

CHAPTER 48.

[S. F. No. 296.]

AN ACT TO AMEND CHAPTER FIVE (5) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-THREE (1873,) RELATING TO THE CHARTER OF THE VILLAGE OF WORTHINGTON.

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

SECTION 1. Section two (2) of chapter five (5) of the special laws of 1873, is hereby amended where it reads "and the polls of said election shall be opened and kept open from one (1) o'clock to four (4) o'clock in the afternoon," so that it shall read, and the polls of said election shall be opened at nine (9) o'clock in the forenoon and kept open until four (4) o'clock in the afternoon.

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

Approved March 7, 1889.

CHAPTER 49.

[H. F. No. 425.]

AN ACT TO AMEND AN ACT TO AMEND CHAPTERS SIX (6) AND SEVEN (7) OF AN ACT ENTITLED "AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF SAINT PAUL IN THE COUNTY OF RAMSEY, AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF AND CERTAIN OTHER ACTS RELATING TO SAID CITY INTO ONE (1) ACT, APPROVED MARCH THE FIFTH (5TH), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR (1874), AND THE SEVERAL ACTS AMENDATORY THEREOF, APPROVED MARCH FIRST (1ST), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN, (1887).

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

SECTION 1. That section five (5) of title one (1) of chapter seven (7) of an act to amend chapters six (6) and seven (7) of an act entitled "an act to reduce the law incorporating the city of Saint Paul in the county of Ramsey, and State of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one (1) act, approved March the fifth (5th), one thousand eight hundred and seventy-four (1874), and the several acts amendatory thereof," approved March first (1st) one thousand eight hundred and eight-seven (1887,) is hereby amended so as to read as follows:

Section 5. All applications or propositions for any improvement

mentioned in section two (2) of this chapter, except public parks and parkways, shall be made to emanate from the common council of said city, and shall, except in the case of sidewalks and street sprinkling be first referred to the board of public works by the said common council; *provided*, that any such application made to the said council shall be in writing and that said council shall not be required to proceed further with any such application by a reference to the board of public works or otherwise, unless said council is satisfied that a majority of the property owners who would probably be assessed for the expenses of any such improvement have subscribed to such application. Upon such reference said board shall then proceed to investigate the same, and if they shall determine that such improvement is necessary and proper, they shall report the same to the common council, accompanied with an estimate of the expense thereof and the proper order directing the work. *Provided, further*, that it shall not be competent for said common council to order any improvement made against the unanimous report of all the members of said board, when the board have assigned as a reason for their adverse report that property cannot be found benefited to the extent of damages, costs and expenses to be incurred thereby. In case the said board shall report in favor of said improvement or some part thereof or a modification of said improvement, the common council may in their discretion, unless otherwise provided for in this chapter order the doing of such work, or the making of said public improvement, and in all cases the common council, after having obtained from said board of public works an estimate of the expense, may make such modifications of the proposed plan as may be petitioned for by any of the owners of the property to be assessed, or as the council may think proper. *Provided further*, that such a modification shall not materially change the character and object of the improvement as reported by said board, or materially increase the expense thereof. *And provided further*, that the council shall in no case order the doing of any such work, or the making of any such improvement unless in their opinion real estate to be assessed for such work or improvement can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby. Two (2) or more improvements upon one (1) or more streets, either grading, sewerage or paving, or either or any of them, may be done at the same time under one order, and may be included in one contract.

SEC. 2. Section eight (8) of title four (4) of said chapter seven (7) of said act, is hereby amended so as to read as follows:

Section 8. The chapters hereby amended except as hereby amended are continued in full force and effect, and all rights acquired or existing, and all things whatsoever done, acted or performed under said chapters, or either of them, are hereby established, continued and saved, and all matters and things whatsoever commenced or pending under said chapters or either of them are hereby saved and continued to be had, done and completed under this act.

All acts and parts of acts inconsistent with this act are hereby repealed. *Provided*, that nothing in this act shall be construed as repealing the provisions of an act to provide for the creation and organization of a board of park commissioners in and for the city of Saint

Paul, Ramsey county, Minnesota, approved February twenty-fifth (25th), one thousand eight hundred and eighty-seven (1887).

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

Approved March 15th, 1889.

CHAPTER 50.

[H. F. No. 429.]

AN ACT TO AMEND AN ACT TO PROVIDE FOR THE CREATION AND ORGANIZATION OF A BOARD OF PARK COMMISSIONERS IN AND FOR THE CITY OF SAINT PAUL, RAMSEY COUNTY, MINNESOTA, APPROVED FEBRUARY TWENTY-FIFTH (25), EIGHTEEN HUNDRED AND EIGHTY-SEVEN, (1887.)

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

SECTION 1. Section five (5) of "an act to provide for the creation and organization of a board of park commissions in and for the city of Saint Paul, Ramsey county, Minnesota," approved February twenty-fifth (25th), eighteen hundred and eighty-seven (1887), is hereby amended so as to read as follows:

Section 5. Said board of park commissioners shall have power and it is hereby authorized in connection with the board of public works of the city of St. Paul and on behalf of the city of St. Paul 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 by this act, and when such condemnation shall have been completed and the lands paid for as herein provided, the title to such lands shall pass and be vested in fee simple in the city of St. Paul. When the said board of park commissioners shall deem it to the public interest that any tract or tracts, parcel or parcels of land or interest therein aforesaid shall be condemned for the use of said city for any public park or parks or parkways aforesaid, within the limits of said city, and shall so determine by resolution of the said board, they shall cause the same to be surveyed and platted as provided by section three (3) and shall make an order directing the said board of public works to appraise or assess the damages or compensation to be paid to the parties entitled thereto by reason of such condemnation, and also to assess the benefits to the amount of fifty (50) per cent. of the cost of said improvement as nearly as practicable upon the parcels of land benefited thereby. A copy of said resolution and order together with a copy of said plat shall be certified by the secretary and transmitted to said board of public works for their action thereon. Said board of public works shall thereupon have the power and it shall be their duty upon receipt of said resolu-