

CHAPTER 202.

H. F. No. 802.

An act to legalize the acts of village councils in granting franchises to telephone companies in this state.

Village franchises.

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

SECTION 1. That the acts of any village council of any incorporated village which may have heretofore granted or attempted to grant to any person, persons, firm or corporation any rights, privileges or franchises for the erection and maintenance of telephone poles, wires and other appliances for the operation of telephone lines, either by ordinance, resolution or contract, within any such village, be and the same are hereby in all things legalized, confirmed and made valid.

Legalizing grants for telephone lines.

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

Approved April 18, 1893.

CHAPTER 203.

H. F. No. 773.

An act to authorize cities in the state of Minnesota to reimburse any person or persons who have advanced moneys to such cities to pay for and be used in making public improvements therein.

Public improvements.

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

SECTION 1. That the city council or common council, as the case may be, of any and all cities in the state of Minnesota is hereby authorized and empowered to reimburse and recompense any person or persons who have, prior to the passage of this act, advanced any money or moneys to any such city to pay for and be used in the construction of bridges, the grading or paving of streets or for the making of any other public improvement therein, under an agreement by the city to refund such money or moneys so advanced upon obtaining authority therefor from the legislature.

Money advanced for, to be reimbursed.

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

Approved April 11, 1893.

CHAPTER 204.

H. F. No. 48.

An act to grant additional powers to cities of the state of Minnesota and to empower such cities to issue their bonds for certain purposes therein mentioned.

Issue of bonds by cities.

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

SECTION 1. That in addition to the rights and powers heretofore granted by law to the several cities of the state of Minnesota, which rights and powers shall not be abridged or affected by this act, there is hereby granted

The right to issue bonds.

to all cities that now are or may be hereafter organized within the state of Minnesota, the right and power to issue bonds for municipal purposes, to-wit:

Permanent improvement bonds.

First. Permanent improvement fund bonds, which may be issued to defray the expenses of improving any street, avenue, alley, park or other public ground within the corporate limits of any city within this state, or any part of such expense, and which shall include the construction of sewers, sidewalks, bridges, culverts, changing water-courses and all improvements of a permanent nature.

Bridge bonds.

Second. Bridge bonds, which may be issued by any city within this state, for the purpose of bridging any natural or artificial stream, river, lake, canal, bay, harbor or other water within the corporate limits of any city within the state of Minnesota, or for the purpose of bridging any such water, or part thereof, bordering upon or forming the boundary line of any such city within the state, and the use of the proceeds of such bonds for the construction of any bridge, so as to accommodate or facilitate the passage of any steam locomotives or cars, or horse railway, cable or electric cars in connection with teams, vehicles and foot passengers, shall not invalidate, impair or affect the legality of any bridge bonds issued for the aforesaid purposes; provided, that nothing herein shall be construed to prevent any city within this state from charging any railroad company using any such bridge a reasonable price for such use, such charge to be fixed by the common council of such city, and the making of such charge shall not be held to impair, affect or invalidate such bonds; provided, further, that nothing herein shall be construed to give authority to any city to issue bonds for the making of any improvements to be used exclusively for railroad purposes.

Water and light bonds.

Third. Water and light bonds, which may be issued for the purpose of constructing, erecting, improving or purchasing waterworks, gas works, electric light plants, or other light plants for the use and benefit of the inhabitants of any city in this state; city hospital bonds, which may be issued for the purpose of erecting city hospitals.

General fund bonds.

Fourth. General fund bonds, which may be issued for the purpose of providing a general fund with which to meet and defray all contingent expenses, of whatever character, properly arising out of municipal matters and not otherwise, and which shall also include the payment of all outstanding debts and bonds which are due or to become due, or are redeemable, together with the interest thereon.

Issue limited to 5 per cent of valuation.

Sec. 2. No city in this state shall at any time be authorized to issue bonds or to incur any debt or liability of any kind for any purpose in excess of five per cent of the assessed valuation of the taxable property of such city according to the last preceding assessment, except as hereinafter provided, and should any bonds be so

issued in excess of said five per cent, except as herein provided, the same shall be invalid; provided, that when bonds are issued for the purchase, refunding, or payment of other bonds of such city the bonds to be so purchased or paid shall not be considered a part of the bonds on which any city may be liable, for the purpose of determining whether the bonds so issued will increase the bonded indebtedness of any city above the limit prescribed in this act.

All sums of money realized from the sale of city bonds shall be applied to the purpose for which they are issued, and no other, and such purpose shall be distinctly stated in the resolution or ordinance authorizing their issue.

The common council of any city in this state may, either by resolution or ordinance, passed by a three-fourths vote of all the members elect, at any general or special meeting called for that purpose, authorize the issue of the coupon bonds of such city to an amount not exceeding five per cent of the aforesaid assessed valuation, without submitting the question of such issuance to a vote of the people; provided, that three-fourths of all the members elect of such common council do not vote in favor of the issuance of such bonds, then the same shall not be issued, except upon a two-thirds vote of the legal voters participating in the election of the city proposing the issue of such bonds, which vote shall be taken at a general or special election called and conducted in the manner prescribed for holding municipal elections; provided, that when any city has reserved the right to purchase the water works heretofore constructed by any person, company or corporation in such city, and such city, in pursuance of such right reserved, shall issue its bonds for the purchase of said water works, then the limitation of five per cent, hereinbefore specified, shall not apply to such bonds.

Provided, further, that the water works so to be purchased shall at the time of such purchase yield a revenue sufficient to pay the interest on the total amount of the bonds to be issued therefor.

SEC. 3. In addition to the bonds hereinbefore authorized to be issued by the common council of any city, a further and additional amount of bonds, not exceeding an additional five per cent on the aforesaid assessed valuation, may be issued by any city in this state for any and all of the aforesaid purposes, and the proceeds thereof to be used and disposed of as hereinbefore provided, and any issuance, or attempted issuance, of bonds by any city in excess of ten per cent of the aforesaid assessed valuation shall be void.

Provided, that no bonds authorized by this section shall be issued by any city until the issuance thereof shall have first been authorized by a two-thirds vote of all the legal voters of such city present and voting, and the question of the issuance of said bonds shall be sub-

Bonds to be used for the purpose ordered.

May be issued by a three-fourths vote of council.

For water works limitation of five per cent may be exceeded.

Additional bonds may be issued by vote of people.

Two-thirds vote necessary.

mitted to the electors of the city proposing to issue the same, at a general or special municipal election, called and conducted in the manner prescribed for municipal elections in such city, and the notices of such election shall contain a statement of the amounts and purposes for which such bonds are proposed to be issued, with the date of their maturity and the rate of interest they shall bear.

All elections provided for in this act may be called by resolution, in writing, of the common council, passed by a majority vote, which resolution shall distinctly state the purpose of the election and the question to be submitted to the vote of the people.

The ballot to be voted at all elections under this act may read as follows:

"In favor of the proposition of issuing bonds to the extent of dollars, for"

"Against the proposition of issuing bonds to the extent of dollars, for"

If two-thirds of the votes cast at such election shall be in favor of issuing the kind and amount of bonds designated in said ballot, the city voting in favor thereof shall, through its proper officers, without further act, be authorized to issue said bonds to the amount voted, and to sell and negotiate the same.

The votes cast at such election shall be counted, returned and canvassed the same as other municipal elections, and the result certified to the city clerk or recorder by the canvassing board.

It shall be the duty of the common council to expend the moneys derived from the sale of said bonds in accordance with the directions of the voters, as shown by said election.

All bonds issued pursuant to the provisions of this chapter, whether upon the order of the common council of any city, by a vote of three-fourths of the members elect thereof, or by authority of a two-thirds vote of the legal voters voting at any election for such purpose, shall be alike valid and binding, and be and remain the obligation of such city issuing such bonds.

SEC. 4. All bonds authorized by this act shall run not more than thirty years from the date of their issuance, bearing interest at not more than five per cent per annum, principal and interest payable at such time and place as may be fixed by the common council of any city: said bonds to be sealed with the seal of the city issuing them, and signed by the mayor and attested by the clerk or recorder, and countersigned by the comptroller, if such officer exists in any city, and shall be sold at not less than par value and accrued interest, to the highest responsible bidder, after notice published once in each week, for three successive weeks, in a daily paper, if one there be, if not, then in a weekly paper in the city where such bonds are to be issued, and also in a daily paper published in St. Paul.

Time of bench,
interest and
sale.

SEC. 5. Any city in the state of Minnesota, heretofore incorporated, may become subject to the provisions of this act, and the city council of such city may effect the same by an ordinance thereof, duly passed by three-fourths of all the members of such council elect in favor of the same, and approved as provided by the charter of such city;

Acceptance of
this act to be
valid.

And a certified copy of such ordinance, so approved, and duly certified, accompanied by a statement of the vote thereon, with the names of the members voting for and against said ordinance, shall be forwarded to and filed in the office of the secretary of state, and such city shall thenceforth be deemed to be subject to the provisions of this act, and shall be governed, controlled and regulated by and under the provisions of this act, and the city officers of said city shall thereupon exercise the powers conferred herein, and all courts in this state shall take judicial notice of the fact of such city becoming subject to the provisions of this act.

Certificate filed
with secretary
of state.

After the passage and adoption of the ordinance mentioned in the last section, and the filing of the same with the secretary of state, all laws in such city in conflict with this act shall no longer be applicable, but all laws, or parts of laws, not inconsistent with the provisions of this act, shall continue in force, and be applicable to such city, the same as if such city had not become subject to the provisions of this act.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 12, 1893.

CHAPTER 205.

An act to authorize municipal corporations to aid in the construction of canals and improved waterways.

R. F. No. 352.

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

Canals and im-
proved water-
ways.

SECTION 1. Any county, town, incorporated city or incorporated village in this state is hereby authorized and empowered, in the manner herein provided, to aid in the construction of any canal or improved waterway in this state, to be constructed by any canal or improved waterway company, for public use, by authority of any law of the state, in the manner herein provided, and which will promote the general prosperity and welfare of the taxpayers of such municipality, and the mutual agreement hereinafter referred to, when the same shall be arrived at, shall be conclusive evidence that such canal or improved waterway will so promote the general prosperity and welfare of the taxpayers of such municipality; but no bond shall be issued by any city, village or town, under the provisions of this act, to an amount exceeding, together with its then existing indebtedness, five per

Condition of aid
by counties,
cities, etc.