

missioners of such county upon the completion of said work.

Prima facie
evidence
of record.

SEC. 3. The recording of such certificates shall have the effect of a record of the same from time to time when they were filed in such register of deeds' office and shall be prima facie evidence of the facts therein set forth.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 19, 1905.

H. F. No. 812

CHAPTER 330.

Construction
of boulevards,
assessments,
etc., in certain
cases.

An act authorizing all villages incorporated under the General Laws of this state, and all cities having a population of ten thousand inhabitants or less, incorporated under the General Laws of this state, to construct boulevards and to assess the benefits thereof, upon the lots or parcels of land adjoining the said boulevards, to make such assessments payable in three installments with interest, and authorizing such village or city to issue orders therefor bearing interest in accordance with said assessments.

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

Defines
class of
village or
city, and
procedure.

SECTION 1. Whenever the village council of any village, incorporated under the General Laws of this state, or the common council of any city having a population of ten thousand inhabitants or less, incorporated under the General Laws of this state, shall deem it necessary and expedient to construct or rebuild any boulevard in said village or city, they may, acting on their own motion, and if a majority of the owners of the property fronting on the street or streets where it is proposed to construct a boulevard, shall petition the village council or common council of any such city therefor, they shall adopt a resolution to that effect, which resolution shall specify the place or places where such boulevard shall be constructed, the width, the size and manner of construction thereof, and the time within which the same shall be completed, which shall not be less than forty days after the service of said resolution, as hereinafter provided.

Said resolution shall contain the names of the owners of all lots, parts of lots, and parcels of ground fronting the street or streets where such boulevards are to be constructed.

SEC. 2. Such resolution shall be served upon the persons named in said resolution at least forty days prior to the time therein named for the completion of said boulevard in the following manner:

Service of resolution upon whom, and how made.

First—By causing a copy thereof to be handed to, and left with, each of the persons therein named who are residents of and within said village or city, and are actually therein.

Second—If any of the persons so named in said resolution are not residents of said village or city, or cannot be found therein, then said resolution shall be published in one issue of a newspaper regularly published in said village or city, in the English language, and having a general circulation therein, or in the designated official paper of said village or city.

Non-residents.

Third—If there be no such newspaper published in said village or city, then such service and publication may be made by posting a copy of said resolution in at least three public places in said village or city, at least forty days prior to the time named therein for the completion of said walk or sewer.

Affidavits shall be made by the person serving or posting said resolution of the manner, time and place of serving or posting the same, and by the foreman, editor or publisher of such newspaper of the time and manner of publishing the same, and such affidavits shall be attached to said resolution and, with it, filed with the village or city recorder. Any and all such services, when made in accordance with the provisions of this act, shall for the purposes thereof, be deemed personal services of such resolution upon the persons named therein.

Return of service.

SEC. 3. If such work shall not be fully done, and said boulevard shall not be fully constructed or rebuilt in the manner and within the time prescribed in said resolution, then the village council or common council of said city may order the same to be done by the street commissioner, or commissioners of public works, or cause the same to be done by contract let to the lowest responsible bidder, the entire expense thereof to be paid out of the general (revenue) funds of said village or city.

When work not done as provided in resolution.

At any time within thirty days after said village or city shall have completed the construction of said boulevard as aforesaid, the village council or common council of such city shall adopt a resolution fixing a time and place when and where they shall hear testimony of all

Ascertaining benefits, hearing, etc., of parties interested.

persons interested or affected and ascertain the amount of benefits to property fronting such boulevard by reason of the construction thereof, and such resolution shall be served on all the persons named in the resolution adopted under section one (1) of this act, and in the manner therein provided.

At the time and place named in said resolution said village council, or the common council of said city, shall hear any and all testimony offered by or on behalf of all parties interested or affected by the construction of said boulevard and for said purpose the president of the council or other presiding officer is hereby authorized to administer oaths to witness. Thereupon by resolution, the village council, or common council of said city, shall determine the amount of benefits caused by said construction, to each lot, part of lot, or parcel of ground fronting the street or streets where such boulevard shall have been constructed or rebuilt as aforesaid; and a full and complete record thereof shall be made and kept by the village or city recorder in a separate book kept for that purpose, which record shall contain a description of the property benefited and charge with the construction of such boulevard, the amount of benefit determined in each case as aforesaid, and when so determined the amount of each annual installment thereof; when transmitted to the county auditor of the county for assessment; the amount paid thereon and when paid. Such record to be used in making each annual levy and assessment, as in this act provided.

Record kept.

Benefits assessed as other taxes, in 3 installments.

The amount of (the) benefits to each lot, part of lot, or parcel of ground so determined as aforesaid, shall be and become a charge against the same and shall be assessed thereon, as (in) the case of county, city or state taxes in three annual installments.

When assessments not paid.

SEC. 4. If such assessments for either or any of the purposes aforesaid be not fully paid to the street commissioner, village or city treasurer, or other officer authorized by law to collect the same, within twenty days after said boulevard has been fully constructed or rebuilt, as aforesaid, the village council, or common council of said city, may issue, or cause to be issued, the orders of said village or city, on the treasurer thereof for the aggregate amount of the unpaid balance of each of said assessments, payable in three annual installments, each of which installments shall be represented by a sep-

arate order, bearing interest at a rate to be determined by said village or city council, not exceeding 6 per cent per annum, from their date until maturity, and payable as follows:

One payable on or before the first day of June, of the year next following the issuing thereof; one payable on the first day of June of the second year next following; and one payable on the first day of June on the third year next following.

Said orders shall be made payable to bearer, and the same may be issued, negotiated and sold by said village or city for not less than their par or face value.

All said orders shall be in substantially the following form:

\$..... Dated at....., Minnesota, Form
of order.
....., 19...

The treasurer of the (village or city) of will pay to the bearer hereof the sum of..... dollars and cents on or before the first day of June, A. D. 19.., with interest thereon at the rate of per cent per annum from date hereof until maturity. This order represents one-third of the amount expended in the construction of a boulevard in said (village or city) in the year 19...

A record of all said orders shall be made and kept by said village or city recorder, which record shall show the date same was issued, amount of order, date when due, to whom sold, amount sold for, and for what purpose the same was issued, when the same was paid, and the amount paid as shown by the treasurer's books. Record
of orders.

Books shall be provided for said purpose.

SEC. 5. After the completion of said boulevard as aforesaid by said village council or common council of said city, said village council or common council of said city, shall annually, on or before the first day of October of each year, until the whole of said assessments have been levied as herein provided, cause a statement of the amount of one of the said three annual installments, with six per cent annual interest thereon computed from the time of completion of said work to the first day of June following the making of said levy added thereto, to be transmitted, with the village or city taxes for that year, to the auditor of the county, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him

Statement transmitted to county auditor, and by him included in duplicate statement to county treasurer.

to the county treasurer for collection and payment thereof, and the same shall be enforced with, and in like manner, as city, county and state taxes are collected and payment thereof enforced. After the completion of said boulevard the owner or owners of said land adjoining the same, or interested therein, shall have the privilege of paying all or any portion of the cost of construction thereof to said village or city at any time within twenty days thereafter, and before said levy has been made, and the amount so paid shall be deducted from the amount of said assessment.

Payment made before tax levy made.

Law repealed.

SEC. 6. Chapter forty-nine (49) of the General Laws of Minnesota for the year 1899, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Not applicable to city under special charter, law, nor to affect assessments heretofore made.

Provided, however, that this act shall not apply to any city or village of this state having a population of less than ten thousand (10,000) operating under a special law or special charter.

Provided, further, that this act shall not in any way affect any assessments heretofore made by any city or village or any assessments hereafter to be made by any city or village upon any contract made prior to the time when this act shall take effect.

SEC. 7. This act shall take effect and be and remain in force from and after its passage.

Approved April 19, 1905.

H. F. No. 707

CHAPTER 331.

Fire ins. premiums. Appointment of fire marshal.

An act to prevent unjust discrimination in the fixing of fire insurance premiums, to provide for the appointment of a fire marshal and defining his duties, and to provide additional revenue for the enforcement of such act.

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

SECTION 1. Unjust Discrimination Prohibited.—No fire insurance company shall charge or receive, directly or indirectly, a higher or greater rate or premium for insurance against destruction or damage by fire of any property within this state than it charges for other risks in this state of the same kind or class, taking into consideration the local fire loss record, the nature of the risk,