

city comptroller, and shall be sealed with the seal of such city, except that the signature to the coupons attached to such bonds, if any, may be lithographed thereon, and none of such bonds shall be sold for less than their par value and accrued interest, and then only to the highest responsible bidder therefor.

**Application.**—Sec. 4. This act shall apply to cities existing under a charter framed pursuant to section 36, of article 4, of the constitution of Minnesota, and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 22, 1909.

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#### CHAPTER 371—H. F. No. 1085.

*An Act to amend section 4344 R. L. 1905, relating to interest on verdicts and reports.*

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

**Judgment for recovery of taxes.**—Section 1. That section 4344, R. L. 1905, be and the same hereby is amended so as to read as follows:

Section 4344. Interest on verdict, etc.—When the judgment is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict or report until judgment is finally entered shall be computed by the clerk and added thereto.

Approved April 22, 1909.

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#### CHAPTER 372—H. F. No. 1104.

*An Act authorizing cities now or hereafter having a population exceeding fifty thousand inhabitants, excepting cities operating under home rule charters, framed pursuant to section 36, article 4, of the Constitution of Minnesota, to acquire gas, electric and water plants and property therefor, by the exercise of eminent domain, and to operate the same.*

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

**Right of eminent domain given for acquiring gas, electric and water plants.**—Section 1. Any city now or hereafter having a population greater than fifty thousand inhabitants, excepting

cities operating under home rule charters framed pursuant to section 36, article 4, of the constitution of Minnesota, is hereby authorized to acquire plants for furnishing gas, electricity, water, or either, any or all thereof, for municipal purposes, as well as for the use of the inhabitants of the city, and for that purpose may exercise the power of eminent domain in pursuance of chapter 41, Revised Laws of 1905, and the acts amendatory thereof and supplementary thereto, and thereby may take any and all property necessary or convenient for acquiring and establishing such plants and for adding thereto from time to time, including lands, manufacturing plants, pumping stations, power stations, pipe lines, conduits, pole and wire lines, reservoirs, filter and purification plants, storage plants, transforming and converting plants, and any and all property necessary or convenient, wherever situate, within or without the corporate limits, or of whatever character, and whether devoted to public use or not.

**Proceedings.—How conducted.**—Sec. 2. The proceedings provided by said chapter 41 shall be instituted and conducted under the direction and control of the city council, which shall be authorized by resolution or ordinance passed by a vote of two-thirds (2-3) of all the members elect of said city council.

Judgment shall be entered upon the report or award of the commissioners or in case of appeal, upon the verdict, but only after the direction by the city council by such two-thirds (2-3) vote of the council of the city to move for such judgment.

Such motion may be made at any time within four months of the filing of the award of commissioners, or in case of appeal, at any time within four months after verdict, or such additional time as the court may, by order after notice, allow for the purpose.

The said judgment shall not be entered nor shall any of the bonds herein provided for be issued until such bonds shall have been authorized by a vote of four-sevenths (4-7) of all the legal voters of said city registered and voting at a special election of such voters, duly called for that purpose, and said city council is hereby empowered and directed to call and hold such special election.

The judgment shall fix and determine the amount to be paid, and shall vest in the city all the right, title and estate of the parties to the action in and to all the property taken.

The faith and credit of the city shall be pledged to the payment of such judgment and interest, and the city may immediately enter upon and take the property, and the court may issue and enforce execution or any other writ, process or order necessary to put the city into complete possession and enjoyment of the property.

Such judgment and pledge of payment shall be deemed a complete and effectual taking and a complete security for payment.

**Issue of bonds for purchase authorized.**—Sec. 3. The city, through its city council, may, notwithstanding any limitations contained in the charter of such city, or in any law of this state prescribing or fixing any limit upon the bonded indebtedness of such city, issue and sell the negotiable bonds of the city for the payment of such judgment, bearing interest at a rate not exceeding five per cent per annum and maturing in thirty years after date, and sell such bonds to the highest bidder, after a publication of notice once each week for three successive weeks in some newspaper of the city.

Such bonds shall be issued in such denominations as the city council may determine, and shall not be sold for less than par, shall bear the seal of the city, and shall be executed by the mayor, city clerk and city comptroller in the name of the city.

The city comptroller shall keep an accurate register of the bonds.

The bonds may be either in the ordinary coupon form, or may be issued as registered bonds, transferable in the usual manner.

The faith and credit of the city shall be pledged for the payment of the principal and interest of such bonds.

The city may discontinue the proceedings at any time before entry of judgment.

The city council may, after acquiring any such property, operate the same for the purposes aforesaid, and may issue and sell bonds of the city in the manner and on the terms prescribed in this section and upon the same conditions, to the par value of one hundred thousand dollars or less as a working capital for the operation of the plant.

**Service rates authorized.**—Sec. 4. Any such city is hereby authorized and required, in event of the operation of any such plant, to establish and collect rates for service sufficient to pay the interest upon such bonds, maintain such plant in perfect condition, and to operate the same at a high standard of efficiency.

The substantial performance of the requirements of this section is hereby declared to be part of the contract with the holder of any bonds of the city, that may hereafter be issued hereunder and shall be kept inviolate.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 22, 1909.