

CHAPTER 55.

[H. F. No. 351.]

AN ACT AMENDING CHAPTER TWO (2) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN (1887), ENTITLED "AN ACT TO DEFINE THE BOUNDARIES OF AND ESTABLISH A MUNICIPAL GOVERNMENT FOR THE CITY OF DULUTH," APPROVED MARCH 2, 1887, AS AMENDED BY CHAPTERS NINETEEN (19), NINETY-SIX (96) AND THREE HUNDRED FOUR (304) OF THE SPECIAL LAWS OF THE YEAR 1889.

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

SECTION 1. That Chapter two (2) of the Special Laws of the state of Minnesota for the year eighteen hundred and eighty-seven (1887), as amended, be and the same is hereby amended in the following respects, to wit:

SEC. 2. That section six (6) of chapter one (1) of said act is amended so as to read as follows:

Sec. 6. Each of said wards shall constitute at least one (1) election precinct, and it shall be the duty of the common council of said city to divide the wards into election precincts from time to time, so that each election precinct shall not have more than four hundred (400) voters, and whenever it appears from the returns of any election that there are more than four hundred (400) electors voting in any precinct at any election, the common council of said city, preceding the next general, special or municipal election, shall divide such precinct into two (2) precincts. Precincts may be designated by number or otherwise as the common council may determine.

SEC. 3. Section seven (7) of chapter two (2) of said act is amended by striking out the words "twenty days," in said section, and inserting in lieu thereof the words "at least four weeks," and by inserting in said section after the word "general," wherever it occurs in said section, the word "special," and by striking out of said section the words "ward or," wherever they occur in said section.

SEC. 4. Section eleven (11) of said chapter is amended by inserting after the word "thereof," in said section, the words "or who holds any other elective or appointive political office, or who is in the employ of any company or corporation having any franchise from or within the limits of the city of Duluth."

SEC 5. Section two (2) of chapter three (3) of said act is amended by striking out the words "absent at any meeting," and inserting in lieu thereof the words "absent from any meeting."

SEC. 6. Section five (5) of said chapter is amended so as to read as follows:

Sec. 5. The common council shall elect a health officer who shall be a practicing physician. He shall be the executive officer of the board of health of the city of Duluth, and it shall be his duty to see that the laws of the state of Minnesota, the ordinances of the city of Duluth

and regulations of the board of health of said city, relating to health and sanitary conditions, are strictly enforced within the limits of said city. He may appoint assistants and inspectors for his department, as provided by the health ordinances of the city of Duluth.

SEC. 7. Section eight (8) of said chapter is amended by inserting in the third (3d) line thereof, after the words "all indebtedness," the words "and all credits and assets held or owned by the city of Duluth of every nature," and by adding at the end of said section the words: "The comptroller shall perform all other duties imposed upon him by this act. He shall also publish annually, at the end of each fiscal year, a statement showing, among other things, the assessed valuation of all property within the city, the amount of bonds and other indebtedness outstanding, the amount of cash on hand, the assets of said city, available or otherwise, the amount of money at the credit of each of the separate funds of the city, the receipts and expenditures for the entire city in each department thereof during the fiscal year for which said report is made."

The comptroller, with the advice and consent of the common council, shall have power to appoint one (1) or more deputies, who, upon their confirmation, shall be authorized to perform the duties of said comptroller. Such deputies shall receive such compensation as the common council may provide.

SEC. 8. Section thirteen (13) of said chapter is amended by adding at the end thereof the words: "The office of any alderman or other officer who shall have been shown to have received a bribe or any other consideration, for performing or neglecting to perform any official duty, shall thereupon become and be vacant, and the common council shall elect his successor, who shall hold until the next general municipal election."

SEC. 9. Section fifteen (15) of said chapter is amended by striking out the first (1st) sentence thereof, and inserting in lieu thereof: "The mayor shall be entitled to an annual salary of twelve hundred dollars (\$1200), and shall be entitled to have a secretary whose annual salary as such shall not exceed six hundred dollars (\$600);" and section sixteen (16) of said act is amended by striking out of said section the words "twenty thousand dollars (\$20,000)," and inserting in lieu thereof the words "forty thousand dollars (\$40,000)."

SEC. 10. Section seventeen (17) of said chapter is amended by inserting after the word "respectively" the words "together with an estimate of the value of said several items of public property in his department."

SEC. 11. Section four (4) of chapter four (4) of said act is amended by striking out of said section the words "said board may," and inserting in lieu thereof the words "the city of Duluth may," and by striking out the words "each lot," and inserting in lieu thereof "such lots as require such connections."

SEC. 12. Section seven (7) of said chapter is amended by inserting the word "upon" between the word "work" and the word "the," in the ninth (9th) line of said section.

Section eleven (11) of said chapter is amended so as to read as follows:

Sec. 11. It shall be the duty of said board to classify or divide the various works or interests under their control into departments, so far as may be, and keep an accurate account of each branch or depart-

ment, showing the amounts expended for original improvement or construction, and the amounts for repairs, superintendence or other expenditures, and exhibiting the sources of such expenditures; and it shall be the duty of said board to make a printed report to the common council of said city, annually, in the month of April, which shall embrace the said expenditures in the different branches or departments upon work under their control, together with a statement of the condition, progress and operation of said work, together with such other information as may be deemed of interest to the various departments of the city government or to the public.

SEC. 13. Section two (2) of chapter five (5) of said act is amended by inserting at the end of the first (1st) clause of the first (1st) sentence the words "for removing snow and ice from the sidewalks of said city, for laying gas and water pipes with or without curb connections to lots in streets and highways of said city, or gas, water or sewer connections from mains or sewers already laid to lots abutting on said streets or highways."

SEC. 14. Section four (4) of said chapter is amended so as to read as follows:

"Proceedings for the making of any improvement for which it is proposed to assess property owners shall be made in one of the two following ways: The property owners fronting upon the line of the proposed improvement, or those who are to be assessed therefor, or both, may ask for the making of said improvement, by petition in writing to the common council.

If no petition is made asking for the making of said improvement, and if, in the opinion of the common council, public necessities require that it should be made, the common council may, by resolution, declare that, in their judgment, the making of the improvement contemplated is necessary. When the owners petition for making any of the improvements mentioned in this chapter, the common council shall not be required to proceed further with said petition than to refer the same to the board of public works, unless it appears that said improvement is asked for by a majority of all the owners to be assessed for the expense of making such improvement. If said application or proposition for improvement originate in the common council by resolution, as hereinbefore mentioned, said resolution shall, upon being passed, be referred to the board of public works. Upon the reference to the board of public works of any petition by property owners, or any resolution of the common council for the making of any of said improvements, said board shall proceed to investigate the same, and they shall determine the following questions and report their answers to same to the common council:

First—Is the contemplated improvement necessary and proper?

Second—Is the improvement petitioned for by a majority of the owners to be assessed therefor?

Third—Can real estate be found benefited to the extent of the damages, costs and expenses to be incurred in making said improvements?

And if the board shall determine that said improvement is necessary and proper, they shall add to their report, except in cases of street sprinkling, removal of snow, and other improvements of like nature where the making of plans and profiles is impracticable, a plan and profile for making the same, and an estimate of the costs, damages and expense of so doing. If said board shall determine that

said improvement is not necessary and proper, they shall make their report, together with their reason for their determination, but need not annex thereto plans and profile or estimate of the cost, and the common council shall not order said improvement to be made except upon a two-thirds ($\frac{2}{3}$) vote of all the members elect of the common council; *Provided*, that if said disapproval of the board of public works is by a unanimous vote of said board the improvement can only be ordered by a three-fourths ($\frac{3}{4}$) vote of all members of the common council. If a majority of the persons and owners to be charged with the costs, damages and expenses of said improvement, at any time before said improvement is actually ordered by the common council, shall remonstrate to the common council against the making of said improvement, said common council shall not proceed to make such improvement except the order for so doing is passed by a three-fourths ($\frac{3}{4}$) vote of all the members elect of the common council, nor shall said improvement be ordered when property, in the opinion of the board of public works, cannot be found benefited to the extent of the costs, damages and expense thereof, except by a three-fourths ($\frac{3}{4}$) vote of all the members elect of the common council.

If said board of public works shall report that, in their opinion, any proposed improvement is not necessary and proper, and the common council shall, as hereinbefore provided for, determine to undertake and make said improvement, said common council may again refer said proposition or petition to the board of public works, and said board shall cause plans and profiles for the doing of said work to be made, and shall give an estimate to the common council of the costs and expenses, in their judgment, of making said improvement; *Provided*, that in case of street sprinkling and the like, where plans and profiles are impracticable, the common council may, instead of referring the matter to the board of public works, pass an order requiring the work to be done. The board of public works and common council may, at any time while such proceedings are being had, make such modifications of the proposed plan of the making of said improvement as may, in their judgment, be necessary or advisable; *Provided*, that such modifications shall not materially change the general character and object of the improvement or materially increase the expense thereof.

Two (2) or more of the kinds of local improvement mentioned in section two (2) of this chapter may be undertaken together, when it appears for any reason that said two (2) improvements can be done together at a less expense than separately."

SEC. 15. Section five (5) of said chapter is amended so as to read as follows:

"Whenever an order shall have finally passed the common council, as hereinbefore provided, for the making of any local improvement, the city clerk shall transmit a copy of such order of the common council to the board of public works. In all cases, except where the work is undertaken upon a petition which expressly asks that the work be not done by the contract system, said board of public works shall forthwith cause specifications for the proposed improvement to be made, and as soon as may be thereafter shall cause proposals for the doing of the work, according to the plans, profiles and specifications, which shall be at all said times on file in their office, to be advertised in the official paper, and said notice shall be inserted at

least ten (10) times, and shall state briefly the kind and character of the work to be done.

Bids for the doing of such work shall be sealed in such a manner that they cannot be opened without detection, and shall be accompanied by a bond or certified check, payable to the city of Duluth, in a sum not less than ten (10) per cent of the estimated cost of the doing of said work, and said money shall be deposited upon the condition, and said bond shall be made upon the condition, that, if the bid of the person making the proposal is accepted, he will enter into contract with the city of Duluth for the making of said improvement, and will furnish contract bond to the city of Duluth in at least the sum of thirty (30) per cent of the estimated cost of said work, conditioned for the faithful performance of said work according to the terms of his contract, and the payment of all material and labor used or employed in making said improvement. All bonds shall be signed by the parties making the proposal or entering into the contract, and two (2) sureties, residents of the state of Minnesota, who shall be satisfactory to the board of public works.

Said proposals or bids shall be opened by said board at their first meeting after the time limited for receiving said proposals, or as soon thereafter as may be, and said board shall proceed to consider the same. If said board believes that the bids are unreasonably high, considering the character of the work to be done, through collusion among bidders or for any other cause, they may reject all bids. If they believe that said bids, or any of them, are fair and reasonable offers, all things considered, for the doing of said work, they shall award said contract to the lowest responsible bidder. Upon rejecting all bids, or upon making said award, they shall report their action to the common council. An award of a contract by said board to any person shall become binding upon the city of Duluth upon the same being approved by the common council and upon the approval by said board of the contract bond of said bidder, executed and conditioned as hereinbefore set forth, but not before or otherwise. If the board of public works reject all bids, the common council may direct said board to readvertise for proposals for doing said work, or it may, notwithstanding said rejection, by a three-fourths (¾) vote of all members elect, award said contract to the lowest of said rejected bidders. Said contract and contract bond, in addition to providing, among other things, that the contractor shall well and truly perform said contract in accordance with the plans and specifications therefor, shall provide that the contractor shall pay all claims to third parties for labor or material used or employed upon said work as the same become due. Should default be made by said contractor in the terms of his contract, the board of public works shall report the same to the common council, and the common council shall cause suit to be commenced against said contractor and his bondsmen to reimburse said city for any loss it may sustain by reason of said default. Any person furnishing labor or material on said contract, whose claim shall not be paid as it becomes due, may bring a suit in his own name against said contractor and his bondsmen. At the time of the bringing of such suit plaintiff shall notify the city that said suit has been commenced, specifying the names of the parties to said suit, the bond upon which said suit is brought, the amount and nature of plaintiff's claim, and no judgment shall be entered in any such action unless the

plaintiff shall prove to the satisfaction of the court that twenty (20) days before the time of said trial notice was served upon the city of the commencement of said suit, as hereinbefore set forth. If it shall appear to the city of Duluth, that, by reason of any default made or likely to be made by the contractor in the terms of his bond or contract, whereby either said city or other laborers or material men may be in need of recourse to said bond, said city within said twenty (20) days may file a complaint in intervention in said action, setting up said facts, and thereupon the court shall stay the judgment in said action until the contract upon which said suit is brought shall have been completed and all parties for whose protection said bond was given shall have had opportunity to appear in said action and be joined as parties thereto. Any party having a cause of action against said contractor may likewise intervene in any action brought on any contract bond, irrespective of whether the city appears in said action or not. If an amount is not realized in said suit sufficient to pay all claims in full, the money realized shall be paid *pro rata* in discharge of the claims of the parties to said suit, including the claims of the city, of laborers and material men. All suits upon said bond must be brought within ninety (90) days after the time when the contract work is completed and accepted by the city. No technical defect in the execution of said bonds, no assignment of any contract, and no extension of the time in which to complete a contract, shall have the effect to release the sureties upon said bonds.

Patents.—In case it is deemed necessary to pave any street with patent pavement, or to perform any other work upon which there is a patent, the notice for bids shall call for the particular kind of pavement required, or, in case of other improvements, of the particular article covered by patent, and when all proposals therefor are in, the board may select the one which is relatively the lowest or the most satisfactory, all things considered, and its decision thereon shall be final. If the pavement selected is patented, the said board shall require a license from the patentee to lay and relay the same for all time thereafter, free from all claims of royalty.

All contracts shall be executed by the board of public works in the name of and on behalf of the city of Duluth, and the corporate seal of said board shall be thereto attached. The comptroller shall countersign all such contracts, and a copy thereof shall be filed in his office and registered by him in a book kept for that purpose. In addition to the provisions herein provided for, the city may incorporate in its contracts such provisions, not inconsistent with those herein mentioned, as it may deem fit and proper.

Non-Contract Work.—If persons petitioning for an improvement, and who constitute a majority of the owners to be charged with the cost thereof, ask that said work shall not be done by contract, the city may undertake and complete said work by day labor, and assess the cost thereof against the property benefited thereby, as well against the property of those signing the petition as those who did not. Proceedings in such a case shall be conducted with the same formalities in the common council and board of public works as in other cases, with the single exception that all acts relating to advertising for bids and letting contracts may be omitted."

SEC. 16. Section six (6) of said chapter is amended so as to read as follows:

Sec. 6. The board of public works shall reserve the right in all city contracts, in case of improper construction or in case of unreasonable or unnecessary delay, to suspend the work at any time and relet the same, or cause said work to be done in such other method as in their judgment shall be most expedient, and to order the reconstruction of all work improperly done, and said board shall have full authority, upon such default being made by the contractor, to take charge of the work and cause the same to be completed according to contract and charge the cost of so doing to said contractor. The board of public works shall report to the common council from time to time, and not less frequently than once each month, the rate of progress being made by the various contractors upon the works in which the city is engaged, and whether or not, in the opinion of such board, the several improvements will be accomplished at their present rate of progress within the time limited for the doing of said work, and if it shall appear to the common council that said work is unreasonably or unnecessarily delayed, the common council may direct said board of public works, after proper notice to contractors, to place such additional men upon said work, or to take such contract altogether from said contractors, or to take such other method as may seem necessary to cause said work to be completed within the time limited for the doing of said work.

In all cases where contract work is being properly performed the board of public works may from time to time, in their discretion, as the work progresses, grant to the contractor an estimate upon the amount already earned by him, and may reserve fifteen (15) per cent of the amount earned until the completion of said contract. When the whole work has been completed to the satisfaction of the board of public works, the balance due the contractor shall be audited and allowed by the common council to said contractor; *Provided*, that upon sewer contracts and other work of similar nature five (5) per cent of the contract price may be reserved, for a period not exceeding six (6) months, for backfilling or repairing occasioned by settling or defects in the work.

SEC. 17. Section seven (7) of said chapter is amended by inserting in the second line thereof, after the word "contract," the words "or undertaken by day labor," and by striking out the proviso at the end of said section and inserting in lieu thereof the words: "If for any cause any assessment heretofore or hereafter made by the city of Duluth for any local improvement shall be set aside by any court, or by reason of any irregularity or omission shall be pronounced invalid, or shall be in fact invalid, the board of public works are authorized to reassess the cost of making said improvement upon the property benefited thereby, in proportion to the benefit that each piece or parcel of land has received; *Provided*, that, if any assessment shall be pronounced invalid by reason of the fact that any piece of property was adjudged not to be benefited thereby, no second assessment can be made upon the property so adjudged not to be benefited."

SEC. 18. Section ten (10) of said chapter is amended by striking out of said section the words "and a description of the lot or parcel of land against which the same is assessed," and by striking out all of said section after and including the words "and thereupon the common council may by resolution," and inserting in lieu thereof the following: "And thereafter the city comptroller shall make up a certified

statement of the amount of said assessments delinquent, said statement to contain the names of the owners delinquent, a description of the assessment for which said amounts were levied and of the lands affected thereby, which statement shall be the basis of the application for judgment hereinafter mentioned; and thereafter, at such times as the common council may direct, and not more frequently than four (4) times in each year, the comptroller shall proceed to sell the parcels of land upon which said assessments are delinquent in the manner following, to-wit:

Notice of Application for Judgment.—Said comptroller shall cause at least twenty (20) days' notice by publication for ten (10) days in the official paper of the city, of his intended application for judgment to the district court in and for St. Louis county, which notice shall briefly specify the respective assessments upon which said application is made, and the description of the property against which judgment is required, and shall require all persons interested to attend at said court at the time mentioned in said notice. Said twenty (20) days' notice shall be reckoned from the first (1st) day of the publication thereof. Said comptroller shall also cause written notice to be mailed to all property holders interested, or their agents, whose address is known to him, but the fact of his failure to give such written notice shall in no way affect the validity of any judgment obtained. The demand published as hereinbefore set forth shall be deemed to be sufficient and legal notice to all property owners of the intended application of the city comptroller to such court for judgment, and shall be held to be a sufficient demand and refusal to pay said assessment. The city comptroller shall cause a copy of his notice of such intended application, together with an affidavit of publication, made by the printer or publisher of the official paper, and the certified statement of said delinquent assessments, to be filed with the clerk of said district court at or before the application for judgment as hereinbefore mentioned. The clerk of said court, upon the filing of said papers by the city comptroller, shall receive and preserve the same, and shall file therewith all judgments, orders and other proceedings of said court in relation thereto. Each of said statements shall constitute a separate proceeding or suit, and shall be docketed by the clerk of said court in a suitable record book kept for that purpose.

Application for Judgment.—At the time set for such application by the comptroller, it shall be the duty of the court, proof of the publication of said notice as hereinbefore set forth having been filed, to proceed immediately to the hearing of the same, and the matter of said assessment shall have priority over all other matters pending in said court. Said court shall pronounce judgment against the several lots or parcels of land described in said report for which no answer or objection shall be filed, for the amount of the assessment, interest, damages and costs severally due thereon.

Owner May Appear and Defend.—The owner of any property described in said assessment and statement, personally or by attorney, may appear at said court, at the time designated in said comptroller's notice, and file objections in writing to the recovery of judgment against his property, but no objections shall be interposed or sustained in relation to any matter occurring prior to the confirmation of the assessment by the court, as hereinbefore set forth, and no objections as to any other of the proceedings shall be sustained for any

formal irregularity or defect. The court shall hear and determine all objections interposed by any property owner in a summary manner without pleadings, and shall dispose of the same with as little delay as possible.

Judgment—How Rendered.—If justice require that for any cause the suit as to one or more owners should be delayed, judgment may be rendered as to the other property or lands, and process shall issue for the sale thereof the same as if no part of said proceedings had been adjourned. In all cases where judgment shall be rendered by 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 parcels of land, which order may be substantially in the following form:

'Whereas due notice has been given of an intended application for judgment against the lands mentioned in the foregoing and annexed report, statement and application of the comptroller of the city of Duluth, and no owner hath appeared to make defense or to show cause why judgment should not be entered against said lands and other property for the assessment, damages, interest and costs due and unpaid thereon; therefore it is considered and adjudged that judgment be, and the same is hereby, entered against the aforesaid pieces and parcels of land in favor of the city of Duluth for the sum set opposite each lot or parcel of land, being the amount of the 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 may be sufficient to satisfy the amount of the several assessments, interest, damages and costs set opposite to them herein, be sold as the law directs to satisfy said judgment, with interest thereon at twelve (12) per cent per annum from the rendition of this judgment.'

In all cases where a defense be interposed, and a judgment be rendered against the property, a similar judgment stating the appearance of the defendant shall be made and entered of record.

Twenty-five (25) cents shall be added to the amount against each lot to defray the expense of publication of said notice, and the sum of one (1) dollar to the costs assessed against each lot where a defense is interposed.

Clerk of Court to Certify Copy of Judgment to Comptroller.—It shall be the duty of the clerk of court, within fifteen (15) days after said order is granted, to make out under the seal of said court a certified copy of said judgment, giving a description of the land and the amount of costs rendered against each parcel thereof, including all costs, which shall constitute a process on which said lots and parcels of land shall be sold to satisfy said judgments and costs.

Notice of Sale.—After receiving such certified copy the comptroller shall give ten (10) days' notice in the official paper of the city, which shall be published at least five (5) times, said ten (10) days' notice being reckoned from the first (1st) publication, that at a certain time stated in said notice he will proceed to sell several parcels of land at his office in the city hall in the city of Duluth, at ten (10) o'clock in the forenoon of the day stated therein, to satisfy said judgments and costs, if the same shall not be paid prior to said hour of sale.

What Notice shall Contain.—The said notice of sale to be published shall contain a list of the delinquent lots or parcels of land to be sold,

the names of the owners, if known, the amount of judgments rendered thereon respectively, and a description of the judgment upon which the same was rendered, and that the said parcels of land will be offered for sale at public auction at the time named therein by the city comptroller at his office in the city of Duluth. The omission of the name of any owner, or any mistake respecting the same, shall not invalidate the sale, if the property to be sold be described with legal certainty.

Payment Before Sale.—Any owner may pay the amount, with accrued costs, adjudged against any parcel of land at any time previous to actual sale.

Abbreviations May Be Used.—In all papers and advertisements for the collection and sale of such assessments, and in all deeds issued thereunder, letters and figures, ditto marks and other commonly used written or printed characters may be used to denote lots, sublots, lauds, blocks, and parts thereof, sections, townships, ranges, days, years and the amounts.

Sale—How Conducted.—At the time set for the sale the city comptroller shall proceed to sell at public sale the lots and lauds mentioned in said judgment for the judgments and costs rendered or accruing against the same, which shall not have been paid prior to the time of such sale. He shall add to the amount of judgment fifty (50) cents for each description, for costs of sale, and before any parcel of land shall be sold he shall state to those present the amount for which the same is subject to be sold. All pieces or parcels of land shall be sold to the highest bidder therefor; *Provided*, that the bid of such person equals the amount for which said pieces or parcels are subject to be sold.

If no person shall bid an amount equal to the amount for which the same is subject to be sold, the comptroller shall bid in such pieces or parcels of land for the city.

He shall enter upon his lists the name of the person to whom each piece or parcel was sold, and the amount for which the same was sold, or, if no person shall bid the amount for which the same is subject to be sold, he shall enter opposite such piece the words, 'Bid in for the city.'

Any person purchasing any lot or parcel of land shall forthwith pay to the city treasurer the amount for which the same was sold, and on failure so to do the property shall again be offered for sale by the comptroller in the same manner as if no sale had been made, and in no case shall the sale be considered closed until the full payment shall be made.

Certificates of Sale.—The city comptroller at the close of such sale shall make out and deliver to each purchaser a certificate of sale which shall contain the name of the purchaser, a description of the premises sold, a description of the judgment upon which said sale is made, and the amount for which said parcel was sold. No certificates need to be made out by the comptroller for any piece or parcel of land bid in for the city, but the title of said land shall be held to have vested in the city, subject to the right of redemption hereinafter given, upon the entry in the lists of said comptroller of the words hereinbefore mentioned, 'Bid in for the city.'

Redemptions—How and When Made.—Any piece or parcel of land sold or bid in, as hereinbefore set forth, may be redeemed at any time within three (3) years from the date of sale, by any person, upon

paying to the city treasurer the amount for which the same was sold, and costs and interest thereon from the time of such sale at the rate of ten (10) per cent per annum, together with any subsequent taxes or assessments, costs or penalties paid by the party holding an assignment of the land sought to be redeemed.

Entries to be Made by Comptroller.—The city comptroller shall enter and extend upon the certified copy of the judgment or order of sale issued to him by the clerk of the district court the interest, costs and expenses to be charged against said lot or description as provided by law, the amount of sale, to whom sold, if struck off to the city to whom afterwards transferred, with the amount of such transfer, and shall attach thereto a copy of the advertisement appertaining to the sale, which shall remain and be a part of the records of his office.

Assignments of Property Bid in for the City.—At any time after said sale the city comptroller shall make out assignments of any parcel of land bid in for the city to any person who shall pay to the city the amount for which the same was bid in by the city, together with interest and costs and subsequent assignments, if any, and shall issue to such person a certificate reciting the fact that said land was bid in for the city in accordance with the provisions hereinbefore set forth, and the amount for which it was so bid in, and the name of the person to whom the same was transferred, and the amount for which the same was transferred, and shall make upon the books or papers of his office, opposite said parcel, such proper entries as shall evidence such transfer.

Certificates not to be Recorded.—No certificates of sale nor assignment given under the provisions of this act shall be subject to be recorded in the register of deed's office.

Notice of Expiration of Period of Redemption.—At least sixty (60) days before the expiration of the three (3) years' redemption period hereinbefore provided for the comptroller shall cause a notice to be published in the official paper of the city, which notice shall be published five (5) successive days, and said sixty (60) days shall commence from the first (1st) publication, that deeds will issue by the city at the expiration of the time of redemption to the holder of any certificate or assignment of sale of any lands sold as hereinbefore provided for, unless the pieces or parcels of land for which such certificates or assignments were given shall be redeemed from such sale by the payment of the amount for which the same was sold, together with the subsequent assessments paid by the holder of said assignment or certificate to the treasurer of the city. Said notice shall specify the judgment under which the sale was made, the date of sale and the amount required to redeem each piece or parcel of land; and the time within which any piece or parcel of land sold, as hereinbefore set forth, may be redeemed shall not expire until said notice shall be given, as hereinbefore set forth, but, while it is the duty of the city comptroller to give said notice sixty (60) days before the expiration of three (3) years from the date of sale, his omission to give said notice at said time shall not in any way affect the validity of said sale, but said notice may be given at any time thereafter, and the purchaser shall have until sixty (60) days from the first (1st) publication of said notice to make redemption.

Notice to Holders of Certificates.—In case any piece or parcel of land is redeemed, the city shall mail a notice to the person holding a cer-

tificate or assignment for which said redemption is made, stating that said redemption has been made and that the amount thereof is in the city treasury subject to his disposal.

Certificates—How Assigned.—Any certificate of sale or assignment of property bid in by the city may be assigned, but such assignment shall be evidenced by the same formalities as the conveyance of real estate.

Deed of Land Unredeemed.—In case any piece or parcel of land shall be bid in by the city, and shall not have been transferred within the time for which the same was subject to be redeemed, it shall, upon the expiration of the period of redemption, be conveyed to the city.

All deeds made to purchasers or to the city, and the records thereof, shall in all cases be *prima facie* evidence that all requirements of the law with respect to judgment and sale shall have been duly complied with, and of title in the grantee therein after the time of 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 same was made had not jurisdiction to render the judgment, or that after the judgment and before the sale such judgment had been paid, or that after said sale and before the expiration of the period of redemption, said land was redeemed by payment as hereinbefore set forth, nor 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 from the issuance of the deed. In case said sale is set aside by reason of any defect in the proceedings subsequent to the entry of judgment, the court so setting aside the sale shall have power to order a new sale to be made as near as may be in accordance with the provisions of this act, and, if any of said deeds shall be set aside, the party holding said deed shall recover from the adverse party the amounts paid for such deeds to the city, with the interest thereon from the date of sale at the rate of twelve (12) per cent per annum, and all subsequent taxes, assessments, penalties and interest paid by said purchaser upon the land mentioned in said deed.

Deeds Recorded Without Prepayment of Other Taxes.—All deeds given under the provisions of this chapter shall be subject to be recorded in the register of deeds' office in St. Louis county, without prepayment of taxes or the county auditor's certificate that taxes are paid.

No Change in Comptroller to Affect Proceeding.—No change in the incumbency of the office of city comptroller or other officer, during the pendency of these proceedings, shall have any effect to delay the same, but the successor or successors in said office shall be authorized to do all such acts necessary to complete such proceedings.

Penalty if City Officers Neglect their Duties.—Any city comptroller, city treasurer or other officer who shall 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 proceedings required by this chapter shall be prevented or hindered, shall, for every such neglect or refusal, be liable to the city individually and upon his official bond for double the amount, loss or damage caused by said neglect or refusal.

Form and Manner of Making Deed.—If said land is not redeemed within sixty (60) days from the first (1st) publication of said notice, the holder of any certificate or assignment, or, if the same remains bid

in for the city, the city itself, may make application to said comptroller for a deed of said land, and the person or corporation, other than the city, making said application shall pay to the city all sums which may be assessed against said land by the city subsequent to the assessment upon which the sale has been made, and shall pay to the city treasurer one (1) dollar as costs of the publication of said notice to redeem, and upon the making of such payment the city comptroller shall prepare deeds conveying said land to the parties entitled thereto. Deeds shall be executed, witnessed and acknowledged in the same manner that other conveyances in this state are executed. It shall be executed on behalf of the city by the mayor and city clerk, and countersigned by the city comptroller. The comptroller shall make a suitable entry upon his lists and records showing when, to whom and for what lands deeds have been issued. The foregoing provisions relative to the enforcement of assessments shall apply to any assessments heretofore made for local improvements within the city of Duluth and now in the hands of the city comptroller."

SEC. 19. Section eleven (11) of said chapter five (5) is amended so that the first two (2) sentences thereof shall read as follows:

"When the assessment made, as hereinbefore set forth, upon any contract not let at the time of the passage of this act, remains unpaid after the expiration of the thirty (30) days limited in which the sum may be paid to the city treasurer, the common council of the city shall, upon the application of any owners of lots against which an assessment is made, divide the whole amount so assessed against the lots of said owners for said improvement into not more than five (5) equal installments, the time for the enforcement of the same against the property affected by the assessment to be, by the resolution of the common council dividing said assessment, extended so as to become due and payable as follows:

The first (1st) installment on October 1st of the next succeeding year, the second (2d) installment on October 1st of the second (2d) succeeding year, the third (3d) installment on October 1st of the third (3d) year, and so on. Each of said deferred payments shall bear interest at the rate of interest not exceeding eight (8) per cent per annum from the time of the passage of said resolution."

All that part of said section following the word "(Seal)" is struck out and the following inserted in lieu thereof:

"The said certificates shall be signed by the mayor and city clerk and countersigned by the city comptroller, and shall have attached thereto the corporate seal of said city. The amount of each installment shall not be passed into judgment by the city comptroller, according to the provisions hereinafter set forth, until after each of said installments shall become due and payable, and the amount of said certificates shall not be regarded as a part of the city debt, within the meaning of the five (5) per cent limit provided for in section nine (9) of chapter nine (9) of the act hereby amended."

SEC. 20. Section sixteen (16) of said chapter five (5) is amended by striking out the last sentence thereof and inserting in lieu thereof the following:

"It shall be the duty of the city treasurer, after the expiration of said thirty (30) days, to return said duplicate roll to the city comptroller, and thereafter said city comptroller shall cause judgment to be entered for the amounts assessed against said several parcels, and

said parcels to be sold therefor in the same manner as assessments for other improvements are enforced against lots and lauds as hereinbefore set forth."

SEC. 21. Section one (1) of chapter six (6) of said act is amended by striking out of the fourth (4th) line the words "markets, public buildings," and by inserting in lieu thereof the words "or for the sites for public buildings, markets, engine houses, city workhouses, city hospitals, barns for horses used or employed by the city, or for yards for the storage of property or supplies belonging to said city, for right of way for sewers and drains, and for right of way for electric wires and conduits," and by striking out the words "and if not" from said section, and inserting in lieu thereof the word "or."

Paragraph first (1st), "Appointment of Commissioners," is amended in the first (1st) and second (2d) lines thereof by striking out the words, "upon ordering an improvement above mentioned to be made," and inserting in lieu thereof "upon determining by said vote that the necessity for acquiring said property exists."

The fourth (4th) line from the bottom of said section is amended by striking out the word "aforesaid," and inserting in lieu thereof "or in lieu of any person appointed as commissioner, but not qualified by reason of residence or other cause to act as such."

The third (3d) paragraph of said section is amended as follows: From the third (3d) line thereof strike out the words "proposed improvement or purchase," and insert in lieu thereof the words "property proposed to be acquired or injuriously affected," and from the last line of the third (3d) paragraph of said section strike out from the end thereof the words "such improvement," and insert in lieu thereof "may be injuriously affected."

Paragraph fourth (4th) of said section is amended as follows: Strike out the words "may be damaged by said improvement," and insert in lieu thereof the words "may be injuriously affected." Also from the end of said paragraph strike out the words "in making such improvement," and insert in lieu thereof the words "by reason of the taking of the property or easement sought to be acquired by the city."

Paragraph sixth (6th) of said section is amended by striking out the words "from such improvement," and paragraph eighth (8th) by striking out the words "by such improvement."

Paragraph ninth (9th) of said section is amended by striking out the last clause thereof, and inserting in lieu thereof: "In case said commissioners shall be unable to determine who is the owner of any particular parcel of land taken or injuriously affected, the name of the owner of said parcel may be entered upon their schedule as unknown, and the money awarded may be set aside and deposited in the treasury of said city for the unknown owner or owners of the land taken or injuriously affected. In cases of disputed ownership, the name of all the owners or claimants of any parcel may be entered upon said schedule, and the money may be set aside and deposited in their name in said treasury, but need not be paid to them until they shall determine by proper action in court their rights to said money."

Paragraph tenth (10th) of said section is amended by striking out from the second (2d) line the words "have elected in the manner aforesaid," and inserting in lieu thereof "elect;" and after the word "buildings," in the third (3d) line of said paragraph, by inserting the words: "He or they shall, within ten (10) days after the confirm-

ation of said report, certify to the common council their election to remove said buildings."

Paragraph eleventh (11th) of said section is amended by adding at the end thereof: "And all notices required to be served upon the city by an owner may be served by said guardian."

SEC. 22. Section one (1) of chapter seven (7) of said act is amended by adding to the third (3d) sentence thereof the words: "The petitioners having deposited with the city clerk at the time of the filing of said petition an amount sufficient to meet the expense of the publications hereinafter mentioned."

SEC. 23. Section three (3) of the same chapter is amended by striking out the words "and jury as in other cases, and the judgment of the court shall be final," and inserting in lieu thereof "without a jury, and if it shall appear that the action of the common council was arbitrary and partial, or that great public interests have been disregarded, the court may, notwithstanding the action of said common council, by proper order, reverse the action of said common council as to the vacation of said street, avenue, alley or highway. An appeal may be taken from the order of said judge, or the judgment entered thereon, to the supreme court, as in any ordinary case at law."

SEC. 24. Section one (1) of chapter eight (8) of said act is amended so as to read as follows: "A majority of all the aldermen elect shall constitute a quorum to do business at any meeting of the common council."

SEC. 25. Section two (2) of said chapter is amended so as to read as follows:

"The common council shall hold regular meetings upon Monday evening of each week. Special meetings may be called at any time by the mayor or acting mayor, by delivering a notice to each member of the common council, personally, or by leaving the same at his usual place of abode. Such notice shall state the time when such meeting will be held and the object of such meeting, and shall be served upon all members, as hereinbefore set forth, not less than three (3) hours before the time set for said meeting."

At such special meeting no other business shall be transacted than that designated in said call or notice. In case the attendance at any regular meeting is less than a quorum, the members present may adjourn such meeting to such time as they may designate. No special meeting shall be adjourned unless there is a quorum present at the time stated in the call. All adjourned meetings shall be a part of the regular or special meeting from which they were adjourned, but the second and subsequent sittings of a meeting so adjourned shall be designated as sessions of said meeting."

SEC. 26. Section three (3) of said chapter is amended to read as follows:

Sec. 3. The common council shall be the judge of the election of its own members, and, in case of any contest by a person claiming to be elected to said common council or other investigation instituted by it, it shall have the power to administer oaths, take testimony and send for persons and papers. It shall determine the rules of its own proceedings, and shall have power to compel the attendance of absent members and maintain order and decorum at its meetings, and may provide a suitable punishment for the members absent or guilty of disorderly conduct in the meeting of said council or of a breach of the rules governing its meetings.

SEC. 27. Section four (4) of said chapter is amended by adding at the end of the first (1st) clause of the first (1st) sentence the words "and to try and impeach for malfeasance or non-feasance in office any municipal officer elected to perform any official duties within the limits of the city of Duluth."

SEC. 28. Section five (5) of said chapter is amended by striking out the words "and for these purposes the said common council shall have authority by ordinance," and insert in lieu thereof the words "and in addition to the authority to pass ordinances for the general purpose of securing good order and public peace within the city, for the suppression of vice and intemperance, which powers shall not be held to be abridged by the special powers hereinafter enumerated, said common council shall have the authority to legislate and ordain for the following purposes, to-wit:"

Subdivision fourth (4th) of said section five (5) is amended by adding at the end thereof "and to establish limits within which blacksmiths' shops, tallow chandlers' shops, soap factories, tanneries, and other business of like nature, may not be established or located."

Subdivision ninth (9th) of said section is amended by changing the words "to prevent the running at large of dogs," so as to read as follows: "To wholly prohibit the running at large of dogs, or to require that dogs shall not be at large unless muzzled in such manner as said common council shall deem proper."

Subdivision tenth (10th) of said section is amended by striking out the words "in default thereof," and inserting in lieu thereof "in addition to a fine or imprisonment."

Subdivision thirteenth (13th) of said section is amended by striking out "baked contrary thereto."

Subdivision sixteenth (16th) of said section is amended by inserting after the word "streets," the words "theaters, halls, stores, banks or shops."

Subdivision nineteenth (19th) of said section is amended by striking out the words "and also license and regulate all peddlers doing business within said city," and insert in lieu thereof "and also to tax, license and regulate all peddlers and canvassers doing business within said city, and all persons going about the city from house to house, or from place of business to place of business for the purpose of selling or taking orders for the sale of property, whether said persons have said property which is the subject of sale with them at the time they attempt to make said sale or not, but this authority shall not extend to the licensing of persons selling at wholesale to dealers in said articles."

Subdivision twenty-first (21st) of said section is amended by adding at the end thereof the words "upon said work being done by the city, or by its officers, at the expense of the owners of said property, the cost of so doing shall be a lien upon said property, and, if the owners or agents of said property, if any person be in possession of said property, shall not pay the same upon presenting the bill for said expense, the amount of said expense shall be referred to the board of public works, who thereupon shall assess against said property the cost of doing said work, and the same shall be collected as assessments for local improvements are collected."

Subdivision twenty-second (22d) of said section is amended by striking out the words "to have general supervision over the docks,

piers and wharves within said city," and inserting in lieu thereof "to have general supervision and control of all navigable waters within the limits of said city, and over the erection and maintenance of docks, piers, wharves or other structures in said waters or within said city," and inserting in said section after the words "for that purpose" the words "to appoint a harbor master, to define his duties, to make all needful regulations for the control of said waters or the movements of vessels therein, or for the placing of structures, piers, booms, pipes or any other substance whatever for any purpose in said waters; and for the purpose of protecting the harbor of Duluth said common council may restrict or entirely prevent the taking of sand or earth from Minnesota point, or the digging of ditches or the laying of pipes for any purpose across said point."

Subdivision twenty-seventh (27th) of said section is amended by inserting after the word "inspection," the words "and measurement," and by inserting after the word "wood," the words "coal and other fuel."

Subdivision twenty-eighth (28th) of said section is amended by adding at the end thereof "to appoint an electric inspector, whose duty it shall be to superintend the erection of all electric plants, wires, structures and appurtenances erected within the city of Duluth, and to examine the same from time to time and cause the same to be kept in proper and safe repair, and to see that such precautions are taken, either by the city or by any person or company having or owning any electric plant, to prevent injury to any person or property."

Subdivision thirty-third (33d) of said section is amended as follows: By inserting after the words "to restrain and punish," the words "or suppress."

Subdivision thirty-fifth (35th) of said section is amended as follows: After the words "flues and heating apparatus," insert "and to prescribe the kind and quality of all plumbing to be placed in any building within the said city, and to regulate and inspect the construction of the same," and strike out of the first two (2) lines of this subdivision the words "of more than two (2) stories in height," and the word "fire."

Subdivision forty-first (41st) of said section is amended so that that part thereof before the words "also to establish," shall read as follows: "To regulate the quantity and measurement of gas, electric light, electric current and water; to prescribe and enforce rules and regulations for the manufacture and sale of gas and electric current; to provide for the inspection of gas and water sold by any company, of gas meters, water meters and meters used to measure electric current furnished for light and power or other purposes, and to appoint an inspector and other officers, if needed for that purpose, and to prescribe their duties."

Subdivision forty-second (42d) of said section is amended by inserting at the end thereof the following: "And to prescribe rules and regulations relative to excavating in streets, alleys, avenues and public grounds of said city, and to require all persons or corporations having or claiming to have the right to excavate in said highways or public grounds by virtue of any law or ordinance to file with the board of public works of said city a notice of their intention to excavate in said highways or public grounds, and before commencing said excavation to receive from said board a permit for so doing; *Provided,*

that this authority shall not be construed to prevent excavations by persons authorized by general law or ordinance to excavate in said highways and grounds, when the necessities for said excavation demand such immediate action that time cannot be had to give said notice and receive said permit; and to require all persons after having made said excavation, to restore said highway or public ground, as soon thereafter as possible, and to give said board of public works notice of the time when they will commence the work of restoration, so that said board may inspect said work of restoration and see that said street is in all things restored to its original condition as near as practicable; and to provide for the collection of costs and damages which said city may sustain by reason of said persons or corporations failing to restore said streets to their original condition."

Said section is further amended by adding the following:

"Forty-third—To change the name of the streets, avenues, alleys, highways and public grounds of said city as public necessity may require, but before any ordinance shall be passed changing the name of any such highway or public ground, the city shall cause to be published in the official paper, not less than three (3) times, a notice to all parties concerned that at a certain time, to be designated in said notice, the common council will consider the question of changing the name of said street or public ground which it is proposed to change.

SEC. 29. Section six (6) of said chapter is amended by striking out the words "or both," and inserting in lieu thereof "and any person fined may be imprisoned in the city prison or county jail until said fine shall have been paid, not to exceed in all ninety (90) days."

SEC. 30. Section sixteen (16) of said chapter is amended by striking out the words "the said court may," and inserting in lieu thereof the words "the said common council may."

SEC. 31. Section twenty-one (21) of said chapter is amended by adding at the end thereof the words "and to prescribe the kind and manner of laying sidewalks within said fire limits."

SEC. 32. Section three (3) of chapter nine (9) of said act is amended so as to read "office of city assessor," instead of "place of meeting of the common council."

SEC. 33. Section seven (7) of said chapter is amended by striking out the words "a ward fund for each ward in the city," and inserting in lieu thereof "a library fund." *"Seventh*—A park fund;" and by adding at the end of said section the words "Provided, that no money belonging to either the sinking fund or the interest fund shall be loaned to any other department, except that money may be loaned from one of these two funds to the other, if occasion require."

SEC. 34. Section eight (8) of said chapter is amended by striking out of all said section after the words "not otherwise provided for," and inserting in lieu thereof the following: "For a sinking fund not less than one-half (½) mill on the dollar, for library and park funds such amounts as shall be required by law."

SEC. 35. Section nine (9) of said chapter is amended by adding at the end thereof the following: "The foregoing shall not be held to prevent the common council from negotiating temporary loans as occasion may require for an amount not exceeding in the aggregate two hundred and fifty thousand dollars (\$250,000), at a rate of interest not exceeding six (6) per cent, and for a period of time not to exceed

three (3) years. Said loans shall be evidenced by coupon notes executed by the mayor and clerk and countersigned by the comptroller, and may be negotiated for not less than their face value, without advertisement, as the exigencies of the occasion may require. The amount of said temporary loan shall be taken to be and held to be a part of the general indebtedness of the city, and shall not at any time be so issued as to make the total indebtedness of the city exceed five (5) per cent of the assessed valuation."

Water and Light Bonds. — The city of Duluth is hereby authorized to issue water and light bonds to such an extent as may be necessary for the purpose of erecting and maintaining suitable water and light plants, or for purchasing any water or light plant in operation in said city. Said bonds shall be issued, sold and evidenced in the same manner as the general bonds of the city, except as hereinafter provided. They shall be a first lien upon all water and light appliances and structures of every kind erected, owned or purchased by said city, and the amount of indebtedness required in order to secure said water and light plants shall not be deemed to be a part of the general indebtedness of the city heretofore referred to as not to exceed five (5) per cent of the assessed valuation of property within said city, but shall be held to be a special indebtedness, and shall be, as hereinbefore stated, a special and exclusive lien upon all water and light franchises purchased by said city in whole or part by said funds.

Said water and light bonds shall be issued in the following manner: Whenever the common council may deem it expedient they shall submit to the legal voters of the city, at any general city election or at a special election to be called by said common council for that purpose, the proposition of issuing said water and light bonds to an amount deemed by them desirable to be issued at such time. Said election shall be called, if a special election, and whether special or general shall be conducted, in the same manner and with the same formalities as other city elections. The ballots to be voted at said election may read as follows:

"1. In favor of the proposition of issuing water and light bonds to the extent of (*here state amount*) for the purpose of erecting or purchasing a water plant."

"1. Against the proposition of issuing water and light bonds to the extent of (*here state amount*) for the purpose of erecting or purchasing a water plant."

"2. In favor of the proposition of expending the moneys derived from the sale of said bonds in erecting a water plant."

"2. In favor of the proposition of expending the moneys derived from the sale of said bonds in purchasing a water plant already in existence in said city."

"3. In favor of the proposition of issuing water and light bonds to the extent of (*here state amount*) for the purpose of erecting a light plant for the city of Duluth."

"3. Against the proposition of issuing water and light bonds to the extent of (*here state amount*) for the purpose of erecting a light plant for the city of Duluth."

"4. In favor of the proposition of using the moneys derived from the sale of said bonds in erecting a light plant for said city."

"4. In favor of the proposition of using the money to be derived from the sale of said bonds for purchasing a light plant already in existence in said city."

If a majority of the votes cast at said election shall be in favor of issuing water and light bonds, the city of Duluth shall, through its proper officers, without further act, be authorized to issue said bonds to the amount voted and to sell and negotiate the same the same as other city bonds. It shall be the duty of the common council to expend the moneys derived from the sale of said bonds in accordance with the directions of the voters as shown by said election.

Said common council may from time to time thereafter submit the proposition of issuing additional water and light bonds, in such additional sums as they may deem wise, to the legal voters of said city. The ballots may be in substantially the foregoing forms with such changes as may be necessary, and, if a majority of the votes cast at such election shall be in favor of issuing said additional water and light bonds, the said city of Duluth, through its proper officers, shall be authorized to issue such additional water and light bonds as may be authorized by said voters.

In case the city shall purchase any existing water and light plant, in arriving at the purchase price there shall be taken into consideration the condition of said plant at the time of said purchase, and any depreciation that may have taken place in the value of said plant by reason of said plant having been for some time in use, or by reason of said plant or the machinery thereof, or any part thereof, having become more or less obsolete by reason of subsequent improvements in said kinds of machinery since the making thereof.

If the common council and the owners of any water or light plant which said common council may deem it advisable to purchase, cannot agree upon a just and reasonable price to be paid for said plants, the city of Duluth may acquire said plants by condemnation in the same way that other property may be acquired by said city under the provisions of chapter six (6) of the city charter.

If any of said plants so to be acquired have bonds outstanding, which by their terms are not due, and the parties owning the same refuse to surrender the same for their value, the city of Duluth may assume said bonds; *Provided*, that the amount of bonds so assumed shall not exceed the amount to be paid by said city for said plant.

Whenever the city of Duluth shall erect or acquire, by purchase or condemnation, any light or water plant, the common council may, by ordinance, create a department of government known as "Water and Light Department," and may provide for such officers and assistants as may be necessary to carry on the business and discharge the duties of said department, may regulate the rates to be charged, the method of supply of water and light to public and private consumers and the compensation to be paid to all employes of said department, or said common council may devolve the duties of said department in whole or in part upon the board of public works.

Should the revenues derived from water and light plants owned by the city exceed the cost of operating and maintaining the same, not less than twenty-five (25) per cent of the net revenue shall be set aside by the city to create a sinking fund for the purchase of said bonds as the same become due.

SEC. 36. Section fifteen (15) of said chapter nine (9) is amended by inserting in the last part thereof, after the words "and all such banks," the words "not to exceed five (5) in number," and by inserting in the first (1st) line of said section, after the words "City of Duluth," the words "organized under the national or state banking acts."

SEC. 37. Section twenty-three (23) of said chapter is amended by striking out the words "all bonds in the hands of the city treasurer," and inserting in lieu thereof "all bonds given to the city of Duluth, in the hands of whatever officer said bonds may be."

SEC. 38. Section one (1) of chapter ten (10) of said act is amended by striking out the words "with his recommendations in the matter, and the common council may thereupon take such action as they may deem expedient," and inserting in lieu thereof the words "but said suspension by the mayor shall be final without any action upon the part of the common council. No person shall hold the office of policeman within the city of Duluth who cannot read and write the English language, and who is not a qualified voter of the state of Minnesota."

SEC. 39. Section eight (8) of said chapter is amended by adding the words "but said punishment shall not exceed a fine of one hundred dollars (\$100), or imprisonment for a period of ninety (90) days."

SEC. 40. Section five (5) of chapter eleven (11) of said act is amended by striking out the first (1st) sentence thereof, and inserting in lieu thereof the following: "Said commissioners shall each receive an annual salary of two hundred dollars (\$200)."

SEC. 41. Section thirteen (13) of chapter twelve (12) of this act is amended by striking out said entire section, and inserting in lieu thereof the following:

First—Any department of the city of Duluth in asking for proposals for the doing of any work or services or the furnishing of any material or merchandise, may require parties submitting proposals to accompany the same with the oath of the party bidding, or, if a corporation is bidding, with the oath of their president or secretary, that said bid is made without collusion, directly or indirectly, with any officer of the city or with any other bidder, and that no person, company or corporation other than the bidder is interested, directly or indirectly, or is to receive, directly or indirectly, any part of the moneys to be received from the city for the work, services, material or merchandise which is the subject of said bid. Any department of the city of Duluth may reject bids, offering to sell to said city material or merchandise on which convict labor has been employed, or may reject any material or merchandise upon which convict labor has been employed, which shall be offered in fulfillment of any bid or proposal.

Second—It shall be the duty of the common council in regard to any territory annexed to the city subsequently to the first (1st) day of January, eighteen hundred and ninety-one (1891), whenever ten (10) persons, residents of said annexed territory, shall petition the common council asking that no license for the sale of intoxicating liquors be granted within said annexed territory, to refuse to grant any license for the sale of liquors within such territory until after the matter of granting liquor license within said territory shall have been submitted to a vote of the qualified electors of said annexed territory at a general election, or at some special election called by the com-

mon council; *Provided*, that said petition shall have been presented to said council long enough before the first (1st) day of July to admit of said general or special election to have taken place.

If said territory shall decide not to have liquor licenses granted within its limits, no license shall be granted therein for the sale of liquors until such time as the qualified voters of said district shall, at an election duly held, have voted in favor of such license.

Third — The common council of the city of Duluth may, by ordinance, establish police patrol limits within the city of Duluth, within which limits said common council may grant the right to sell intoxicating liquors, and outside of which no person shall be licensed or shall sell intoxicating liquors, and may enforce the provisions of said ordinance by proper penalty.

Fourth — The city of Duluth is hereby authorized to bridge or tunnel the canal across Minnesota Point, so as to restore connection between that part of Minnesota Point severed by said canal from the main land and said main land. If said connection is restored by bridge, said bridge shall have a clear span of at least two hundred (200) feet, and shall be built and operated upon the most approved plan, so as to interfere as little as may be with navigation. If said connection is restored by tunnel, the top of said tunnel shall be at least twenty-two (22) feet below the surface of the water in said canal. The work of bridging or tunnelling said canal shall be undertaken under the provisions of chapter five (5) and six (6) of the charter of the city of Duluth, and all the provisions of said charter relative to the undertaking of said work or the making of assessments therefor, or enforcing said assessments, shall be carried out in reference to said work, with the single exception that the board of public works need not assess more than one-half (½) the cost of said work upon the property deemed to be benefited by said work, and the balance of said cost may be paid from the general fund of said city, or otherwise, as the common council may deem most available.

Fifth — Whenever it shall appear to the common council that the necessity no longer exists for the existence of any of the officers or offices created or provided for in the charter of the city of Duluth, the common council may abolish said office and dispense with the further services of said officers; *Provided*, that the foregoing shall not be held to apply to the office of mayor, alderman, city clerk, board of public works, city engineer, city attorney, health department or health officers, board of park commissioners, chief of police or police officers, city assessor, judges of the municipal court or officers of said court, building inspector, city treasurer, city comptroller, or board of fire commissioners, chief of fire department or firemen.

SEC. 42. The foregoing reference to Chapter two (2) of the Special Laws of the state of Minnesota for the year eighteen hundred and eighty-seven (1887), is intended to refer to said chapter as amended by the various special laws passed in the year eighteen hundred and eighty-nine (1889), as hereinbefore referred to, and all the provisions of said acts, or any of them, inconsistent herewith are hereby repealed.

SEC. 43. This act shall take effect and be in force from and after its passage.

Approved March 2, 1891.