appear before said court at the time of such application, and object to said assessment either in whole or in part, but all objections shall be in writing specifying the tracts or parcels of land in respect to which objection is made, and shall be filed with the clerk of said district court at least two (2) days before the time fixed for the application. Objections which relate merely to the amount assessed upon the premises specified shall not be available, unless the court shall be satisfied that the assessors in fixing such amount were governed by improper motives, or proceeded upon erroneous principles, or under an obvious mistake of facts. After the confirmation of such report, the board of park commissioners shall cause a copy thereof as amended and confirmed, to be filed in the office of the auditor of Hennepin county, and the copies of such assessment rolls as have heretofore been filed in the office of the clerk of said court, shall be transferred to and filed in the office of said county auditor. Such assessment shall be a lien upon the several tracts or parcels of land so assessed for benefits, as aforesaid, and (10) per cent. of the amount thereof shall be due and payable annually.

The auditor of said Hennepin county shall include in the general tax list for the collection of state, county and city taxes, ten (10) per cent. of said assessment for each year, until the whole sum is paid, setting opposite the several tracts or parcels of land assessed, the amount of such assessment in an appropriate column to be headed, "park assessments", and like proceedings, in all respects, shall be had for enforcing the collection of the same as is now provided by law for the collection of state, county and city taxes. In case any of the tracts or parcels of land which have been or which may hereafter be assessed for benefits, as aforesaid, have been or shall hereafter be replatted or otherwise subdivided, said county auditor shall have power to apportion the amount originally assessed thereon among the several lots, blocks or parcels into which the same has or shall be so subdivided, in such manner that the several subdivisions thereof shall bear their just proportion of the benefit tax as so assessed or confirmed. Said county auditor shall provide, and keep, as one of the records of his office, a suitable book or books, in which he shall enter the several tracts and parcels of land so assessed, with a statement of the amounts assessed thereon respectively, and all payments made on account of such assessments, with such other facts in relation thereto as he may deem advisable; and the board of park commissioners may compensate said auditor for such services in any sum which said board shall deem just and reasonable.

If the owner of any tract or parcel of land assessed as aforesaid, shall at any time make payment of such sum as being put at simple interest at seven per cent. per annum, would amount to the sum of the several installments of such entire assessment, at the time they would respectively become due under the provisions of this section the said lands shall thenceforth be free from the lien of the assessments so paid and discharged.

SEC. 5. *Issuance of Bonds.* For the cost of acquiring a title to lands for said parks and parkways, the said board of park commis-

sioners shall have power to borrow, from time to time, for such times as it shall think expedient, not exceeding fifty (50) years, a sum of money the annual interest upon which for all the moneys so borrowed including the sums heretofore borrowed, shall not exceed thirty-five thousand (\$35,000) dollars, and for that purpose shall have authority to issue bonds of the city of Minneapolis, to be denominated "park bonds," secured upon said parks and the improvements thereon; which bonds shall issue under the seal of said board of park commissioners, and shall be signed by the president and secretary of the said board, and countersigned by the comptroller of the city of Minneapolis, and shall bear interest not exceeding four and a half (4½) per cent. per annum. And in no case shall bonds be issued by said commissioners so that the bonded debt of the city shall exceed the limit fixed by law. It shall be the duty of the secretary of said board of park commissioners, and of the city comptroller, to keep an accurate register of all bonds issued, showing the amount, number and date of each bond. And for the payment of the principal and interest of said bonds, the said parks and improvements thereon shall be irrevocably pledged with a first lien thereon, and the city of Minneapolis shall be irrevocably bound; provided that all lands shall be first subject to the unpaid purchase price thereof; and said bonds may be sold by said board of park commissioners, upon such terms and for such prices as in its judgment are the best that can be obtained for the same.

SEC. 6. *Assessment of Tax for Payment of Interest, etc.* The said board of park commissioners shall annually on or before the first (1st) day of October in each year, transmit to the auditor of Hennepin county an estimate in writing of the amount of money necessary for the payment of interest on bonds issued by said board, and that will be required for the purchase, improvement, maintenance and government of said parks and parkways during the succeeding year; which amount shall not exceed what will be raised by a tax of one (1) mill upon each dollar of valuation of the taxable property in said city; and the said auditor shall proceed to determine what per cent. said sum is on the taxable property of said city according to the assessor's returns, and shall, in the next general tax list for the collection of city, state and county taxes, in said city, set down the amount chargeable to the several persons, corporations, lots or parcels of ground in a separate or appropriate column and the proper officers shall proceed to collect the same in the manner now provided by law for the collection of city, state and county taxes, and all the provisions of law in respect to the collection of city, state and county taxes, and proceedings to enforce the same as far as applicable, shall apply to said assessments and taxes; the said sum of money together with all other moneys provided for the purpose of this act, shall be placed by the city treasurer of the city of Minneapolis to the credit of said board of park commissioners, and shall be drawn by said board from the city treasurer by warrant signed by the president and secretary of the board and countersigned by the city comptroller and in no other way; and shall constitute a special fund to be known and denominated the "city park fund."

SEC. 7. *Vacation and Closing of Streets.* It shall be lawful for said board of commissioners to vacate and close up any and all public

roads and highways excepting railroads which may pass through, divide or separate any lands selected or appropriated by it for the purpose of parks; and no such road, highway nor any railroad shall be laid out through said parks or any of them, except such as the said board of commissioners shall itself lay out and construct or shall consent to.

SEC. 8. *Construction of Bridges and Viaducts.* The said board shall have power to construct all necessary bridges and viaducts over water courses and railroads within or on the line of said parks and parkways.

SEC. 9. *Expenditure of Money Received for Benefits.* The funds which may be received for and upon the special assessments of benefits herein provided for, shall be paid into the city treasury as a part of the park fund.

SEC. 10. *Shore Rights.* Whenever the title shall have been acquired for the purpose of this act, to the land constituting the shore or shores of any stream of water, lake or pond, said board may regulate and control the use of such shore or shores and the water contiguous thereto, and in case such ownership shall embrace the entire shore of any such lake or pond, said board is hereby empowered to take any and have exclusive charge and control of the waters of said lake, and may in all things regulate and govern the use of such waters, and may prescribe penalties for the violation of such rules and ordinances as it may adopt for that purpose; *provided*, that said board shall not prohibit the use of sail or row boats on such waters.

SEC. 11. *Lands Acquired subject to Lien for Bonds Issued.* The lands which may be designated and obtained under the provision of this act, shall remain forever for parks and park-ways for the use of all the inhabitants of the said city, subject to such rules and regulations as the board of park commissioners shall prescribe, said parks being subject to the lien of the bonds which may be issued for their purchase, provided that land purchased shall be first subject to the unpaid purchase price; which lien, in case of non-payment of said bonds at the maturity thereof, may be enforced by sales pursuant to any decree of a court of competent jurisdiction.

SEC. 12. *Sale of Lands not Available for Park Purposes.* Whenever the title to any piece or parcel of real estate that has, or may hereafter be, acquired under the provisions of this act, either by purchase or condemnation and the proceedings for the establishment of a particular park or park-way, of which said piece of land, or parcel of land, was designated to form a part, has been, or may hereafter be, abandoned by said board, as by this act authorized, in consequence of which abandonment said piece or parcel of land has or may become unavailable as a park of said park system, such lands may be sold and conveyed by deed executed in the name of said city by the president and secretary of said board, at such price and upon such terms as said board may direct or approve. No such sale shall be valid, however, unless authorized by the district court of Hennepin county by its order describing the premises to be sold and entered upon the petition of such board, after hearing of all interested parties, upon such notice by publication or otherwise, as such court may prescribe.

And such district court is hereby empowered to make and enforce all such orders, judgments and decrees as it may deem proper in the premises; and such conveyance so authorized and executed shall vest in the grantee all right, title and interest of the city of Minneapolis in such lands acquired by such condemnation or purchase.

SEC. 13. *Police and Police Regulations.* Said board shall have the power to adopt rules and ordinances to secure the quiet, orderly and suitable use and enjoyment of said parks and park-ways by the people, and to fix and ordain penalties for the violation thereof; which ordinances shall take effect from and after the publication thereof in the official newspaper of said city, and the same shall be enforced by prosecution in the municipal court of said city, as in the case of other ordinances of said city. The clerk of the municipal court of said city of Minneapolis shall receive all fines and penalties imposed by the said municipal court for the violation of park ordinances, and shall keep full, accurate and detailed account of the same; and shall, on the first Monday of every month deliver over to the city treasurer of the city of Minneapolis all moneys so received; which moneys so received when so paid to the said city treasurer shall become a part of the park fund of said city.

The city attorney of the city of Minneapolis shall have charge of all prosecutions, and shall prosecute all violations of park ordinances before the municipal court of said city of Minneapolis.

The mayor of the city of Minneapolis shall, upon request of the board of park commissioners, appoint as policemen such persons as such board may request; and which policemen shall be under the control and direction of said board, and may be discharged by said board, and said board shall provide for the payment of such policemen out of the park funds.

All policemen so appointed shall possess all the common law and statutory powers of constables; and any warrant for search or arrest issued by any magistrate or court of record in Hennepin county, may be executed in any part of said county by any member of said police force.

SEC. 14. *Acquisition, Improvement and Government of Parkways*—The said board of park commissioners shall have and exercise all such powers and jurisdiction over and in relation to parkways as now is, or hereafter may be, conferred upon the city council in respect to the laying out, opening, widening and improving, vacating and discontinuance of streets; the grading, paving and curbing thereof; the construction of sidewalks, and the cost thereof may be levied upon and collected from the property specially benefited thereby, and the proceedings for condemning land and for assessing benefits for improvements shall be conducted in the manner hereinbefore in this act provided.

The city council of said city of Minneapolis shall have the same power and jurisdiction in respect to laying water mains and sewers along parkways in the said city, as it now has in respect to laying the same along the public streets; and the same proceedings for levying and collecting special assessments for water mains and sewers along such streets shall apply to levying and collecting the same for water mains laid along the parkways.

All parkways which have been or which may be acquired in or adjacent to the city of Minneapolis, shall be subject to the control and government of the board of park commissioners of said city, in respect to the construction, maintenance, regulation and government thereof; and to the use, travel and traffic over and upon the same. *Provided*, that no street, alley or public place, or any part thereof, shall be taken for a parkway without the consent of the city council of said city.

The said board of park commissioners may acquire by gift, lands without the corporate limits of said city for the purpose of continuing or completing any system of parkways within said limits; and shall possess the same powers and jurisdiction over said parkways as if they were wholly within the city limits.

SEC. 12. *Appointment of City Forester, etc.* The board of park commissioners of the city of Minneapolis shall hereafter have the authority to direct and regulate the planting and preservation of shade and ornamental trees and shrubbery, in the streets, alleys and public grounds of said city; and to appoint, upon the recommendation of its president, a city forester, whose general duties it shall be to inspect, and in his discretion, condemn and destroy any trees or shrubs offered for sale in said city; if so ordered by said park board. To superintend and regulate the planting and culture of the same in said streets, alleys and public grounds, and to perform such other similar duties as said board may by ordinance prescribe.

Said board is also authorized to enact such ordinance or ordinances as it may deem proper to carry out the purposes of this act, and shall provide for the proper compensation of such city forester, to be paid out of the park funds.

No shade or ornamental trees or shrubbery growing in the streets, alleys and public grounds of said city, shall be destroyed or removed except by leave in writing first obtained from the president of said board of park commissioners; the same to be duly countersigned and recorded by the secretary of said board.

And the said board of park commissioners may, by proper ordinances provide for the enforcement of this section, fix penalties for the violation thereof; and the municipal court of said city shall have jurisdiction of all offenses against such ordinances.

SEC. 16. *Planting Shade Trees and Assessing Benefits.* Said board of park commissioners may in its discretion cause suitable shade trees to be planted along, and upon any street or alley, or any portion thereof, and upon any public grounds in said city; and may cause to be assessed upon the piece or parcels of land abutting and upon such street, alley or public ground, and benefited by such improvement, the cost of purchasing and planting such trees, together with such sum as may be deemed necessary for the proper care of said trees for the period of three (3) years after such planting.

The sum so assessed shall not be greater than fifty (.50) cents per front foot upon any piece or parcel; and any trees that may die within three years after having been planted by said board of park commissioners, shall be replaced by said board without additional assessment.

The said board shall, by resolution, direct the amount to be assessed

against each piece or parcel of land; and its assessment shall be deemed to include all pieces or parcels benefited, and the secretary of said board shall, on or before the first (1st) day of October, of each year, transmit to the county auditor of Hennepin county a certified copy of all such resolutions not previously certified to said county auditor.

And the said county auditor shall extend the assessments in proper columns against the pieces or parcels assessed; and such assessment shall be collected and the payment thereof enforced with, and in 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 the city of Minneapolis and be placed by him in the park fund.

SEC. 17. No law of the state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SEC. 18. *Pending proceedings how completed.* Nothing in this act shall be deemed to impair, invalidate, or in any way affect any actions or proceedings of the board of park commissioners of said city as the same has heretofore existed; *provided*, that in all matters where the provisions of this act can so apply without injury to the interests of said city, the same shall apply as to unfinished proceedings.

SEC. 19. *Public Acts.* This act shall be a public act, and need not be pleaded or proved in any case.

SEC. 20. *Inconsistent acts repealed.* All acts and parts of acts, whether in the charter of the city of Minneapolis or elsewhere, inconsistent with any provisions of this act, are hereby repealed.

SEC. 21. This act shall take effect and be in force from and after its passage.

Approved March 11, 1889.

CHAPTER 31.

[H. F. No. 455.]

AN ACT TO AMEND CHAPTER TWO (2) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN (1877), ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF PRINCETON, IN THE COUNTY OF MILLE LACS."

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

SECTION 1. That chapter two (2) of the special laws of one thousand eight hundred and seventy-seven (1877) be and the same is hereby amended to read as follows:

"Section 1. That the following described territory in the county of Mille Lacs, to-wit: All of section twenty-eight (28), the east half of section twenty-nine (29), the east half of section thirty-two (32), and