

## CHAPTER 6.

[H. F. No. 722]

AN ACT TO AMEND THE CHARTER OF THE CITY OF ST. PAUL; THE SAME BEING AN ACT ENTITLED "AN ACT ENTITLED AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ST. PAUL, IN THE COUNTY OF RAMSEY AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, AND CERTAIN OTHER ACTS RELATING TO SAID CITY, INTO ONE ACT, AND TO AMEND THE SAME," WHICH ACT WAS APPROVED MARCH FIFTH (5th), EIGHTEEN HUNDRED AND SEVENTY-FOUR (1874), AND THE ACTS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO.

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

SECTION 1. That section one (1) of chapter four (4) of Chapter one (1) of the Special Laws of this state, for the year eighteen hundred and seventy-four (1874), is hereby amended so as to read as follows:

Section 1. On and after the eleventh (11th) day of May, A. D. eighteen hundred and ninety-one (1891), the legislative authority of the city of St. Paul shall consist of the assembly and a board of aldermen, which shall meet separately, save as herein provided, for the transaction of business, at the court house or city hall of said city, and each of said bodies shall meet at such times as it may determine by resolution. Said two (2) bodies shall be known as the common council of the city of St. Paul.

Said assembly shall be composed of nine (9) members. The members of the assembly shall be elected at large from the body of electors of said city, and four (4) of same shall reside east of Wabasha and Rice streets and north of the Mississippi river, and four (4) shall reside west of Wabasha and Rice streets and north of the Mississippi river, and one (1) shall reside in the Sixth (6th) ward of said city.

The board of aldermen shall be composed of as many members as there are wards in said city, one (1) alderman to be elected from the electors of each ward, separately and respectively, of said city.

Each of said bodies shall be the judge of the election returns and eligibility of its own members and a majority of each shall constitute a quorum to transact business, but a smaller number may adjourn from day to day and compel the attendance of the absent members under such terms and under such penalty as it may provide. Each body may determine the rules of its proceedings, not inconsistent with the laws of this state and this act, sit upon its own adjournment, punish its members for disorderly behavior, and, with the concurrence of two-thirds (f), expel a member. Each body shall elect its own presiding officer from its own members and shall keep a journal of its proceedings, and the yeas and nays, when taken on any question, shall be entered on such journal. The city clerk

of said city shall be the clerk of each of said bodies, and whenever a city clerk of said city is to be elected or appointed, said two (2) bodies shall act in joint session in making such appointment or election, and the present city clerk of said city shall be the clerk of each of said bodies until his present term of office expires and his successor is elected and qualified.

No member of either of said bodies shall hold any other office under the city government of said city. Any bill, resolutions or ordinances for legislative action may originate in either of said bodies, and no resolution, order or ordinance shall be valid or operative to bind the city of St. Paul until it shall have passed each of said bodies.

Every order, resolution or ordinance which shall pass said assembly and board of aldermen in conformity to the rules of each of said bodies and the joint rules of the two (2) bodies (said bodies are authorized to make joint rules), shall, before it becomes operative, be presented to the mayor of said city for his approval or rejection. If he approves thereof, he shall sign and deposit same in the office of the city clerk of said city for preservation, and notify the body where it originated of the facts; but if not approved, he shall return it with his objections to the body in which it originated, and such objections shall thereupon be entered at large upon the journal of that body, and said body shall then proceed to reconsider the same. If after such reconsideration two-thirds ( $\frac{2}{3}$ ) of said body shall agree to pass the same, it shall be sent, together with the objections of said mayor, to the other body, by which it shall likewise be reconsidered, and if it be approved and passed by two-thirds ( $\frac{2}{3}$ ) of that body, it shall become operative notwithstanding the objections of said mayor; but in all such cases the votes of each body shall be determined by yeas and nays, and the names of the persons voting for or against said matter shall be entered on the journals of each body, respectively. If any such order, resolution or ordinance shall not be returned by said mayor with his signature to said clerk's office within five (5) days after it shall have been presented to him, or shall not be returned to the body in which it originated, as aforesaid, or to said clerk, with the objections of said mayor for said body, the same shall become operative in like manner as if he (said mayor) had signed and approved the same.

The style of all ordinances shall be: "The common council of the city of St. Paul do ordain, etc."

At the general municipal election in eighteen hundred and ninety-two (1892), for officers for said city of St. Paul, and at each general municipal election held each successive two (2) years thereafter, there shall be elected one (1) alderman from the electors of each ward of said city, and the persons so elected shall be known as the board of aldermen of St. Paul; and at the general municipal election of said city in eighteen hundred and ninety-two (1892) there shall be elected at large, from the electors of said city, and at each general municipal election held each two (2) successive years thereafter there shall be elected at large, from the electors of said city, nine (9) assemblymen, who shall reside in such portions of said city as hereinbefore provided, and each of said aldermen and each of said assemblymen shall hold his office for two (2) years, and until his successor is elected and qualified.

All powers, duties and obligations held, assumed and by law authorized and exercised by the common council of said city, as now composed, under any law of this state, shall, save as herein otherwise provided, be held, assumed and exercised by the common council herein provided for, and any power, authority and duty held, imposed and exercised under any present law by the common council of said city as now composed, is, save as otherwise herein provided, hereby granted to and imposed upon the common council of said city, as in this act organized and provided. It shall require the same proportionate vote, save as otherwise herein provided, for the passage of any legislation in each of said bodies as is now required for the passage of like legislation by the common council of said city as now constituted; *Provided*, that, in such case, as the law now provides, any appointment of the mayor of said city shall be approved and confirmed by the present council of said city, said confirmation or approval shall be had, taken or considered as resting upon and vested in said assembly, and such laws of this state as authorize or require the appointment or election of any officer (save as herein provided) of said city by the common council of said city, such officer shall be elected or appointed by said common council as herein constituted, acting in joint session; except judges of election shall be appointed by the board of aldermen, as provided by law, and in such cases as the charter of said city now provides that the president of the common council, *ex-officio*, or the chairman of the ways and means committee of the common council, *ex-officio*, shall perform certain duties outside of legislative duties, such duties and powers are granted to and imposed upon the president, *ex-officio*, and the chairman of the ways and means committee, *ex-officio*, of said assembly.

On and after May eleventh (11th), eighteen hundred and ninety-one (1891), those members of the present common council who were elected at large shall be and are retired from office and relieved from all further official duties under said election, and the board of aldermen herein provided for, of said city, shall thereupon be composed and consist of the present common council of said city excluding and exclusive of said aldermen at large, and each member of said board of aldermen, composed of those members of the present common council aforesaid, shall continue and remain in office as members of and shall constitute said board of aldermen, as herein constituted and provided, until his successor is elected and qualified, as in this act provided.

On May eleventh (11th), of the year eighteen hundred and ninety-one (1891), or as soon thereafter as practicable, the mayor of said city is hereby authorized and directed to appoint nine (9) electors of said city to act as members of and to constitute the assembly aforesaid, and each of the electors so appointed shall hold his office as such assemblyman until his successor is elected and qualified, as in this act provided. Each of said bodies may fill, by appointment, until the vacancy is filled at the then next general election, any vacancy that may occur in its members.

The compensation of each member of said common council organized, as in this act provided, shall be the sum of one hundred dollars (\$100) per annum, payable monthly out of the city treasury of said city.

Any member of the assembly, and any alderman who, being present when his name is called, fails to vote upon any then pending proposition, in a tone plainly understood by the presiding officer, shall be counted as having voted in the negative on said pending proposition; and, if not present, it shall be so recorded.

Like publications shall be made and like action taken (save as herein provided) of and concerning the action of the common council, as hereby organized, as is made and taken by law relative to council proceedings prior to the passage of this act;

*Provided, however,* the joint committee of the two (2) legislative bodies shall, as soon as practicable after the passage of this act and as often thereafter as economy requires, establish rules to guide the city clerk in making such publication; and said rules shall provide, among other things, for the publication of a synopsis only of orders to and orders and reports from the board of public works; and also for the elimination from the published proceedings of said council, during any one publication, of all repeated matter and of all other matter not necessary to advise the public of the proceedings had and taken by said common council.

As compensation for the additional services hereby imposed upon said city clerk, he shall receive, in addition to the sum now allowed by law, the sum of six hundred dollars (\$600) per annum, the same to be paid monthly out of the city treasury, as other salaries of city officers and employes are paid.

It is hereby made the duty of the presiding officer of each body of said council, at each regular meeting thereof, to sign, during the session of said body, the clerk's record of the proceedings of the last meeting of said body, after said record is corrected and approved, and to announce to said body, in open session, that he has attached to said record his official signature. And it is hereby made the duty of said clerk to incorporate in the minutes of that meeting the statement aforesaid of the presiding officer relative to said signature. All unfinished business pending on May eleventh (11th), one thousand eight hundred and ninety-one (1891), before the present common council, may be taken up and considered first by said board of aldermen.

SEC. 2. That section eight (8) of said chapter four (IV) of the Special Laws of one thousand eight hundred and seventy-four (1874), is amended so as to read as follows:

Sec. 8. The common council of said city shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city, and also all county, territorial and state roads, whether actually traveled or used at the date of the petition for such vacation or not. No such vacation or discontinuance shall be granted or ordered by the common council except upon the petition of a majority of the owners of property on the line of such public grounds, streets, alleys or highways, resident within said city, save that a corporation, whether domestic or foreign, may, when interested, join in and verify such petition by any officer thereof, and be counted as a resident for the purposes of this section. Each petition provided for in this section shall bring forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways, county, territorial or state roads proposed to be vacated, and shall be verified by the oath of one of the petitioners.

The body of the common council to which said petition is presented shall thereupon, if it deem it expedient that the matter shall be proceeded with, order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of the city for four (4) weeks, at least once a week, to the effect that such petition has been filed, as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the said body, or a committee by it appointed, on a certain day and place therein specified, not less than ten (10) days from the expiration of such publication. Said body, or such committee as may by it be appointed for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. Said body, thereupon, after hearing the same, or report of such committee in favor of granting such petition, may, by resolution passed by three-fourths ( $\frac{3}{4}$ ) vote of all the members elect, declare such public grounds, streets, alleys or highways, county, territorial or state roads vacated, which said resolution, if passed by a like vote of the other house, shall, before the same shall go into effect, be published as in the case of ordinances, and thereupon a transcript of such resolution and of said plat, duly certified by the city clerk, shall, before the same is valid, be filed for record and duly recorded in the office of the register of deeds of the county of Ramsey. No such vacation shall be valid until the value of the premises so vacated shall have been deposited in the city treasury, which value shall be fixed by resolution of the common council, by three-fourths ( $\frac{3}{4}$ ) votes of all the members of each body, and shall in no case be less than a proportionate average value of the abutting property, according to the last previous assessment for taxation;

*Provided*, in case the plat commission shall have approved a plat embracing the premises proposed to be vacated, which plat dedicates to the public use, in the opinion of said council, land equivalent in area and value to the premises sought to be vacated, then said council may, by a three-fourths ( $\frac{3}{4}$ ) vote of all the members of each body, accept said plat and pass said resolution of vacation, and after said plat and said resolution have been recorded in said register's office, said vacation shall be valid without the payment of any money into the said city treasury;

*Provided further, however*, that vacations and discontinuances of such county, territorial or state roads may be granted upon the petition of a majority of the owners of property through which the same or the portions thereof sought to be vacated exist, when such owners shall have platted the same and shall have provided, in lieu of such roads, sufficient streets in the opinion of the city engineer and of the common council, of which fact the approval of said commission and the acceptance of such plat and the resolution of vacation shall, when recorded, be conclusive evidence.

SEC. 3. That chapter five (5) of said Chapter one (1) of the Special Laws of this State for the year one thousand eight hundred and seventy-four (1874) is hereby amended so as to read as follows:

## THE TREASURY DEPARTMENT.

Section. 1. The present bonded or permanent funded debt of the city shall not be increased, nor shall any new bonds of the city be issued, except as provided by law; nor shall the city loan her credit, become a stockholder in or make contribution or donation to any person, company or corporation. The common council are fully authorized and required to provide, by taxation, for the prompt payment of interest and for a sinking fund sufficient to meet such bonds and all other bonds of said city at maturity, whether heretofore or hereafter to be issued. And all acts of the legislature of this state, whether heretofore or hereafter to be passed, authorizing an issue of bonds by said city, shall be construed to contain a provision for the payment of the interest thereon, and for a sinking fund sufficient to pay the same by taxation, unless the contrary shall be expressed in such act.

Sec. 2. All moneys belonging to said city shall be under the control of the common council, and shall be paid out only upon the order of the mayor and clerk, countersigned by the comptroller, duly authorized by virtue of a resolution of the common council, two-thirds ( $\frac{2}{3}$ ) of the whole number of each body voting therefor, and each order drawn upon the treasurer shall specify the specific purpose for which it is drawn and the specific fund upon which it is drawn, and shall be payable only out of such fund belonging to the city as is named in the resolution aforesaid of said council. Each order shall be payable to the order of the person in whose favor it may be drawn and it may be transferred by indorsement. No order on any specific fund shall be drawn or issued until there shall be money sufficient to the credit of such fund to pay the same, together with the orders that may then be outstanding; and the comptroller is prohibited from countersigning any such order until there shall be sufficient money, as aforesaid, in the treasury applicable thereto to meet such order, together with the orders which may then be outstanding. There shall be written or printed in full on each warrant or order the name of the fund or department to which it is applicable, and the warrants of different departments, so far as practicable, shall be of different color or design.

Sec. 3. All property, real and personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government and payment of its debts and liabilities and for the support of the public free schools of said city, and the same shall be assessed as provided by law.

The said common council, by a three-fourths ( $\frac{3}{4}$ ) vote of all members of each body, may levy an annual tax upon all property in said city, taxable under the laws of this state, to and for the specific purposes following, that is to say:

*First*—To provide for the payment of the interest on all outstanding bonds issued by or assumed by said city, due or to become due during the year of such levy, and to provide for a sinking fund to meet and pay such bonds at the maturity thereof.

*Second*—To provide for the payment when due of any bonds of said city.

*Third*—To provide for the payment when due of any outstanding certificates of indebtedness issued by or assumed by said city.

*Fourth*—To provide for the support and maintenance of the fire department of said city.

*Fifth*—To provide for the support of the police department of said city.

*Sixth*—To provide for the lighting of said city.

*Seventh*—To provide for the payment by said city of its bills and expenditures for water.

*Eighth*—To provide for the payment by said city of its portion of the expenditures of the board of control.

*Ninth*—To provide for the support and maintenance of the public free schools of said city by the payment of the employes of the board of education of the city of St. Paul.

*Tenth*—To provide for the support and maintenance of the public free schools of said city not provided for in the ninth (9th) subdivision hereof; *Provided*, that the levy in any one (1) year shall not exceed two and one-half mills (2½) on the dollar of the property assessed for all school purposes, exclusive of state tax, nor be less than two (2) mills on the dollar.

*Eleventh*—To provide for the support of the department of the building inspector.

*Twelfth*—To provide for the support of the health department of said city.

*Thirteenth*—To provide for the payment by said city of its portion of the maintenance of the court house and city hall.

*Fourteenth*—To provide for the support of the workhouse of said city.

*Fifteenth*—To provide for the payment of the salaries and clerk hire of the engineering department of said city.

*Sixteenth*—To provide for the support of the board of public works of said city.

*Seventeenth*—To provide for the payment of the salary fixed by legislative act for each officer of said city, and of clerk hire not hereinbefore provided for, but which may be duly authorized by law.

*Eighteenth*—To provide a fixed sum to be used for cleaning and repairing streets, sewers, sidewalks and crosswalks.

*Nineteenth*—To provide for building and repairing bridges.

*Twentieth*—To provide for the payment of any judgment exceeding five hundred dollars (\$500) in amount, docketed and unpaid against said city.

*Twenty-first*—To provide printing and stationery for all departments of said city.

*Twenty-second*—To provide for the support of the city municipal court of said city.

*Twenty-third*—To provide for the support of the public library; not exceeding, however, in any one year the sum of fifteen thousand dollars (\$15,000).

*Twenty-fourth*—To provide a general fund for the current and incidental expenses of said city, not hereinbefore specified and provided for, and all money received from liquor, butcher, dog, dray, wagon, truck, express, theatre, circus and other licenses, and also all money received from the municipal court, market house and market, workhouse, building inspector's permits, poundage receipts, and from all other sources (save when received for a specified use or purpose), shall be credited and passed to the general fund.

The amount of money to be raised by taxation for the above purposes, as aforesaid, shall only be so much as will be necessary, in addi-

tion to the amount received from all other sources, for an economical administration of the affairs of said city.

There shall not be levied or expended in any one fiscal year for cleaning and repairing streets, sewers, bridges, sidewalks and crosswalks an amount or sum exceeding one hundred and fifty thousand (\$150,000) dollars, and the amount embraced in any tax estimate for any department of said city for any fiscal year shall be the maximum amount which can be used, paid out or expended by or for that department during the fiscal year in which said estimate was made.

In making up the tax estimate, in any fiscal year, of the amount estimated to be necessary for the support of the fire department, the police department, and for the salaries to be paid to city officers and for clerk hire (the same being subdivisions fourth (4th), fifth (5th) and seventeenth (17th) of this section), the maximum amount estimated to be necessary for each of said departments shall be stated, and the maximum amount which it is estimated can be drawn from the general fund for the support of each of said three (3) departments shall also be stated, and there shall be put into said tax estimate for each of said three (3) departments to be raised by levy so much only as is necessary for the support of such department after the amount which can be drawn from the general fund is deducted from the full estimated cost of such department, and said general fund may be drawn upon (each body of the common council consenting thereto) for the support of each of said three (3) departments to the extent in the aggregate specified in said tax estimate.

Sec. 4. The said levy shall be made by said common council on or before the tenth (10th) day of October of each year, and the same shall be entered upon the tax duplicates for the county of Ramsey, and collected annually in like manner as city and county taxes are collected.

Sec. 5. The city comptroller and city treasurer shall each forthwith, as soon as the tax estimate is made in the year one thousand eight hundred and ninety-one (1891), and as soon thereafter in any year as any tax estimate is made, open and keep in his books separate and distinct accounts for each of the several divisions of taxes shown in the tax estimate of the then current year; and in making any future tax estimate for expenditures and in making any future levy the city council shall itemize the same, so as to show separately the amount to be collected from taxes for the use of each department of said city, as said departments are designated in section three (3) last above. And it shall be the duty of said city treasurer to keep in his said books a complete, accurate and separate account of each and all of the divisions embraced in subdivisions numbered one (1) to twenty-four (24) inclusive of section three (3) last above, entitled, "Treasury Department," which shall clearly and accurately show at all times the amount of money received by him for the credit of each of such accounts, and whence received, and the amount of money paid out by him on account thereof, and to whom and for what purpose paid out.

Said city treasurer shall also keep a separate and distinct account for moneys received or to be received for each local improvement for which an assessment is made or has been made, and hereafter when any money is collected from any assessment it shall be the duty of said treasurer to credit said sum to said separate assessment account.

Whenever the county treasurer of Ramsey county shall pay over to said city treasurer any taxes belonging to said city and collected under any levy, and whenever any money is received by said city treasurer from the sale of any certificates of indebtedness disposed of in anticipation of a collection of a tax based on a tax estimate, the city treasurer shall credit each of said respective funds and accounts with its proportionate amount of said receipts, according to the tax estimate of the fiscal year when said estimate is made. The money collected from assessments shall not be paid out by said treasurer except in payment for assessment work. The money received from the sale of certificates of indebtedness based on a tax estimate and the money received from the county treasurer on a tax levy based on such estimate, shall be used and applied only to defray the expenditures, together with the arrearages due and unpaid, for the specific object or objects for which said estimate was made and said taxes were levied. And no ordinance, warrant or order of the common council, or of any officer, board or department of said city, shall have any power or authority to authorize the city treasurer to divert any of said separate funds or money from the specific purposes for which the same were estimated, levied, collected and credited, as aforesaid, or to borrow and transfer any balance or portion of one of the said funds to the credit of another fund, except in the purchase of certificates, as by this act provided; *Provided, however*, that whenever, in the opinion of the common council of said city, it becomes necessary so to do, and said council shall, by ordinance, authorize the same, any of the funds of said city, save funds collected for special assessments, and save funds collected for the support of the free public schools of said city, may be transferred to the account and fund designated for the payment of the principal and interest of the bonded indebtedness of said city of St. Paul. And the faith and credit of said city of St. Paul is hereby irrevocably pledged for the prompt and faithful payment of said bonded indebtedness and the interest thereon, as in the said bonds provided.

After said first accounts are opened in said treasurer's books, as herein provided, any moneys thereafter received by said city treasurer from the collection of taxes delinquent at the date of the passage of this act shall be distributed to the funds and departments provided for herein, so far as the funds and departments correspond to the funds named in the particular tax levy on which said delinquent taxes are collected. And so far as they do not correspond, said delinquent taxes collected shall be credited to the account of the general fund. The surplus of any year's receipts over expenditures may be carried forward to a like account of any succeeding year.

Sec. 6. It is hereby made the duty of the treasurer of the county of Ramsey, in the collection of taxes, to keep his accounts or books so as to show at all times the approximate amount of money received or collected for the city of St. Paul, and also the approximate amount received and collected, if any, for the board of education of the city of St. Paul.

And it is hereby made the duty of the county auditor of said Ramsey county, on the first (1st) day of each and every month, or as soon thereafter as the same may be demanded, to draw his warrant upon the county treasurer of said Ramsey county in favor of the city treasurer

of the city of St. Paul, for all money in the county treasury of said county belonging to the city of St. Paul, and a separate warrant for all money, if any, belonging to the board of education of the city of St. Paul, as near as the same can be ascertained from the books of the county treasurer of said county; and upon the presentation of the same to the said county treasurer, he shall pay the same respectively out of the moneys received and collected by him for said city, and, if any, for said board of education, as aforesaid.

Sec. 7. It shall be the duty of the comptroller of said city, in auditing and adjusting claims and accounts, as in the charter of said city provided, to designate and specify upon each claim, demand and account so audited and adjusted the particular fund or account, as said fund or account is shown by the last tax estimate and the tax levy when made based thereon, out of which the same shall be paid; and no claim, demand or account shall be audited or adjusted by him, or reported to the council, until there shall be sufficient money in the treasury to the credit of the particular fund or account out of which the same is payable, to pay the same, as well as other unpaid claims before that time audited and allowed against such fund.

Sec. 8. The city clerk shall not prepare or sign any order on the treasury, unless the requirements of section seven (7.) last preceding have been complied with by the comptroller; and in drawing each order said clerk shall designate thereon the particular fund designated upon the claim by the comptroller, and the comptroller shall not countersign such orders unless the same shall be drawn upon the particular fund by him designated therefor, when said claim, demand or account was audited and adjusted by him, as aforesaid.

Sec. 9. The proviso of section ten (10) of an act approved February twenty-ninth (29th), one thousand eight hundred and seventy-two (1872), entitled "An act to amend the charter of the city of St. Paul," in the words following, viz.:—"Provided, that no assessment or levy of any tax shall be made upon any part of the property, real or personal, embraced within the enlarged limits of this city, as extended by this act, for the payment of any portion of the interest and principal of the existing indebtedness of said city, funded or otherwise. In all assessments or levies of taxes for payment of such indebtedness the lands and property embraced in such enlarged limits shall be expressly omitted;"—and so much of section three (3) of an act approved March sixth (6th), one thousand eight hundred and seventy-three (1873), entitled "An act to extend the limits of the city of St. Paul," in the words following, viz.: "It is hereby expressly declared that neither the territory hereby added to said city, nor the lands, tenements or hereditaments, nor the personal property of any resident situate and being, or which may be situate on, said territory here by annexed to said city, shall ever be assessed or taxed for the payment of any part, either principal or interest, of the existing debt of said city, either funded or otherwise; but all assessments or levies of taxes for such antecedent indebtedness of said city aforesaid is hereby expressly prohibited;"—and so much of section three (3) of chapter two hundred and eighty-one (281) of the Special Laws of one thousand eight hundred and eighty-five (1885), as amended by chapter one hundred and four (104) of the Special Laws of one thousand eight hundred and eighty five (1885) as read as follows: "No assessment or levy of any tax shall be made upon any part of said new terri-

tory for the payment of any portion of the principal or interest for the existing bonded indebtedness and of any bonded indebtedness that may be authorized at the present session of the legislature of the state of Minnesota, or of any bonded indebtedness which may have been heretofore authorized but not issued;”—and all other laws now in force which exempt any portion of said city from any specified burden of taxation are each and all hereby continued in force.

Sec. 10. The common council of said city shall have no power or authority to allow or authorize the payment of any claim or demand against the said city, or to authorize the appropriation of any money of said city in behalf of said city, unless sufficient money out of which to satisfy said claim, appropriation or demand, and applicable thereto is actually in the treasury of said city, or has been embraced in a then existing and uncollected tax estimate or levy; *Provided, however,* that this provision shall not apply to a contract for the satisfaction of which a local assessment is to be made.

No ordinance, order or resolution of said council appropriating money or requiring the payment or expenditure of money by said city, and no contract requiring the payment of money by said city, shall be operative or valid unless there is specified therein the particular fund out of which the same is to be paid.

Whenever the expenses and obligations incurred chargeable to any particular fund or department of said city in any fiscal year (the fiscal year shall hereafter begin on January first (1st), are sufficient in the aggregate to absorb eighty per cent (80%) of the entire amount embraced in the tax estimate for that year and the amount received from other sources and applicable for the purposes of said fund and department, no officer, board or official body of said city shall have any power, and no power shall exist, to create any additional indebtedness (save as the remaining twenty per cent (20%) of said tax levy or estimate is collected), which shall be a charge against said particular fund or department, or which shall be in any manner a valid claim against said city, but said additional indebtedness or obligation attempted to be created shall be a personal claim against the officer or the members of the municipal board or body voting for or attempting to create the same.

It is hereby made the duty of the city comptroller to communicate to the city council, in writing, at each of its second regular monthly meetings, a statement showing:

*First*—The amount of cash on hand in the treasury belonging to each fund, or department of said city, on the first (1st) of the then current month, as said funds or departments are specified in the last tax estimate, and in section three (3) of this chapter five (5).

*Second*—The amount designated in said estimate for each of said departments.

*Third*—The amount of said estimate for each department paid out or appropriated at the date of such statement.

Sec. 11. The common council of said city shall have no power or authority to create any new or salaried office not specified in the charter of said city, or in any manner to increase the salary or compensation of any salaried officer named in said charter, or to employ any assistant or make said city liable for any services rendered or attempted to be rendered in performing the duties imposed by law upon any salaried officer of said city, and upon May twentieth (20th)

next after the passage of this act the employment and compensation of all employes and officers of said city not designated in the charter of said city as salaried officers or employes shall cease and determine; but nothing in this provision shall prevent said city and its officers from employing such servants and agents from day to day and from month to month as is authorized by the charter of said city.

Sec. 12. The city clerk shall, before he shall sign any order on the treasury of said city for the payment of any salary or compensation for services rendered or material furnished said city, designatetherein the legislative act and the section thereof, or the order, resolution or ordinance of the common council (by giving the date and the passage thereof) under the authority of which said order is drawn, and any officer of said city who, under any law of this state, is entitled to any sum or amount for clerk hire, or who is entitled to any clerk or assistant in the performance of his official duty, shall, in writing, certify to the city comptroller and the city clerk the name of such clerk or assistant, the date of his appointment, and the amount of compensation he is to receive, and whenever said clerk or assistant named in said certificate ceases to act as such, said officer shall forthwith certify the same to said city comptroller and said city clerk, and all orders drawn and payments made for services rendered by any clerk or assistant of any officer of said city shall be drawn in favor of, and paid to, the clerk or assistant performing the services, and not in favor of the officer employing such work or assistant.

Neither the departments respectively of said city or any officer thereof nor said board of education shall have any power or authority to make any contract or to create any debt against said city before the common council of said city shall have authorized the same (two-thirds (2/3) of each body voting therefor); *Provided, however,* that this restriction last aforesaid shall not apply to the contracts of any department with its clerical force, assistants or employes, when the amount to be expended for such force, assistants or employes is fixed by legislative act, or to any assistant, the salary of whom is fixed by legislative act; but this restriction shall not apply to the contracts of the board of education with its employes; and no committee of said common council or officer thereof shall allow or approve any claim in favor of any person or corporation for any purpose whatever attempted to be created, as aforesaid, unless the creating of such claim or the incurring of such indebtedness shall have been previously authorized by said common council, as aforesaid.

Each requisition on said council for authority to purchase supplies or create any indebtedness against said city shall, save in this act provided, be itemized.

Sec. 13. The common council shall not have the power or authority to relieve any citizen from the payment of any lawful tax, assessment, fine or license, or to exempt him from any burden imposed upon him by law, or order or ordain the payment of any demand not authorized and audited according to law.

The common council shall not have power to ordain or authorize any compromise of any disputed demand, or any allowance therefor or therein, except as provided in the contract therefor.

The common council shall not have power to ordain or authorize the payment of any damages claimed for alleged injuries to person or property, or lease any property, except by ordinance adopted by a vote of three-fourths ( $\frac{3}{4}$ ) of each body of the common council.

Sec. 14. Any willful neglect or refusal on the part of said city treasurer, the city comptroller, the city clerk, or the county treasurer of Ramsey county, to perform the duties required in this chapter or by the charter of said city, or any vote or act of any member of the common council or of said officers, or other officer of said city, made or done with the willful intent to evade the provisions of this chapter or said charter or to divert the funds raised by taxation or pledged by ordinance to a specific purpose, is hereby declared to be malfeasance in office, and, upon conviction thereof, such officer shall be removed from office and be punished by a fine not exceeding five thousand (\$5,000) dollars, or by imprisonment in the county jail of Ramsey county not exceeding three (3) years. And any occurrence of any neglect or refusal, vote or act, as aforesaid, shall be *prima facie* evidence that the same was done with such willful intent, as aforesaid. Save as he is authorized so to do by the charter of said city, no member of the common council shall demand, request or solicit any department, officer or employe of said city to engage or hire any person to work for said city or to place any person upon the pay roll of said city.

Sec. 15. It is hereby made the duty of the conference committee, after advising with the different departments of said city and with said board of education as early as its meeting in July, one thousand eight hundred and ninety-one (1891), to make out and designate by resolution a detailed and itemized statement of the amount of money which, in its opinion, it will be necessary to raise by the tax levy to be made in the year one thousand eight hundred and ninety-one (1891) for carrying on the business of said city and the affairs of said board of education for said year one thousand eight hundred and ninety-one (1891), and to recommend said statement and resolution to the common council of said city not later than during the month of August, one thousand eight hundred and ninety-one (1891), and said council shall, not later than its first meeting in September, one thousand eight hundred and ninety-one (1891), declare, by resolution, the amount in dollars that must be levied for each department of said city and for said board of education for said year one thousand eight hundred and ninety-one (1891), for carrying on the business of said city and the affairs of said board of education for said year.

As soon as said council shall designate the amount of money to be raised by taxation, as herein provided, said council shall transmit, or cause to be transmitted to the county auditor of said Ramsey county, its action and designation, and thereafter, and on or before the tenth (10) day of October, said council shall make a tax levy of said amount as now provided by law and the charter of said city, and said tax levy shall be entered upon the tax duplicates of the county of Ramsey at the time said duplicates are made up, and collected in like manner as state and county taxes are collected.

It shall be the duty of said conference committee in the month of December of each year, beginning in the year one thousand eight hundred and ninety-one (1891), to make out an itemized statement showing the amount of money aforesaid which, in its opinion, will be

needed for the use of each department of said city and for the use of said board of education during the then succeeding year, and to designate the same by resolution, and the same shall be reported and recommended by said conference committee not later than January next following said designation to the common council of said city, and said council shall thereupon, not later than the month of February next following, declare, by resolution, the amount in dollars that must be levied for each department of said city and for said board of education for the then fiscal year for carrying on the business of said city and the affairs of said board of education for said year.

As soon as said council shall designate in any year the amount of money to be raised by taxation as herein provided, said council shall transmit or cause to be transmitted to the county auditor of said Ramsey county its action and designation, and thereafter, and on or before the tenth (10th) day of October next following, said council shall make a tax levy of said amount, as now provided by law and the charter of said city, and said tax levy shall be entered, as by law prescribed, upon the tax duplicates of the county of Ramsey at the time said duplicates are made up, and collected in like manner as state and county taxes are collected.

In making said tax estimate and said levy, the amount estimated and levied to be expended by said board of education for the payment of its employes shall be estimated and levied annually as one gross amount, but the other portions of each annual estimate and levy shall, as far as practicable, be itemized.

As soon as said tax designation or estimate for any particular year is transmitted to the county auditor, as aforesaid, said common council, by ordinance first directing same (two-thirds ( $\frac{2}{3}$ ) of each body voting therefor), may issue and sell, or cause to be issued and sold, from time to time, as money is needed, certificates of indebtedness in anticipation of the collection of taxes for any department named in said tax estimate, for the purpose of raising funds for the use and support of such department; but no power shall exist to issue certificates for any of said departments exceeding eighty (80) per cent of the amount named in said tax estimate, to be collected for the use and benefit of said department, and said certificates may be issued, as aforesaid, and renewed from time to time, if necessary; but no certificate shall be issued to become due and payable later than November fifteenth (15th) of the year succeeding the year in which said tax estimate, reported to said auditor, as aforesaid, was made, and said certificates shall not be sold for less than par and accrued interest, and shall not draw a greater rate of interest than six (6) per cent per annum. Each certificate shall state upon its face for which of said departments the proceeds of said certificate shall be used, the whole amount embraced in said tax estimate for that particular department, and they shall be numbered consecutively and be of the denomination of five hundred dollars (\$500) each, and may have interest coupons attached, and be otherwise of such form and terms, and, with the coupons, be made payable at such place, as will best aid in their negotiation; and the proceeds of the tax assessed and collected, as aforesaid, for said department and the faith and credit of said city are hereby irrevocably pledged for the redemption of the certificates so issued. The word "department" in this section may be held to embrace said board of education, as well as the departments of said city, should the laws relative to said board so authorize and its needs so require.

No money belonging to any department aforesaid shall be borrowed or diverted for the use of any other department or for any other purpose, except, in case there is at any time a surplus of cash to the credit of any department, three-fourths (¾) of each body of the common council may by resolution authorize said surplus cash to be invested temporarily in the purchase of the certificates of any other department.

Save as in this chapter provided, all laws and parts of laws authorizing said city of St. Paul or any officer thereof, or said board of education or any officer thereof, to issue certificates of indebtedness, are hereby repealed.

There is hereby inserted in this act after the words "board of education" or "board of education of the city of St. Paul," whenever the same are found, the words "or the school inspectors of said city."

Sec. 16. It shall be the duty of the city comptroller, not later than the first (1st) day of February of each and every fiscal year, to report to the common council, and also to the conference committee, an estimate of the expenses of the city for the then fiscal year, and likewise the revenue necessary to be raised for said year. And said estimate shall be itemized so as to clearly show the amount necessary to be raised, for each of the purposes, necessary to carry on the business and financial affairs of said city, as those purposes are set forth in section three (3) of this chapter. And said estimate shall also show the probable amount that said city will receive, during the then fiscal year, from the different sources named in subdivision twenty-four (24) of said section three (3).

Sec. 17. The city of St. Paul assumes, and is obligated to pay at the maturity thereof, together with the interest thereon, as the same matures from time to time, all the lawfully created bonded indebtedness of the board of education of the city of St. Paul, together with the lawfully created present floating indebtedness of said board of education. And for the prompt and faithful payment of said bonded indebtedness and the interest thereon, and said floating indebtedness aforesaid, the faith and credit of said city is hereby irrevocably pledged; *Provided*, nothing in this section shall be taken as relieving said board of education from the full and faithful performance of its legally authorized contracts and obligations.

Said city is hereby authorized and empowered to issue its certificates of indebtedness for the purpose of taking up and redeeming certificates of indebtedness of said board of education, now outstanding, and for an additional sum to be used for supporting the free public schools of said city, prior to July first (1st), one thousand eight hundred and ninety-one (1891), in the sum of three hundred and fifty thousand (\$350,000) dollars, or so much thereof as may be necessary.

Said certificate of indebtedness shall be signed by the mayor and the city clerk of said city, and countersigned by the city comptroller of said city, with the corporate seal of said city attached. And said certificates may be issued from time to time as the common council of said city, by a three-fourths (¾) vote of each body thereof, shall, by resolution adopted at any regular meeting, determine is necessary.

Said certificates may bear interest at a rate not exceeding six (6) per cent per annum, payable semi-annually, together with the principal thereof and coupons attached, at the financial agency of the city of St. Paul in the city of New York.

The city of St. Paul is hereby also authorized and empowered to issue, for the purpose of taking up the now outstanding and floating indebtedness of said city, certificates of indebtedness in a sum not exceeding three hundred and fifty thousand (\$350,000) dollars. Said certificates last aforesaid may be issued from time to time, as the common council of said city, by a three-fourths ( $\frac{3}{4}$ ) vote of each body, by resolution, may determine is necessary. And said certificates shall be signed by the mayor and the city clerk of said city, and countersigned by the city comptroller of said city, with the corporate seal of said city attached; and the same may bear interest at a rate not exceeding six (6) per cent per annum, payable semi-annually. And said interest, together with said principal, with coupons attached, may be made payable at the financial agency of the city of St. Paul in the city of New York.

The certificates named in this section may have interest coupons attached, and be of the denomination of one thousand (\$1,000) dollars each. And said certificates, issued for school purposes, as aforesaid, shall be numbered consecutively, beginning with number one (1), and shall have stamped thereon the words, "Issued for educational purposes." And said certificates issued for taking up the floating indebtedness of said city, as herein authorized, shall be numbered consecutively, beginning with number one (1), and shall be of the denomination of one thousand (\$1,000) dollars each, and shall have plainly stamped upon the face thereof the words, "Issued for city purposes."

None of said certificates authorized by this section shall be sold for less than par and accrued interest.

It is hereby made the duty of the common council of said city, in making its tax estimate and tax levy in each of the years one thousand eight hundred and ninety-two (1892), one thousand eight hundred and ninety-three (1893) and one thousand eight hundred and ninety-four (1894), to include therein, under a separate head, an estimate and levy sufficient in amount to produce a sum sufficient to redeem one-third ( $\frac{1}{3}$ ) of the certificates and interest thereon issued under the authority of this section. And said certificates of indebtedness, when issued, shall be issued to mature, as near as practicable, at the time when the taxes levied, as aforesaid, for the redemption thereof, shall be collected.

Sec. 18. It is hereby made the duty of the following officers, namely:

The mayor of the city of St. Paul, the president of the assembly, the chairman of the committee on ways and means of the board of aldermen, the president of the board of education, the president of the board of water commissioners, the president of the board of fire commissioners, the president of the board of public works, the city comptroller, the treasurer of said city, the city engineer, and the chairman of the board of control, the president of the park board, to meet for conference and consultation relative to the welfare and financial affairs of said city as hereinafter provided.

The clerk of said city shall be the clerk of said conference committee, and keep a correct and full record of its proceedings; and he shall file and carefully preserve in his office the reports of the members of said committee, made and furnished as herein provided. The corporation counsel shall attend the meeting of said committee,

and aid it, as he may from time to time be requested, in its conference and investigations.

Sec. 19. Said conference committee shall hold its meetings at the council chamber of said city, and meet as often as once each month, and all its meetings, proceedings and records shall be public, and its first (1st) meeting shall be held at two (2) o'clock in the afternoon of May eleventh (11th), one thousand eight hundred and ninety-one (1891), and on the second (2d) Monday of each month thereafter. Said conference committee, at its first meeting, shall designate by resolution the hour of its future monthly meetings. At its first meeting in each year it shall elect a chairman, who shall serve for one year and until his successor is elected, and it may make and adopt such rules and by-laws for its government, not in conflict with this act and the laws of this state, as it may deem advisable.

Sec. 20. Any member of said committee who is absent from its meetings for two (2) successive sessions, or who shall fail for two (2) successive sessions to make the monthly reports herein directed, shall thereby be held, without other act or proceeding, to have resigned his office and the duties thereof, and shall thereby be disqualified to hold any public office in said city for the period of one (1) year next thereafter, and his successor shall be appointed as prescribed by the charter in case of resignation. Said committee shall have no power, and no power shall exist, to excuse any officer from making the monthly report herein prescribed and directed.

Sec. 21. Said committee shall request and permit the county auditor and county treasurer, and the county commissioner of said county oldest in service, to participate in its deliberations, but said county officers shall have no vote upon any pending proposition.

Sec. 22. It shall be the duty of the members of said committee at said monthly meetings to consult and advise together relative to the care, supervision and economical management of each and all of the affairs, duties and expenses of each department of said city, including the affairs of said board of education, and to that end, and in aid thereof, it shall be the duty of each member of said committee to report in writing under oath to said committee at said first meeting, relative to the work of his department, and especially as follows:

The president of the assembly shall report the amount of the expenditures made, or indebtedness incurred, at the date of such report, by the council, for the then fiscal year, as follows:

*First*—For work ordered, requiring an assessment to be made.

*Second*—For lighting said city, including a synopsis of any contract then in force for lighting said city entered into prior to the beginning of said current year.

*Third*—For the maintenance of the court house and city hall.

*Fourth*—For all other purposes (disbursements for expenses of the different boards excepted), and stating under this head the special fund in the tax estimate or tax levy which will be or has been drawn upon to meet such expenditure.

*Fifth*—The amount included in the last tax estimate upon which the common council can draw to satisfy its disbursements.

*Sixth*—The source outside of said tax estimate from which it is reasonable to expect funds will be received to be expended by the council, and the amount it is reasonable to expect will be received from each of said sources during the then fiscal year.

At each subsequent meeting he shall report, as aforesaid:

*First*—The amount of expenditures authorized or made by said council under each of the foregoing heads, stating the same separately, since the last report of said officer.

*Second*—The amount expended by the council (board expenses excepted) during the fiscal year, to date of said report.

*Third*—The amount included in the last tax estimate upon which the common council can draw to satisfy its disbursements.

*Fourth*—The source outside of said tax estimate from which it is reasonable to expect funds will be received to be expended by the council, and the amount it is reasonable to expect will be received from each of said sources during the then fiscal year.

It shall be the duty of the president of the board of water commissioners to report, as aforesaid, at said first (1st) meeting, the amount of the expenditures made or indebtedness incurred by his said board at the date of such report for the then current fiscal year, by stating:

*First*—The amount of contracts let and of purchases made for materials and supplies.

*Second*—The amount of expenses incurred for labor.

*Third*—The amount of expenses incurred and contracts made for all other purposes, and a synopsis of any contract (water bonds excepted) then in force, calling for payment of money and made prior to the then fiscal year.

At each subsequent meeting he shall report, as aforesaid:

*First*—The amount of expenditures authorized or made under each of the foregoing heads, stated separately, since the last report of said officer.

*Second*—The amount of moneys collected by his board from the beginning of the then current fiscal year, and the amount of moneys collected since the last report of said officer.

*Third*—The number of employes, at the date of his report, working on a fixed salary in the services of his board, and the monthly or annual salary agreed to be paid to each.

The president of the board of fire commissioners shall report, as aforesaid, at said first (1st) meeting, the amount of the expenditures made or incurred by his board at the date of such report for the then current fiscal year, by stating:

*First*—The amount of contracts let and of purchases made for materials and supplies.

*Second*—The amount of the expenses incurred for labor, salary of regular employes excepted.

*Third*—The amount paid out during then current year as salary to regular employes.

*Fourth*—The amount of expenses incurred and contracts made for all other purposes.

*Fifth*—The amount included in the last tax estimate for his department.

At each subsequent meeting he shall report, as aforesaid:

*First*—The amount of expenses authorized or made under each of the foregoing heads, stated separately, since the last report of said officer.

*Second*—The number of employes engaged in the services of his board, on a fixed salary, since the date of his last report.

*Third*—The monthly pay roll of his board for all of its fixed employes.

*Fourth*—The amount included in the last tax estimate for his department.

The president of the board of education shall report at said first (1st) meeting the amount of the expenditure made or incurred by his board, at the date of such report, for the then current fiscal year, by stating:

*First*—The amount of contracts (contracts for services of teachers excepted) let and of purchases made for material and supplies.

*Second*—The amount of the monthly pay roll of all employes of his board.

*Third*—The amount of expenses incurred and contracts made for all other purposes:

*Fourth*—The amount of all uncompleted contracts (contracts with teachers excepted) in operation at the close of the last fiscal year.

*Fifth*—The amount included in the last tax estimate for his department.

*Sixth*—The amount of moneys collected by his board from the beginning of said current fiscal year.

*Seventh*—The whole number of teachers engaged in the services of his board during the period since the date of his last report, naming each school separately.

*Eighth*—The whole number of students residing outside of said city of St. Paul receiving instruction in said public schools, and the tuition fee paid or to be paid by each.

*Ninth*—The average monthly attendance of students for the then fiscal year in the public day schools of said city, exclusive of non-resident students.

At each subsequent meeting he shall report, as aforesaid:

*Tenth*—The amount of expenditures authorized or made under each of the foregoing heads, stated separately, since his last report, and he shall report also relative to the matters named in paragraphs sixth (6th), eighth (8th) and ninth (9th), last above, which paragraphs are here repeated.

*Eleventh*—The amount included in the last tax estimate for his department.

The city engineer shall report at said first (1st) meeting the amount of expenditure made or incurred by said engineering department of St. Paul, at the date of such report, for the then current fiscal year, by stating:

*First*—The amount of contracts let and of purchases made for material and supplies.

*Second*—The whole amount of expenses incurred for the street and sewer force, stating the name of each street commissioner and each sewer inspector, the district covered by each; and also stating separately the amount expended or indebtedness incurred in each district by each commissioner or inspector for labor or material.

*Third*—The amount of expenses incurred for all other labor and services.

*Fourth*—The amount of expenses incurred and contracts made for all other purposes.

*Fifth*—The amount included in the last tax estimate for his department.

*Sixth*—The number of employes engaged in the services of his department during the period since the date of the last report of said officer (street and sewer force excepted).

*Seventh*—The whole number of persons employed on the street force since the date of his last report, stating separately the number in each commissioner's district.

*Eighth*—The number of persons employed on the sewer force.

At each subsequent meeting he shall report, as aforesaid:

*First*—The amount of the expenses authorized or made in each department under each of the foregoing heads, stated separately, since the last report of said officer.

*Second*—The amount included in the last tax estimate for his department.

*Third*—The number of employes engaged in the services of his department during the period since the date of the last report of said officer, street and sewer force excepted.

*Fourth*—The whole number of persons employed on the street force since the date of his last report, stating separately the number in each commissioner's district.

*Fifth*—The whole number of persons employed on the sewer force since the date of his last report.

The president of the board of public works shall report at said first (1st) meeting the amount of expenditures made or incurred by the board of public works at the date of such report for the then current fiscal year, by stating:

*First*—The amount of contracts let, for which an assessment is to be made, stating each contract separately.

*Second*—The amount of the monthly pay roll audited and controlled by his said board.

*Third*—The amount of expenses incurred and contracts made for all other purposes.

*Fourth*—The amount included in the last tax estimate for his department.

At each subsequent meeting said officer shall report, as aforesaid:

*First*—The amount of expenditures authorized or made under each of the foregoing heads, stated separately, since the last report of said officer.

*Second*—The amount of moneys collected by his department, or any employe thereof, for any purpose connected with the work of his board since the beginning of said current fiscal year, and the amount of moneys collected since the last report of said officer.

*Third*—The number of employes engaged in the services of his department during the period since the date of the last report to said officer, and the name of each, and the amount paid, or agreed to be paid, to each.

*Fourth*—The amount included in the last tax estimate for his department.

The president or chairman of the board of control shall report at each of said meetings the amount of expenditures made by the board of control at the date of such report for the then current fiscal year, by stating:

*First*—The number of different persons assisted or aided during the period last named; also, the number of orders issued for aid by his board.

*Second*—The number assisted during each of the months for the then fiscal year, stating each month separately.

*Third*—The number of persons, firms or corporations from whom supplies have been purchased or ordered by his department, or any officer or employe thereof.

*Fourth*—The amount paid and the amount of indebtedness incurred for services, in consideration of the work of his department for the then fiscal year.

*Fifth*—The total amount of the expenses of his department to the date of his report.

*Sixth*—The amount included in the last tax estimate for his department.

*Seventh*—The amount of expenditures authorized and made, under each of the foregoing heads, since the last report of said committee.

*Eighth*—The number of orders for aid issued by his board since the date of his last report to said committee.

The city comptroller, at each meeting shall report, as aforesaid:

*First*—The whole amount of the indebtedness (outside of its bonded indebtedness) of said city and of said school board (stating each separately) audited by said comptroller during the then current fiscal year.

*Second*—The whole amount of the indebtedness outstanding and unpaid of said school board, outside of its bonded indebtedness, audited and allowed by said comptroller.

*Third*—The whole amount of indebtedness of said city of St. Paul outstanding, created by the common council (outside of the bonded indebtedness of said city) audited or allowed by the city comptroller.

*Fourth*—The whole amount of the unpaid indebtedness of said city audited by the city comptroller since his last monthly report.

*Fifth*—The whole amount of money belonging to said city and also belonging to said school board, stated separately, in any of the banks of said city, stating the amount held by each bank, and the amount of cash on hand belonging to each separate fund named in the last tax estimate.

*Sixth*—The aggregate amount of the local assessment warrants uncollected in money, which warrants were delivered to the city treasurer prior to the year one thousand eight hundred and ninety (1890), stating when each was delivered and the amount of each warrant uncollected separately, and beginning with and including the year eighteen hundred and seventy-four (1874). In making this report any local assessment sale made to said city, or to any person, on which the city has not actually received the money, shall be deemed uncollected.

*Seventh*—The aggregate amount of the claims, demands and contracts of said school board and of said city, stating each separately, in the possession or control of said comptroller, waiting to be approved, audited and countersigned by him.

*Eighth*—The city comptroller shall attach to his first report made under this act a copy of the last tax estimate and levy, and as soon and as often as a new levy is made he shall report to said committee a copy of such new levy.

The city treasurer shall report:

*First*—The aggregate amount of money received by him during the then fiscal year, from each of the following sources, stated separately

From the county treasurer.

From liquor licenses.

From all other licenses.

From clerk of the municipal court.

From the building inspector.

From all other sources (exclusive of local assessments).

*Second*—The aggregate amount of money paid out by him during the then fiscal year (exclusive of local assessments), in behalf of or for the benefit of each particular department of said city, including said board of education, stating the amount for each department separately, as those departments are specified in the last estimate and tax levy.

*Third*—The name and amount of each assessment warrant received by him since January first (1st), eighteen hundred and ninety (1890), the date when each was received and the amount of cash received on each of said warrants, and the amount paid out by him on account of the work named in each of said warrants respectively.

*Fourth*—The name of each employe of said city, or any department thereof, including said board of education, outside of day laborers and outside of assessment contracts, which employe is paid by said city treasurer, and the amount of salary or compensation received per month or per annum by each of said employes, and in case the amount of said compensation is fixed by statute, he shall so state opposite the name of such employe; and in case the compensation of any one of said employes named in said list is fixed by any body or authority of said city government, or by said board of education, he shall so state opposite the name of such employe.

The mayor of said city shall report:

*First*—The number of policemen in the employ of said city, in all the grades and departments.

*Second*—The aggregate amount of city warrants of all kinds and character signed by him during the then fiscal year (exclusive of warrants for paying principal and interest on bonded debt); and in making said report he shall state the amount of said warrants signed to pay salaries and the amount signed to pay other purposes, separately, as those purposes are stated separately in the last tax estimates. The words tax levy, wherever used in this section, shall be construed and include also the words tax estimate of the then fiscal year.

Sec. 23. Said conference committee shall have power and authority at any meeting, by resolution, to require any officer or employe of said city or said school board to furnish under oath any additional report or information said board may desire, relating to the business of said city or said school board, and it shall be the duty of such officer or employe, when so requested, to furnish the information called for, and in the manner, form and by the date specified in said resolution.

Sec. 24. The order of business of said conference committee at its meetings shall be as follows:

*First*—Calling the roll.

*Second*—Reading the minutes of the last meeting.

*Third*—Reading the reports herein prescribed.

*Fourth*—Such other order of business as the conference committee may direct in aid of the purpose of its work.

Sec. 25. Whenever, in the opinion of said conference committee, any officer, board or department of said city, or said board of education,

is not observing economical management of his or its official business, and has, in the opinion of said committee, during the then fiscal year, made or incurred such amount of expenses that said officer or said department will not be able to go through the then fiscal year without overdrawing the amount of money named in the tax estimate, or in the tax for his or its department, with the amount collected or collectible, and applicable thereto, then said conference committee shall immediately, by resolution, so advise said officer or department; and thereafter said officer or department shall have no power or authority to create any additional indebtedness or expense, save after the approval of four-fifths ( $\frac{4}{5}$ ) of said committee, which approval shall be evidenced by a resolution adopted at a meeting of said committee and entered upon its records. Said resolution of approval shall not be construed as granting any officer, board or department of said city or of said board of education any power or authority not granted by existing laws. Said committee is also authorized and directed from time to time to give any officer or board of said city such caution and advice as, in its opinion, the welfare and economical management of the affairs of said city demand.

Sec. 26. With[in] thirty (30) days next after said first meeting of said committee, the first reports herein provided for shall be printed by said clerk for the use of the members of said committee and said council, and such reports made thereafter shall be printed as said committee may direct, and said clerk shall not permit said original reports or any of same to be taken from his custody or office.

Sec. 27. That sections ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24) and twenty-six (26) of said chapter five (5), said chapter five (5) being entitled "The Treasury Department," and all other parts and portions of said chapter five (5) not found and set forth in this chapter five (5), as hereby rewritten and enacted, are hereby repealed.

Sec. 4. That section five (5) of chapter seven (7) of the Special Laws of the year one thousand eight hundred and eighty-seven (1887), as amended in the year one thousand eight hundred and eighty-nine (1889), said section five (5) beginning on page three hundred and thirty-three (333) of said Special Laws, is hereby amended so as to read as follows:

Sec. 5. All applications or propositions for any improvement mentioned in section two (2) of this chapter, except public parks and parkways, shall be made to or emanate from the common council of said city, and shall be first referred to the board of public works by said common council; *Provided*, that any such application made to said council shall be in writing and said council shall not be required to proceed further with any such application, by reference to the board of public works or otherwise, unless the said council is satisfied that the owners of at least one-half ( $\frac{1}{2}$ ) of the property fronting and abutting upon the line of said proposed improvement, resident within Ramsey county, has subscribed to such application. Upon such reference, said board shall then proceed to investigate the same, and if it shall determine that such improvement is necessary and proper, it shall report such determination to the common council, accompanied with (save in the case of sidewalks and

street sprinkling) an estimate of the expense thereof and a plan or profile of the contemplated improvement and a proper order directing the work to be done; *Provided further*, that it shall not be competent for said common council to order any improvement made against the report of said board, when the board have assigned as a reason for their adverse report that property cannot be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby. In case said board shall report in favor of said improvement, or of a modification thereof, and that the same is necessary and proper, and that property can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby (less the proceeds of bonds, if any, applicable thereto), the common council may, in its discretion, unless otherwise provided for in this chapter, by a two-thirds ( $\frac{2}{3}$ ) vote of the whole number of each body, order the doing of said work or the making of said public improvement reported as aforesaid; *Provided further*, that such modification shall not materially change the character and object of the improvement so referred to said board by said council or materially increase the expense thereof; *And provided further*, that the council shall in no case order the doing of any such work, or the making of any such improvement, unless, in their opinion, real estate to be assessed for such work or improvement can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby. Two (2) or more improvements upon one or more streets, either of grading, sewerage or paving, or either or any of them, may be done at the same time under one order and may be included in one contract. Before any final order is made under this section, the members of the body of the council acting on same, save in matters of sidewalks and street sprinkling, shall examine the general plans or profiles therefor and the presiding officer shall indorse said plans or profiles and make declaration of such indorsement to said body. Section six (6) of said chapter seven (7) of said Special Laws of eighteen hundred and eighty-seven (1887), save as same is incorporated in this section five (5), is hereby repealed. No crosswalks shall be built until the same have been referred to said board and said board have reported in favor thereof; *Provided, however*, that no improvement in the nature of opening or grading of streets, or laying of new sidewalks, shall be ordered until at least one-third ( $\frac{1}{3}$ ) of the owners of the property fronting thereon, according to the transfer books in the office of the county auditor, at the date of the preliminary order, shall have petitioned therefor in writing. Said petition shall state the residence of each petitioner and shall be *prima facie* evidence thereof. Said board shall report whether the required proportion of such owners have so petitioned, and their report shall be *prima facie* evidence of the facts therein stated.

SEC. 5. That section twelve (12) of chapter seven (7) of the Special Laws of the year eighteen hundred and eighty-seven (1887), the same being found on page three hundred and thirty two (332) of said Special Laws, is hereby amended so as to read as follows:

Sec. 12. The engineer of said board, under its direction and supervision and upon such direction and orders as said board may receive from said common council of said city, shall be charged with the erection, control and supervision of all the sidewalks, streets, lanes,

bridges, alleys and public levees ; and it is hereby made the duty of said board, through its said assistant, said engineer, and under the supervision of the council, as aforesaid, at all times to have and keep all the sidewalks, streets, lanes, bridges, alleys and public levees in a cleanly condition, passable and safe for public use and travel. And to enable said engineer to satisfactorily perform the duties and work created and imposed by this section, he is authorized to appoint, subject to the approval of said common council and said board, not exceeding six (6) persons, who, under his direction, shall perform such duties as said engineer shall from time to time prescribe. And said persons so appointed shall at all times be under the supervision of said engineer of said board. The persons so appointed shall receive such compensation as the board of public works, with the consent of the common council, expressed by resolution, may determine; and in fixing such compensation said resolution shall specify the period for which said compensation shall last, which period shall in no case exceed at any one time six (6) months.

SEC. 6. That section sixteen (16) of title one (1) of chapter seven (7) of said Chapter one (1) of the Special Laws of one thousand eight hundred and seventy-four (1874) is hereby amended so as to read as follows:

Sec. 16. Any person whose property has been appropriated, and who has filed objections to such assessment, as hereinbefore provided, shall have the right at any time within ten (10) days after the publication of said notice provided for in the next preceding section to appeal to the district court of the county of Ramsey, of this state, from the order confirming said assessment. Said appeal shall be made by filing a written notice with the clerk of the board of public works, specifying the name of the court in which the appeal is taken and a description of the property of said appellant so appropriated and the objections of said appellant to such assessment, and by filing with the clerk of said court, within ten (10) days thereafter, a copy of said notice of appeal and objections, together with a bond to the city of St. Paul conditioned to pay all costs which may be awarded against the appellant, in such sum and with such surety as shall be approved by the judge of said court, or in case of his absence or inability to act, by the judge of any court of record in this state, together with a copy of such notice, with the date of filing thereon certified by the clerk of the board of public works. In case of an appeal a copy of the assessment roll as confirmed aforesaid, and of the objections as aforesaid made to the confirmation thereof, certified by the clerk of said board, at the expense of the appellant, which shall in no case exceed the sum of three (3) dollars, and shall forthwith be paid into the city treasury, shall be filed in the office of the clerk of the court to which such appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal against the city of St. Paul as an "appeal from assessments." The said cause shall then be at issue, and it may be brought on for hearing by either party, and shall have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried in said court as in the case of other civil causes, except that no pleading shall be necessary, and on such trial the only question to be passed upon shall be whether the said board of public works had jurisdiction in the

case, and whether the valuation of the property specified in the objections is a fair valuation, and the assessment, so far as it affects such property, is a fair and impartial assessment. The judgment of the court shall be either to confirm or annul the assessment in so far as the same affects the property appropriated aforesaid of the said appellant, from which judgment no appeal or writ of error shall lie. Costs and disbursements may be taxed upon said appeal as in other civil cases, but the judgment entered therefor, if against said city, shall be a separate judgment and paid out of the general fund of said city.

SEC. 7. That title one (1), of Chapter seven (7), of the Special Laws of one thousand eight hundred and eighty-seven (1887), is hereby amended by adding at the end of said title the following new sections, the same being numbered sections eighty-one (81), eighty-two (82), eighty-three (83), eighty-four (84) and eighty-five (85):

Sec. 81. It shall be the duty of the board of public works, or some member thereof, in the months of May and October of each year, to visit each oil street lamp and each gas street lamp and each electric lamp for the support of which the city is paying, and to carefully note and make a record of the necessity or lack of necessity for the existence of the same; and said board, within ten (10) days next after said May, and also next after said October, shall report to the common council a list of said lamps and the location of the same, which, in the opinion of said board, the public interests and the economical management of said city, are not necessary and can be dispensed with; and also a list of said lamps and the location of each of the same, which in its opinion are necessary and the public interest require should be sustained; and upon the receipt of this report it shall be the duty of said city council to forthwith, by resolution or ordinance, direct that the further use of said lamps and the lighting of the same which are reported necessary shall be sustained, and those which are not necessary shall be dispensed with; and in case said council shall neglect to pass such resolution or ordinance, then all claim, right or demand against said city on the part of any person, company or corporation, for the keeping of said lamps in said list lighted and in service, shall cease, become void and determined. Said board shall make said list or report in duplicate, and retain one copy thereof in its office as one of its records. Hereafter no new gas or oil or electric light shall be placed or ordered by the common council until the necessity for the same has been referred to the board of public works, and said board, by a three-fourths (¾) vote, has reported that the same is necessary.

Sec. 82. It shall be the duty of each street commissioner and of each sewer commissioner to report to the board of public works each week, in writing, the name of each man and the owner of each team employed by him during the week next preceding said report, and the wages to be paid for each man and each team, and each day the nature and location of the work on which said men and teams are or are to be engaged; and said reports shall be filed by said board in its office and be open for inspection at any time during business hours by any taxpayer, and eight hours shall constitute a day's work for each such man and team, and the common council shall have authority to fix the compensation therefor, and no such men or teams shall be employed unless said men, and the owners of such teams, shall have

resided in the city of St. Paul for a period of not less than four months prior to the date of said employment. No supplies shall be purchased by the engineering department (which includes the street and sewer force) of said city until a requisition in writing has been obtained therefor from the city engineer; and the common council in disbursing the funds of said city shall see to it that the provisions of this section are strictly observed. All orders for doing work of the character heretofore directed by the common council to the city engineer shall hereafter be directed to the board of public works, but this provision shall not enlarge the powers of said council.

Sec. 83. It is hereby made the duty of the board of public works, as soon as any assessment is confirmed, in any proceeding for condemning any land by said city, or in condemning any slopes by said city, to make or cause to be made a certificate setting forth the exact description of the lands condemned and the slopes taken by said city in said proceeding, and to make or cause to be made an accurate plat showing the lands and slopes taken by said city in said proceeding, and the president of said board and the clerk of said board, shall each attach to said certificate and to said plat his official signature, and the seal of said board shall also be attached to said certificate and to said plat, and it shall be the duty of said board, and before a warrant is issued for the collection of any assessment in such condemnation, and before any further proceeding therein, to cause said certificate to be recorded in the office of the register of deeds of Ramsey county and to cause said plat to be filed for preservation in the office of the said register of deeds of Ramsey county, and the register of deeds of Ramsey county shall carefully file and preserve such plat in a book prepared for such purpose, and in recording said certificate he shall make a notation upon the record thereof showing where said plat can be found in his office, and said register of deeds shall receive from the treasury of said city, for said services, the same fees as in other like cases for similar services.

Sec. 84. After the passage of this act, the certificates issued on sales for local assessments need not be acknowledged.

Sec. 85. No right, title, estate or easement of the city of St. Paul in or to any property shall be prejudiced or lost by any adverse possession or occupancy.

SEC. 8. That subdivision sixth (6th) of section three (3) of Chapter forty-eight (48) of the Special Laws of this state for the year one thousand eight hundred and eighty-seven (1887) is hereby amended so as to read as follows:

Sec. 6. To appropriate not exceeding ten thousand dollars (\$10,000) in any one (1) year from the city treasury for such purposes as it may deem proper to advance the interests of the city, and to authorize the issue of certificates therefor if there shall be no money in the treasury applicable for the payment of it at the time it is made; *Provided, however*, such order or appropriation shall be passed by the vote of at least four-fifths ( $\frac{4}{5}$ ) of each body elect of said council, such vote to be entered by the ayes and nays upon the records of each body of the common council; *And provided further*, that said council shall have no authority to appropriate under this subdivision more than ten thousand dollars (\$10,000), in the aggregate, in any fiscal year, and it shall have no authority to make any such appropriation for any charitable purposes, or for the use of any person, com-

pany or corporation having his or its residence outside of the state of Minnesota, and it shall have no other authority to use any money hereby authorized to be appropriated for the purpose of paying or satisfying any claim, legal or equitable, not authorized to be paid at the time said claim originated, or to anticipate in any one year the authority of any future year.

SEC. 9. That section seven (7) of Chapter forty-eight (48) of the Special Laws of one thousand eight hundred and eighty-seven (1887) is hereby amended by adding thereto the following:

"It is hereby made the duty of the superintendent of the work-house of the city of St. Paul, forthwith upon the passage of this act, to report in writing to the city treasurer of St. Paul the name of each prisoner in his charge, the nature of the offense for which he was committed, the date when he was committed, and the penalty imposed by the court at the time said prisoner was committed; and thereafter it shall be the duty of said superintendent to report to said treasurer in writing each day (and deliver the same by his own hand or by mail) the name of each prisoner committed to his charge since the date of his last report, the date when he was committed, the nature of the offense for which he was committed, and the penalty imposed by the court at the time such commitment was directed, and also the name of each prisoner discharged since the date of his last report, and the reason of his discharge, and by whose authority he was discharged; and it is hereby made the duty of said treasurer to procure a book and enter in said book from day to day said reports as received, showing the status of each prisoner named in said reports by showing his name, date of commitment, nature of offense for which he was committed, and the penalty imposed by the court when he was ordered committed, and the date of his discharge, and by whose order or for what reason he was discharged.

Said book and said daily reports are hereby made a part of the records of said treasurer's office, and are open to inspection during all business hours, to any taxpayer of said city."

SEC. 10. The time of payment of any money now due, and hereafter to become due the board of water commissioners from the city of St. Paul, for water provided and furnished for fire protection, through hydrants, is hereby extended until June first (1st), one thousand eight hundred and ninety-three (1893), and as evidence of such indebtedness said city shall issue to said board certificates of indebtedness, bearing interest at the rate of four per cent (4%) per annum, payable semi-annually, for the sums now due and the sums hereafter to become due, as herein provided.

Certificates shall be issued for the amount now due, for the purposes aforesaid, the same to bear the date of January first (1st), one thousand eight hundred and ninety-one (1891), and payable on the first (1st) day of June, one thousand eight hundred and ninety-three (1893), with interest as aforesaid; said certificates hereafter shall be issued semi-annually, in January and June of each year, for the amount of the indebtedness which may at such dates respectively accrue for said purposes, bearing interest as aforesaid.

All said certificates hereby authorized shall be made payable on said June first (1st), one thousand eight hundred and ninety-three (1893), and all of said certificates shall be taken and considered by said board as part of its sinking fund.

And said certificates shall not be sold, negotiated or made negotiable, and shall be so drawn. Said certificates shall be issued, as aforesaid, only on the order or resolution of the common council of said city after the indebtedness evidenced thereby has, by said council, been audited and allowed; and said certificates shall be signed by the mayor and clerk of said city, and countersigned by the comptroller thereof, and there shall be printed, stamped or written on the face thereof the words: "Issued under the law of one thousand eight hundred and ninety-one (1891), for water rents."

SEC. 11. Nothing in this act shall be taken and construed to apply save as specified in section ten (10) last above, to the board of water commissioners of said city, and nothing in this act which is in conflict with any act relating to the board of park commissioners of said city, shall be taken or construed to apply to said board of park commissioners, and no subsequent public act of this state which conflicts with the provisions of this act shall, unless this act is specified in said public act, be taken as repealing any provisions of this act.

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

Approved March 24, 1891.

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## CHAPTER 7.

[H. F. No. 1211.]

AN ACT TO AMEND THE CHARTER OF THE CITY OF ST. PAUL, IN THE STATE OF MINNESOTA.

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

The following amendments and sections are hereby made a part of the charter of the city of St. Paul.

SECTION 1. At the first (1st) meeting in each year of each body of the common council, each of said bodies shall proceed to elect by ballot from its own body, a president and vice president. Each of said presidents shall preside over the meetings of the body from which he is elected, and during the absence of the mayor from the city, or in case of his death or his inability or incapacity for any reason to discharge the duties of the office of mayor, the president of the board of aldermen shall exercise all the powers and discharge all the duties and have all the rights of mayor of said city, and be styled "acting mayor of St. Paul."

The vice president of each body, in case the president of such body is absent, shall act for the time being as presiding officer, and shall discharge the duties of such president and act in his place; *Provided, however,* that the president of the assembly shall perform the duties of acting mayor in case of the inability of the president of the board of aldermen to act as acting mayor.

SEC. 2. That section four (4) of an act of the legislature of this state approved March twenty-fourth (24th), one thousand eight hundred and ninety-one (1891), which act amended the charter of the