

CHAPTER 50.

[S. F. No. 628.]

AN ACT TO AMEND "AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF STILLWATER," APPROVED MARCH 7, 1881, AND THE ACTS AMENDATORY THEREOF.

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

SECTION 1. Section six (6), chapter ten (10) of an act to amend and consolidate the charter of the city of Stillwater, approved March seven (7), eighteen hundred and eighty-one (1881), as subsequently amended, is hereby amended so as to read as follows, viz.:

Sec. 6. Whenever the city council shall vote to lay out, grade or open any new street or alley, or to straighten, widen, grade or extend any now or that may hereafter exist, or to do any work, or make any improvements upon any street which shall not have been previously graded, which shall make it necessary to take, injure or interfere with private property, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the proposed improvement, and thereupon it shall be the duty of the city engineer to make and present to the council a plat and survey of such proposed improvement, showing the character, course and extent of the same and the property necessary to be taken or interfered with thereby, with the name of the owner of each parcel of such property, so far as the engineer can readily ascertain the same, and such statement as may, in the opinion of the engineer, be proper to explain such plat and survey and the character and extent of the proposed improvement, and his estimate of the cost of such improvement, which shall be exclusive of the cost of condemning private property, and the city council may cause such plat and survey to be modified, amended or changed as it may deem proper, and shall estimate and fix upon the cost of making such improvement when the assessment made for defraying the expense of such work or improvement is ordered prior to the doing of such work or making such improvement. When such plat and survey shall be finally adopted by the city council, it shall be filed with the city clerk, and it shall be held to show correctly the character and extent of the improvements actually agreed upon and ordered by the city council; said plat shall also show the amount of land taken from each owner, so far as the owners may be known, and the lands contiguous to or affected by such improvement. The city council shall then, or afterwards, appoint three (3) freeholders of said city, no two (2) of whom shall reside in the same ward, as commissioners to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of property which is to be taken or injured by such improvement, and to assess the amount of such damages and compensation and the expense of the improvement upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel, without regard to cash valuation. Two (2) or more of such commissioners shall constitute a quorum, and may organize said board and shall be

competent to perform any duty required of such commissioners, and they shall be notified of their appointment and vacancies in their number be filled in the same manner, and they shall take the same oath and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way, as is provided in the case of commissioners appointed under section three (3) of this chapter. They shall give notice, by two (2) publications in the official paper of said city, that such survey and plat is on file in the office of the city clerk for the examination of all persons interested, and that they will, on a day designated in such notice, which shall be at least ten (10) days after the first (1st) publication of such notice, meet at a place designated in said notice, on or near the proposed improvement, and view the property proposed to be taken or interfered with for the purpose of such improvements, and ascertain and award therefor compensation and damages and view the premises to be benefited by such improvement, and assess thereon in proportion to benefits the amount necessary to pay such compensation and damages and the cost of making the improvement; and they will then and there hear such allegations and proofs as interested persons may offer, and such commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time; and, after having viewed the premises, may, for the hearing of evidence and preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of the city engineer, and of any other officer of the city. After viewing the premises and hearing the evidence offered, such commissioners shall determine the compensation due to owners of property taken or injured for such improvement, and at the same time determine what real property will be benefited by such improvement, and assess the sums so allowed to owners as compensation for property taken or injured, together with the cost of the improvement, on the real estate by them deemed benefited, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel thereof. In no case, however, shall any such assessment exceed the special benefits of the property assessed.

In making such award of compensation, said commissioners shall, where the whole of an entire tract or parcel of land or other property is not taken, deduct from the amount of the value of the property taken and the damages to the parcel not taken, the benefits, if any, that may specially accrue to the parcel not taken by reason of the improvement to be effected by the condemnation, and the excess of such value and damages above such benefits shall be the amount of compensation to be awarded the owner or owners thereof, and such compensation shall be separately reported by said commissioners as sums due such owners, and be paid said owners in money as hereinafter provided; such compensation shall draw interest from the date of the confirmation of the report of said commissioners, from which date also shall the condemnation be deemed in law to be fully consummated. If there should be any building standing in whole or in part upon the land to be taken, the said commissioners shall add to their estimate of damages for the land, the damages also for the building or part of building necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to the owner to remove, or of the part thereof necessary to be taken,

shall also be determined by the said commissioners, and notice of such determination shall be given by them to the owner, when known, if a resident of the city, or left at his usual place of residence or abode. If the owner is not known, or is a non-resident, ten (10) days' notice by one (1) publication to all persons interested shall be given in the official paper of the city. Such owner may, at any time within ten (10) days after such notice, notify the commissioners, in writing, his election to take such building, or part of building, at their appraisal; and in such case the amount of such appraisal shall be deducted by the commissioners from the estimated damages for the land and building, where they belong to the same owner, and from the estimated damages for the building, where they belong to different owners; and the owner shall have such time for the removal of such building after the confirmation of the assessment as the city council may allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the city council shall, after the confirmation of the assessment, and after the money is collected or otherwise provided and ready in the hands of the treasurer to be paid over to the owner for his damages, proceed to sell such building or part of building at public auction, for cash, giving ten (10) days' public notice of the sale, by one (1) publication in the official paper of the city, and cause such building to be then forthwith removed. The proceeds of such sale shall be paid into the city treasury, to the credit of the said improvement fund. If the lands and buildings belong to different persons, or if the land be subject to lease, the damages done to such persons respectively may be awarded to them by the commissioners, less the benefits resulting to them respectively from the improvement. Within sixty (60) days after they shall have qualified, as provided by this chapter, said commissioners shall prepare and report to the city council their award of compensation to owners of property taken or injured, and likewise a list of their assessment of property benefited by such improvement, which list shall set forth, among other things, the entire amount of the compensation awarded to property owners, the cost of the proceedings, that portion thereof which they do not assess on property benefited, and a separate statement of the amount assessed as benefits to each tract or parcel of property assessed, the name or names of the owners, so far as known, which benefits so assessed shall be confined to such benefits as any given parcel of land shall specially enjoy by reason of the improvement in excess of the damage or injury it may sustain by reason of such improvement not credited to the owner of said property in their condemnation report. Said commissioners shall, at least five (5) days before presenting their said report to said city council, cause a notice to be printed in the official paper of the city stating when such report will be presented to said city council, and shall likewise give notice by postal card through the mail addressed to every owner whose name appears on their said lists, and whose residence is known, of the time of making their report to the city council, the amount of compensation awarded said owner for property taken and the amount assessed on property in which he is supposed to have an interest, and said commissioners shall certify in their report to the publication and mailing of said notices; *Provided*, that a failure to give the aforesaid

postal card notice shall not affect the validity of the proceedings or the jurisdiction of the council to act on the report. Such report shall, after its presentation to the city council, lie over until the next regular meeting of the council, which shall occur at least one (1) week after the reception thereof, at which time, or at any meeting, the city council may act upon such report, and hear any complaint touching such award or assessment, or it may refer the matter to a committee of the council to hear such complaint and report thereon. The council may confirm such award or assessment, or either, or annul the same, or send the same back to the same commissioners for further consideration; and the commissioners may, in such case, again, upon giving notice, published once in the official paper of said city, meet at a time and place to be designated in said notice, which time and place shall be at least two (2) weeks after the publication of such notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistake in such award and assessment, and alter and revise the same as they shall deem just; and again report the same to the city council within sixty (60) days after the same shall have been so sent back to them, and the city council may thereupon confirm or annul the same. Whenever the city council shall confirm any such award and assessment, such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as is hereinafter provided, and the city council shall proceed at the same or subsequent meeting to levy such assessment upon the several parcels of land described in the assessment list reported by the commissioners in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same, which may be in the following form, or in any other form the council may adopt:

The city council of the city of Stillwater, doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the compensation and damages awarded for the taking of and injury to private property, and estimated cost and improvement in and about the.....
, as shown in the plat and survey of the same on file in the office of the city clerk of said city. This levy is made conformably to the report and assessment of commissioners duly appointed to make such assessment, and in proportion to benefits from such improvements to accrue to the parcels, and not exceeding the benefits to the parcels so assessed.

NAME OF OWNER, IF KNOWN.	DESCRIPTION OF LAND.	LOT.	BLOCK.	AMOUNT.	
				Dollars.	Cents.

Done at a meeting of city council, this.....day of
, A. D. 189...

Attest:

.....
President of Council.

.....
City Clerk.

SEC. 2. There shall be added to said chapter ten (10) of said act new sections, to be numbered and read as follows, viz.:

Sec. 6a. When such assessment shall have been confirmed and no appeal shall have been taken therefrom, or if an appeal shall have been taken, when judgment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. The city council shall thereupon cause to be paid to the owner of such property, or to his agent, the amount of damages over and above all benefits which may have been awarded therefor, as soon as a sufficient amount of the assessment shall have been collected for that purpose, or other funds are available therefor; but the claimant shall, in all cases, furnish an abstract of title, showing himself entitled to such damages, before the same shall be paid. If in any case there shall be any doubt as to who is entitled to the damages for land taken, the city may require of the claimant a bond, with good and sufficient sureties, to hold the city harmless from all loss, costs and expenses, in case any person should claim such damages. In all cases the title to the land taken and condemned in the manner aforesaid shall be vested absolutely in the city of Stillwater, in fee simple; *Provided, however,* that whenever it may be necessary to condemn any land for the opening, extension or the widening of any street over which any stream of water runs, and which the owner thereof may desire to utilize as a water power, the common council, upon being advised of such fact, may order the taking and the condemnation of the necessary land for such street, with the reservation that the owner of such land shall have the right to construct flumes or mill races across, through or under said street, and construct dams above and below said street and flow said land; *Provided further,* said flumes, races, dams or flowing shall be so constructed and used as not to obstruct public travel on said street. It shall be the duty of the city clerk to cause all deeds taken by the city for land acquired by condemnation to be recorded without delay, and the said clerk shall be the custodian thereof. In case no deed is given, it shall be the duty of said clerk to cause the county auditor and city treasurer to be notified of the title so acquired by the city, giving to each of them a description of the land so acquired. And it shall be the duty of the register of deeds of the county of Washington to record all such deeds without requiring the certificate of the county auditor, county treasurer or city treasurer that the taxes and assessments thereon have been paid.

Sec. 6b. As soon as the money is collected and ready in the hands of the treasurer to be paid to the parties entitled to damages for property condemned, seven (7) days' notice thereof by one (1) publication shall be given by the city treasurer in the official paper of the city, and the city may then, and not before, except as hereinafter provided, enter upon, take possession of and appropriate the property condemned; and whenever the damages awarded to the owner of any property condemned by the city for public use shall have been paid

to such owner or his agent, or when sufficient money for that purpose shall be in the hands of the city treasurer ready to be paid over to such owners, and said seven (7) days' notice thereof shall have been given in the official paper of the city, the city may enter upon and appropriate such property to the use for which the same was condemned. *Provided*, that the city shall not be hindered, delayed or prevented by the prosecution of an appeal by any person, as herein provided for, from entering upon and appropriating such property to the use for which the same was condemned, if the city shall, after such an appeal has been taken, by its mayor, execute and file with the clerk of the district court of Washington county, a bond to be approved by said clerk, payable to the appellant, conditioned that the city shall, in case the assessments against the property appealed from be annulled and set aside by said court, pay whatever sum shall finally be awarded as damages for such property so condemned and appropriated. This provision shall apply as well to all proceedings for condemnation now pending, in whatever stage such proceedings may now be, as to those hereafter to be initiated. The mayor of the city is hereby authorized and empowered to execute the bond herein provided.

Sec. 6c. When the whole of any lot or parcel of land or other premises, under lease or other contract, shall be taken for the purpose aforesaid by virtue of this act, all the covenants, contracts and engagements between landlords and tenants or any other contracting parties, touching the same or any part thereof, shall, upon publication of the notice required in the preceding section, respectively cease and be absolutely discharged.

Sec. 6d. Where part only of any lot or parcel of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same, upon publication of the aforesaid notice, shall be absolutely discharged, as to the part thereof taken; but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid and recoverable for the same.

Sec. 29. When any special assessment shall have been confirmed, it shall be the duty of the city clerk to issue a warrant for the collection thereof, which shall be under the seal of said city and signed by the mayor and clerk, and shall contain a printed or written copy of the assessment roll as confirmed, as aforesaid, or so much thereof as describes the real estate and the amount of the assessment in each case. In case of an appeal, said appeal shall not delay or affect the collection of the assessment under such warrant, except as to the property of such appellant appropriated as aforesaid. And in case such appeal shall be sustained, and the assessment in relation to said property appropriated of said appellant shall be set aside by the court, the city council shall make a new assessment as to the property of such appellant last mentioned, proceeding *de novo* as to the same, so far as may be necessary; and in case the amount of damages or recompense which said commissioners may award such appellant upon such new assessment shall exceed the first, the city council shall make a new assessment upon the property to be benefited to pay the difference which may have been awarded appellant together with the costs and expenses of such new assessment.

Sec. 30. All warrants issued for the collection of special assessments shall be delivered by the clerk to the city treasurer within fifteen (15) days thereafter, taking his receipt therefor.

Sec. 31. Upon the receipt of any warrant for the collection of any special assessment, the city treasurer shall forthwith give notice, by two (2) publications in the official paper of the city, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office, and that in default thereof, the same will be collected at the cost and expense of the persons liable for the payment of such assessments.

Sec. 32. All assessments levied under the provisions of this chapter shall be a paramount lien on the real estate on which the same may be imposed, from the date of the warrant issued for the collection thereof.

Sec. 33. If the assessments charged in any special assessment warrant, whether made by reason of the appropriation or condemnation of land or for any other improvements whatsoever under the provisions of this chapter, shall not be paid within thirty (30) days after the publication of notice by the city treasurer that he has received such warrant for collection, except in case it is on a collection warrant issued on or by reason of a reassessment or a new assessment, in which latter case, the notice that such warrant is in the treasurer's hands shall require payments to be made within ten (10) days after the publication, the assessment then remaining unpaid shall be collected with interest at the rate of ten (10) per cent per annum thereafter until the same shall be paid.

Sec. 34. It shall be the duty of the city treasurer, immediately after the expiration of the thirty (30) days, or after ten (10) days on a reassessment or new assessment warrant mentioned in the preceding section, to report to the district court of Washington county, at any general or special term thereof, all assessment warrants for the collection of any assessments under the provisions of this chapter which have been delivered to him, and then and there ask for judgment against the several lots and parcels of land described in such warrants, for the amounts of assessments, interest and costs respectively due thereon. The city treasurer shall previously give at least ten (10) days' notice, by two publications in the official paper of said city, of his intended application for judgment, which notice shall briefly specify the respective warrants upon which such application is to be made and a description of the property against which judgment is desired, and require all persons interested to attend at said term.

Said treasurer shall also give five (5) days' personal notice to the same effect to all property holders interested or their agents resident in the city of Stillwater, if known to the said treasurer and found; but the failure to give such personal notice shall in no wise affect the validity of the judgment applied for or of any of the proceedings. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid and intended application by the city treasurer to such court for judgment, and shall be held a sufficient demand and refusal to pay the said assessment.

Sec. 35. The city treasurer shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with an affidavit of the due publication thereof, from the printer or pub-

lisher of the newspaper in which the same was published, and shall file the same with the clerk of such court at the said term with said reports.

Sec. 36. The clerk of said court, upon the filing of such reports of the city treasurer, shall receive and preserve the same, and shall annex thereto or file therewith all judgments, orders and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate proceeding or suit and shall be docketed by the clerk of said court in a suitable record book, to be kept by him for that purpose, substantially in the following form, to-wit: "City of Stillwater vs.....certain lots of land.....suit for assessment on warrant for.....," or in such other manner as will sufficiently indicate the nature of the improvement for which the assessment is made, in which said record book the judgment when rendered shall also be docketed; *Provided, however*, that the court may, by rule or otherwise, direct how and in what form such proceedings and judgments may be entered or docketed, and what further record, if any, shall be made thereof, and what papers shall be filed and how kept and preserved.

Sec. 37. It shall be the duty of the court upon the filing of said reports to proceed immediately to the hearing of the same, and they shall have priority over all other causes pending in said court. The said court shall pronounce judgment against the several lots and parcels of land described in said reports for which no objection shall be filed for the amount of the assessment, interest, damages and costs due severally thereon. The owner of any property described in said reports or any person beneficially interested therein, who shall feel aggrieved by such assessment, shall file in said court his objections, in writing, to the recovery of judgment against such property, and shall serve a copy thereof upon the city attorney, at least five (5) days prior to the time designated in the city treasurer's notice that he will apply for judgment as provided for in section thirty-four (34) of this chapter. No objection shall be interposed or sustained in relation to any of the proceedings prior to the confirmation of the assessment, except that the city council had no authority to order the said improvement, and no objection as to any other of the proceedings shall be sustained on any mere formal irregularity or defect, and the city treasurer may amend by leave of the court in its discretion in any matter in furtherance of justice. The court shall hear and determine all objections in a summary manner without pleadings, and shall dispose of the same with as little delay as possible, consistent with the demands of public justice; but should justice require that for any cause the suit as to one or more owners should be delayed, judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof, the same as in all other cases. Upon the trial in the district court of an appeal from any assessment charged in any special assessment warrant, whether made by reason of the appropriation or condemnation of land or for any other improvement whatsoever under the provisions of this chapter, the court shall give to the official act of said commissioners in making the assessment, the same weight at least as evidence as it would and should give to the testimony of an equal number of disinterested and specially qualified expert witnesses upon all questions considered and determined by said commissioners in making their assessment.

Sec. 38. In all cases where judgment shall be rendered in default against the property described in said reports, the court shall thereupon direct the clerk of said court to make out and enter an order for the sale of the same, which said order shall be substantially in the following form:

WHEREAS, due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make a defense or show cause why judgment should not be entered against the said lands and other property for the assessment, damages, interest and costs due and unpaid thereon;

Therefore, it is considered by the court that judgment be and is hereby entered against the aforesaid lots and parcels of land in favor of the city of Stillwater for the sum annexed to each lot or parcel of land, being the amount of assessment, interest, damages and costs due severally thereon, and it is ordered by the court that the several lots and parcels of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of assessment, interest, damages and costs, annexed to them severally, be sold as the law directs.

In all cases where a defense shall be interposed and judgment shall be rendered against the property, a similar order, adapted to the circumstances of the case, shall be made and entered of record. Thirty-five (35) cents costs shall be laid to each lot or parcel against which judgment is rendered, and the further sum of one (1) dollar to each lot or parcel for advertising the notice of sale; *Provided*, that in all cases where a defense is interposed and not sustained, the court may direct, by special order or rule, such additional costs to be included in the judgment as may be deemed proper.

Sec. 39. It shall be the duty of the clerk of such court, within twenty (20) days after such order is granted as aforesaid, to make out under the seal of said court a copy of so much of said city treasurer's report in such case as gives a description of the land against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court thereon, which shall constitute the process on which all lands, lots, pieces and parcels of land shall be sold for the amount of any assessments, interest, damages and costs so levied, assessed or charged upon them; and the said city treasurer is hereby expressly authorized and empowered to make sale of such lands, lots, pieces or parcels of land or other property, upon ten (10) days' notice, by two (2) publications in the official paper of said city.

Sec. 40. The said advertisement so to be published in each case of a judgment upon any collection warrant and report as aforesaid shall contain a list of the delinquent lots and parcels of land to be sold, the names of the owners, if known, the amount of judgment rendered thereon, respectively, and the warrants upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale, at a time and place to be named in said advertisement, by said city treasurer. The omission of the name of any owner, or any mistake respecting the sale, shall not invalidate the sale if the property be otherwise described with sufficient certainty.

Sec. 41. In all proceedings and advertisements for the collection of such assessments and the sale of lands therefor, letters and figures may be used to denote lots, parts of lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

Sec. 42. Certificates of sale shall be made and subscribed by the city treasurer, under the seal of the city of Stillwater, duly acknowledged before a notary public and signed by two (2) witnesses, which shall be delivered to the purchaser, and which certificates of sale shall contain the name of the purchaser, a description of the premises sold, the amount of the judgment for which the same was sold, adding interest at the rate of ten (10) per cent per annum from the day when judgment was rendered to the day of sale, and fifty (50) cents cost on each description, for such other expenses as may be incurred by the city in selling the property; which judgment, interest and costs shall constitute the total amount for which the property shall be sold, which amount shall also appear in the certificate and the time when the right to redeem shall expire. Said certificates shall bear interest at the rate of ten (10) per cent per annum until paid.

Said certificates shall state upon their face, in addition to what is now required by law, that "This certificate may be redeemed in five (5) annual installments, which shall become due and payable as follows: One-fifth of said certificate at the end of each one (1) of the successive five (5) years next ensuing the date of this certificate, together with the interest due on the whole amount thereof unpaid at the maturity of each of said installments; *Provided*, that said certificate may be redeemed at any time before maturity upon the payment of thirty (30) days' interest in addition to the interest which has already accrued;" *Provided, however*, that property belonging to minors or to a lunatic, upon which city deeds have been or may be issued, can be redeemed while such disability continues by the guardian of such person filing with the city treasurer a certified copy of his appointment by the probate court as guardian of such person, together with an affidavit showing the facts of said inability, whereupon the treasurer shall deliver to him a certificate of redemption upon the payment of the proper sum; which certificate of redemption, together with a copy of the appointment as guardian and affidavit aforesaid, shall be recorded in the office of register of deeds and shall be deemed sufficient to remove the cloud from such title by reason of such a city deed.

Sec. 43. The person purchasing any lot or parcel of land shall forthwith pay to the treasurer the amount of the judgment due thereon, and on failure to do so the said property shall be again offered for sale in the same manner as if no such sale had been made, and in no case shall the sale be closed until payment shall have been made. If no bid shall be made for any lot or parcel of land the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Sec. 44. The city treasurer shall enter and extend upon the certified copy of judgment and order of sale issued to him by the clerk of the district court, the interest, costs and expenses to be charged against each lot or description as provided by law, the amount of sale, to whom sold, or if struck off to the city, to whom transferred afterwards, with the amount of transfer, and attach thereto a copy of the advertisement pertaining to the sale. The city treasurer shall keep this record on file in his office. Certified copies thereof may be furnished when desired.

Sec. 45. If at any sale any piece or parcel of land shall be sold to a purchaser or the piece or parcel struck off to the city, the same may be redeemed at any time within five (5) years from the date of the sale by any person having any interest therein, upon the payment of ten (10) per cent per annum in lawful money of the United States, of the amount for which the same was sold, with interest from the time of such sale at the rate of ten (10) per cent per annum, in accordance with the provisions of section forty-two (42) of this act, and upon the terms and conditions as to installments therein provided, and any other assessment which may be made under or by virtue of this chapter, or the charter of the city of Stillwater, subsequent to the sale, with the interest accruing thereon, at the rate and payable in accordance with the provisions of section thirty-three (33). If the real estate of any lunatic or infant be sold under this chapter, the same may be redeemed at any time within one (1) year after such disability shall be removed. Redemption shall be made by the payment of the redemption money to the city treasurer, and upon such payment the city treasurer shall execute to said redemptioner a certificate of satisfaction of said assessment, judgment and lien. Upon the return of the certificate of sale, or upon proof of its loss and the filing with the city treasurer of an affidavit to that effect, if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser or his assigns, under the corporate seal of said city, signed by the mayor and clerk of said city, conveying to such purchaser or assignee the premises so sold and unredeemed as aforesaid.

The city treasurer shall, at least three (3) months before the expiration of the time for redeeming any lot or parcel of land aforesaid, cause to be published in the official paper of said city once a week for six (6) successive weeks, a list of all unredeemed lots or parcels of land, specifying each tract or parcel, the name of the person to whom assessed, if to any, the amount of the assessment, charges and interest, calculated to the last day of redemption, due on each lot or parcel, together with notice that unless such lots or parcels of land be redeemed on or before the day limited therefor, specifying the same, they will be conveyed to the purchaser; *Provided, however,* that before the holder of such certificate shall be entitled to a deed for said property he shall pay into the city treasurer the cost of such notice of the expiration of the time of redemption. A memorandum of all the deeds made and delivered shall be entered by the treasurer in the book wherein such sales are recorded, and a fee of one (1) dollar may be charged by the treasurer for every deed so issued; *Provided,* that nothing in this act contained shall be construed to affect or prejudice the lien of the state for all taxes which have been or may be levied upon such property under the general laws of the state. In cases of redemption, the city treasurer shall notify the person holding the certificate of sale that the amount of such certificate with the interest thereon so paid is in the city treasury subject to his disposal.

Sec. 46. Such certificate of purchase shall be assignable by indorsement and an assignment thereof shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser.

Sec. 47. Whenever it shall appear to the satisfaction of the treasurer, before the execution of a deed for any property sold for assessments that such property was not subject to assessment, or that the assessment had been paid previous to the sale, he shall, with the ap-

proval of the common council of said city, make an entry opposite to such property on his record of sales that the same was sold in error, and such entry shall be *prima facie* evidence of the fact therein stated; *Provided*, that where the sale shall have been made to any purchaser other than the city, the common council of said city before approving of such entry shall first cause notice to be given, by mail or in such manner as said council may direct, to the purchaser, his heirs, assigns or legal representatives, of the said proceeding; *Provided further*, that in case such entry is approved the purchase money shall be refunded to the parties entitled thereto with interest.

Sec. 48. All deeds made to purchasers of lots and parcels of land sold for assessments, or the record thereof, shall in all cases be *prima facie* evidence that all requirements of the law with respect to the sale have been duly complied with and of title in the grantee therein, after the time for redemption has expired, and no sale shall be set aside or held invalid unless the party objecting to the same shall prove, either that the court rendering the judgment pursuant to which the sale was made had not jurisdiction to render the judgment, or that after the judgment and before the sale such judgment had been satisfied, or that notice of sale as required by this act was not given, or that the piece or parcel of land was not offered at sale to the bidder who would pay the amount for which the piece or parcel was to be sold. Now unless the action in which the validity of the sale shall be called in question be brought, or the defense alleging its invalidity be interposed within three (3) years after the date of the sale, and if any sale shall be set aside by reason of any defect in the proceedings subsequent to the entry of the judgment, the court so setting aside the sale shall have power in such case to order a new sale to be made as near as may be in accordance with the provisions of this act. That in any action heretofore or hereafter commenced, in which the validity of a deed under this act is brought into question, and on account of any irregularities the same shall be set aside, the party holding such deeds shall recover from the adverse party the amount paid for such deed to the city, with interest thereon from date of sale at the rate of ten (10) per cent per annum. All deeds referred to in this chapter shall be admitted to record without payment of taxes, and without the county auditor's certificate that the taxes have been paid.

Sec. 49. Any change made in the incumbent of the office of the city treasurer during the pendency of any such proceedings shall not operate to affect or delay the same, but the successor or successors in office of such city treasurer shall be authorized to do all acts necessary to complete such proceedings, the same as if his predecessor had continued in office. In case of a vacancy occurring in any such office the proceedings shall be prosecuted by the city clerk until such vacancy is filled by election or otherwise.

Sec. 50. All sales of property for the non-payment of assessments, provided for in this chapter, shall be made in the daytime at public vendue, in the city of Stillwater, at the time and place stated in the notice of sale prescribed in sections thirty-nine (39) and forty (40) of this chapter, and may be adjourned from day to day (Sunday excepted) until the whole is completed.

Sec. 51. Any city treasurer, or other officer who shall in any case refuse or knowingly neglect to perform any duty enjoined upon him

by this chapter, or who shall consent to or connive at any evasion of its provisions, whereby any proceeding required by this chapter shall be prevented or hindered, shall, for every such neglect or refusal, be liable to said city individually and upon his official bond for double the amount of loss or damage caused by such neglect or refusal, to be recovered in an action in any court having jurisdiction of the amount thereof.

Sec. 52. No error or omission which may have heretofore been or may hereafter be made in the order, or in the proceedings of the city council, or commissioners, or of any of the officers of said city, in referring, reporting upon, ordering or otherwise acting concerning any local improvement provided for in this chapter, or in making any assessment therefor, or in levying and collecting such assessment, not affecting the substantial justice of the assessment itself, shall vitiate or in any way affect such assessment. The reports of the city treasurer and assessment warrants held by him referred to in section thirty-four (34) of this chapter, shall be *prima facie* evidence that the proceedings up to the date of such warrants were valid and regular, and the certificates of sale issued as provided for in this chapter shall be *prima facie* evidence of the validity and regularity of all proceedings up to the date of such certificates.

Sec. 53. No purchaser of lands or lots or other property sold for assessments, or his heirs or assigns, shall be entitled to a deed until he or they shall have paid all assessments made thereon prior or subsequent to the assessments under which such purchase was made. The amount of all such prior or subsequent assessments so paid by any such purchaser, his heirs or assigns, and all moneys paid by such purchaser, his heirs or assigns, to redeem the premises from any sale for any such assessment, shall be a lien on the premises in his favor, and the amount thereof, with interest at ten (10) per cent per annum from the time of such payment or redemption, shall be refunded to such purchaser, or be paid to the treasurer of said city for the use of such purchaser, his heirs or assigns, by the owner or person entitled to redeem, before any redemption shall be made, except as provided in the section next following.

Sec. 54. After any real estate shall have been bid in or struck off to the city, said city may enter upon such real estate and take possession thereof, and by its treasurer sell and deliver the possession thereof, and assign the certificates of sale issued to the city for the amount required to redeem from the sale to the city, and upon the expiration of the redemption hereinbefore provided, a deed for the property so sold shall be executed in the same manner and by the same officers as provided in section forty-five (45) aforesaid; *Provided, however,* that if any lot or parcel of land so struck off to said city shall be again sold for like assessments, while the said city holds its title as purchaser aforesaid, the same shall not be sold to any purchaser, except said city, for less than the amount actually remaining unpaid on the preceding assessment, as well as such subsequent assessment, with interest aforesaid at the rate of ten (10) per cent per annum.

Sec. 55. For the additional duties imposed upon any officer of the city by the provisions of this act, they shall be paid such compensation as the city council shall determine, in addition to their salaries as fixed by the charter.

Sec. 56. All judgments rendered under this chapter upon said assessments shall bear interest at the rate of ten (10) per cent per annum from the date thereof until paid.

Sec. 57. The city treasurer of said city may, at any time before or after the time of redemption has expired, assign any certificate of sale of property so bid in by the city as aforesaid to any person by indorsement thereon, after payment by such person into the city treasurer of the amount at which the same was so bid in, together with the amount of any prior assessment, with interest thereon at the rate of ten (10) per cent per annum and costs, and such assignee shall have the same right and title thereunder as if he had purchased the same originally at the sale, and shall be entitled to a deed as in other cases; *Provided*, that after the expiration of the time of redemption of any certificate of sale of property, if the same shall remain unredeemed, the mayor, finance committee and city clerk, or a majority thereof, may authorize the city treasurer to sell, assign and transfer the interest of the city in and to any such certificate, for such sum or price as to them may appear for the best interest of the city.

Sec. 58. In all cases where application shall hereafter be made for judgment or judgments, and judgment shall be refused or denied by the court, or the assessment, or any part thereof, as to any lot, lots or parcels of land assessed under any of the provisions of the aforesaid acts, for any cause whatever, shall be hereafter set aside or declared void by any court, the city council shall, upon notice thereof by the city treasurer, proceed without unnecessary delay to reappoint commissioners, as required in an original proceeding, with power to make a new assessment upon all lots, blocks and parcels of land which have been or will be benefited by such improvement, to the extent of their proportionate part of the cost and expenses thereof, as near as the same can be ascertained, and such reassessment or new assessment shall be made by the commissioners, as near as may be in accordance with the law in force at the time such reassessment is made; and when the same shall have been made and confirmed by said council, it shall be enforced and collected in the same manner that other assessments are enforced and collected under this act. The fact that the contract has been let, or that such improvement shall have been in whole or in part completed, shall not prevent such new assessment from being made.

And in all cases where judgment shall be hereafter refused or denied by any court, or where any court hereafter shall set aside or declare void any assessment upon any lot or parcel of land for any cause, the said lots or parcels of land may be reassessed or newly assessed, from time to time, until each separate lot, piece or parcel of land has paid its proportionate part of the costs and expenses of said improvements, as near as may be to the benefits derived or to be derived from such improvement. In case the amount of such reassessment shall be less than the first assessment upon the lots and parcels of land reassessed, the deficit shall be paid out of the current revenue fund.

Sec. 59. If in any case the first assessment to pay for any local improvement which has heretofore been or shall hereafter be ordered by the city council, either before or after such improvement is completed, shall prove insufficient to fully pay for the same, whether said work was done before the passage of this act or otherwise, the city council may appoint commissioners as in other cases who shall

proceed as in other cases without unnecessary delay to assess and reassess the same upon the property benefited or which will be benefited until a sufficient amount is realized to pay for the same. If too large an amount shall at any time be raised the excess shall be refunded ratably to those by whom it was paid, if the council shall so order, it being the true intent and meaning of this act to assess and reassess upon the real estate benefited, to the extent of such benefits, for any deficiency over and above the first assessment which said improvement may cost, whether the said improvement has heretofore been made or may hereafter be made, and no error or omission or irregularity, whether jurisdictional or otherwise, shall prevent a reassessment to the extent of the benefits conferred by such improvement.

Sec. 60. In all cases where the treasurer shall be unable to enforce the collections of any special assessment, by reason of irregularity or omission in any proceeding subsequent to the confirmation of such assessment, the said council shall be authorized and empowered to cause a new warrant to issue to the treasurer for the collection of any assessment which, by reason of such irregularity or omission, remains unpaid or not collected. The treasurer shall proceed under such new warrants to enforce and collect the assessments therein specified in the same manner, as near as may be, as is prescribed by the provisions of this chapter for the enforcement and collection of special assessments after the same shall have been confirmed, as in this chapter provided; and as often as any failure shall occur, by reason of such irregularities or omissions, a new warrant may issue and new proceedings be had in like manner until such special assessments shall be fully collected as to each and every tract and parcel of land charged therewith.

Sec. 61. In all cases where the work for any improvement contemplated by the provisions of this chapter shall be suspended before final completion, by the failure of the contractor to perform the same or for any other cause, the city council may relet the unfinished portion of such work, in the same manner, as near as may be, as provided for the letting of contracts for public improvements, and in every case of such new contract, the work shall be paid for in the same manner as contracts for other like improvements.

Sec. 62. It shall be deemed personal notice in all cases under the provisions of this chapter where personal notice is required, when the notice is served by delivering a copy, or by reading the same to the person to be notified, or by leaving a copy at his or her last usual place of abode or at his or her place of business, with some person of suitable age and discretion, or by leaving such copy in a conspicuous place at his or her place of business in the daytime, if such person is absent therefrom.

Sec. 63. If the commissioners or the city council, in carrying out the provisions of this chapter, should find unforeseen obstacles in grading, excavating, filling, paving, or in any case of improving or opening or widening streets, levees, alleys or public highways or sewers, not provided for, the common council may, by resolution, order such change or modification in such improvement to meet such unforeseen obstacles as the said council may deem equitable and just, or on their own motion, either before or after the confirmation of any assessment or before or after the letting or making of any contract to do the same, or at any time while the work is in progress, by a two-thirds (2/3) vote

of the city council elect, and any additional expense occasioned by such change or modification of the improvement may be included in the original assessment, or raised by an additional assessment upon the property benefited by such improvement, to the extent of such benefits;

Provided, however, that no such work shall be done until ordered by the city council by a two-thirds ($\frac{2}{3}$) vote of the members elect;

Provided further, that in all contracts the case of such unforeseen obstacles shall be anticipated as far as possible by the city council causing a schedule to be made, classifying the various kinds of work and material, and fixing the price to be paid by the city for such work or material as may become necessary, but cannot be foreseen; which said schedule shall be approved by the city engineer, and a copy thereof shall be signed by the bidder and attached to his bid, and the same shall be attached to and made a part of the contract; but no additional expense shall be incurred other than may be absolutely necessary to overcome such unforeseen obstacles. The said city council shall have power to correct any error, omission or mistake in an assessment, either before or after the confirmation, up to the time judgment may be obtained thereon, either as to the amount or owner or description, so as to conform to the facts and rights of the case as intended; and if, by reason of such error, omission or mistake, the assessment shall be reduced below the amount of money required to pay the costs and expenses of said improvement, the city council shall cause to be made a new assessment upon the property benefited to make up the deficiency, together with the cost and expenses of such new assessment;

Provided further, that five (5) days' notice of the time and place of making such correction shall be given, by one (1) publication in the official newspaper of the city, unless the owner of the real estate affected be present or consents thereto. Said correction shall be entered of record, and a copy thereof filed with the city treasurer;

Provided further, that if the expense required to overcome such unforeseen obstacles will materially increase the cost which would be incurred in the work if such unforeseen obstacles had not occurred, then the city council shall have power, by a two-thirds ($\frac{2}{3}$) vote of the members elect, to rescind the contract so far as the uncompleted part of the work is concerned, and may, in their discretion, by a two-thirds ($\frac{2}{3}$) vote of the members elect, after such rescission, order the work to be relet as other work is let under this chapter, and the original contractor in such case shall be entitled to be paid for the portion of the work done by him, ratably, according to the contract price as nearly as the same can be ascertained, and no more.

Sec. 64. When any notice is required to be published in any newspaper under this chapter, an affidavit of the publisher or printer of such newspaper, or of the foreman or clerk of such publisher or printer, annexed to a printed copy of such notice taken from the paper in which it was published, and specifying the time when and the paper in which such notice was published, shall be evidence in all cases and in every court of judicial proceeding of the facts contained in such affidavit.

Sec. 65. If for any cause the proceedings of the city council, commissioners or any officer may be found irregular or defective, whether jurisdictional or otherwise, the city council may order a new assess-

ment from time to time and as often as need be until a sufficient sum is realized from the real estate benefited by such improvement to pay all the costs, damages and expenses incurred thereby; it being the true intent and meaning of this act, to make the costs and expenses of all public improvements provided for in this chapter, local to the city of Stillwater, payable by the real estate benefited by such improvement, to the extent of such benefits; except that in the case of sidewalks the assessment shall be made as in such case provided.

Sec. 66. After judgment shall be ordered to be entered against any lot or real estate, for the non-payment of assessments, the same shall not be opened or set aside except for mistake in entering the same, or in ordering the same to be entered, any provision of the general laws of the state to the contrary notwithstanding.

Sec. 67. The register of deeds shall not record any deed from a private person or private corporation unless there be indorsed on such deed a certificate of the city treasurer that all assessments for local improvements have been paid, and any violation of this provision by the register of deeds shall be a misdemeanor, and be punished by a fine not exceeding double the amount of the unpaid assessment. It shall be the duty of the city treasurer, upon the application of any person interested in such deed, where the assessment has been paid and not otherwise, to make such certificate free of charge; but the said city treasurer shall not certify that said assessment has been paid in any case where the property has been purchased by the said city at the sale provided for in this act and the time for redemption has not expired and the city still holds the certificate of sale.

Sec. 68. In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the commissioners, in their discretion, in making such assessments, should there be any building in whole or in part upon the land to be taken as aforesaid, to consider the propriety of letting said building remain upon such land taken as aforesaid, for such time after condemnation as they may deem for the best interest of the city, and if they shall determine to let the building remain on said land for any given period, then they shall determine the value of the use of said land to the owner of said building for the time said building may be permitted to remain, which sum when ascertained shall be deducted from the damages awarded for said building.

Sec. 69. Whenever the board of health of the city shall report to the city council that stagnant or impure water stands upon any lot or parcel of land, thereby creating a nuisance injurious to the public health, the council shall then proceed to investigate the same, and if they shall determine that a nuisance does exist by reason of any stagnant or impure water standing upon any lot, lots or parcels of land, and that the same is injurious to public health, they shall require the city engineer to report to the city council a plan for the abatement of said nuisance, together with an estimate of the expense of abatement thereof, and thereupon the city council shall proceed to confirm or otherwise dispose of said report; and if they confirm the same, and are of the opinion that the cost of said abatement can be defrayed by property specially benefited thereby, they shall appoint three (3) commissioners, as required in the case of opening, grading and widening streets, and such proceedings shall be afterwards had by said commissioners, the city council and the various city officers in the matter of

assessing compensation for property taken or injured by the improvement or abatement, the assessing of property benefited thereby and collecting the same by sale or otherwise as is provided for such proceeding in the matter of streets.

Sec. 70. When the cost and expense of any of the following improvements, viz.: A change of grade, a condemnation of land for a street, public market, levee, alley or park, or a condemnation of an easement in land for slopes in cuts or fills, does not exceed the sum of two hundred (200) dollars, the assessment therefor may be paid out of the current fund of the city.

Sec. 71. Whenever any assessment for any local improvement, whether for paving, repaving, macadamizing, guttering, curbing, or laying, relaying or extending any sewers, or constructing or repairing any sidewalk or making any other local improvement shall have been confirmed and an assessment roll adopted, thereafter the same proceedings shall be had for collecting the same by warrant to the city treasurer and subsequent proceedings by application to the district court for judgment, sale, redemption and otherwise, as hereinbefore provided for improvement of streets. But the provisions of the existing law with reference to all proceedings heretofore taken for effecting any local improvement shall remain in force for the purpose of prosecuting said local improvement to a final conclusion and collecting any assessment made therefor, except that all proceedings heretofore taken for paving North Main street in the city of Stillwater are hereby declared vacated and set aside, and the county auditor of Washington county is hereby authorized to cancel every assessment therefor extended on any record in his office, and the city council of the city of Stillwater is empowered and directed to refund all moneys paid in satisfaction of such assessments to the persons paying the same.

Sec. 72. All assessments for local improvements levied subsequent to Sept. 1, 1890, shall be collected by issue of a warrant therefor to the city treasurer and the prosecuting of such subsequent proceedings therefor as are herein provided for the collection of assessments hereafter assessed, and the authority of the county auditor of Washington county to further proceed therein is hereby terminated, and he is hereby required to cancel on the records in his office any such assessments extended thereon and remaining uncollected, and the collection of the same shall be made by the issue of a warrant to the city treasurer, and such further proceedings as are herein provided for the collection of assessment levied after the passage of this act, and all the provisions of this act relating to the collection of assessments, redemption of property sold therefor, the issue of certificate of sale and deeds on the expiration of the period of redemption and otherwise shall be in force and apply to the assessments aforesaid.

SEC. 3. Section seventeen (17), chapter three (3) of said act shall be amended so as to read: "The mayor shall receive a salary of three hundred dollars (\$300) per annum, the city clerk a salary of one thousand dollars (\$1,000) per annum, the city treasurer a salary of seven hundred and fifty dollars (\$750) per annum, and the aldermen each a salary of two hundred and fifty dollars (\$250) per annum. But this shall not prevent the members of the board of equalization of taxes or aldermen acting as judges of election from receiving spe-

cial compensation for such services, nor impair the power of the city council to make such further compensation to the city treasurer or clerk by reason of the increased duties imposed in the collection of local assessments, as is provided in section two (2) of this act."

SEC. 4. Section one (1), Chapter one hundred and ten (110), Special Laws of the extra session of 1881, known as section 25a, chapter five (5) of the compilation of the aforesaid charter of the city of Stillwater, relating to transfer of the sinking fund to current fund, is hereby repealed.

SEC. 5. That subdivision third (3d) of section (5) of chapter four (4) of said act shall be amended so as to read as follows: "*Third*—To prevent any riots, noise, disturbance and disorderly assemblages in said city, or any disorderly conduct in any public place, theatre, hall or public place of resort or assembly in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming."

SEC. 6. That subdivision sixteen (16) of section five (5) of chapter four (4) of said act shall be amended so as to read as follows: "*Sixteenth*—To prevent open and notorious drunkenness and obscenity in the streets or public places of said city or the circulation or distribution of any printed matter which shall be obscene or libelous, or intended or naturally tending to provoke a breach of the peace or impair the good morals of the community, and provide for the arrest of all such persons who shall be guilty of the same."

SEC. 7. That section eighteen (18), chapter twelve (12) of said act, as amended by section fifty-four (54), Chapter six (6) of Special Laws of 1887, be amended so as to read as follows: "Sec. 18. *Salaries and Fees*—The salary of the judge of said court shall be fixed by the city council at the beginning of each term, which shall not be less than one thousand dollars (\$1,000) nor greater than two thousand dollars (\$2,000) per year, and the clerk of said court a salary of six hundred dollars (\$600) per annum, payable from the treasury of the city of Stillwater, in monthly installments. Neither the said judge, clerk or deputy clerk of said court shall receive any fee or compensation for his services other than his salary as fixed by law. In all proceedings had in said municipal court like fees shall be charged and collected by the clerk as costs as are allowed by the law to justices of the peace in proceedings and upon trials before them or for similar services. Police officers of said city are hereby vested with all the powers of constables under the statutes of Minnesota, as well as at common law, and police officers in making service of any process or doing other duty in respect to causes in said court, shall note and return to the court for collection such fees as are allowed to constables for the like services in justice courts; and all fees, whether so charged by the clerk or any police officer, whether due from the county on preliminary examinations or otherwise, shall be collected by the clerk as costs, and by him be accounted for and paid over to the city treasurer of said city, as hereinbefore provided for."

SEC. 8. Section one (1) of chapter two (2) of said act shall be amended so as to read as follows: "Section 1. *Officers of the City and Term of Office*—The elective officers of said city shall be a mayor and

a treasurer, all of whom shall be residents and qualified voters of said city, and shall hold office for the term of two (2) years. Each ward shall elect one (1) alderman each year, who shall be a resident and a qualified voter of the ward for which he shall be elected, and hold his office for the term of three (3) years. The term of office of every officer elected under this act shall commence on the second (2d) Tuesday of April next following his election, and shall continue until a successor is elected and qualified. All other officers necessary for the proper management of the affairs of the city shall be appointed by the city council, unless otherwise provided. The appointment of such officers shall be determined by ballot, and it shall require the concurrence of a majority of all the members of the city council to appoint such officer. The city clerk shall hold his office for the term of two (2) years from and after the second Tuesday of April next following his election, and all other appointed officers, except when otherwise provided in this charter, for the term of one (1) year from said second (2d) Tuesday of April. All appointed officers shall continue in office until their successors are appointed and qualified, except as otherwise provided in this charter. All persons now holding office in said city shall continue in office to the expiration of the term for which they shall have been elected or appointed, and until their successors shall have been designated and qualified."

SEC. 9. Section two (2) of chapter two (2) of said act, as amended by section two (2), Chapter six (6), Special Laws 1887, shall be amended so as to read as follows: "Sec. 2. *Time of Elections and Notice*—The election for city officers and the aldermen of said city shall be held on the first Tuesday of April, 1891, and thereafter annually on the first Tuesday after the first Monday in November, beginning on the first Tuesday in November, 1891. Whenever a vacancy shall occur in the office of mayor such vacancy shall be filled by a special election, which shall be ordered and held within ten (10) days after such vacancy shall occur. The city clerk shall give ten (10) days' notice of the time and place of holding all general elections and reasonable notice of all special elections, and such notices shall also designate the officers to be elected at such general or special elections, but no defect in such notices or failure to give them shall invalidate any election. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons to be voted for, a proper designation of the office written or printed thereon. The person receiving the highest number of votes for any office shall be declared elected to such office. When two (2) or more candidates for any elective city office shall receive an equal number of votes, the election shall be determined by the casting of lots, in the presence of the city council, at such time and in such manner as said council shall direct."

SEC. 10. Section five (5) of chapter two (2) of said act shall be amended so as to read as follows: "Sec. 5. *Election Precincts and Places of Holding Elections*—Each ward of said city shall constitute an election precinct. The city council shall, at least twenty (20) days previous to the general election for city officers to be held on the first Tuesday of April, 1891, and the general election for city, state and county officers to be held on the first Tuesday after the first Monday of November of each year, designate the place of holding elections in each precinct, and such place so designated shall not be subject to change by the voters present at the commencement of such elec-

tion. In case said city council shall neglect or refuse to provide such places of election previous to general elections as herein provided and in all cases of special election, the places of holding elections shall continue to be the same as at the general election next preceding such election."

SEC. 11. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 28, 1891.

CHAPTER 51.

[S. F. No. 65.]

AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF READS.

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

SECTION 1. That the act entitled an act to incorporate the village of Reads, approved March 5, 1868, and the several acts amendatory thereof, be amended so as to read as follows:

CHAPTER I.

SECTION 1. That all of lots one (1), two (2), three (3) and four (4), the north half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) and the southwest quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section twenty-four (24), town one hundred and eleven (111) north, range eleven (11) west, and the whole of fractional section nineteen (19), and the west half ($\frac{1}{2}$) of section thirty (30), town one hundred and eleven (111) north, range ten (10) west, shall be known as the village of Reads, and as such corporation shall possess and enjoy all the power and privileges that can now or hereafter be possessed or enjoyed by any municipal corporation of like grade, and by and in its corporate name may sue and be sued, make contracts, purchase, take and hold real and personal property and convey the same, and shall have a corporate seal, alterable at pleasure.

Every grant or devise of lands or right or transfer of property which has been or may be made for the benefit of the inhabitants shall have the same effect as if made to the village by name.

The territory described in this act as the village of Reads shall be and constitute but one school district, and the trustees of said village shall constitute the board of education of such school district and be the trustees thereof, and shall be subject to the same regulations and possess the same power and authority under the general laws of this state as the trustees of other school districts possess and enjoy; *Provided*, that the clerk of said village shall be clerk of said school district and the treasurer of said village shall be treasurer of such district.