

the auditor of said Sherburne county on or before the second (2nd) Monday of August in the year for which the assessment is made.

SEC. 6. The common council of said city shall cause to be transmitted to the auditor of said Sherburne county on or before the first (1st) day of August of each year a statement of the rate of tax levied upon the property in said ward for municipal purposes, which shall be the same rate levied for the same purposes upon the property in said city, except as said rate shall be affected by the provisions of section three (3) of this act, and said taxes shall be collected and payment thereof be enforced by the proper authorities of said Sherburne county at the time and in the manner that state and county taxes in said county are collected and enforced, and the treasurer of said county shall pay to the city treasurer of said city all such taxes so collected. *Provided, however,* that the county officers of said county shall receive the same compensation for all moneys arising from said taxation in said territory collected and disbursed by them, as they receive in collecting and disbursing the county funds in said county.

SEC. 7. The clerk of the board of education of the Saint Cloud school district of said city, shall, on or before the first (1st) day of September of each and every year, certify in due form to the county auditor of said Sherburne county, a statement of the rate of taxes levied in said district for school purposes, and said officers shall extend the same on the proper tax duplicates, for collection at the time and in the manner that other taxes are collected, and when so collected, the treasurer of said Sherburne county shall pay the same to the treasurer of said school district.

SEC. 8. This act shall take effect and be in force from and after March fifteenth (15th), eighteen hundred and eighty-nine (1889).

Approved March 8, 1889.

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## CHAPTER 401.

[H. F. No. 681.]

AN ACT PROVIDING FOR A SYSTEM OF PUBLIC GROUNDS FOR THE CITY OF DULUTH.

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

SECTION 1. That the mayor of the city of Duluth, *ex-officio*, and the following named persons, to-wit: John H. Upham, David A. Duncan, John Flynn, Roger S. Munger, and their successors, are hereby constituted a body corporate with perpetual succession to be known and designated as the Board of Park Commissioners of the city of Duluth; and in the event of the failure of any person or per-

sons above named to qualify as herein provided, within thirty (30) days after the passage of this act, the place of such person or persons in said board shall be thereby vacated and the vacancy shall be filled as hereinafter provided.

SEC. 2. The mayor of the city of Duluth shall be a member, *ex-officio*, of said board, and the judge of the district court of the county of Saint Louis residing in or nearest to the city of Duluth, or in case there are two (2) or more judges of said court residing in said city, the senior judge thereof, in office, shall, during the month of January of each year after the year one thousand eight hundred and eighty-nine (1889), appoint a freeholder and qualified voter of said city to act as a member of the board for a term of four (4) years from the first (1st) day of February following, or until his successor has qualified, and upon notice by the board of any vacancies, the said judge shall, in like manner, fill the place or places made vacant.

SEC. 3. The members of said board shall each, before entering upon the duties of office, make official oath or affirmation in writing, and shall give bond to the city of Duluth in the penal sum of five thousand (5,000) dollars, with two (2) or more sureties, to be approved by the judge of the district court for the county of Saint Louis, conditioned for the faithful discharge of their official duties; and said oath or affirmation together with the said bond shall be filed with the city clerk.

SEC. 4. As soon as convenient after the said commissioners have qualified as aforesaid, they shall decide by lot at a meeting called by any two (2) of them, as to the term of office of each member of the board; the respective terms, except that that of the mayor, being from one (1) to four (4) years from the first (1st) day of February, one thousand eight hundred and eighty-nine (1889), and until their successors respectively are appointed and qualify. They shall organize by the appointment of one of their number as president, and one as vice-president, and shall appoint a secretary who shall keep a complete record of all the proceedings of the board, which shall be open to the public. All officers and employees appointed by the board shall be subject to removal at the pleasure of the board.

The board shall adopt a seal and use the same on all official papers; it shall make rules to govern its proceedings, and shall have an office in some convenient place, to be provided by the common council of the city. A majority of the board shall constitute a quorum, but no action of the board designating, purchasing, or leasing lands, or directing the issue of bonds, shall be valid unless voted for by four (4) members. The members of the board shall receive no compensation for their services, but may receive such sums for actual and necessary expenses incurred in the performance of their official duties, as may be audited and allowed by the board.

SEC. 5. The board shall have power, and it shall be its duty, to plan, adopt and establish a system of public parks and parkways for the city of Duluth; to designate the grounds to be appropriated, acquired and improved and used for such purposes; to cause the same to be surveyed, and platted, and acquired for the city of Duluth, in the manner hereinafter prescribed, and upon obtaining title and the right of possession to the same or any part thereof for said city, to take

possession thereof, and exercise exclusive authority for the supervision and government of the same, according to such ordinances and rules and regulations as the board may adopt, and, for the purposes aforesaid, is authorized to appoint engineers, surveyors and other assistants and employees, and to fix their compensation.

SEC. 6. The board shall have the power, and it is hereby authorized to acquire for and in the name of the city of Duluth, any lands designated by it, within or without the corporate limits of said city, for the purposes of this act, by gift, purchase, lease, demise or otherwise, and shall have the power to accept and receive donations of money and property of whatsoever description, for the use of said city for the purposes contemplated in this act, and to levy special assessments on all property within or in the vicinity of the city of Duluth, by the board deemed benefited by the purchase, opening or improving of such parks or parkways; *Provided*, that in any case of purchase of land by the board, upon consent of the owner or owners thereof it shall be competent for the board to agree with the vendor or vendors of said land so purchased, upon a price thereof including exemption from assessment for the incidental benefits to adjacent or contiguous lands owned by such vendor or vendors; and in that case, such remaining lands shall be free from any liability to assessment or contribution for such benefit incidental to or resulting from said purchase or any other purchase for said system of parks and parkways, due record being made in all such cases by the board, specifying the lands to be so exempted; which record shall be filed in the office of the board, and may be recorded in the office of the register of deeds of Saint Louis county.

SEC. 7. The board shall have power and it is hereby authorized to condemn, for the use of said city, any land or any interest therein which may have been by the board designated as a part of said system, and when said condemnation shall have been completed and the land thereby acquired, paid for as herein provided, the title to such land shall pass to and be vested in fee in the said city. For the purpose of such condemnation the board shall proceed in the following manner:

Notice shall be given by publication daily for at least four consecutive weeks in the official newspaper of said city, that the board has determined to acquire such land for park and parkway purposes, describing the same by general description of the area proposed to be taken, and on a certain day, naming it, will apply to the district court for the county of Saint Louis at a time and place to be therein specified, for the appointment of three (3) appraisers to ascertain the just compensation to be made for the same. At the time and place designated in said notice the board shall, upon a copy of the resolution of the board for such condemnation, certified by the secretary of the board, and proof of notice as aforesaid filed with the clerk of said court, apply as aforesaid for the appointment of said appraisers, and said court shall thereupon hear said application and determine the same. All interested parties may appear in such proceedings, and upon serving notice of appearance upon the board, shall be entitled to notice of all subsequent action in said condemnation proceedings.

Said appraisers shall be freeholders and residents of said city, and

shall be notified as soon as practicable by the secretary of said board to attend, at a time and place to be stated in said notice, for the purposes of qualifying and entering upon their duties, and in case any such appraiser refuses to attend as aforesaid, he shall, except as hereinafter provided, forfeit and pay a fine to said city not exceeding fifty (50) dollars, and shall be liable to prosecution therefor before the municipal court of said city as in case of fines imposed for the violation of an ordinance of said city, *provided*, that any person so appointed may be excused by said court from serving as such appraiser, and if a person so appointed shall be disqualified or die or be excused by the court from serving, the court, upon application of the board, may appoint another appraiser in his place. The appraisers, before entering upon their duties, shall make oath or affirmation that they will faithfully perform their duties and will ascertain and report the just compensation to be made for the property to be acquired. They shall appoint a time and place for hearing and give ten (10) days notice thereof by publication in the official newspaper of the city. They shall view said property and hear all legal evidence offered by the board or any person interested in the property, and shall ascertain and appraise the value of the land to be acquired and the amount of the benefit or damage to the owner or owners thereof with respect to adjacent or contiguous property, incident to or resulting from such acquisition for the purposes intended.

The value of the land to be acquired and the benefit or damage as aforesaid, if any, shall be assessed in separate sums, and if the damages shall be greater than the amount of such value and such benefit, a balance shall be struck and the difference only shall be payable.

If there shall be any building standing in whole or in part upon the land to be acquired, the said appraisers shall in such case determine the amount of damage which shall 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 determine the amount of damages to be paid such owner or owners in case he or they should elect to remove such building, and the damages with respect to such building, shall be appraised separately from the damages with respect to the land upon which such building is erected. If the land and building belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate therein less than an estate in fee, the 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 as hereinafter specified, shall be deemed to require payment 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.

The said appraisers shall within sixty (60) days after qualifying or within such further time as the court may grant, make a report in writing and under oath to said court which report shall be filed with the clerk of said court.

In making said report the value and damages allowed to each owner and the benefit or damage assessed shall be separately stated and also a statement of the costs of proceedings. Upon the filing of such re-

report the district court shall give at least ten (10) days' notice by at least three (3) publications in the official newspaper of the city, to the effect that said appraisalment has been returned, and that the same will be confirmed by said court at a time and place mentioned in said notice, unless objections are made in writing by persons interested in the property to be taken, or any part thereof. At such time and place the court shall review the report. Exceptions thereto may be made either by the board or any party or parties interested; and must be in writing; and the court shall have power to revise, correct, amend or confirm said appraisalment in whole or in part, or may order a new appraisalment and the same revise and confirm upon like notice.

The board shall have the right at any time before the final confirmation of said report to dismiss and withdraw said proceedings upon payment of the costs thereof. When the said court shall make an order confirming the appraisal, such order shall be attached to or endorsed upon said appraisalment roll, and said appraisalment roll, and all things contained therein shall be deemed "res adjudicata;" no appeal shall be allowed from said order, and the same with evidence of payment of damages as therein awarded shall constitute complete justification of the taking of the property condemned. Within three (3) months' after the confirmation of the report of the appraisers, the said board shall make to the person or persons to whom the compensation shall have been awarded, the compensation allowed and adjudged as aforesaid. In case any such person or persons refuse the same, or if the owner of the property be unknown, or incapacitated, or the ownership thereof be doubtful, the board shall pay the amount of such compensation into the court, in which said proceedings were had, with a statement of the facts and circumstances of the case, and the court shall have the power to order the investment of such money, and may order proceedings to ascertain who is entitled to it or any part of it and to order payment accordingly.

In case any owner or owners of any building as aforesaid shall have elected in manner as aforesaid to remove the same, such removal shall be made within thirty (30) days from the confirmation of said report, or within such further time as the board may allow for the purpose; and the owner or owners thereof shall thenceforth be entitled to payment of the amount of damages awarded in such case. In case of removal, when such owner or owners shall not have elected to remove such buildings, or shall have neglected, after having elected, to remove the same within the time prescribed, such building or so much thereof as may be necessary, upon payment or deposit of the amount of damages awarded for such taking, in manner aforesaid, may be taken and appropriated, sold or disposed of as the board shall direct, and the proceeds received therefor, if sale or other disposal is made thereof, shall be placed in the park fund.

As soon as said proceedings for acquiring title to such land shall have been completed, it shall be the duty of the board to cause to be made an accurate description of such land as shall have been so acquired, with the statement of the amount of damages, if any, awarded and paid to each former owner for the land so acquired, which shall

be certified by the president of said board under the official seal thereof, attested by the secretary, and filed for record in the office of the Register of deeds of said county of Saint Louis; and it is hereby made the duty of said register of deeds to record the same in the records of the transfer of real estate in said county, which record shall be prima facie evidence of the title of the city of Duluth to said land. It shall also be the duty of the board to file with said register of deeds plats of all such lands as may have been acquired pursuant to the provisions of this act, which shall be kept on file and recorded in the office of said register of deeds in like manner as plats of divisions of the city of Duluth.

SEC. 8. Immediately upon the acquisition of title to any land by the city of Duluth for park or parkway purposes, the board shall proceed to cause the property, if any, specifically benefited by such appropriation, to be assessed for such benefit.

If the land shall have been acquired otherwise than by condemnation, the board shall apply to the district court aforesaid, for the appointment of three (3) assessors for such assessment. Notice of the application shall be given by publication once in each week for two (2) weeks in the official newspaper of the city, stating the time and place when the same will be made, and thereafter, such further proceedings shall be had in said court upon said application as are herein above prescribed with respect to the application by the board for the appointment of appraisers in said proceedings for condemnation.

If the land acquired shall have been acquired by condemnation, the board shall notify the appraisers appointed in the proceedings therefor that title to the same has been perfected and said appraisers shall thereupon act as such assessors.

Said assessors shall assess upon the lots or parcels of land they may deem to be specially benefited beyond the general benefits by such appropriation, the amount of such special benefit. *Provided*, that the amount of land so assessed shall not exceed the cost of the land acquired, if the same has been acquired for a valuable consideration, and shall not exceed the value thereof, if the same shall be ascertained and determined by the appraisalment of said assessors, if the land has been acquired without cost to the city, and that in their determination as to the lots or parcels of land specially benefited they shall include all land so benefited, except such land as may be exempt under the provisions of sections six (6) and seven (7) of this act. The said assessors, before making such assessment, shall give ten (10) days notice by publication, by at least four insertions in the official newspaper of the city, of the time and place of meeting for the purpose of said assessment. All persons interested may appear before said assessors and be heard touching any matter connected therewith, and when completed the assessment roll shall be signed by the assessors, or by a majority concurring therein, and shall be reported to said court and shall be filed in the office of the clerk of said court.

The said assessment for benefits shall be heard and acted upon in like manner as is prescribed in this act for the confirmation of the appraisalment in said proceedings for condemnation of land, and when the court shall make an order confirming said assessment of benefits, such order shall be attached to or endorsed upon said assessment roll,

and the said assessment roll and all things contained therein shall be deemed "*res adjudicata*", and no appeal shall be allowed from said order. Upon confirmation of such report, the board shall cause a copy of said roll as confirmed, to be filed in the office of the auditor of Saint Louis county, and such assessments as are therein confirmed shall thereupon become and be a lien upon the several lots or parcels of land so assessed for benefits, as aforesaid, and twenty-five (25) per cent. of the amount thereof shall be due and payable annually thereafter. The auditor of Saint Louis county shall accordingly include in the general tax list for the state, county and city taxes, twenty-five (25) per cent. of said assessments for each year until the same are fully paid, setting opposite the several tracts or parcels of land as assessed the amount of such assessment in an appropriate column to be headed "*Park Assessment*", and like proceedings in all respects shall be had for enforcing the collection of the same as are now prescribed by law for the collection of state, county and city taxes.

In case any of the lots or parcels of land which have been assessed for benefits, as aforesaid, have been or shall hereafter be replatted or otherwise subdivided, the county auditor of said Saint Louis county is hereby authorized to and he shall apportion the amount assessed thereon to the several lots 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 said benefit tax. 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 or parcels of land so assessed, with a statement of the amounts assessed thereon, respectively, and all payments made on account of such assessments, together with such other facts in relation thereto as he may deem advisable.

The owner of any tract or parcel of land assessed as aforesaid may, at any time, make payment to the county treasurer of such sum as being out at simple interest at four (4) 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, and it shall be the duty of the county treasurer to report said payment to the county auditor who shall thereupon cancel the assessment against said land and the said land shall thenceforth be free from the lien of the assessment so paid and discharged.

SEC. 9. The board shall have authority at any time to determine with respect to any real estate in the vicinity of any improvement of any park or parkway whether the same receives special benefit therefrom beyond the general benefit to all real estate in the city; and upon such determination on completion of the work shall report the location, kind and cost of said improvement to the board of public works of said city, and it shall be the duty of the board of public works to assess upon the property benefited as aforesaid one-half ( $\frac{1}{2}$ ) the amount which the board of park commissioners shall adjudge to be the whole benefit received. In case of sanitary sewers the whole cost may be so assessed and such assessment shall be a lien upon the property assessed and shall be levied and collected in the same manner as local assessments, and when collected shall be paid into the park fund.

SEC. 10. All funds received from the special assessments for benefits herein authorized shall be expended only in the improvement of the parks and parkways for which the assessment is made, and the lands which may be designated and obtained under the provisions of this act shall remain forever for parks and parkways for the use of the inhabitants of said city, subject to such regulations as the board of park commissioners may prescribe, and subject to the lien of the bonds which may be issued for their purchase, which said lien in case of the non-payment of said bonds at the maturity thereof, or of the interest thereon may be enforced by sale pursuant to decree rendered by any court of competent jurisdiction therefor.

SEC. 11. The board shall also have authority to issue bonds in the manner hereinafter prescribed upon the approval of a majority of the voters entitled to vote.

There shall be a special election held in the city of Duluth, not less than thirty (30) days after the approval of this act for the determination of the question of borrowing money upon the obligation of the city of Duluth for the purpose of acquiring lands under the provisions of this act.

The mayor of the city of Duluth shall designate the time for holding said election and shall give at least twenty (20) days notice thereof by at least five (5) publications in the official newspaper of the city of Duluth. Said election shall be conducted under the provisions of the law governing municipal elections in the city of Duluth.

The ballots for said election shall read "For park bonds," or "Against park bonds," and if the majority of the votes cast at such election shall be "For park bonds," then the board of park commissioners shall have authority to borrow from time to time, as shall be determined by said board, for a period of time not to exceed fifty (50) years, a sum of money, the annual interest upon which for the entire amount so borrowed shall not exceed twelve thousand five hundred dollars (\$12,500), and for this purpose shall have authority to issue bonds of the city of Duluth to be denominated "park bonds" secured upon said parks and parkways and the improvements thereon, which bonds shall be issued under the seal of said board of park commissioners, and shall be signed by the president and attested by the secretary of said board, and countersigned by the comptroller of the city of Duluth. *Provided*, that in no case shall said bonds be issued to such an amount that the entire bonded debt of the city of Duluth shall exceed the limits fixed by law. The proceeds of the sale of said bonds shall be used exclusively for the purchase of lands as provided for in this act, and for the necessary expense incurred in purchasing the same. It shall be the duty of the board and of the city comptroller to keep an accurate register of all said bonds issued, showing the amount, date and number of each bond; and said bonds shall be a first lien on all parks and parkways purchased pursuant to the authority in this act conferred, and the improvements thereon, for the payment of the principal and interest of said bonds, and all the property included in such lien shall be irrevocably held therefor, and the city of Duluth shall be irrevocably bound thereon.

Said bonds may be sold by said board of park commissioners, upon such terms and for such prices as in the discretion of the board may



be deemed the best which can be obtained for the same; *provided*, that the proceeds realized therefor shall be equal to or exceed a sum five per cent. of which shall be equal to or exceed the amount of interest payable annually on the bonds so sold.

SEC. 12. If any land for parks or parkways is determined upon, and the title obtained therefor, under the provisions of this act during the year eighteen hundred and eighty-nine (1889), the board shall have the power to borrow a sum of money not exceeding five thousand dollars (\$5,000) for a term not exceeding two (2) years, in anticipation of moneys to be received from special assessments and taxes, as provided in this act, for the purpose of improving the same.

SEC. 13. The board shall annually, on or before the first (1st) day of October in each year, transmit to the auditor of Saint Louis county, an estimate in writing of the amount of money necessary for the payment of interest on all the bonds issued by said board, and for the government, maintenance and improvement of said parks and parkways during the succeeding year, which amount shall not exceed the sum raised by a tax of one (1) mill upon each dollar of valuation of taxable property of said city, and the said auditor shall proceed to determine the rate per cent. of said sum on the aggregate value of the taxable property of said city, according to the last preceding assessor's return, and shall in the next general tax list for the collection of state, county and city taxes in said city, set down in a separate appropriate column, the amount chargeable to the several persons, corporations, and lots or parcels of lands therein listed; and the proper officers shall proceed to collect the same, in the manner now provided by law for the collection of state, county and city taxes; and all the provisions of law in respect to the collection of state, county and city taxes, and all proceedings to enforce the same, as far as applicable, shall apply to said assessments and taxes in this act prescribed.

All money collected by the county treasurer for the purposes of this act shall be deposited with the city treasurer by the county treasurer during the first week of February and July of each year. The proceeds of all sales of bonds as aforesaid by the board of park commissioners shall also be deposited by said board with the city treasurer and all said funds shall be placed by the city treasurer to the credit of said board of park commissioners, and shall be drawn by said board from the city treasurer by warrants signed by the president of the board, attested by the secretary, and countersigned by the city comptroller, and in no other way, and shall constitute a special fund to be denominated the "city park fund."

SEC. 14. Said board of park commissioners shall annually in the month of January, make to the common council of the city of Duluth, a full printed report of its doings for the preceding year, including a detailed statement of all receipts and expenditures.

SEC. 15. The common council of the city of Duluth may, by a vote of three-fourths ( $\frac{3}{4}$ ) of all the members elect thereof, place any street or avenue or part thereof under the control of said board to be used as a parkway, and after said street or avenue or part thereof has been accepted by the board, all the provisions of this act shall take effect and be in full force with respect to the same.

SEC. 16. The board shall have power to adopt regulations to se-

cure the quiet, orderly and suitable use and enjoyment of said parks and parkways, and to fix and enforce fines and penalties for the violation thereof, which said regulations 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 ordinances of said city.

SEC. 17. It shall be lawful for said board to vacate any and all streets, avenues, alleys, roads and thoroughfares which pass through, divide or separate any lands selected or appropriated by said board for the purposes of this act, excepting railroads for commercial purposes and all streets at the present time graded. No road or railroad of any kind shall ever be laid out or located through or over said parks or parkways or any of them, except upon the consent of said board thereto; *provided*, that the board shall designate the location of such streets and avenues to cross said parks and parkways as may be necessary to accommodate travel from one part of the city to another; the profile and plan of all such streets and avenues so designated being submitted to the board, and being subject to the approval thereof, before work is commenced thereon.

SEC. 18. No telegraph, telephone or electric light wire, or other wires, or the posts or supports therefor, shall be erected in or placed on, through or over said parks or parkways without the consent of said board, and the same shall at all times be subject to such conditions as said board may require, and no trench for sewage or gas or water pipes shall be opened in any of said parks or parkways until the plan of said work shall be filed with the board of park commissioners, and the same shall be subject to the approval of said board before work is commenced.

SEC. 19. The board of park commissioners shall have authority to direct, regulate and control the planting and preservation of shade and ornamental trees and shrubbery in the streets, avenues, alleys and other public grounds of said city, and to appoint a city forester whose duties shall be defined by the board.

SEC. 20. It shall be unlawful for any municipal, town or county authority, or any officer thereof, to license or permit any one to sell intoxicating liquors within four hundred (400) feet of any park or parkway that may come under the provisions of this act; and it shall be unlawful for any one to keep or offer for sale any intoxicating liquor within the limits above described, and if any person or persons shall violate, in any manner, the provisions of this section, he or they shall, upon conviction thereof in any court having competent jurisdiction, forfeit and pay for each and every such offence a fine of not less than twenty-five (25) dollars or more than one hundred (100) dollars, and upon default of payment of such fine shall be imprisoned for a term not exceeding sixty (60) days or until such fine is paid.

SEC. 21. No member of said board or employe thereof shall be interested in any contract made by or under the authority of said board or in any land to be acquired under this act; *Provided*, that if any commissioner shall be the owner of or shall be interested in any lot, tract or parcel of land which may be designated for the uses of this act he shall be entitled to receive compensation therefor as provided

herein, but he shall not act officially in respect thereto, or in any matter for determination by said board in which he may be pecuniarily interested.

SEC. 22. Any member of said board may be removed from office by the district court of Saint Louis county, after trial and conviction, upon the petition, with sworn charges, presented by not less than ten (10) reputable freeholders of said city, and the vacancy thus created shall be filled as hereinbefore prescribed.

The office of any member of the board who shall, without permission of the board, be absent from the meetings of the board for two successive months, after having been duly notified of said meetings by the secretary of the board, may by said board be declared vacant, and thereupon shall become vacant.

SEC. 23. The board shall have the same power over the parks and squares now in existence in the city of Duluth as is conferred with respect to parks and parkways in this act.

SEC. 24. All acts and parts of acts, whether in the charter of the city of Duluth or elsewhere, inconsistent with the provisions of this act, are hereby repealed.

SEC. 25. This act shall take effect and be in force from and after its passage.

Approved March 25, 1889.

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## CHAPTER 402.

[H. P. No. 895.]

AN ACT FIXING THE TIME OF HOLDING THE ANNUAL MEETING OF THE AUSTIN FARMERS' FIRE AND STORM MUTUAL INSURANCE COMPANY.

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

SECTION 1. That "The Austin Farmers' Fire and Storm Mutual Insurance Company," is hereby authorized to hold their annual meeting on the third Tuesday of May in each year.

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

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

Approved March 11, 1889.