

against the city of Saint Cloud not brought before a city justice shall be in the county of Stearns. All suits or proceedings by or against said city, not brought before a city justice, shall be brought in the district court of said Stearns county; and no other court whatever shall have original jurisdiction thereof. *Provided*, that this section shall not prevent the bringings of any proceeding, in the supreme court of the state in cases in which said supreme court may have original jurisdiction.

Sec. 18. The city of Saint Cloud shall not be liable in any case for the board or jail fees for any person who may be committed by an officer or magistrate of the city, to the jail of Stearns county, under the state laws.

Sec. 19. This act shall take effect and be in force from and after its passage.

Approved April 13th, 1889.

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## CHAPTER 7.

[H. F. No. 321]

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO INCORPORATE THE CITY OF SOUTH SAINT PAUL," APPROVED MARCH 2ND, 1887.

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

SECTION 1. That section two (2) of chapter one (1) of said act be amended so as to read:

SEC. 2. The district of country aforesaid constituting the city of South Saint Paul and the limits and boundaries thereof shall consist of the following described sections or so much thereof as lie west of the middle of the main channel of the Mississippi river to-wit: Sections number fifteen (15), sixteen (16), twenty-one (21), twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), the north one-half ( $\frac{1}{2}$ ) of section twenty-eight (28); also all of sections numbered thirty-four (34), and thirty-five (35), lying west of the middle thread of the Mississippi river, except the portions of said section lying south of the south boundary line of Hause's addition, Kerst's addition, Wiseman's addition, Matthew's addition, Lincoln Park addition and the said south boundary line of said Lincoln Park addition produced east to the middle thread of the Mississippi river, including all islands in said river east of said territory belonging to Dakota county; and all of the territory described in the act to which this act is amendatory, not included in the above description, shall be hereafter excluded from the territory of said city.

SEC. 2. That section three (3) of chapter one (1) be amended so as to read:

Sec. 3. The said city shall be divided into three (3) wards, to be called the first (1st), second (2nd) and third (3) wards, limited and bounded as follows:

The first (1st) ward shall embrace all of the above described territory lying between Annapolis street and Wentworth avenue, as platted in said city.

The second (2nd) ward shall embrace all of the above described territory lying between said Wentworth avenue and Blair avenue as platted in said city.

The third (3rd) ward shall embrace all of the above described territory lying between said Blair avenue and the southerly limits of said city as herein described.

SEC. 3. That section four (4) of said chapter be amended by striking out the word "five" (5) in the second (2nd) line thereof and inserting in lieu thereof the word "three" (3).

SEC. 4. There shall be held a special election by the qualified voters of said city, for the offices of mayor and aldermen of said city.

Said election shall be held within fifteen (15) days after the passage of this act, due notice thereof having first been given by the city clerk; and no new list or register of the names of persons entitled to vote at such election shall be required.

At said election there shall be three (3) aldermen elected in each ward. One to serve until the first (1st) Tuesday in June, eighteen hundred and ninety (1890); one (1) until the first (1st) Tuesday in June, eighteen hundred and ninety-one, (1891) and one (1) until the first (1st) Tuesday in June, eighteen hundred and ninety-two (1892); and until their successors are elected and qualified. The mayor shall be elected to serve until the first (1st) Tuesday in June, eighteen hundred and ninety-one (1891) and until his successor is elected and qualified. The terms of office of such aldermen and mayor shall begin immediately upon their election as such. The two (2) aldermen of said city now representing said territory herein described shall designate the place of holding said election in each ward, and the necessary officers to conduct said election. The said aldermen, together with the city clerk, and the city comptroller shall canvass the returns of said election and declare the result.

And the said common council shall meet within five (5) days after said election and organize by electing one of their number president. They shall also elect a vice president.

SEC. 5. That section one, (1) chapter two, (2) of said act be amended by striking out in the fourth (4th) line thereof "eighty eight (88) and every two (2) years thereafter" and inserting in lieu thereof the words "ninety (1890) and every year thereafter."

SEC. 6. That section two of said chapter two, be amended to read as follows:

Sec. 2. "The elective officers of such city shall be a mayor, city treasurer, city comptroller, city attorney, city justice and one (1) constable, all of which officers shall be residents within and qualified electors of said city.

All other officers necessary for the proper management of the affairs of said city, and not otherwise provided for in this act, shall be appointed by the common council, and at the annual election of

city officers, which election shall be held on the first (1st) Tuesday in May one thousand eight hundred and ninety, (1890) there shall be elected three aldermen in each of said aldermanic districts, one (1) of whom shall serve for the period of one (1) year, one (1) for the period of two (2) years, and one (1) for the period of three (3) years and until their successors are elected and qualified.

Each of said aldermen to be hereafter elected shall be a qualified elector and actual resident of the ward and district for which he may be elected and shall continue to reside in such district during the time he shall serve as such alderman.

And every year thereafter there shall be elected one (1) alderman in each district to succeed the alderman whose term of office is about to expire, who shall hold his office for three (3) years and until his successor is elected and qualified.

SEC. 7. That section six (6) of said chapter two (2) be amended by inserting in the fifth (5th) line thereof after the words "hereby created" the following words "provided that no person shall be eligible to hold any office in said city who shall not have resided in said city at least thirty (30) days prior to his election or appointment, but this shall not apply to the police force of said city," and also by inserting at the end thereof the words "and the common council shall canvass such returns and declare the result thereof."

SEC. 8. That section seven (7) of said chapter two (2) be amended by adding at the end thereof the words "of the common council".

SEC. 9. That section eight (8) of chapter two (2) of said act is hereby amended by inserting after the word "appointment" in the third (3) line thereof the words "or the commencement of his official term".

SEC. 10. That section nine (9) of said chapter be amended by inserting after the words "of any" in the first (1st) line thereof the word "elective".

SEC. 11. That section thirteen (13) of chapter three (3) of said act be amended by adding thereto the following words "provided that the common council, or any committee thereof, may by resolution direct the comptroller to audit any claim against such city and present the same to said council at any regular meeting thereof; but the city clerk shall furnish the comptroller with a certified copy of any resolution."

SEC. 12. That section seventeen (17) of said chapter be amended to read as follows:

Sec. 17. All elective officers of said city shall be exempt from serving on any jury during their term of office, and shall have the same power and authority as notaries public to administer oaths and affirmations.

SEC. 13. That section ten (10) of chapter four (4) of said act be amended to read:

Sec. 10. The common council shall have power and authority by a three-fourths ( $\frac{3}{4}$ ) vote 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 street railway company or corporation, or to any electric light, telegraph, telephone or water company or corporation: Pro-

vided always that the construction and operation of any such railways or the construction and operation of any system or systems of Electric light or power, telegraph or telephone or water service shall be granted only upon and subject to such provisions and restrictions as the common council may by ordinance prescribe, and shall at all times be under the control of said common council; and such license or authority granted by said common council shall in no wise be construed to in any manner affect the rights under the common law of any individuals or corporations owning property along the streets occupied by any such companies or corporations.

SEC. 14. Section fourteen (14) of said chapter is hereby repealed.

SEC. 15. That section fifteen (15) of said chapter be amended by striking out the word "unanimous" in the fourth (4th) line of said section and in lieu thereof the words "two-thirds" (§).

SEC. 16. That section two (2) of chapter five (5) of said act be amended by adding thereto the following words "and provided also that the common council may by resolution authorize the proper officers of the city to pledge the credit of said city to obtain temporary loans for the purposes authorized by said act, to an amount not exceeding at any time the revenues accruing to said city for such purpose during the current fiscal year.

SEC. 17. That section three (3) of said chapter be amended by striking out in the third (3d) line of the third (3d) division of said section the words "lighting the city" and by inserting after the word "for" in the first (1st) line of the fourth (4th) division thereof the words "street lighting and."

SEC. 18. That said chapter five (5) be and the same is hereby amended by adding thereto the following sections to-wit:

SEC. 13. It is hereby made the duty of the treasurer of the county of Dakota, in the collection of taxes to include in that portion collected for the city of South Saint Paul all taxes levied by the board of county commissioners to be collected from the city of South Saint Paul for the poor fund of said county, and to pay over such portion of the poor fund of said county so collected from the city of South Saint Paul to the city treasurer of said city. It shall be the duty of the treasurer of the county of Dakota in returning any taxes collected for the city of South Saint Paul to the treasurer of said city, to report to said treasurer the amount collected to the credit of each and every fund, levied by the common council of said city in the annual tax levy made under and by authority of chapter five (5) of this act; and it shall hereafter be the duty of the common council of the city of South Saint Paul in making each and every annual tax levy as aforesaid to include in the same, an amount sufficient, not exceeding one (1) mill on the dollar of the assessed value of the taxable property of said city, to meet the requirements of a fund to be known as the poor fund; and the money so raised shall be applied solely to the relief of cases needing assistance in said city from said fund; which fund shall be drawn upon by and in the discretion of the common council. All applications for assistance from said fund shall be made to the city clerk and by him reported to the common council.

SEC. 14. Authority is hereby granted to the city of South Saint Paul to issue bonds for public improvements in manner and form as follows:

First: For educational purposes, to be expended under and by direction of the common council for the erection of school buildings, providing school furniture and apparatus and other necessary expenses for the carrying on of the public schools of said city, a sum not to exceed twenty thousand dollars (\$20,000.00.)

2nd. For the purpose of erecting a city hall for the accomodation of the offices and business of the city, including the police department, a sum not exceeding ten thousand dollars (\$10,000).

3rd. For the fire department, to be expended in building station houses and the necessary equipment of said department, a sum not exceeding five thousand dollars (\$5,000).

SEC. 15. There is hereby created a fund to be hereafter known as the local improvement fund of said city of South Saint Paul, for the purpose of aiding in local improvements mentioned in chapter six (6) of this act.

Such fund shall be held strictly for the purpose of aiding in such improvements and no orders on said fund shall be issued by the city clerk or countersigned by the city comptroller except for the purposes herein referred to and especially mentioned in said chapter six (6) of this act.

For the purpose of this fund authority is hereby granted to the city of South Saint Paul to issue the sum of fifty thousand dollars (\$50,000) in bonds of said city, the proceeds of which bonds shall be applied to the purposes of the local improvement fund and to none other.

To carry out the purposes of this fund the common council may whenever the necessities of the case require it, pass resolutions authorizing the city clerk to draw and the city comptroller to countersign orders on this fund, to pay estimates on account of any contract made in conformity with chapter six (6) of this act.

The city comptroller shall keep an accurate account with each and every contract made under chapter six (6), showing all moneys received or paid out on account of the same, and as fast as any balance accumulates in the hands of the city treasurer to the credit of any such contract as specified in said chapter six (6), said balance shall be transferred to the local improvement fund.

The bonds therein provided for shall be of the denomination of one thousand dollars (\$1,000) each, with interest coupons attached and shall be payable in not less than twenty years (20) after date, with interest at a rate not to exceed six (6) per cent per annum, payable in the city of New York at such financial agencies as the city of South Saint Paul may select.

None of said bonds shall be sold or negotiated for less than par.

SEC. 19. That section five (5) of chapter six (6) of said act be amended to read as follows:

SEC. 5. All applications or propositions for any improvements mentioned in section two (2) of this chapter shall be made to the common council of said city; all such applications shall be made in writing and said council shall not be required to proceed with any such application unless it is satisfied that the majority of the property owners who would probably be assessed for the expense of any such improvement have subscribed to such application: Upon proper application being made said common council shall proceed to investigate

the same, and if it shall determine that said improvement is necessary and proper, and that real estate can be found which will be benefited to the extent of the damages, costs and expenses necessary to be incurred in the making of such improvement, it shall by proper resolution order the same to be made.

Two (2) or more streets may be ordered graded at the same time so that material taken from one street may be used in filling others.

SEC. 20. That section twenty-one (21) of chapter six (6) be amended by inserting after the word "thereafter" in the third line thereof the words "at their first meeting in February" and also by striking out after the word "meeting" in the forty-second line thereof the words "in each and every month unless otherwise ordered by the council they shall give at least ten (10) days notice of the publication in the official newspaper of said city to the effect that at a certain time and place they will proceed to make an assessment to tax for constructing, relaying or repairing sidewalks" and inserting in lieu thereof the words "after the completion of any work as aforesaid unless otherwise ordered by the council the city clerk shall obtain authority and give at least ten (10) days notice by publication in the official newspaper of said city to the effect that at a certain time and place the common council will proceed to make an assessment to tax for constructing, relaying or repairing said sidewalks."

SEC. 21 That section twenty-two (22) of chapter six (6) be amended to read as follows:

Sec. 22. Whenever any order shall be passed by the common council of the city of South Saint Paul as herein before provided for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing, or planking any street, lane, alley or highway, or for filling, grading, protecting, improving or ornamenting any public square, or for constructing area walls, gutters, sewers, or private drains, said common council shall cause the said work to be let and done as hereinafter provided, and after the whole of said work shall have been placed under contract as hereinafter provided the said common council shall proceed, without delay, to assess the amount as nearly as it can ascertain the same, which will be required to defray the cost of such improvement including the necessary expense of making such assessment, in proportion, as nearly as may be, to the benefits resulting thereto, in the manner hereinafter provided.

SEC. 22. That section twenty-three (23) of said chapter be amended to read as follows:

SEC. 23. Before proceeding to make an assessment for any improvement mentioned in said section twenty-two (22), said common council shall give six (6) days notice by publication in the official paper of said city, of the time and place of their meeting for the purpose of making such assessment, in which notice they shall specify what such assessment is to be for, and the amount to be assessed. Said notice shall be published at least two (2) times, and said period of six (6) days shall commence from the first publication. Said common council shall also give at least four (4) days personal notice to the same effect to all property holders interested or their agents resident in the city of South Saint Paul, if known to the said common council and found, but the failure to give such personal notice shall in no wise affect the validity of said assessment or of any of the proceedings.

All persons interested in any such assessments shall have the right to be present and be heard, either in person or by counsel, and said common council may in its discretion receive any legal evidence and may adjourn, if necessary, from time to time and place to place.

The personal notice required as above may be made by depositing in the South Saint Paul post office, a postal card, addressed to the owners of the property to be assessed, or their agents resident in South Saint Paul, at least four (4) days prior to the making of such assessment, upon which card shall be either printed or written substantially what the published notice by this section is required to contain, but the failure to give such personal notice shall in no wise affect the validity of said assessment or any of the proceedings.

SEC. 23. That section twenty-four (24) of said chapter be amended by striking out in the second and third lines thereof the figures "23, 24 & 25" and inserting in lieu thereof the words "twenty-two (22) twenty-three (23)".

SEC. 24. That section twenty-five (25) be amended by striking out in the sixth line thereof the words "clerk of said board" and inserting in lieu thereof the words "in the office of the city engineer."

SEC. 25. That section twenty-nine (29) be amended by striking out in the second line thereof the words "aforesaid, for improvements aforesaid, or for benefits aforesaid."

SEC. 26. That section thirty-three (33) be amended to read as follows:

SEC. 33. If twenty-five (25) per cent of the assessment charged in any special assessment warrant, whether made by the appropriation or condemnation of land or for any other improvements whatsoever under the provisions of this chapter, shall not be paid within sixty (60) days after the first publication of notice by the city treasurer that he has received such warrant for collection (except in case of a collection warrant issued on or by reason of a reassessment or new assessment, in which latter case the notice that such warrant is in the treasurer's hands shall only be published five (5) days), the entire assessment then remaining unpaid shall be collected with interest at the rate of one (1) per cent per month for each and every month thereafter until the same is paid.

*Provided*, that if twenty-five (25) per cent of such assessment is paid within sixty (60) days as above specified, the remaining seventy-five (75) per cent of the same may be paid in three (3) equal annual installments of twenty-five (25) per cent each, due respectively in one, (1) two (2) and three (3) years, (with interest at eight (8) per cent per annum payable annually) from date of the first publication by the city treasurer, as provided in section thirty-one (31) of this chapter at the option of the owner of the property so assessed; but if default shall be made in sixty (60) days in the payment of any one of the above specified of twenty-five (25) per cent of the original assessment, then and in that case the whole amount of such assessment then unpaid shall become due and payable; and it shall be the duty of the city treasurer to apply to the district court of said Dakota county for judgment against all property, on account of which, assessments remain unpaid as above specified, and to proceed in all respects according to the provisions of this act in cases of unpaid assessments.

SEC. 27. That section thirty-four (34) be amended by striking out in the second line thereof the figures "30" and inserting in lieu thereof the word "sixty."

SEC. 28. That section thirty-eight (38) be amended by striking out in the twenty-second line thereof the words "thirty-five" and inserting in lieu thereof the word "fifteen."

SEC. 29. That section fifty (50) be amended by inserting in the third (3rd) line thereof the word "of" the word "South."

SEC. 30. That section sixty-two (62) be amended by striking out in the second (2nd) line of the second (2nd) proviso thereof the words "board of public works" and inserting in lieu thereof the words "common council."

SEC. 31. That section sixty-seven (67) be amended by striking out at the end thereof the words "under the act to which this is amendatory."

SEC. 32. That section three (3) of chapter seven (7) of said act be amended by striking out in the eighth (8th) and ninth (9th) lines thereof the words "local improvement" and inserting in lieu thereof the word "general."

SEC. 33. That section two (2) of chapter eight (8) of said act, be amended to read as follows:

Sec. 2. The said common council shall have authority to appoint a board of education, consisting of one (1) member from each ward of said city, who shall not be a member of said council and who shall serve for the period of three (3) years.

SEC. 34. That section three (3) of said chapter be amended by striking out in the first line thereof the word "superintendent" and inserting in lieu thereof the words "board of education."

Also by striking out in the second line of said section three (3) the word "district" and inserting in lieu thereof the word "city".

Also by striking out in the sixth line thereof the words "and their term of office and".

Also that the second paragraph of said section be amended to read as follows: "But said common council shall not have the power to dismiss or dispense with the services of teachers or other employees in connection with said schools except by the advice and consent of said board of education."

SEC. 35. That section four (4) of chapter nine (9) of said act be amended by striking out in the fifteenth (15th) line thereof the words "judge of municipal court" and inserting in lieu thereof the words "city justice".

SEC. 36. That section nine (9) of said chapter be amended by striking out in the fourth (4th) line thereof the words "city attorney" and inserting in lieu thereof the words "city clerk".

SEC. 37. That section nineteen (19) of said chapter be amended by striking out in the sixteenth (16th) line thereof the word "eighty" and inserting in lieu thereof the word "sixty". Also by striking out in the seventeenth (17) line thereof the word "twenty" and inserting in lieu thereof the word "sixteen".

SEC. 38. That section twenty-one (21) of said chapter be amended to read as follows:

Sec. 21. That said common council shall at their first meeting in



June of each year, designate some newspaper published and of general circulation in said city, as the official paper of said city, but if no paper shall be published in said city, for the time being, said common council may designate some paper published in the city of Saint Paul, Minnesota. And every ordinance of said city shall, after its passage, be published in the official newspaper of said city, and shall not be enforced until after such publication. The proof of such publication, by the affidavit of the foreman, or one of the publishers of such newspaper, with a printed copy of the ordinance annexed thereto, or any other competent proof of such publication, shall be conclusive evidence of the legal passage, enactment, publication and promulgation of such ordinance in any Court in the state.

SEC. 39. That section seventy (70) of said chapter be amended by inserting at the end thereof the words "shall be deducted from any damages awarded the owner or owners of said property."

SEC. 40. That chapter nine (9) of said act be amended by inserting at the end of section twenty-three (23) thereof as follows:

Sec. 24. It is hereby made the duty of said common council, at its first meeting after the passage of this act, to appoint two (2) persons to serve on a board of commissioners (with two others to be appointed by the constituted authorities of West Saint Paul) and said board of commissioners are hereby given full power and authority to arbitrate all questions concerning the financial interests of that portion of said city included in this act, as the city of South Saint Paul, and the portion of territory formerly in said city, and excluded and set off by this act; and a majority of said board of commissioners shall decide as to the portion of the indebtedness of the said city of South Saint Paul which shall be assumed by said territory excluded by this act, and said award shall be reported in writing within ten (10) days from the date of their appointment, to said city of South Saint Paul, and to the corporate government of West Saint Paul, and said awards shall be binding on the authorities of said city of South Saint Paul, and on the portion of said excluded territory known as West Saint Paul. The corporate authorities of said West Saint Paul shall annually cause a tax levy to be placed upon the taxable property contained in said territory sufficient to pay the interest on said award of said board of commissioners at the rate of six (6) per cent per annum, and at the expiration of eighteen (18) years from date of said award to pay over to said city of South Saint Paul the principal sum of said award; and the said city of South Saint Paul shall immediately pay over to the authorities of the said West Saint Paul, such moneys as may be found by said board of commissioners to have been collected from, and payable to said excluded territory for street, or ward funds or for any other purpose whatever, and now in possession of said city.

*Provided*, that in case that said board of four (4) commissioners appointed as aforesaid can not agree upon such award, proper and just to be made, they shall refer the questions in dispute to the comptroller of the city of Saint Paul who shall serve on said board of commissioners, and the decision of said board, or a majority thereof, shall be final and binding as hereinbefore provided.

SEC. 25. The following described portion of said territory, herein excluded from said city, is hereby annexed to the township of Inver

Grove in said county of Dakota, viz: The south one-half ( $\frac{1}{2}$ ) of sections twenty-eight (28), twenty-nine (29) and thirty (30), also sections thirty-one (31), thirty-two (32) and thirty-three (33) and that portions of sections thirty-four, (34), thirty-five (35) lying south of the south boundary line of Hause's, Kerst's, Wiseman's, Mathews and Lincoln park additions and the said south boundary line extended east to the middle thread of the Mississippi river; and the annual tax levy made by the common council of said city for said described territory, hereby set off to Inver Grove township for the year one thousand eight hundred and eighty-eight (1888) shall be collected by the treasurer of the county of Dakota and by him paid over to the treasurer of said township of Inver Grove, which said taxes shall be held strictly to the credit, and benefit of the property against which said tax levy was made; and shall not be expended for the general benefit of the whole of said township of Inver Grove.

SEC. 41. All laws of the state of Minnesota, whether general or special, conflicting with this act, in so far as they affect the city of South Saint Paul, are hereby appealed.

SEC. 42. This act shall take effect and be in force from and after its passage.

Approved February 8th, 1889.

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## CHAPTER 8.

[H. F. No. 710.]

### AN ACT TO DEFINE THE BOUNDARIES OF AND ESTABLISH A MUNICIPAL GOVERNMENT FOR THE CITY OF LITTLE FALLS.

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

#### TITLE I.

##### CITY AND BOUNDARIES.

SECTION 1. All the district of country in the county of Morrison and state of Minnesota contained within the boundaries hereinafter described shall be a city by the name of "Little Falls" and the people now inhabiting and those who shall hereafter inhabit, within said territory, shall constitute a municipal corporation by the name of the city of Little Falls, and by that name shall sue and be sued, complain and defend, in any court, and may devise, make and use a common seal, and by ordinance duly passed and approved, alter it at pleasure, and acquire, hold by purchase, grant or lease, all such real, personal or mixed estate as may be necessary to the uses of such corporation, either within or without the boundaries of such corporation, and shall have full power to sell and convey all or any of the same