

Duty of dairy
and food
commissioner.

SEC. 4. It shall be the duty of the state dairy and food commissioner and his assistants, experts and chemists and agents by him appointed, to enforce the provisions of this act.

SEC. 5. This act shall take effect and be in force from and after July 1st, 1903.

Approved April 10, 1903.

H. F. No. 332.

CHAPTER 164.

An act to ratify certain conveyances and confirm the title in the State of Minnesota to lands thereby conveyed.

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

Confirms
title to
state, of
certain lands.

SECTION 1. That all conveyances heretofore made by any person or persons transferring land situated in the State of Minnesota, to the governor and legislative assembly of the Territory of Minnesota, in trust for said territory, are hereby confirmed, and the title to such premises so conveyed declared to be vested in the State of Minnesota.

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

Approved April 10, 1903.

H. F. No. 338.

CHAPTER 165.

Cities of
20,000 to
50,000 inhab-
itants.

An act to create in cities of the State of Minnesota which now have or hereafter may have no more than fifty thousand (50,000) and not less than twenty thousand (20,000) inhabitants a board of municipal works, to define its duties and powers and to regulate the management of certain municipal works of such cities.

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

Board of
municipal
works, to
control water,
light and
sewerage
pumping
plants.

SECTION 1. That in each city in the State of Minnesota which now has, or hereafter may have, no more than fifty thousand (50,000), and not less than twenty thousand (20,000) inhabitants, there be and hereby is created and established a board of municipal works, which shall have the control and management of all such water works systems, lighting plants, and sewerage pumping plants of

each such city as may be owned and operated by such city, with the powers and duties hereinafter designated.

SEC. 2. That all authority under this act, in each such city, shall be exercised by a board of six (6) commissioners to be known and designated as the "Board of Municipal Works," who shall be appointed by the mayor of such city, and whose terms of office shall be as hereinafter designated.

Members,
term of
office.

SEC. 3. It is hereby made the duty of the mayor in each such city in this state, in which a water works plant, a lighting plant and a sewerage pumping plant, or any one or more of them, is being owned and operated by such city on the last Monday in April, A. D. 1903, to appoint on such last Monday in April, A. D. 1903, six (6) persons, residents of such city, commissioners, one of whom shall be appointed to serve for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years, one for a term of five (5) years, and one for a term of six (6) years. These six persons, so appointed, shall constitute the first board of municipal works for the city in which so appointed. The said terms of office shall commence on the first Monday in May, A. D. 1903, and said commissioners shall on said day enter upon the performance of their duties and assume the control and management of the water works system, lighting plant and sewerage pumping plants of the city in which they have been so appointed, or such of said works as shall then be owned and operated by said city.

The mayor of each such city shall annually thereafter, on the last Monday in April, appoint one person, resident of such city, as a member of said board and as the successor of the commissioner whose term of office expires in that year, to serve for a term of six years from the first Monday in May of the year in which appointed and until his successor is appointed and qualifies. *Provided*, that all appointments made under the provisions of this act, including the filling of vacancies, shall be so made that no more than three (3) persons of those comprising said board, shall at any time belong to the same political party, and *provided further*, that a change in the political belief of any of the members after appointment, shall not disqualify any member for membership or for reappointment.

No more
than three
to be of
same
political
party.

That in each city of this state which now has no more

than 50,000 and not less than 20,000 inhabitants, and in which none of the municipal works designated shall be owned and operated by such city on the last Monday in April, 1903, but in which any one or more of the said municipal works shall thereafter be installed and established by such city, to be operated and controlled by such city, and in each city of this state which hereafter may have no more than 50,000 and not less than 20,000 inhabitants in which thereafter any one or more of the municipal works may be so installed and established by such city, and no such board having been theretofore appointed in or for any such city, it shall be the duty of the mayor of each such city, not more than thirty (30) days and not less than ten (10) days prior to the time that it is contemplated by such city to commence the operation of any such works, to appoint the board hereinbefore designated, whose terms of office shall commence immediately upon such appointment, one of whom shall be appointed to serve until the first Monday in May following, one until one year after the following first Monday in May, one until two (2) years after the following first Monday in May, one until three (3) years after the following first Monday in May, one until four (4) years after the following first Monday in May, and one until five (5) years after the following first Monday in May, and their successors shall thereafter be appointed at the times and in the manner hereinbefore designated for the appointment of successors.

Each such board shall assume the control and management of such works immediately after the same shall be installed or established by such city and be ready for operation.

Official
census.

That whenever it shall hereafter be shown by any official census (whether national, state or city) that any city in this state contains the number of inhabitants hereinbefore designated, and not theretofore shown, and there shall at that time be owned and operated by such city one or more of such municipal works, it shall be the duty of the mayor of such city, on the last Monday in April following the official notice of such census, to appoint the board hereinbefore designated, whose term of office shall commence on the first Monday of May following, and who shall be appointed to serve for the lengths of time first specified in this section, and their successors

shall thereafter be appointed at the times and in the manner hereinbefore designated for the appointment of successors.

That whenever there shall hereafter be constructed, purchased or installed any one of the municipal works hereinbefore designated, by any such city in which such board of municipal works have been theretofore appointed and established, or extensions or additions made to any such works therein previously established, or machinery installed to be operated in conjunction therewith, such board shall thereupon assume the control, operation and management of such works, extensions or machinery, in addition to all works then under its control, immediately after the same shall be completed by such city and ready for operation.

All vacancies, by resignations or otherwise, shall be filled by the board, but every such appointment shall require an affirmative vote of a majority of all the members of the board.

Vacancies
how filled.

The mayor may remove any of the commissioners for misconduct, incompetency or neglect of duty after opportunity shall be given him to be heard on written charges. Each member of said board shall before entering upon the discharge of his official duties take and subscribe the usual oath of office and deposit the same with the city recorder of such city, together with a written acceptance of his said appointment. All appointments herein provided for shall be made by the mayor in writing and filed by him with the city recorder of such city; and when made by the board, the secretary of said board shall certify the necessary facts to such recorder, showing the cause of such vacancy and how filled.

Removal.

Appoint-
ments.

The said board shall elect annually one of their number to be president of the board, and may make by-laws and regulations for their government not inconsistent herewith. A majority of said board shall constitute a quorum, and all contracts and engagements, acts and doings of said board, within the scope of their duty and authority, shall be obligatory and binding upon such city.

President
of board,
rules and
regulations,
quorum,
contracts.

The members of said board shall receive no compensation for their services, but shall be allowed their reasonable official expenses, except that traveling expenses outside such city shall not be allowed any such members unless authority to make such trip be previously granted by

Compensation
limited to
expenses.

such board and approved in writing by the mayor of such city.

Secretary
and general
superin-
tendent.

The said board shall elect some suitable person as secretary, not a member of said board, who shall, as such secretary, be the general superintendent of the several municipal works under its control in such city.

The said board shall have power by an affirmative vote of a majority of all its members to remove him for cause, after opportunity shall be given him to be heard upon written charges.

City
electrician
ex-officio
superintendent
of fire
alarm.

Said board shall appoint some suitable person to have the care and superintendence of all poles and wires owned by such city, and who shall be styled "city electrician," with such powers and duties as may be prescribed by said board. Such city electrician shall be ex-officio superintendent of the fire alarm system of such city.

Said board may appoint and employ all proper clerks, assistants and employes necessary or convenient for the operation and management of the several municipal works or departments in such city, and for accomplishing the purposes contemplated by this act.

Salaries
fixed by
board.

The salary and compensation of all persons appointed and employed by said board in any of the departments under its control shall be such as may be fixed by said board, by an affirmative vote of a majority of all its members.

Board to
establish
rules.

It shall be the duty of each such board within six months after its appointment and organization to make and establish general rules providing for the manner and method of appointing, employing and removing all persons in connection with the operation and management of the several municipal works under the care of such board and to define their duties and powers. Such rules shall, when practicable, provide that all appointments and employments, other than ordinary labor and transient assistants and employments, shall be made in accordance with the civil service or "merit system," and all such rules when so established shall be changed only by an affirmative vote of five-sixths of all the members of said board.

Merit
system.

City
treasurer
also
treasurer
of board.
City
engineer
ex-officio.

The treasurer of such city is hereby declared to be ex-officio treasurer of said board. The city engineer of such city, except when otherwise designated by said board for special purposes, shall be the engineer of said board.

The city attorney of such city, except when otherwise

specially designated by said board, shall be the legal adviser of said board.

SEC. 5. It is made the duty of the secretary, under the direction of said board, to collect and receive and to pay into the city treasury all moneys due such board on account of the operation of said works, and to keep a set of books which shall at all times contain a full and complete statement of the condition and operation of each such municipal works or department, and of all matters in connection therewith, and a detailed and exact account of all moneys received and paid out by order of said board, in each such department, and all debts due and owing said board for any cause whatever, together with an accurate account of all the expenses of and liabilities incurred by said board in each such department.

Collection
of moneys.

It is made the duty of the treasurer of said board to receive all moneys which may be paid into the city treasury on account of said board from any sources whatever, and place the same in a separate fund therefor to be designated "municipal works fund," which fund is hereby created for each such city, and all moneys so received shall be retained by said treasurer and paid out only upon the order of said board, signed by the president and countersigned by the secretary thereof, and he shall keep a detailed and exact account thereof, in such manner as to show at all times the exact financial condition of said board.

Municipal
works
fund.

The books of said board shall at all times be open to the examination of any taxpayer of such city, or to any member or committee of the city council; said board shall on the first Monday in April in each year make a full report in detail to the city council of the condition and operation of the works under their charge, and of each department, and of all receipts and expenditures, for the year then ending, on account of the same; and shall also, whenever desired by said council, transmit to said council a concise statement of the financial condition of any such department.

Report.

SEC. 6. Said board may sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute unto final judgment in any court or elsewhere in the name of said board, have a common seal and alter the same at pleasure. They may prosecute any action in the name of said board against any person or persons

Board
may sue
and be
sued.
Seal.

for money due for the use of water or from any other cause; for the breach of any contract, express or implied, touching the execution or management of any of said works or departments, or of any promise or contract made to or for them; and also for the injury or trespass or nuisance done or caused or procured to be done to the water courses, pipes, machinery or any other apparatus belonging to or connected with any part of any of said works, or for any improper use or waste of the water.

Right
to use
grounds,
highways,
streets, etc.

SEC. 7. The said board, in behalf of said city, and all persons acting under their authority, shall have the right to use the grounds or soil under any road, railroad, highway, street, lane, alley or public ground for the purpose of constructing, extending, enlarging, improving or repairing the works contemplated by this act, on condition that they shall, when not otherwise provided by any ordinance of said city, and when not the duty of some private person, company or corporation, cause the surface of such road, railroad, highway, street, lane, alley or public ground, to be restored to its original state, and all damages done thereto to be repaired.

Accurate
records of.

SEC. 8. Each such board shall keep and maintain an accurate and detailed record of the following annual accounts:

Current
expenses.

First—The current expense of operating and maintaining each of the water works, lighting and sewerage departments, or such of them as may be under their control.

Interest
on bonds.

Second—Interest on all outstanding water and light bonds.

Extensions
and improve-
ments, etc.

Third—Extensions and improvements.

Fourth—Such other accounts, and such subdivisions of the foregoing named accounts as may be deemed desirable for the purpose of accurately showing the true financial conditions of each of said departments and all property belonging to the same.

Estimates
of probable
receipts to
be presented
to board
by secretary.

On or before the second Monday in August of each year the secretary of said board shall present to the said board of municipal works of such city, in writing, an estimate of the probable receipts during the next ensuing fiscal year for each such department, from each and all sources other than municipal, such fiscal year to commence on the first day of April; together with an estimate of the several amounts required during the next

ensuing fiscal year for the operation and proper maintenance of each of the departments under their control, and shall also make a special estimate of amounts required for the water works department of such city during the next ensuing fiscal year for each of the following purposes, to-wit:

First—For the current expenses of operating and maintaining said water works department. Current expenses.

Second—For interest on all outstanding water works bonds. Interest on bonds.

Third—For water works extensions and improvements. Extensions, etc.

Fourth—For the payment of outstanding water works bonds maturing during the next ensuing fiscal year, in the aggregate amount of not exceeding fifteen thousand (15,000) dollars. Maturing bonds.

The estimate for extensions and improvements in such water works department shall not, however, exceed ten (10) per cent of the said estimated probable receipts from all sources other than municipal, unless approved by an affirmative vote of a majority of all the members of the city council. Estimates for extensions and improvements not to exceed.

If said estimate of the probable receipts shall be less than the total of the amounts required for all of the purposes designated, said secretary shall thereupon prepare a detailed statement of all water which will probably be used and consumed for municipal purposes during the next ensuing fiscal year, excepting therefrom only public fountains, public drinking places, and public watering troughs, and shall equitably apportion the amount so required in addition to the estimated amount of receipts from other sources, to the said several municipal purposes for which said water is so used, on the basis of the water rates prescribed and established by said board for like purposes, but shall not exceed such rates, and shall make an assessment of the several amounts so appropriated on the general fund of said city and on the funds of the several municipal departments so using said water. If less than required.

Upon the completion of such estimate for all departments under the control of said board, said secretary shall present the same to said board, for the consideration and approval of said board. Approval.

Said board shall upon receipt thereof proceed to consider the same and shall make such corrections or changes as may be deemed necessary to perfect and equalize the

same, and shall approve and establish the same on or before the last Monday in August following.

After such several estimates and the assessments for water works purposes upon the several municipal departments have been fully approved and established by said board, a duplicate of the same, duly certified to by the president and secretary of said board, under the seal of said board, shall be transmitted to and filed with the recorder of said city on or before the said last Monday in August, and at the same time a like copy shall be transmitted to and filed with each municipal department or board of said city against which an assessment for the use of water has been so made.

The city recorder shall thereupon include the amounts so established by said board and the amounts so assessed against the general fund of such city, in his estimate to the city council of the several sums which will be required to meet the expenses of such city during the next ensuing fiscal year; and said council shall establish the same in its tax levy for such year; and each board, or governing body, of the municipal department so assessed shall likewise include the amount so assessed against it in its estimate of the several sums required during the next ensuing fiscal year, and such amounts shall in each instance be included in the respective tax levies for such year.

All amounts so assessed by said board and so included in the said tax levies, shall be paid to the treasurer of said board by each of said municipal departments respectively, in two equal installments, on the first day of July and on the first day of December of the year in which said taxes are collected.

If said estimate of the probable receipts shall be equal to or shall exceed the total of the amounts required for the next ensuing fiscal year, then no assessment shall be made for the use of water upon the several municipal departments as hereinbefore provided, and any and all surplus in the treasury of said department at the end of any fiscal year, and which said board shall by resolution determine not to be required for the next ensuing fiscal year, shall be ordered paid into the general fund of said city by said board.

SEC. 9. It shall be the duty of the city council of each such city, immediately after the organization of such board, to direct the treasurer of such city to transfer

Duplicate
approval
filed with
city re-
corder.

Also with
departments
assessed.

Tax levy.

Assessments
against
departments
paid to
treasurer
of board,
1st day of
July and
December.

When
estimate
of receipts
shall equal
or exceed
necessary
amount, no
assessment
to be
made
against de-
partments.

from the general fund to the municipal works fund, to be thereafter maintained by him and controlled by said board, all moneys theretofore levied for the departments under the control of said board, as the same may be received by such treasurer from the county auditor of such county, and all moneys in the city treasury of such city applicable to the needs of said departments, prior to the time that the first of the tax levies, hereinbefore designated to be made by and for said board, shall be collected, received and applied by said treasurer, for said board; and the city council of each such city shall also, hereafter, when not provided for in the board's estimate, cause to be transferred to the municipal works fund from the proper fund of such city the necessary means for maintaining and operating such works, or additions and extensions thereto as may have been installed by such city and of which such board has assumed control, until the beginning of the fiscal year following the first tax levy which includes the board's estimate for the same.

Transfer
from
general fund
to municipal
works fund.

SEC. 10. No money shall be paid out of the funds in the city treasury belonging to said board, except for principal or interest of water and light bonds, or either, unless such payment shall be specially authorized by an affirmative vote of a majority of all the members of such board, taken by a call of the ayes and noes, and then only upon order drawn by the secretary of such board, signed by the president and countersigned by the secretary, specifying the purpose and department for which, and the account upon which it is drawn, and made payable to the order of the person, firm or corporation in whose favor it is issued; *provided*, that orders in the form above prescribed may be issued at the proper time, without specific action by the board in each instance, for the payment of salaries or wages previously fixed and determined by the board, and made payable at certain definite times and in certain definite installments.

Funds to
be used
only for
payment of
principal or
interest of
water and
light bonds
unless
specially
authorized.

Exception.

SEC. 11. In all appropriations, and in all purchases made or liabilities incurred, said board shall not exceed in any fiscal year the amount of the estimate made therefor, as hereinbefore provided, and, except when otherwise authorized by law, no loans shall be made by said board at any time for any purpose, except when extraordinary expenditure shall be rendered unavoidable by

Appropriations, purchases and liabilities not to exceed estimate.

Loans may be authorized.

fire or other unforeseen calamity, and such expenditure be approved by a majority vote of the city council of such city.

Statements
of payments
on principal
or interest
transmitted
to secretary
of board.

SEC. 12. Whenever the city treasurer shall pay any principal or interest on any water or light bond he shall immediately transmit to the secretary of said board a statement of such payment, together with the bond or coupon so redeemed, and proper entry thereof shall be made by the secretary in the books kept for that purpose.

Board to
control dis-
tribution
and use of
water.

SEC. 13. Each such board shall, if a water works system be under its control, regulate the distribution and use of the water in all places and for all purposes where the same may be required for either public or private use, and fix the price and rates therefor, and from time to time cause to be assessed the water rate to be paid by the owner or occupant of each house or other building having or using water, upon such basis as they shall deem equitable, and such water rate shall become a continuing paramount lien, until paid, upon each house or other building, and upon the lot or lots upon which such house or other building is situate, and they shall erect such new number of public hydrants and in such places as shall be ordered from time to time by the city council of such city. Said board is hereby authorized and required to restrain and prevent any and all wastage of water, whether occurring under private or public use, and to that end may, when in its judgment necessary, turn off the water or take such other action as in its judgment may be proper.

Assess
water
rates.

Lien.

New public
hydrants.

Wastage
of water.

May require
payment in
advance.

May shut
off water.

Extension
of water
work.

SEC. 14. That each such board shall have the power and authority to require payment in advance for the use of water furnished by them in or upon any building, place or premises, and in case prompt payment for the same shall not be made, they may shut off the water from such building, place or premises, and shall not be compelled again to supply said building, place or premises with water until said arrears, with interest thereon, together with the cost and expense of turning said water off and on, as fixed by ordinance, shall be fully paid.

SEC. 15. That each such board may from time to time, for the purpose of furnishing a full supply of water to the inhabitants of such city for any and all purposes, extend the water works system under its control in such

manner as said board may deem best, subject to all conditions herein contained.

That the said board of municipal works of each such city shall establish such reasonable water rates as will at all times insure to such city at least a sufficient income to pay all the expenses and costs of operation, maintenance and repair of said system and works, and the interest on outstanding bonds.

Income to be sufficient to meet expenses and outstanding bonds.

SEC. 16. It is hereby declared to be a misdemeanor, punishable by a fine not exceeding five hundred (500) dollars, or by imprisonment in the county jail not exceeding one year, or both, at the discretion of the court, for said board, or any of its officers, to knowingly omit the property of any person from assessment for water rates, or neglect or refuse to collect the same, or to give any person other or different credit for the use of water than that given the whole public, or those belonging to the same class.

Omission of any property from assessment, or neglect to collect dues a misdemeanor.

SEC. 17. Each such board shall, if a municipal lighting plant be in operation in such city, regulate the distribution of lamps on the streets and public grounds of said city in such manner as to properly light such streets and public grounds, and shall determine the number and location of such lamps and provide for the proper operation, care and maintenance of the same, and of all poles, wires, fixtures and appliances pertaining to the same, and shall have the full control and management of such lighting plant, but no extensions for street lighting shall be made to the same nor additional lamps placed except upon an affirmative vote of a majority of all the members of such board.

Regulate the distribution of lamps.

SEC. 18. That each such board is hereby invested with full power to make and enforce such by-laws, regulations and ordinances applicable to any or all of the works under their control as may be deemed necessary to carry into effect the objects and intent of this act, and not inconsistent herewith, and to supply and define any power or mode not already specially designated herein, but contemplated by this act; said board may prescribe, as penalty for the violation of any ordinance or part thereof, the imposition upon the offender of a fine not exceeding one hundred (100) dollars, or imprisonment for a term not exceeding ninety (90) days; said board shall cause all such by-laws, regulations and ordinances

By-laws, regulations and ordinances.

Violation of ordinance.

Publication.

Contracts
in writing.

Bids.

Rejection
of bids.

Extraordi-
nary condi-
tion.

Misdemeanor
defined.

to be entered in a book to be kept for that purpose, and signed by the president and secretary, which, when so entered and signed, shall be evidence in any court of this state. All such regulations and ordinances shall be published at least once in the official newspaper of such city.

SEC. 19. Every contract for material or for the construction of any part of any of said works under the control of said board, which shall involve the expenditure of a sum of two hundred (200) dollars or more, shall be in writing and shall remain on file with the secretary of said board. All work shall be let to the lowest responsible bidder therefor, except incidental repairs or minor improvements, after notice soliciting proposals for the doing of such work shall have been published in the official newspaper of such city, in at least two separate issues of the same; *provided*, said board shall have the right to reject any and all bids, and such rights shall be reserved in each advertisement soliciting bids; and *provided further*, that in the event of any extraordinary or sudden injury to any of (the) said works or any part of such system whereby damage or loss might ensue by reason of any delay, or in the event of the lowest bid submitted being no less than ten (10) per cent greater than the engineer's estimate therefor, the said board may cause the damage to be repaired or the proposed improvement to be made without contract and in such manner as the board may deem for the best interests of the city; and *provided, further*, that in all work of laying water pipe, said board may require all joints to be made by persons in the employ of said board.

SEC. 20. Any person who shall without authority from said board lay any main or service pipe or take water therefrom, or open or shut any service cock or fire hydrant, or remove or unscrew, wholly or partially, the cap from such fire hydrant, or enter or form any connection with or turn water into any tunnel excavated or used by said board for the purpose of laying its pipe, or who, being authorized by said board to take water from any main or service pipe into any specified building or upon any specified premises, or to be used for any specified purpose, shall, without authority from said board, use such water for any other than such specified purpose or permit any other person to use the same for any

other than such specified purpose, or to take the same out of such building; and also such other person so using or taking such water, or who, without lawful authority, shall dig or excavate within six (6) feet of any main, pipe, gate, hydrant or blow-off of said works, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one hundred (100) dollars, and not less than twenty-five (25) dollars, or by imprisonment in the county jail for a term of not more than three (3) months, nor less than twenty (20) days, or both such fine and imprisonment.

Penalty.

SEC. 21. If any person or persons shall maliciously or wilfully divert the water or any portion thereof, from any such water works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery or other property used or required for procuring or distributing such water in any such city, or shall destroy or injure any of the machinery, fixtures or appliances used or required for operating the lighting plant or the sewerage pumping plant in such city, or do any act which shall cripple the operation of any such plant, or reduce its efficiency, such person or persons, and their aiders and abettors, shall forfeit to the said board of such city, to be recovered in a civil action, treble the amount of damages (besides cost of suit), which shall appear on the trial therefor to have been sustained; and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by a fine not exceeding one thousand (1,000) dollars, or by imprisonment not exceeding one (1) year, or both, at the discretion of the court.

Misdemeanors.

Recovery of damages in treble amount.

May be fined and imprisoned.

SEC. 22. The board of municipal works herein provided for, shall have no powers over, or duties of any kind in connection with, any of the municipal works herein designated until the same shall have been fully completed and installed and shall be in use and operation or ready to be put into use and operation, but such board shall be vested with and shall have the full power and authority after any such works shall have been constructed, installed and come under the control of such board to determine upon, make, construct and install any and all extensions thereto, except as in this act otherwise

Board no control until works completed.

In case of
lighting
plants.

expressly provided; *provided*, that in case of lighting plants this act shall not repeal, amend or modify an act of the legislature of this state, entitled "An act to authorize and empower cities in this state having a population of not less than ten thousand (10,000) and not more than fifty thousand (50,000), to construct, erect or purchase electric light plants in such cities, and to authorize and empower such cities to issue their bonds for such purposes," approved April 10th, 1901, except in so far as this act vests such board with power and authority to control, operate and manage such plants after the same shall have been constructed, erected or purchased by the city, as in said act provided, and to make additions and extensions thereto for the uses and purposes for which such plants shall have been so installed by such city, and for which such plants are intended and directed by the council of such city to be used, but the power and authority to determine upon and make, construct and install additions and extensions to any such lighting plant for new and additional uses, not theretofore directed, shall be and remain as in said act provided, but when such additions and extensions for such new and additional uses shall have been determined upon, constructed and installed ready for use and operation, the control, operation and management thereof shall be immediately assumed by such board, and,

Control of
sewer
system.

Provided, further, that this act shall not vest said board with any power or control over the sewer pipes of any such city, nor to abridge in any manner the powers of the city council of such city with reference to the laying or extension of sewer pipes or constructing a sewer system or part of same in any such city, or to deprive such council of the supervision or control of such sewer pipes after construction, but such board shall have the full control and management of the pumping plant only of such system or systems of sewerage and of all machinery, appliances and flush tanks employed in the operation of such system or systems after the same have been erected, constructed and installed by such city.

SEC. 23. All acts or parts of acts, whether general or special, inconsistent with the provisions of this act, are hereby repealed.

SEC. 24. This act shall take effect and be in force from and after its passage.

Approved April 10, 1903.

CHAPTER 166.

H. F. No. 78.

An act to amend section one (1) of chapter 199 of the General Laws of the State of Minnesota for the year 1897, relating to county and town roads.

County
and town
roads.

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

SECTION 1. That section one (1) of chapter one hundred ninety-nine (199) of the General Laws of the State of Minnesota for the year eighteen hundred ninety-seven (1897) be amended to read as follows:

Petition to
county com-
missioners.

SECTION 1. If twenty-four freeholders of any county containing one hundred or more legal voters, or twelve freeholders of any county containing less than one hundred legal voters, petition the board of county commissioners of such county for the location, establishment, change or vacation of any highway or cartway running into more than one town, or on the line between two towns of said county, or along the shore of any lake situated wholly or partly within said county, or into a town and the unplatted portion of any village of said county, such highway or cartway not being within the limits of any incorporated city, whether such highway or cartway is connected or to be connected with any other roads or not, setting forth in such petition the beginning, course and termination of the highway or cartway proposed to be located, established, changed or vacated, together with the names of the owners of the land, if known, through which the same may pass, the auditor of such county shall lay such petition before the board of county commissioners at the next session thereafter; *provided, however*, that any petition presented to any board of county commissioners under the provisions of this act, which petitions for a road which when laid out will be situated partly in a town and partly in the unplatted portion of a village before it can be acted upon by the board of county commissioners shall have attached thereto a copy of a resolution passed by the village council, trustees or similar officers of the village into the unplatted portion of

Approval
of village
council.