

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 improved waterways.

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.

centum upon the value of the taxable property therein, the amount of such taxable property to be ascertained and determined by the last assessment of said property made for the purpose of city and county taxation, previous to the incurring of such indebtedness.

May be by issue
of bonds.

SEC. 2. The aid to be contributed to the construction of any such canal or improved waterway by any such county, town, city or village, shall be by the bonds of such municipality, to be issued to or for the use of such canal or improved waterway company, in consideration of which such municipality shall, at its election, be entitled to receive from such canal or improved waterway company such number of shares of its capital stock as will, at the par value of such stock, correspond with the principal sum of such bonds.

Mutual agree-
ment.

SEC. 3. No such bonds shall be issued to or for the use of any such canal or improved waterway company, and no such stock shall be issued to any such municipality until a mutual agreement in relation thereto shall have been arrived at, in the mode hereinafter specified; and when such mutual agreement shall have been arrived at, the proper officers of such municipality shall be authorized and required to issue and deliver such bonds in conformity with the mode so agreed upon, and the stock of such canal or improved waterway company shall also be issued in conformity therewith, in case such municipality shall have elected to take stock.

Terms of agree-
ment to be pre-
sented.

SEC. 4. Whenever any such canal or improved waterway company, specified in the first section of this act, shall desire aid in the construction of its canal or improved waterway from any county, town, city or village, specified in said first section, it shall make and deliver to the county auditor of such county, the town clerk of such town, or the clerk of such incorporated city or village, as the case may be, a definite proposition, in writing, signed by the president and secretary of such canal or improved waterway company, and sealed with its seal, which proposition shall contain a statement of the amount of bonds desired, the time when payable, and whether payable before maturity, at the option of such municipality, the rate of interest which they shall bear, and such proposition shall contain a statement specifying when said bonds are to be delivered, with reference to the time of the entire or partial construction of said canal or improved waterway, and may contain a statement that such bonds may be deposited in escrow, prior to the delivery to the canal or improved waterway company; and such proposition shall contain a statement that the said canal or improved waterway company will, in consideration of such bonds, at the election of such municipality, issue to the municipality from which it is to receive the same such number of the shares of its capital stock as will, at par value of such stock, cor-

respond with the principal sum of such bonds. In case such bonds are proposed to be deposited in escrow, as aforesaid, the proposition shall also state that the certificate of the stock to be exchanged therefor shall be placed with the same depository at the same time, and in that case the proposition shall set forth the full name and residence of the trustee, or trustees, who shall be the custodian of the stock of said company, and of the bonds of such city, village, town or county; the auditor or clerk with whom any such proposition shall be filed shall immediately indorse thereon the date of its receipt by him, and transcribe the same into the record book of the county, town, city or village, as the case may be, of which he is such clerk.

SEC. 5. The mode of arriving at such mutual agreement, as is hereinbefore specified, shall be as follows:

First. Upon receiving such proposition, the county auditor of such county, the town clerk of such town, or the clerk of such incorporated city or village, as the case may be, shall immediately publish a notice of an election to be held by the legal voters of such county, town, incorporated city or village, at the usual place or places of holding elections therein, and at such time as such clerk may designate, not less than ten or more than twenty days from the date of such notice, which notice shall contain a substantial statement of the proposition made by said canal or improved waterway company for the issue of the bonds of such municipality, and shall notify the legal voters thereof to deposit a ballot, upon which shall be written, or printed, the words "For the canal proposition," or "For the improved waterway proposition," as the case may be, or the words "Against the canal proposition," or "Against the improved waterway proposition," as the case may be; and such notice shall be posted in three public places in each election precinct in the district in which aid is desired, at least seven days before the day of such election, and shall also be published at least twice before such election, in one newspaper in such city, village or town, if any is published therein, and if the aid is asked of a county, in one newspaper in each village and city in such county in which a newspaper is published, and if there is no newspaper published in such city, village, town or county, then such notice shall be so published in a newspaper published at the nearest place thereto in which one is published; and said canal or improved waterway company so desiring aid shall pay the expenses of advertising such proposition in said newspapers.

Second. Such election shall be held and conducted in the same manner that general elections in such counties, towns, incorporated cities or villages are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at such general election,

Election to be held on the proposition.

To be conducted same as general elections.

and the canvassers shall make, certify, sign and deposit with the county auditor, town clerk or clerk of such incorporated city or village, as the case may be, a statement of the result of such election; and such certified statement shall be prima facie evidence of the number of votes cast for or against such proposition, and also

A second election may be had.

Third. If in any of said counties, towns, cities or villages any election shall fail to be held on the day appointed therefor, or if the majority of votes cast at any such election shall be against the canal or improved waterway proposition, such county auditor, town clerk or clerk of such city or village shall, at the written request of the president of such canal or improved waterway company, at any time thereafter call another election or elections, in the manner provided in this act, upon the same or different propositions of such canal or improved waterway company; and such other election or elections shall be conducted in like manner and upon like notice as is provided in this act for the first election. Provided, that not more than one election authorized by this act shall be held in any one calendar year in the same town, county, village or city.

Upon favorable vote bonds to be issued.

Fourth. If a majority of the legal voters who shall vote upon the question at any election to be held in any such county, town, city or village, in pursuance of the provisions of this act, shall, as indicated by the official returns of any such election, vote "For the canal proposition," or "For the improved waterway proposition," as the case may be, then such mutual agreement for the issue of bonds by such municipality, and of stock by such canal or improved waterway company, as the case may be, as provided by this act, shall be deemed and considered to have been arrived at and perfected, and thereupon such bonds and stock shall be issued and delivered by the proper officer, in conformity with the true intent of such proposition and with the provisions of this act. Provided, that the board of county commissioners of any such county, or the board of supervisors of any such town, or the common council of any such village or city, may, in case it shall deem it for the interests of such county, town, village or city to do so, waive the issuance by such canal or improved waterway company of any such stock to such county, town, village or city.

Necessary work before issue.

SEC. 6. No bonds shall be delivered to the company under such proposition until the canal or improved waterway, for the construction of which the aid has been granted, shall have been substantially completed through or to the municipality granting aid, or to the nearest point on the line of its route to such municipality, or from and to such point as the company in its proposition shall have proposed to construct said canal or improved waterway.

SEC. 7. The stock received by any such county, town, city or village, in pursuance of such mutual agreement,

shall be entitled to all and the same rights, benefits and privileges as the stock of the same class held by any such person or persons; and the municipality receiving any such stock shall, so long as it shall hold the same or any part thereof, be a part owner of such canal or improved waterway and its franchises; and the proper authorities of the municipality holding such stock shall appoint a person to vote thereon, in behalf of such municipality, and such authorities may also sell and dispose of the said stock in such manner as shall to them seem best for the interest of such municipality.

Stock transferred to municipality.

SEC. 8. Every county, town, city or village which shall issue any bonds in pursuance of the provisions of this act shall be severally liable in law, faithfully, promptly and at maturity, to pay and discharge the principal and interest upon every such bond issued by it; and the faith of every such county, town, city or village shall, by the issue of such bond or bonds, be and stand irrevocably pledged to the prompt discharge of every such liability; and every such county, town, city or village shall annually levy and collect a tax on all taxable property therein, as indicated by the assessment roll or rolls for the payment of all moneys to become due upon such bonds, whether for the principal or interest, in addition to all other taxes, and the money so raised shall be kept as a separate fund, and strictly applied to that purpose; and it may, in the discretion of the proper authorities, raise a greater sum in any one year than is needed to pay what shall become due in that year, and apply the same to the purchase and discharge of such bonds at the lowest practicable rate or price.

Tax to be assessed for payment of bonds.

SEC. 9. If any officer upon whom any duty is imposed by this act shall willfully fail faithfully and promptly to discharge the same, as by this act required, he shall be liable to the party or parties aggrieved for all actual damages suffered by such party or parties by reason of such failure.

Neglect of official duty.

SEC. 10. For the purpose of this act the term "proper officer" shall be construed and held to intend and mean, in the case of a county, the chairman of the board of county commissioners and county auditor of any such county; in the case of a town, the chairman of the town board and the town clerk; in the case of a city, the mayor, or the officer performing the duties of mayor, and the city clerk; and in the case of a village, the president and clerk of the village; and the term "proper authorities" shall be construed and held to intend and mean, in the case of a county, the board of county commissioners; in the case of a town, the town board of supervisors; in the case of a city, the common council, or other authorities possessing the usual powers of the common council of cities; and in the case of a village, the board of trustees, or other local governmental board, by whatever name it may be called, which is vested with

Proper officers to issue bonds.

the power to levy taxes; and any and all bonds issued under this act by any county, town, city or village shall be officially signed by the proper officers thereof as aforesaid, and sealed with its corporate seal, if it have one; and in the case of a town, it shall be the duty of the county clerk of the county in which said town is situated, if requested to do so, to add to each of such bonds a certificate, under the seal of the county, to the effect that the town officers subscribing the bonds are in fact such officers, and that he believes their signature thereto to be genuine.

No other aid to be voted.

SEC. 11. If any county, town, city or village shall issue and deliver to any canal or improved waterway company any bonds in pursuance of the provisions of this act, it shall not thereafter issue or deliver any bonds or incur any liability in aid of the construction of the canal or improved waterway of such company by virtue of the authority of any other law of this state.

When aid shall be earned by company.

SEC. 12. It shall be lawful for any town, county, city or village which shall have voted aid to any canal or improved waterway company, or which shall hereafter vote aid to any canal or improved waterway company, without limiting the time when such aid shall be earned by the company, by the proper authorities thereof, to fix and limit the time when such aid shall be earned. Provided, that the time so fixed shall not be less than one year from the date of giving notice to such canal or improved waterway company of the fixing such limit, and if the aid shall not be earned in accordance with the conditions upon which it was voted, within the time so fixed by such authorities, then such aid shall be forfeited.

Money payments instead of bonds.

SEC. 13. Any county, town, city or village is hereby authorized, instead of issuing bonds in aid of canals or improved waterways, as hereinbefore provided, by agreement to be arrived at, as is herein provided for the issuance of bonds, to subscribe to the capital stock of such company, the subscription to be paid in money, in one or more installments, at such times, not exceeding three years from the time of entering into such contract, as may be agreed upon, and after such parts of the work of constructing the canal or improved waterway aided shall be done, as shall be agreed upon; the last installment not, however, to be paid until the canal or improved waterway shall have been substantially completed to the place which it is agreed to be built, in consideration of the aid so granted. If such an agreement shall be arrived at in the manner herein provided, it shall be the duty of the proper officers of such county, town, city or village, from time to time, to levy and collect a tax in the same manner as general taxes are levied, of sufficient amount to pay the installments as the same shall fall due, according to the terms of such agreement.

SEC. 14. Whenever any canal or improved waterway company shall make a proposition to any county, town, incorporated city or incorporated village in this state, asking such municipal corporation to issue its bonds as a bonus to aid in the construction of the canal or improved waterway of such company, or offering to exchange the mortgage bonds of such canal or improved waterway company for an equal amount of the municipal bonds of such municipal corporation, to be used in the construction of such canal or improved waterway, if such proposition shall be made in the form prescribed in section four of this act, for making the proposition therein provided for, then it shall be the duty of the proper authorities of such municipal corporation to entertain and act upon such proposition, and to submit the same to the electors of said municipal corporation, in the same manner as they are directed to entertain and act upon the said proposition hereinbefore provided for in this act, and to submit the same to the electors of such municipal corporation. And when such proposition is submitted for the approval of the electors of such municipal corporation, if it shall be approved by a majority of said electors who shall vote upon such proposition, then the proper authorities of said municipal corporation shall issue the bonds of such corporation to said canal or improved waterway company, in accordance with the provisions of this act, and the conditions contained in such proposition.

Bonds in exchange for mortgage bonds.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved April 8, 1893.

CHAPTER 206.

H. F. No. 236.

An act to authorize reassessments for local improvements by cities, and to legalize certain of such assessments.

Reassessments for local improvements.

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

SECTION 1. In case any city in this state has made or undertaken any improvement of a street, avenue or alley prior to the establishment of a permanent grade for the same, the assessments therefor, except such as are now in litigation, are hereby declared, and shall be, as valid as though said improvement had been made conformably to a permanent grade previously established.

Improvements previous to established grade.

SEC. 2. Whenever any assessment heretofore made, or hereafter to be made for any improvement already undertaken by any municipal corporation of this state, to defray the expense of any local improvement, shall be set aside or pronounced invalid, in whole or in part, from any cause whatever, jurisdictional or otherwise, the cost of said improvement, or the portion thereof which shall have been pronounced invalid, may be reassessed, to the extent of the benefits actually accruing, against the property benefited thereby, in the manner hereinafter set forth.

Assessments set aside, reassessment.