

Knute Neste shall be mayor; Arthur W. Winter, Ole Nelson and Ole Hartwick shall be aldermen; J. A. Lewis shall be recorder; Ole Hartwick and Charles L. Rice shall be city justices; James H. Lee and E. A. Dresser shall be city constables and John G. Dodsworth shall be treasurer.

SEC. 42. This act is a public act and need not be pleaded or proved in any court; but all courts shall take judicial notice thereof.

SEC. 43. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 44. This act shall take effect and be in force from and after its passage and approval.

Approved April 24, 1889.

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## CHAPTER 37.

[H. F. No. 589.]

AN ACT TO AMEND SECTION ELEVEN (11) OF CHAPTER FOUR (4) OF THE CHARTER OF THE CITY OF SAINT PAUL IN REFERENCE TO RIGHT OF WAY OVER STREET TO RAILROADS.

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

SECTION 1. That section eleven (11) of chapter fourteen (14) of the charter of the city of Saint Paul as compiled in the year 1884, be amended so as to read as follows:

“Section 1. The common council shall have power and authority by vote of three-fourths ( $\frac{3}{4}$ ) of all the members elect of said council to grant the right of way upon, over and through any of the public streets, highways, alleys, public grounds or levees of said city, to any steam railway or horse railway company or corporation, upon such limitations and conditions as they may prescribe by ordinance, and no individual company or corporation heretofore or hereafter organized shall construct, maintain or operate upon any street not now so occupied, any such railway until an ordinance shall have been hereafter duly passed by said council by such vote allowing the same; *provided*, that said council shall have no authority to grant to any company or corporation or private individual, the right to construct or operate any steam, or dummy, or elevated railroad of any description on any street, avenue or alley of said city, except upon the petition of the owners of more than one-half of the property fronting on the line of such proposed road, and when such proposed line is more than one (1) mile in length, no petition of land owners shall be valid unless the ordinance shall receive the affirmative vote of five-sixths ( $\frac{5}{6}$ ) of all the members elect of said council on such petition; *provided, however*, that nothing herein contained requiring consent of property owners shall be held to apply to any railroad running cars upon the surface of the street or alleys and not using steam as a motive power upon the train, or where the motor unites steam and

smoke only in a noiseless manner, and to a scarcely perceptible degree."

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved April 24, 1889.

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## CHAPTER 38.

[H. F. No. 586.]

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF NEW PRAGUE, APPROVED MARCH FIRST (1ST), A. D., EIGHTEEN HUNDRED AND EIGHTY-SEVEN, (1887.)

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

SECTION 1. That section one (1) of said act be amended so as to read as follows:

Section 1. That the south half ( $\frac{1}{2}$ ) of the south-east quarter ( $\frac{1}{4}$ ) and the south half ( $\frac{1}{2}$ ) of the south-west quarter ( $\frac{1}{4}$ ) of section thirty-four (34), in township one hundred and thirteen (113) north, of range twenty-three (23) west, and the north half ( $\frac{1}{2}$ ) of the north-east quarter ( $\frac{1}{4}$ ), and north half of north-west quarter ( $\frac{1}{4}$ ) of section three (3), in township one hundred and twelve (112) north, of range twenty-three (23) west, and the north half ( $\frac{1}{2}$ ) of the south half ( $\frac{1}{2}$ ) of section thirty-four (34) in township one hundred and thirteen (113) north, of range twenty-three (23) west, and the east ten (10) rods of the south half ( $\frac{1}{2}$ ) of the south-east quarter ( $\frac{1}{4}$ ) of section thirty-three (33) in township one hundred and thirteen (113), range twenty-three (23) west, and the south half ( $\frac{1}{2}$ ) of the north half ( $\frac{1}{2}$ ) of section three (3) in township one hundred and twelve (112) north of range twenty-three (23) west, save and except the east ten (10) acres of said south half ( $\frac{1}{2}$ ) last aforesaid, being in the counties of Scott and Le Sueur and state of Minnesota, is hereby set apart and included in the corporate limits and made a part of the village of New Prague, in said counties and state, with all the rights, privileges and immunities of said village as incorporated.

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

Approved March 1, 1889.