

GENERAL STATUTES

OF

MINNESOTA

1913

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a like effect, as in similar actions and proceedings between individuals. (693)

20-74, 59.

1198. Actions, in what name—In all actions or proceedings the town shall sue and be sued in its name, except where town officers are authorized to sue in their official names for its benefit. In every action against a town, process and papers shall be served on the chairman of the town board, or, in his absence, on the town clerk; and such chairman shall attend to the defence of such action, and lay before the voters at the first town meeting a full statement of the facts relating thereto, for their direction in defending the same. (694)

13-383, 355; 106-269, 118+1025.

1199. Filing claims—Demand—No action upon any claim or cause of action for which a money judgment only is demandable, except upon town orders, bonds, coupons, or written promises to pay money, shall be maintained against any town, unless a statement of such claim shall have been filed with the town clerk. No action shall be brought upon any town order until the expiration of thirty days after payment thereof has been demanded. (695)

1200. Judgments against towns—When a judgment is recovered against a town, or against any town officer in an action against him in his official name, no execution shall be issued thereon; but, unless reversed or stayed, it shall be paid by the town treasurer upon demand, and the delivery to him of a certified copy of the docket thereof, if he has in his hands sufficient town money not otherwise appropriated. If he fails to do so, he shall be personally liable for the amount, unless the collection thereof is afterwards stayed upon appeal. If payment is not made within thirty days after the time fixed by law for the county treasurer to pay over to the town treasurer the money in his hands belonging to the town levied for the purpose of paying such judgment, execution may issue, but only town property shall be liable thereon. (696)

1201. Tax to pay judgment—If a judgment for the recovery of money is rendered against a town, and is not satisfied or proceedings thereon stayed before the next annual town meeting, upon presentation of a certified copy of the docket of such judgment to such town meeting the town board shall add to the tax levy for said year the amount of such judgment. (697)

CHAPTER 9

VILLAGES AND CITIES

1202. Villages and boroughs—Until reorganized as provided in § 1203, the several villages and boroughs existing as such, at the time of the taking effect of the Revised Laws, under special legislative charter, or under any general law, shall continue thereunder and in all things continue to be governed by such general or special laws: Provided, that any village or borough of either class, having the requisite population, may reorganize as a city in the mode hereinafter prescribed. (698)

De facto village (102-340, 113+887; 13 L. R. A. [N. S.] 533, 12 Ann. Cas. 260).

1885 c. 145 § 48, is not part of village charter continued by this section, but was superseded by § 3142 (112-365, 128+295).

1891 c. 146 subc. 11 § 28, providing for appeals to municipal court, is not perpetuated by this section (112-482, 128+834).

1203. Surrender of charter—Reincorporation—Any village or borough organized under general law or special charter may relinquish the same, and thenceforth be governed as herein provided. The council or other governing body may propose such relinquishment by a resolution ordering a special election thereon. Notice of such election, and the conduct thereof, shall be as prescribed by law for other special village elections. The ballots used shall bear the printed words, "For reincorporation—Yes—No," with a square after each of the last two words, in one of which the voter may insert a cross,

to express his choice. If a majority of the votes cast be in the affirmative, said governing body shall declare the result by resolution, a certified copy of which shall be filed with the county auditor, and another with the secretary of state. Thereupon the former charter shall cease, and the applicable provisions of this chapter be substituted therefor; the name and boundaries of the corporation remaining unchanged. But until after the election next ensuing, as herein provided, the officers of such former organization shall continue in the discharge of their official duties, being governed therein, so far as practicable, by this chapter. (699)

37-322, 34+164; 38-186, 36+454; 38-222, 37+95; 74-180, 77+38, 106.

VILLAGES

1204. What territory may be incorporated—Any district, section or parts of section not in any incorporated village and in the state of Minnesota, which has been platted into lots and blocks, also the lands adjacent thereto, when said plat has been duly and legally certified according to the laws of this state, and filed in the office of the register of deeds for the county in which said lands or the larger portion thereof lie, said territory containing a resident population of not more than three thousand nor less than two hundred, may become incorporated as a village in the manner hereinafter prescribed. But the unplatted part of such territory must adjoin the platted portion and be so conditioned as properly to be subjected to village government. Provided, that any village, whose incorporation shall hereafter be declared void by judgment of court, may reincorporate under this act, notwithstanding the fact that such village does not contain two hundred inhabitants, and in such reincorporation may include all or part of the territory embraced in the original incorporation. (R. L. § 700, amended '07 c. 270)

Previously amended by 1907 c. 255.

57-526, 59+972, 25 L. R. A. 755; 61-146, 63+613; 76-469, 474, 79+510; 87-195, 91+465; 90-271, 96+40.

Meaning of "village" (107-364, 120+528).

What included in "lands adjacent thereto" (107-364, 120+528).

Test whether territory adjacent to platted lands may be incorporated (112-330, 127+1118).

1205. Census—Petition for election—Twenty-five or more of the voters residing within said territory may petition the county board of the county in which the whole or larger part of said lands are situated to call an election for the determination of such proposed incorporation. They shall first cause to be taken a census of the resident population, and, if found to be within the numbers specified in section 1204, the petition aforesaid shall be presented within eight weeks thereafter. It shall set forth the boundaries of such territory, the quantity of land embraced therein, the number of actual residents thereon, and the name of the village proposed. It shall be verified by the oaths of at least three of the petitioners, declaring that such census was accurately taken within the dates specified, and that the statements made in the petition are true. (R. L. § 701, amended '07 c. 255 § 2)

73-225, 231, 75+1050.

Cited (107-364, 120+528).

1206. Notice of election—If the county board approve said petition, it shall cause a copy thereof, with a notice attached fixing a time and place for holding such election, to be posted in three public places within the boundaries described. The time shall be not less than twenty nor more than thirty days after such posting, and the place within the limits of the proposed village. If there be a qualified newspaper published within said limits, there shall also be two weeks' published notice of such election. (702)

Board not vested with discretionary power (107-364, 120+528).

1207. Inspectors—Ballot—Return—The board shall also appoint three inspectors, residents of said territory, who shall act as judges of said election, and conduct the same, so far as practicable, in accordance with the laws regulating the election of town officers. Only voters residing within said territory shall be entitled to vote. The ballot shall bear the words, "For incorporation—Yes—No," with a square after each of the last two words, in one of which the voter shall make a cross to express his choice. The inspectors

shall at once make and file with the county auditor a certificate declaring the time and place of holding said election, that they have canvassed the ballots cast thereat, and the number cast both for and against said proposition. The certificate shall be signed and verified by at least two of said inspectors to the effect that the statements thereof are true. (703)

1208. Papers filed—Incorporation, when effected—The auditor shall attach said certificate to the original petition, with a copy of the resolution appointing said inspectors, and the original proofs of the posting and publication of the election notice, and file the whole, as one document, in his office. If the certificate show that the majority of the votes cast were in the affirmative, he shall forthwith make and transmit to the secretary of state a certified copy of said document to be there filed as a public record, and thereupon the incorporation shall be deemed complete. If territory in more than one county is embraced within such corporate limits, he shall also forthwith make and transmit to the auditor of each county in which said incorporated territory will be situate a certified copy of said document to be there filed as a public record, and thereupon the incorporation shall be deemed complete. If the vote be adverse, no subsequent petition shall be entertained within one year next after said election. (R. L. § 704, amended '07 c. 256 § 3)

1209. Election of officers—Expenses—Upon the filing of said copy with the secretary of state, said inspectors of election shall give notice of a meeting of the resident voters for the organization of such village and the election of its officers, fixing therein the date and hour of the meeting, which shall be at least ten days, and not more than twenty days, thereafter. Such notice shall be posted and published as in case of the original election. The voters present at the appointed hour and place, by a majority vote taken viva voce, shall appoint two judges and one clerk of the election, who shall take the oath, and be governed in the conduct of the election, so far as practicable, by the laws regulating the choice of town officers. They shall open the polls by proclamation, and receive all lawful votes offered by resident voters during a period of at least six hours, and until 7 o'clock p. m. They shall give to each officer chosen a certificate of his election, and such officers, having qualified according to law, shall forthwith assume their official duties. All proper expenses of the incorporation, organization, and election shall be a charge upon said village. (705)

1210. General powers and duties—Villages so organized, and all others governed by this chapter, shall possess and may exercise, under their respective corporate names, the rights and powers, and be subject to the duties, of municipal corporations at common law, with perpetual succession. Each shall be capable of contracting, of suing and of being sued, and of pleading and being impleaded in the courts, may have a common seal, and alter the same at the pleasure of the council, and have power to take, purchase, lease, and hold such real and personal property, either within or without its corporate limits, as the purposes of the corporation may require. And it may sell, lease, and convey any of such property when no longer needed for corporate use. (706)

Power to sell (110-59, 124-371).

1211. Villages in more than one county—Certificate for auditor—Whenever any village heretofore or hereafter organized includes territory in more than one county the register of deeds of the county in which the original certificates showing the incorporation and the boundaries of such village are filed and recorded may, on demand, make a certificate showing the territory included in such village, which certificate may be filed in the office of the auditor of any other county in which any of the territory within such village is located, and such certificate shall be prima facie evidence of the facts therein stated for the purpose of levying village taxes or otherwise. ('05 c. 95 § 1)

1212. Incorporation of certain villages legalized—That in all cases where there have been an incorporation heretofore, to-wit, on and between the 14th day of December, 1904, and Feb. 6, 1905, attempted under the provisions of chapter 145 of the General Laws of one thousand eight hundred and eighty-five (1885), and the several acts amendatory thereof, and the original peti-

tion, copy of notice of election and certificate of the inspectors of the election have been heretofore filed in the office of the register of deeds of the proper county, such attempted incorporation of such village, under the name assumed, shall be, and hereby is legalized in each and every case, and declared a valid and effective incorporation, under the name assumed, and this shall be true notwithstanding the omissions of any matter and thing by law required as a prerequisite to the incorporation of such village, and notwithstanding any defect in the said petition, notice of election or certificate of the inspectors of election, and that in all cases where three inspectors of election have been duly appointed by the county commissioners, as provided in said chapter, and one of them dies before the election takes place and the remaining two have presided at the election and filed their certificate, as required by law, such election shall be, and is hereby declared to be, as legal and effectual to all intents and purposes as if the three had acted and presided. Any by-law, resolution or ordinance heretofore adopted by such village, or corporate act of any character indulged in, is hereby legalized and declared as valid as if such village had been duly and legally incorporated in the original instance. But nothing herein shall affect any action or proceeding now pending. ('05 c. 12 § 1)

1213. **Same**—That all villages which may have heretofore been incorporated or have attempted to become incorporated under and by virtue of chapter seventy-three of the General Laws of A. D. eighteen hundred and eighty-three entitled "An act to provide for the incorporation of villages and to define their duties and powers, and to repeal certain laws in relation thereto," in which incorporation or attempted incorporation application shall have been duly made to the judge of the district court of the county in which such village is situate, as contemplated or required by the said act, and which village shall thereafter and heretofore have been declared or adjudged to be an incorporated village by any order or judgment of any of the district courts of this state, but which order or judgment shall have erroneously named the range of townships in which such village is situate, be and the same are hereby duly incorporated as villages, with, after substituting the true and correct range number for that so erroneously named, the territorial boundaries specified in the order or judgment of the district court declaring any such village to be an incorporated village under the provisions of the said act, and such incorporation is hereby legalized and made effectual to the same extent and for all purposes as though such order or judgment had correctly specified the range of townships in which such village is situate; and all such villages shall possess and are hereby endowed with all the franchises, rights, powers and privileges and subject to the duties in said act enumerated and contemplated; and all officers of any such village shall continue to occupy their respective offices and in like manner as if the said order or judgment had correctly named or set out the location or range of townships in which such village is situate, and the said act had been constitutional and valid, and as if the court declaring or judging any such village or villages incorporated had been legally empowered so to do; and all official acts of all persons heretofore acting as officers of any such village are hereby legalized and declared to be of the same force and validity as if such village or villages had been duly organized and incorporated from the date of the entry of the judgment or filing of the order of the district court purporting to incorporate any such village under said act. ('07 c. 119 § 1)

1214. **Same**—That all villages incorporated under and pursuant to the provisions of chapter 145 of the General Laws of Minnesota of 1885, and acts amendatory thereto, between October 1st, 1888, and December 31, 1888, and that have since continuously maintained and still maintain a village government, are hereby in all things legalized, validated and confirmed, and declared legally incorporated villages, without reference to whether any portion of the territory included in the corporate limits thereof is platted, or is urban or agricultural in character. Provided, however, that nothing in this act shall affect or apply to any action or proceeding now pending in any of the courts in this state. ('07 c. 215 § 1)

1215. **Same**—That all villages incorporated or attempted to be incorporated under and pursuant to the provisions of chapter 9, Revised Laws of Minnesota, 1905, and acts amendatory thereto, between June 1st, 1907, and March 1st, 1908, and also between January 1st, 1911, and March 1st, 1911, in which incorporations or attempted incorporations the certificate of the inspectors of election was not filed in the office of the county auditor with the election returns and poll list, but was made and filed at a later date, and which villages have ever since maintained and still maintain a village form of government, are hereby in all things legalized, validated and confirmed, and declared legally incorporated villages without reference to whether the platted portions of the territory so incorporated or attempted to be incorporated are contiguous, or whether such territory is urban or agricultural in character, and notwithstanding any errors or omissions of any matter or thing by law required as a pre-requisite to the incorporation of such villages, and notwithstanding any defect in the petition, notice of election or certificate of inspectors of election in and about such incorporation or attempted incorporation. Provided, however, that nothing herein contained shall affect any action now pending. ('11 c. 198 § 1)

1216. **Same**—That whenever heretofore there shall have been an attempted incorporation of any village under the provisions of chapter 9 of the Revised Laws, 1905, and the acts amendatory thereof and supplementary thereto, and the petition for the call of an election for the determination of such proposed incorporation shall have been approved by the county board of the proper county, and an election shall have been held at the time and place fixed therefor in the notices given of such election, and the inspectors and judges appointed to conduct such election shall have made and signed, and filed with the county auditor, a certificate declaring the time and place of holding said election, and the canvass by them of the ballots cast thereat, and the number cast both for and against said proposed incorporation; and if said certificate show that the majority of the votes cast were in the affirmative for incorporation, and the county auditor shall have made and transmitted to the secretary of state a copy, purporting to be a correct transcript and certified by him to be such, of the papers, proceedings and documents pertaining to the incorporation of such village on file and of record in his office, and the same shall have been filed in the office of the secretary of state, and the territory embraced within the boundaries of any such attempted village incorporation shall be less than four square miles of land in area, and a village government shall have since continuously been and still is maintained therein, such attempted incorporation of any such village shall be and hereby is in all things legalized, validated and confirmed, and any such village so attempted to be incorporated and the territory embraced within the boundaries thereof shall be and hereby is declared a legally incorporated village under the name proposed, notwithstanding the omission of any matter, act or thing by law made or required as a pre-requisite to the incorporation of villages, and notwithstanding any defect in any of the papers, proceedings or documents, or the filing thereof, by law required in or about or to effect incorporation of villages, and notwithstanding that any portion of the territory embraced within the boundaries thereof, is platted, or unplatted, or is urban or agricultural in character. Any and all by-laws, resolutions and ordinances heretofore adopted, and corporate acts done, and contracts made, and franchises and licenses granted by any such village so attempted to be incorporated shall be and they are hereby legalized and declared of the same force and validity as if incorporation thereof had been originally duly and legally effected. And all votes taken by the electors of, and all official acts of all persons heretofore acting as officers of, any such village so attempted to be incorporated are hereby legalized and declared of the same force and validity as if incorporation thereof had been originally duly and legally effected. Provided however that nothing in this act shall affect any action or proceeding now pending in any of the courts of this state. ('11 c. 330 § 1)

The provisions of R. L. 1905 c. 9, are included in chapter 9 hereof.

1217. **Same**—That all villages incorporated or attempted to be incorporated under and pursuant to the provisions of chapter 9, Revised Laws of Minnesota, 1905, and acts amendatory thereto, between January 1st, 1911, and March 1st, 1911, and that have since continuously maintained and still maintain a village government, are hereby in all things legalized, validated and confirmed, and declared legally incorporated villages, without reference to whether any portion of the territory included in the corporate limits thereof is platted, or is urban or agricultural in character. Provided, however, that nothing in this act shall affect or apply to any action or proceeding now pending in any of the courts in this state. ('13 c. 85 § 1)

The provisions of R. L. 1905 c. 9, are included in chapter 9 hereof.

1218. **Same**—Wherever, within the State of Minnesota, any village shall have been incorporated or attempted to be incorporated under and by virtue of chapter 139 of the General Laws of Minnesota for the year 1875, and where, in the special act of the legislature designating commissioners to post notices of the first election in such village, and describing the territory set apart for incorporation as such village, an error was made in the number of the range within which said village is therein said to be situate and where the inhabitants of the territory attempted to be incorporated by such special act shall have, since their attempted organization as a village under said act, exercised the rights, powers and duties of inhabitants of a duly incorporated village under said act and said chapter 139 of the General Laws of Minnesota for the year 1875, then in such case the inhabitants of the sections or subdivisions thereof as numbered and described in said special act situate in the township and range in which said inhabitants actually reside, and ignoring the incorrect designation of the range, contained in said special act, are hereby declared to be and constitute a duly incorporated village under the name given them in said special act and with territory as stated in said special act, with the exception of the substitution of the true number of the range wherein said inhabitants reside for the incorrect number stated in said act, and with the power and authority specified by said chapter 139 of the General Laws of Minnesota for the year 1875, and the amendments thereof. ('13 c. 19 § 1)

1219. **Same**—Acts, ordinances, etc., legalized—And all actions heretofore had or taken by the electors resident within said territory as electors of any such village, and all ordinances, resolutions and acts of the council of such village heretofore passed or performed, and all acts of all of the officers of such village heretofore performed are hereby declared to have the same force and effect as though said range had been correctly numbered in said special act. ('13 c. 19 § 2)

1220. **Same**—Pending suits—Nothing in this act contained shall in any way affect any suits at law or actions pending in any of the courts of this state. ('13 c. 19 § 3)

1221. **Including territory not subject to village government**—Effect—Whenever any village shall hereafter be incorporated under the provisions of chapter nine of the Revised Laws of 1905, and the amendments thereof, which village shall include within its limits the platted portion of lands theretofore attempted to be incorporated as a village under said chapter but which attempted incorporation is invalid because it included territory, not properly subject to the proposed village government, such village so to be incorporated shall be vested with all the rights, privileges, immunities, franchises, credits and property that said village so attempted to be incorporated would have had if its incorporation had been legal and valid, and shall be liable for all the debts and obligations that said village so attempted to be incorporated would have been liable for if its incorporation had been valid, and all franchises and licenses granted and contracts made by said village so attempted to be incorporated shall be of force and effect in said newly incorporated village from the time of the granting of such franchises and licenses and the making of such contracts respectively by said village so attempted to be incorporated; it being the intention hereof to make such village so to be in-

corporated the successor to such village so wrongfully attempted to be incorporated, with all the property, right and credits that would have accrued to said village so attempted to be incorporated, if legal, by reason of its acts or by the operation of law, and liable for all the obligations of said village so attempted to be incorporated. Provided, that nothing in this act shall be construed to validate or legalize any taxes levied or attempted to be levied other than assessments on property adjacent to local improvements levied for the purpose of paying the cost thereof and the damages occasioned thereby. ('09 c. 148 § 1)

The provisions of R. L. 1905 c. 9, are included in chapter 9 hereof.

1222. Incorporation of villages from territory of certain villages—That when there shall have been incorporated or attempted to be incorporated any village in this state, the boundary lines of which shall include not less than twenty-six square miles of land, and not less than twenty-five square miles thereof shall consist of unplatted farm lands and farm dwelling premises, pasture and timber lands, and a part of such territory, not exceeding three hundred acres, shall have been platted into village lots or blocks and one separate and distinct portion of said platted lands shall be inhabited as a village, having a railroad station and a United States post office therein, which platted lands so inhabited and the post office therein shall have a name common to them both, by which they are known and called, but not the name of the village incorporated or attempted to be incorporated as aforesaid, any such separate and distinct platted portion of said territory, together with lands adjoining the same so conditioned as properly to be subject to village government, not exceeding three hundred and twenty acres, may be incorporated as a village, separate and distinct from any other territory and from the village so incorporated or attempted to be incorporated, aforesaid. ('09 c. 9 § 1)

1223. Same—Population—Application of other sections—The territory so to be incorporated shall contain not less than two hundred and fifty or more than two thousand inhabitants, and sections 701 to 745, inclusive, of the Revised Laws of Minnesota, 1905 [1205-1329], shall apply to and in all things govern, authorize and control the proceedings to so incorporate, form, create and separate said village and for the government and control thereof when so incorporated. ('09 c. 9 § 2)

1224. Incorporation of villages from territory of certain villages—That when there shall have been incorporated or attempted to be incorporated any village in this state, the boundary lines of which shall include not less than sixteen square miles of land, and not less than fourteen square miles thereof shall consist of unplatted farm lands and farm dwelling premises, pasture and timber lands, and a part of such territory, not exceeding six hundred and forty acres, shall have been platted into village lots or blocks, and one distinct and separate portion of said platted lands shall be inhabited as a village, which platted lands shall have a name by which they are known and called, but not the name of the village incorporated or attempted to be incorporated, as aforesaid, any such separate and distinct platted portion of said territory, together with lands adjoining the same so conditioned as properly to be subject to village government, not exceeding six hundred and forty acres, may be incorporated as a village, separate and distinct from any other territory and from the village so incorporated or attempted to be incorporated as aforesaid. ('13 c. 219 § 1)

1225. Same—Population—Application of other sections—The territory so to be incorporated shall contain not less than two hundred and fifty or more than two thousand inhabitants, and sections 701 to 745, inclusive, of the Revised Laws of Minnesota, 1905, shall apply to and in all things govern, authorize and control the proceedings to so incorporate, form, create and separate said village and for the government and control thereof when so incorporated. ('13 c. 219 § 2)

1226. Extending boundaries—Whenever the owner of land abutting upon any village, or a majority of the owners of platted or unplatted land not ex-

ceeding two hundred acres so abutting, shall petition the council to have such land included within the village, the council by ordinance may so extend the village boundaries as to include the same. But no such ordinance shall take effect until a certified copy thereof is filed with the secretary of state. (R. L. § 707, amended '13 c. 119 § 1)

1227. **Extension of boundaries of certain villages legalized**—That whenever and in all cases between the first day of December, A. D. 1912, and the tenth (10) day of February, A. D. 1913, the village council, or governing body, of any organized village in the state of Minnesota has proceeded to pass, enact or adopt a village ordinance pursuant to section 707 of "the Revised Laws, 1905" [1226], or pursuant to the laws of said state, and has enacted, passed or adopted such village ordinance extending the village boundaries of such village so as to include abutting lands and territory within such village, and so as to include within said village boundaries, as so extended, abutting lands and territory and thereby annex such abutting lands and territory to such village, and has thereafter, and within the dates aforesaid, between December first (1), 1912, and February tenth (10), 1913, filed a certified copy of such ordinance with the secretary of state of Minnesota, all such acts, proceedings and ordinances and the annexing of the lands and territory described therein are hereby fully legalized, ratified and confirmed and made valid, and the including of the lands and territory described in such ordinance within the boundaries of said village, and the extension of such village boundaries so as to include such lands and territory, and the annexation thereof to said village are hereby in all respects fully legalized, ratified, validated and confirmed and said lands and territory made a part of said village, notwithstanding any defect or defects in the said acts, proceedings or ordinance; provided, however, that the provisions of this act shall not affect any action now pending in the courts of this state. ('13 c. 276 § 1)

1228. **Extending boundaries of certain villages**—Additional and adjacent territory, but not exceeding 320 acres, containing less than five legal voters, residing on such adjacent land, may be annexed to any village of less than one thousand (1,000) inhabitants on the concurrent petition of all such voters and of the owners of the land embraced in the territory. Upon the receipt of such petition, the village council by ordinance may declare such territory to be an addition to the village, and thereupon such territory shall become a part of said village as effectually as if it had been originally a part thereof. But no such ordinance shall take effect until a certified copy thereof is filed with the county auditor and the secretary of state. ('05 c. 281 § 1)

Section 2 repeals inconsistent acts.

1229. **Detachment of territory—Curative**—That whenever and in all cases between the first day of November, 1905, and the first day of April, 1906, a petition, signed by legal voters of any incorporated village in this state, has been made and filed with the board of county commissioners of the county in which is situated such village, or with the county auditor of such county, praying for the detaching of certain territory, described in such petition, from such village, pursuant to the provisions of chapter 145 of the General Laws of Minnesota for the year 1885, as amended by chapter 184 of the General Laws of Minnesota for the year 1893 and by chapter 132 of the General Laws of Minnesota for the year 1895, or pursuant to any other of the laws of Minnesota then in force, and thereafter such proceedings were had that an election was held in such village, pursuant to such laws, for the electors of such village to vote upon such proposition, and at which election the electors of such village did vote upon such proposition, and a majority of the ballots cast at such election, as counted and canvassed, have been for detaching from such village the territory sought by such petition to be detached, and such proceedings for the detaching of said territory were not concluded or terminated prior to the first day of March, 1906, but were thereafter continued, prosecuted and concluded after the Revised Laws of Minnesota, 1905, went into effect, and prior to April 1st, 1906, all such proceedings for the detaching of such territory from such village, and the detachment of territory sought to be accomplished thereby, are hereby legalized, ratified and confirmed.

And provided, further, that this act shall not affect any action now pending in any court of this state. ('07 c. 91 § 1)

1905 c. 273, entitled "An act to provide for the separation from villages of unplotted agricultural lands, included within the corporate limits of such villages in certain cases," held unconstitutional and void (105-84, 117+157).

1230. Detachment of territory—Any territory occupied and used solely for agricultural purposes within the corporate limits of any village, may be taken out of such corporation and detached therefrom by petition of at least thirty (30) of the legal voters of such village, including the owner or a majority of the owners of the land proposed to be detached, to the village council of such village in the same manner as provided for the annexation of territory to incorporated villages, and it shall be the duty of the village council, if they shall approve of such petition, to cause a copy thereof, with a notice attached, fixing a time and place within the corporate limits of such village for holding such election, to be posted in three public places within such village, the time of which election shall be not less than twenty nor more than thirty days after such posting, and if there be a qualified newspaper published within said village, there shall also be two weeks' published notice of such election. Said election shall be held in the same manner in all respects, as is provided for holding general village elections and the ballots used shall have thereon the words "for detaching" or "against detaching." Provided, that said question may be voted on at any general election held in such village. If a majority of the ballots cast shall be for detaching, then the said village council shall by ordinance detach the land or territory, so described in said petition, from the corporate limits of said village. But no such ordinance shall take effect until a certified copy thereof is filed with the secretary of state, and a certified copy thereof filed for record with the register of deeds of the county or counties within which said village is located. And said territory when so detached shall belong to and be a part of the township in which it is when so detached. Provided, that such territory shall not be detached as herein provided in any case when such detaching would reduce the number of inhabitants of such village below the number now required by law for the incorporation thereof. Provided, further, that the detaching of any territory from any incorporated village under the provisions of this act shall not relieve such territory of its share of its indebtedness existing against such corporation, but the said territory shall be deemed a part of such village for the purpose of taxation imposed to discharge the principal and interest of such pre-existing indebtedness until the same shall have been fully discharged. ('09 c. 460 § 1)

See § 1233, and note.

1231. Detachment of territory from villages containing more than 1280 acres—The owner of any unplatted tract of land containing not less than eighty acres occupied and used solely for agricultural purposes, situated within the corporate limits of any village in this state and not within 20 rods of the platted portion of said village, may petition the board of county commissioners of the county in which said tract of land is situated, for an order detaching said tract from said village. Upon the filing of said petition in the office of the county auditor of said county the board of county commissioners thereof shall, at their next meeting thereafter, fix a time and place for the hearing of such petition, which time shall not be less than thirty days thereafter, and shall direct a notice of such hearing to be issued and signed by the county auditor of said county on behalf of such board, which said notice shall state the name of such petitioner, describe the tract of land sought to be detached, and the time and place [of] such hearing, which said notice said petitioner shall cause to be served upon the president of the village council of such village, or the recorder thereof, at least twenty days before the day of hearing, and by posting three copies of such notice in three of the most public places in said village, or in lieu of such posting said notice shall be published in the official paper of such village for two successive weeks, once in each week, in case there shall be a legal newspaper printed and published in said village. Upon the hearing of said petition at the time and place so fixed, if the board of county commissioners shall find that said land is owned by the

petitioner and is used solely for agricultural purposes and that the same may be so detached from said village without unreasonably affecting the symmetry of the settled portion thereof, and that the same is so conditioned as not properly to be subjected to village government or is not necessary for the reasonable exercise of the police powers or other powers or functions of such village, such board of county commissioners shall make an order detaching such land from said village and thereupon said tract of land shall become detached therefrom, and shall thereafter form a part of the township in which it was originally situated, and shall in all things be subject to the town government of such township, and not in any manner under the jurisdiction of such village, and such order shall be filed in the office of the county auditor of such county and a duplicate thereof shall be filed in the office of the village recorder of such village within five days after the same shall have been made. Provided, that this act shall apply only to villages containing more than twelve hundred and eighty acres of land. ('09 c. 138 § 1)

See § 1233, and note.

1232. Same—Outstanding indebtedness—Such separation of said village shall not release any such tract of land from liability on account of any outstanding indebtedness of such village existing at the time of its separation therefrom. ('09 c. 138 § 2)

1233. Detaching unplatted lands from villages—Any unplatted lands or territory may be detached from and taken out of any incorporated village in the state of Minnesota by a petition of at least thirty (30) of the legal voters of such village, or by a petition of the owner or owners of the land or territory which is proposed to be detached, to the village council of said village. Such petition shall accurately describe the land or territory so proposed to be detached and shall be filed with the village recorder of said village. ('11 c. 132 § 1)

Section 3 repeals inconsistent acts, etc. See §§ 1230-1232.

1234. Same—Special election—Ballots, etc.—Upon the filing of said petition in the office of said village recorder it shall be the duty of said recorder to immediately notify the members of the village council that such petition has been so filed, and thereupon it shall be the duty of said village council to hold either a regular or special meeting of such council within ten (10) days after receiving such notice, and to order that a special election be called and held in said village for the electors of said village to vote upon the proposition of detaching such territory from said village and to give notice of such special election by posting three written or printed notices thereof in three (3) of the most public places within said village outside of the territory proposed to be detached, and in three (3) of the most public places within the territory proposed to be detached, and shall state the time and place, when and where, within said village such election will be held, and the electors of said village will vote upon said proposition, for or against such detaching of territory. Said notice shall also state the proposition on which the said electors will vote. A copy of said petition shall also be posted with and shall constitute a part of said notice. Said village council shall also cause the said notice, including said petition, to be published for one (1) full week prior to the date of said election in a newspaper printed and published in said village, and if there be no newspaper printed and published in said village then in a newspaper printed and published at the county seat of the county in which said village is located. If there be no newspaper in said village nor in the county seat of the county wherein said village is located, then the posting of said notice shall be sufficient.

Said election shall be held within thirty (30) days from the time said petition is filed in the office of said village recorder and ten (10) days notice thereof shall be given.

The ballots used shall have upon them the proposition to be voted upon together with the words, "for detaching," or "against detaching," and the said special election shall be held, conducted and concluded as other special elections in villages held pursuant to the General Laws of Minnesota.

If the judges of said special election shall find, on canvassing the ballots

cast thereat, that a majority thereof are for detaching said territory from said village, then they shall make a certificate containing a description of the territory as set forth in the notice of said election stating the whole number of votes cast, the number for detaching, and the number against detaching, which said certificate shall be signed by said judges of said special election and by them verified to the effect that the statements therein contained are true, and they shall cause the same to be filed in the office of the register of deeds of said county within ten (10) days after said election and in the office of the secretary of state within ten (10) days after said election, and thereupon said territory shall be detached and separated from said village and shall become a part of the township in which it is when so detached. ('11 c. 132 § 2)

1235. Consolidation of adjacent villages—Whenever the boundary lines of two villages may be adjacent or coincident for one and one-half miles or more, said villages may be consolidated on agreeing as follows: ('13 c. 407 § 1)

1236. Same—Agreement—Petition—Submission to voters—The council of either village may agree with the other village to such consolidation, or may, of its own motion, and upon petition of twenty-five (25) resident voters forthwith shall, order a special election upon the question of consolidation, the general terms of which shall be stated in such petition and in the question submitted to vote, and in case a majority of the votes cast at such election is in favor of consolidation the same shall be effectual on the agreement thereto by the other village, either by vote of its council, or, if an election is held therein, then in case a majority of the votes cast thereat are in favor thereof, provided that, if the council of either village, without first holding such special election therein, shall vote to consolidate, then on petition of twenty-five (25) per cent of the number of voters voting at the last preceding annual village election, filed with the village clerk within fifteen (15) days of such vote, a special election forthwith shall be called therein and the question of such consolidation shall be submitted at such election, and if a majority of the votes cast thereat are against such consolidation the vote of the council thereon shall be of no effect, and such consolidation shall not take place. ('13 c. 407 § 2)

1237. Same—Agreement binding—The agreements between such villages with reference to the terms of consolidation shall be binding upon the consolidated village. ('13 c. 407 § 3)

1238. Separate election and assessment district—Any such village or any other village heretofore organized and incorporated under any general or special law and now existing, not heretofore constituted a separate election and assessment district, may become such by the vote of a majority of its electors casting their ballots upon the question at a special election called for the purpose, or at a general election in the notice whereof the question is plainly submitted. The result of said vote shall be certified by the judges of election to the village council of such village and by said village council to the county auditor, and, if favorable to the change, by him to the secretary of the state. The last named certificate being received and filed in the office of the secretary of state, the change shall at once take effect, and thereafter the electors of said village shall have no vote in the affairs of the town or towns in which the village lies, and said village shall thereupon become and be a separate election and assessment district and in all things separate from such town or towns and be so certified by the county auditor to the state auditor. (R. L. § 708, amended '11 c. 154 § 1)

1239. Joint property, etc.—If there be within said village any real estate purchased or improved with taxes theretofore levied upon property both within and without the village boundaries, the same shall be and remain the joint property of the town and village. It shall be lawful to hold the meetings and elections of said town within such village, and for any town officer to keep his office therein, notwithstanding the division into separate election or assessment districts. (709)

1240. Apportionment of money and debt—Taxes—Upon the separation of such village from the town for election and assessment purposes, if there be in the town treasury any money in excess of its then floating indebtedness, such proportion of the excess as the total assessed valuation of the property within said village bears to the entire valuation of the town shall belong to such village, and may be recovered by action. The computation of such sum shall be made upon the last preceding valuation for purposes of taxation. All town taxes previously levied upon property within said village, and not yet collected, shall, when collected, be credited and paid to the village. And if there be bonded indebtedness of such town, the county auditor shall apportion the same, upon the same basis, and as often as necessary shall extend a tax upon the property assessable in the town and village, respectively, sufficient to meet the proportion chargeable upon each, with interest. (710)

103-32, 114+90.

1241. Separation from villages of agricultural lands and annexation to towns—In all cases where a tract or tracts of land situate in any village, either vacant or used solely for agricultural purposes, and chiefly valuable for such, and which may be detached from such village without unreasonably affecting the symmetry of such village, and where such land is so situate as to be inconvenient of access from or to such village and so conditioned that it is not proper to be subjected to village government or necessary for the reasonable exercise of the police or other powers or functions of such village, and where if detached from such village such land would be entirely separated by the village from the township from which such village was formed and is only contiguous to some other township in the county where situate and is so conditioned as to be easy of access to any such town and proper to be subjected to township government and to become a part of any such town, then and in such case such land may be detached from any such village and annexed to such township upon the petition of a majority of the legal voters of such village and of the township to which it is desired to be annexed in the manner following: ('11 c. 31 § 1)

1242. Same—Petition—Notice—A majority of the legal voters of every such village and township may petition the county board of the county in which such village and township are situate for an order detaching such land from such village and annexing the same to such township. Upon the filing of said petition in the office of the county auditor of the county, the county board thereof shall at their next meeting thereafter fix a time and place for the hearing of such petition, which time shall not be less than thirty (30) days thereafter and shall direct a notice of such hearing to be issued and signed by the county auditor of such county on behalf of such board, which notice shall describe the tract or tracts of land sought to be detached and annexed, the number of petitioners signing the same resident within such village and such township, and the time and place of such hearing, which said notice said petitioners shall cause to be served upon the president of the village council of such village or the recorder thereof and upon the chairman of the town board or the town clerk thereof, at least twenty (20) days before the day of hearing, and shall also cause notice of such hearing to be given by posting three copies of such notice in three of the most public places in each such village and such township, or in lieu of so posting said notices the same may be published in a newspaper published in said county in which the official proceedings of the county board are published, for two successive weeks, once in each week. ('11 c. 31 § 2)

1243. Same—Hearing—Order detaching—Effect—On the hearing of such petition, at the time and place so fixed or any adjourned day, if the county board shall find that a majority of the legal voters of both such village and such township have signed such petition and that the facts and conditions set forth in section 1 [1241] hereof, as to said lands and the situation and condition thereof, are true, and that it is for the best interests of said village and said township and the owners of the land in question that the same should be detached from such village and annexed to such township, then said county board shall make an order detaching such land from such village and an-

nexing the same to such township and thereupon said tract or tracts of land shall become detached from such village and shall thereafter form a part of the township to which the same is so ordered to be annexed and shall in all things be subject to the town government of such township and not in any manner under the jurisdiction of such village, and such order shall be filed in the office of the county auditor of such county and a duplicate thereof shall be filed in the office of the village recorder of such village, in the office of the town clerk of such town, in the office of the register of deeds and in the office of the secretary of state, within five (5) days after the making of such order. ('11 c. 31 § 3)

1244. Same—Outstanding indebtedness—Village not to be reduced below legal limit—Such separation of said land from any such village and the annexation thereof to any such township shall not release any part of such land from liability on account of any outstanding indebtedness of such village existing at the time of its separation therefrom, and in case any such village shall have outstanding bonds to the state of Minnesota the county auditor shall continue to levy taxes as provided by law upon such lands for the payment of interest and principal thereof as required by law. Provided that no territory shall be detached from any village if by detaching such territory the area or population of such village shall be thereby reduced below the limit fixed by law. ('11 c. 31 § 3)

This and the preceding section are numbered 3.

1245. Same—Qualification of petitioners—Village and town to be in same county—The whole number of legal voters of every such township or village, for the purposes of this act, shall be deemed to be the number of persons whose names are set forth on the poll lists of such township or village as qualified voters at the last preceding general election held before the filing of such petition, but any qualified voter of said township or village whose name is not on said poll list may sign such petition or any remonstrance against granting the same or appear in favor of or against such petition. Provided that nothing herein contained shall be held to authorize the annexation of any lands situate in any village to any township except a township of the same county in which such village is situate. ('11 c. 31 § 4)

1246. Elections—Officers—Terms—Vacancies—The village election shall occur annually on the second Tuesday of March, when the resident electors shall choose the following named officers for terms beginning the first Tuesday in April next succeeding, to wit: A treasurer, and a village council composed of a president, a clerk, and three trustees, and if said village is a separate election district an assessor, all for the term of one year. Also two constables, and, if there be no municipal court established in the village, two justices of the peace, all for the term of two years. All officers chosen, having qualified as such, shall hold until their successors qualify. Vacancies in office may be filled for the remainder of the year by the village council. (711)

As to election and term of assessors, see § 1163.

As to assessors in certain villages, see §§ 1247, 1248.

As to justices, see §§ 1250, 1251.

83-119, 122, 85+933.

Cited (117-458, 136+264, 41 L. R. A. [N. S.] 111).

1247. Assessors in villages separated from towns—That all villages in this state that now are or which may hereafter become separated from the town or towns in which any such village is located, shall at the next annual village election elect an assessor, whose powers and duties shall be similar to those of township assessors. ('09 c. 61 § 1)

1248. Same—Appointment after separation—The mayor or president of the village council of such village, after such separation from the township, shall, by and with the consent of the council or governing board thereof, appoint an assessor, who shall hold office until the next annual election. ('09 c. 61 § 2)

1249. Same—Board of review—The officers of such village, corresponding to the officers constituting a board of review in villages incorporated under the general law, shall constitute a board of review. ('09 c. 61 § 3)

1250. Two justices—All incorporated villages within the state, whether incorporated under general or special laws, shall hereafter elect two justices of the peace, whose terms of office, powers and duties, shall be such as are now or may be hereafter prescribed by law. ('11 c. 29 § 1)

1251. Same—Appointment—The common councils or boards of trustees of the said villages shall by appointment, until the next election therein, increase the number of justices of the peace in their respective villages to conform to section 1 of this act. ('11 c. 29 § 2)

1252. Notice—Judges and clerk—Hours—The village council shall cause ten days' posted notice of such election to be given; specifying the time and place thereof, the offices to be filled, and the questions, if any, to be determined by vote. The council shall also, within twenty days of the election, appoint two judges, and one clerk for each voting district of the village; all to be resident voters, but not candidates for any village office. They shall be sworn to faithfully discharge their duties as such, and shall open the polls by proclamation, and keep them open from 9 o'clock a. m. until 5 o'clock p. m. of said day. If the judges and clerk, or any of them, fail to appear or refuse to serve, the electors present at the hour for opening may supply their places by viva voce vote.

Provided that nothing in this act shall be construed to repeal chapter 227, Laws of Minnesota for the year 1913 [436]. (R. L. § 712, amended '13 c. 413 § 1)

35-176, 28+144; 83-119, 85+933.

1253. Returns—Canvassing—Notice—The judges and clerk shall forthwith count the votes cast, proclaim the results, and record the same in a book provided for the purpose. Such book, with the ballots cast, shall thereupon be returned to the clerk. Within two days after the election the council shall meet as a canvassing board, and declare the results appearing from said returns. A plurality of votes shall elect, and in case of a tie the election shall be determined by lot, in the presence of the board, and under its direction. The clerk shall forthwith give written notice to each person chosen of his election to the office named, and shall also certify the results of said election to the county auditor. (713)

38-222, 225, 37+95.

1254. Town meeting laws applied—Illegal voting, etc.—Except as otherwise provided in § 1253, all village elections shall be conducted, and the results ascertained, in the manner provided by law for town meetings; and, except as so modified, all laws regulating the holding of town meetings, canvassing and certifying the results thereof, and relating to the duties of judges and clerks of election, and to voting and the challenging of votes, and every statute prescribing or punishing offences in respect to illegal voting, bribery, fraud, corruption, official delinquency, or other offences at or concerning elections, which are applicable to town meetings, are hereby extended to village elections. (714)

38-222, 225, 37+95.

1255. Special elections—Special elections may be ordered by the council, upon its own motion or upon the petition of fifty resident voters, of which at least ten days' posted and one week's published notice in a newspaper published in said village, if there be one, shall be given, clearly setting forth the questions submitted. Judges and clerks shall be appointed, the vote taken, and the results ascertained, declared, and certified as in the case of annual elections: Provided, that no proposal so submitted shall be deemed carried without such a majority in its favor as may be required by law in the particular instance; and provided, further, that in case of a tie the proposal shall be deemed lost. (715)

83-119, 85+933.

1256. Assessor—Town taxes, etc.—The assessor shall assess and return all property taxable within the village, if a separate assessment district, and the assessor of the town shall not include in his return any property taxable in such village. (716)

1257. Treasurer—Duties, bond, accounts, etc.—The treasurer shall give such bond as the council may require. He shall collect, receipt for, and safely keep all moneys belonging to the village, and shall promptly enter, in a book to be provided for the purpose, an account of all moneys received and disbursed by him as treasurer; showing the sources and objects thereof, with the date of each transaction. He shall pay out no money except upon the written order of the president of the council, attested by the clerk, which orders, being paid and canceled, he shall retain as his vouchers. Such accounts and vouchers shall be exhibited to the council upon its request, and he shall deliver to his successor all books, papers, and money belonging to said village. And at least two weeks before the annual election he shall make out and file with the clerk for public inspection a detailed account of his receipts and disbursements, with the sources and objects of each. (R. L. § 717, amended '11 c. 352 § 1)

1911 c. 352 § 3, repeals 1905 c. 74.

1258. Same—Financial statement by clerk—Thereupon the clerk shall prepare a detailed statement of the financial affairs of the village for the preceding year, showing all moneys received, with the sources, dates and respective amounts thereof; all moneys paid, to whom and for what purpose; all outstanding and unpaid orders, to whom issued and for what purpose; all moneys remaining in the treasury; also all other items necessary to accurately show the financial condition of such village. He shall file such statement in his office for public inspection, and shall publish the same at least one week prior to such village election, in a newspaper published in such village to be selected by the village council, and if there be no such newspaper he shall post copies of such statement in three of the most public places in such village. ('11 c. 352 § 2)

1259. Clerk—Bond—Deputy—The clerk shall give bond to the village, conditioned for the faithful discharge of his official duties, in such sum as the council shall approve. With the consent of the council, he may appoint a deputy, for whose acts he shall be responsible, and whom he may remove at pleasure. Such deputy may discharge any and all of the duties of the clerk, except that he shall not be a member of the council. (718)

1260. Same—Duties—Compensation—The clerk shall give the required notice of each annual and special election, record the proceedings thereof, notify chosen officials of their election or appointment to office, and certify to the county auditor all appointments and the results of all village elections. He shall keep:

1. A minute book, noting therein all proceedings of the council, all petitions and communications addressed thereto, all bills presented, and the full titles of all ordinances adopted.

2. An ordinance book, in which he shall record at length all such ordinances, all by-laws, rules, and regulations passed by the council, and all commissions, permits, and licenses issued. And when so recorded, he shall enter upon the margin of the minute book, opposite the record of adoption, a reference to the book and page of such record.

3. A finance book, on which he shall enter all the money transactions of the village, including the dates and amounts of all receipts, and of all orders drawn upon the treasurer, with their respective sources and objects.

He shall act generally as the clerk, recorder, and bookkeeper of the village, be the custodian of its seal and records, countersign its official papers, post and publish notices, ordinances, and the like, and perform such other appropriate duties as may be imposed by ordinance or other direction of the council. For his services he shall receive such compensation as may be fixed at the beginning of his term by resolution of the council. For certified copies, and for filing and entering, when required, chattel mortgages and other papers not relating to village business, he shall receive the fees allowed by law to town clerks. (719)

See § 1258.

1261. Constables—Duties—Compensation—Constables shall give bonds to the village, to be approved by the council, similar to those required of

town constables, and be governed by the same laws. They shall obey all lawful orders of the council, or the president thereof, and diligently enforce all laws and ordinances for the preservation of the peace. They may arrest, with or without a warrant, and forthwith take before a village justice, any person engaged in the commission of a public offence, and may command, if necessary, the assistance of bystanders. They shall receive for their services the same fees allowed to other constables, and, for special services to the village, such compensation as the council may fix. (720)

1262. Peace officers—The president and the trustees shall be peace officers, and may suppress in a summary manner any riotous or disorderly conduct in the streets or other public places of the village, and may command the assistance of all persons, under such penalties as may be prescribed by the by-laws and ordinances. (721)

Right of president to earn reward for arrest (114-233, 130+1025, 34 L. R. A. [N. S.] 924).

1263. Justices—Powers—Duties—Fees—Village justices of the peace shall possess all the powers of those elected by the towns, and be governed in the exercise thereof by the same laws, in all respects, except that their official bonds shall run to the village and be approved by the council. They may also hear and determine accusations made against persons for the violation of any ordinance, by-law or regulation of the village, and upon conviction may impose the penalties prescribed. They shall have such other jurisdiction and authority as is by this chapter conferred or implied, and receive for their services the fees allowed by law to justices of the towns; provided, that in all cases where a village is situated in more than one county, the justices of the peace and constables of such village shall have and possess all powers and jurisdiction conferred on justices and constables of the towns in each of the counties in which such village is situated and may issue and serve processes in each of such counties, and shall file their bonds in each of said counties. (R. L. § 722, amended '07 c. 459 § 1)

93-199, 101+72.

1264. Prosecutions by village—All prosecutions for violation of the ordinances, rules, or by-laws of any village shall be brought in the name of the village, upon complaint and warrant, as in other criminal cases. If the accused be arrested without a warrant, a written complaint shall thereafter be made, to which he shall be required to plead, and a warrant shall issue thereon. The warrant and all other process in such cases shall be directed to the village marshal, or the sheriff or any constable of the county or village, but the marshal shall serve no such process except within the village. (723)

91-277, 97+972.

1265. Pleading—Evidence—Judgment—It shall be a sufficient pleading of the by-laws, rules, or ordinances of a village to refer to the section and number or chapter thereof. They shall have the effect of general laws within the village, and need not be given in evidence upon the trial of civil or criminal actions. Judgment shall be given, if for the plaintiff, for the amount of fine, penalty, or forfeiture imposed, with the costs; and the judgment shall also direct that, in default of payment, the defendant be committed to the common jail of the county for such time, not exceeding ninety days, as the court shall see fit. The commitment shall state the amount of judgment, the costs, and the period of commitment. Every person so committed shall be received by the keeper of the jail, and kept, at the expense of the county, until lawfully discharged. The committing court may release the defendant at any time upon payment of such fine and costs. (724)

83-456, 458, 86+457.

1266. Appeals—Appeals may be taken to the district court in the same manner as from judgments of justices of the peace in civil actions, but, if taken by the defendant, he shall give bond to the village to be approved by the court, conditioned that, if the judgment be affirmed in whole or in part, he will pay the same, and all costs and damages awarded against him on such appeal. In case of such affirmance, execution may issue against both

defendant and his sureties. Upon perfection of such appeal, defendant shall be discharged from custody. (725)

69-349, 72+564.

Cited (109-292, 123+809).

1267. Fines, fees, etc.—All fines, forfeitures, and penalties, recovered for the violation of any ordinance, rule, or by-law of the village, and all moneys paid for licenses and permits, shall be paid into the village treasury. Every court or officer receiving the same, within thirty days thereafter, shall make return thereof under oath, and be entitled to duplicate receipts therefor, one of which shall be filed with the village clerk. (726)

1268. Council—Powers—Ordinances—The village council shall be composed of five members, of whom three shall be a quorum, and shall have power to adopt, amend, or repeal all such ordinances, rules, and by-laws as it shall deem expedient for the following purposes:

1. Procedure—Salaries—To regulate the mode of its own procedure, and to fix the compensation of its employees, when not otherwise prescribed.

2. Books, stationery, etc.—To procure the books required to be kept by village officers, and such furniture, property, stationery, and printing as shall be necessary for village purposes.

3. Actions at law—To provide for the prosecution or defence of actions or proceedings at law in which the village may be interested, and employ counsel therefor.

4. Attorney—Street commissioner, etc.—To appoint, when necessary, a village attorney, a poundmaster, a street commissioner, one or more keepers of cemeteries, one or more fire wardens, a marshal, and one or more policemen. Every such appointee shall give such bond as the council may require, conditioned for the faithful discharge of his duties, and the proper application and payment of all moneys by him officially received.

5. Buildings—To control and protect the public buildings, property, and records, and insure the same.

6. Village plat—To renumber the lots and blocks of the village or any part thereof, and to cause a revised and consolidated plat of the same to be made and recorded.

7. Fire prevention—To establish a fire department, appoint the officers and members thereof, and prescribe their duties; to provide fire engines and other fire apparatus, engine houses, pumps, water mains, reservoirs, and other waterworks; to compel the inhabitants to aid in the extinguishment of fires, and to raze such buildings in the vicinity of a fire as any two or more members of the council present may direct, for the purpose of preventing its communication to other buildings; to establish fire limits within which wooden or other combustible buildings shall not be erected; to require owners or occupants of buildings to provide and keep on their premises suitable ladders and fire buckets, and, after reasonable notice to, and refusal by, such owner or occupant, to procure and deliver the same to him, and assess the cost thereof as a special tax upon such real estate, to be collected as other village assessments are collected; to regulate the storage of gunpowder and other dangerous materials; to require the construction and use of safe places for the deposit of ashes; to regulate the manner of putting up stovepipes, and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the village; to authorize fire wardens at all reasonable times to enter into and examine lots, inclosures, and buildings, in order to discover whether any of them are in dangerous condition, and to cause such as may be dangerous to be put in safe condition; and, generally; to take such measures for the prevention or extinguishment of fires as may be necessary or proper.

8. Streets—Sewers—Sidewalks—Public grounds—To lay out, open, change, widen, extend, or vacate streets, alleys, parks, squares, and other public ways and grounds, and to grade, pave, and repair the same; to establish and maintain drains, canals, and sewers, and to alter, widen, or straighten watercourses; to lay, repair, or otherwise improve, or to discontinue, sidewalks, paths, and cross-walks; to prevent the incumbering of streets or other public ways or grounds with vehicles, railway cars or engines,

building material, or other substances; to prevent racing or the immoderate riding or driving of animals or vehicles in the village, or the use of sidewalks for other than pedestrian purposes; to require the owners or occupants of buildings to remove snow, dirt, or rubbish from the sidewalks adjacent thereto; and, in default thereof, to authorize such removal at the owner's expense. But no street or alley shall be vacated except upon petition as in this chapter provided.

9. Animals—Rate of speed—Licenses—To restrain the running at large of cattle, horses, mules, sheep, swine, poultry, and other animals, and to authorize the distraining, impounding, and sale thereof; to establish pounds, and regulate and protect the same; to require the fastening or confinement of animals while in the streets or alleys of the village, and to prescribe the place and manner thereof; to regulate the speed of electric or steam engines or cars running in or through the village; to prevent the running at large of dogs, and authorize the destruction, in a summary manner, of such as are unlawfully at large; to license public porters, solicitors, or runners, cartmen, hackmen, omnibus drivers, and guides, and establish regulations for their conduct as such; and to prevent unnecessary noise or other disorder:

10. Markets—To establish and regulate markets, provide public scales, appoint a weighmaster, and restrain sales in the streets.

11. Cemeteries—Parks, trees, etc.—To purchase and hold cemetery grounds within or without the village limits, to inclose, lay out, and ornament the same, and to sell and convey lots therein; to establish public parks, parkways, and walks, and inclose, improve, ornament, and protect the same; and to provide for and regulate the setting out and protection of trees, shrubs, and flowers in the village, or upon its property.

12. Amusements, peddlers, etc.—To prevent or license and regulate the exhibition of circuses, theatrical performances, or shows of any kind, and the keeping of billiard tables, pigeonhole tables, and bowling alleys; to restrain or license and regulate auctioneers, transient dealers, hawkers, and peddlers; and in all such cases to fix the price of said license, and prescribe the term of its continuance, and to revoke such license when, in the opinion of the council, the good order of the village requires it: Provided, that the council, in its discretion, may refuse to grant a license for any of the above purposes, and the term of no such license shall extend beyond the annual election next after the granting thereof.

13. Gaming and other vices—Liquors—To prohibit gift enterprises, all gambling devices, and all playing of cards, dice, or other games of chance or skill for the purpose of gaming; to restrain and punish vagrants, tramps, mendicants, prostitutes, and persons guilty of lewd conduct; to punish drunkenness; and to license and regulate or prohibit the selling, bartering, disposing of, or dealing in spirituous, malt, fermented, vinous, or mixed intoxicating liquors of any kind, and to revoke any license for the sale of such liquors already granted whenever the council, after a hearing of the case, shall deem it proper.

14. Libraries—To establish and maintain public libraries and reading rooms, purchase books and periodicals therefor, and make needful rules for the safekeeping and handling of the same.

15. Removal of officers—To remove any officer appointed or elected by the council, whenever, in its judgment, the public welfare will be promoted thereby.

16. Jail—To purchase, lease, or build, and to maintain, a watchhouse or other place for the confinement of offenders against the rules, ordinances, and by-laws, and for the temporary detention of suspected persons.

17. Board of health, etc.—To establish a board of health, with all the powers of such boards under the general laws; to provide hospitals, and regulate the burial of the dead; to define nuisances, and prevent or abate the same; to require the owner or occupant of any grocery, cellar, tallow chandler's shop, factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous building or place, to remove, abate, or cleanse the same; to direct the location and management of slaughterhouses, and to prevent the erection, use, or occupation of the same, except as authorized; to prevent the

bringing, depositing, or leaving within the village of any putrid carcass or other unwholesome substance; to require the owners or occupants of lands to remove dead animals, stagnant water, or other unwholesome matter therefrom; to provide for the cleaning, and removal of obstructions from, any river, stream, lake, slough, or watercourse within the village; and to prevent the obstruction or retarding of the flow of waters therein, or the fouling of the same.

18. Reservoirs—To provide, and regulate the use of, wells, cisterns, reservoirs, waterworks, and other means of water supply.

19. Lighting streets—To erect lamp-posts and lamps, and provide for lighting any portion of the village streets or grounds by gas, electricity, or other means.

20. Harbors and docks—To establish harbor and dock limits; to regulate the location, construction, and use of piers, docks, wharves, and boathouses on navigable waters; and to fix rates of wharfage.

21. Taxes—Bonds—Fiscal statement—To levy and collect taxes, including poll tax and assessments, audit claims against the village, and direct orders to issue for their payment; to refund, wholly or in part, any tax or special assessment unjustly or illegally collected; to authorize village bonds to be issued in the cases provided by law; and, generally, to manage the financial concerns of the village. And they shall prepare and cause to be publicly read at the annual village election a detailed statement showing the amount in the treasury at the beginning of the year, when and from what sources all moneys paid into the treasury during the year were derived, and when, to whom, and for what purpose all money expended was paid, with the balance then in the treasury, which statement shall be recorded in the minute book and preserved in the recorder's office.

22. Penalties for violation—To declare that the violation of any ordinance, rule, or by-law herein authorized shall be a penal offence, and to prescribe penalties therefor: Provided, that no such penalty shall exceed a fine of one hundred dollars, or imprisonment in a village or county jail for a period of three months; but in either case the costs of prosecution may be added, and, in default of payment of fine or costs, the person committed may be confined in such jail until payment is made or said period has expired. (R. L. § 727, amended '09 c. 263)

See following section.

Subd. 4 (82-420, 85+155). Subd. 5 (110-59, 124+371). Subd. 7 (94-128, 102+216). Subd. 8 (45-4, 47+166; 50-551, 555, 52+931; 83-275, 86+103; 101-197, 112+395, 11 L. R. A. [N. S.] 105). Subd. 12 (119-145, 137+417, 41 L. R. A. [N. S.] 737). Subd. 13 (29-445, 457, 13+913; 33-102, 22+442, 53 Am. Rep. 12. See 83-456, 86+457).

1269. Licensing amusements, peddlers, etc.—Fifteen. To prevent or license and regulate the exhibition of caravans, circuses, mountebanks, theatrical performances or shows of any kind; to prevent or license and regulate the keeping of billiard tables, pool tables, pigeon hole tables, bowling saloons and all other games and devices; to restrain or license, regulate and tax auctioneers, hawkers and peddlers; and in all such cases they may fix the price of said license or tax, and prescribe the term of the continuance of such license, and may revoke such license when in the opinion of the village council the good order of the public interests of the village require it; provided, that the council may in any case where in their opinion, the public interests of the citizens of the village require it, refuse to grant any license for the above purposes, and provided, also, that twenty-five dollars a day shall be construed by the courts of said state as a reasonable price per day for an auctioneer's license issued under the above provision. The term of no such license shall extend beyond the annual election of officers next after the granting thereof. (G. S. 1894 § 1224 subd. 15, amended '05 c. 138 § 1)

Historical—G. S. 1894 § 1224 subd. 15 was 1885 c. 145 § 21 subd. 15, as amended by 1889 c. 122 § 2. Said acts were repealed by §§ 9446, 9448; the provisions of G. S. 1894 § 1224 subd. 15, being incorporated in part in the preceding section, subd. 12. So far as said amended subdivision 15, as above set forth, differs from the preceding section, it is to be construed, by virtue of § 9398, as amendatory or supplementary.

1270. Sewers and drains—Bonds—That all villages now organized under the General or Special Laws of this state, shall have the power and author-

ity to build and construct any and all necessary sewers and drains in any such village, and to build and construct all necessary outlets for the same outside the limits of any such village, and raise money for the payment therefor by issuing the negotiable bonds of any such village, provided, that the question of building and constructing such sewer and drains and necessary outlets therefor, shall first be submitted to the vote of the people of said village in the same manner as now provided by law in chapter 10, Revised Laws 1905, for the issuance of municipal bonds. That such bonds may be issued in any sum not exceeding the sum of twenty thousand dollars, anything in the charter of said village or in any law of this state which may prohibit the issuing of any bonds in excess of any specified percentage of the taxable property in said city to the contrary notwithstanding. ('07 c. 279 § 1)

The provisions of R. L. 1905 c. 10, are included in chapter 10 hereof.

1271. Same—Provisions applicable—The provisions of chapter 10, Revised Laws 1905, shall apply to and govern the issuance of any bonds herein provided for, except as modified in this act. ('07 c. 279 § 2)

The provisions of R. L. 1905 c. 10, are included in chapter 10 hereof.

1272. Free musical entertainments—That the village council of any village of this state is hereby authorized to expend an amount not exceeding fifty dollars annually for free musical entertainment for the public. The said council is hereby authorized to audit the bills for such expenses and allow an order for the payment of the same. ('05 c. 263 § 1)

1273. Change of name of village—That the name of any incorporated village in this state may be changed to the same name as the post-office therein, by an ordinance of such village so declaring, duly and legally adopted by the council thereof, whenever the name of such village as incorporated is different than the name of the post-office in such village, as designated by the United States postal authorities. ('13 c. 493 § 1)

1274. Same—Effect—Upon the filing of a certified copy of such ordinance with the county auditor of the county in which such village is located, and with the state auditor and secretary of state, the name of such village shall be changed as in such ordinance provided. Such change in name shall in no way affect any liability, obligation, power, duty, law or ordinance, or other matter or thing in any way relating to such village, excepting that the new name of such village shall thereafter be substituted for and used in place of its old name. ('13 c. 493 § 2)

1275. Meetings of council—Compensation, etc.—Regular meetings of the council shall be held at such times as may be prescribed by the by-laws. Special meetings may be called by two members by writing filed with the clerk, who shall notify the members of the time and place thereof in the manner prescribed by the by-laws. The president, and in his absence any trustee whom the council may select, shall preside, and all meetings shall be open to the public. The council may preserve order at its meetings, compel the attendance of members, and punish non-attendance, and shall be judge of the election and qualification of its members. The president and trustees shall receive one dollar for each day employed as such officers, not to exceed ten dollars in any year. (728)

1276. Ordinances, how enacted—All ordinances, rules, and by-laws shall be enacted by majority vote of all the members of the council, shall be signed by the president and attested by the clerk, and published once in a newspaper in the county, or, if there be none such, shall be posted in three conspicuous places in the village. Proof of such publication, by affidavit of the printer or foreman in the office of said newspaper, or of such posting by the certificate of the village recorder, shall be attached to and filed with such ordinance, and the same shall be prima facie evidence of the facts therein stated. All ordinances shall be suitably entitled, and in this style: "The village council of do ordain as follows." (729)

See following section.
82-420, 85+155.

1277. Same—Publication—Effect—All ordinances, rules, and by-laws shall be enacted by a majority of all the members of the village council, and shall be signed by the president, attested by the recorder, and published once in a newspaper published in said village; and if there be no newspaper published in said village, then such ordinances shall be published once in a newspaper published in the county in which said village, or the larger part of its territory, shall be situated; and if there be no newspaper published in said village, or in said county, then by posting them conspicuously in three of the most public places in said village for ten days, and shall be recorded in a book kept for that purpose. Proof of such publication by the affidavit of the printer or foreman in the office of such newspaper, or of such posting by the certificate of the village recorder, shall be attached to and filed with such ordinance or by-laws, and noted on the record thereof, and shall be conclusive evidence of the facts stated. All ordinances shall be suitably entitled, and in this style: "The village council of _____ do ordain as follows:" All authorized ordinances and by-laws shall have the force of law, and remain in force until repealed. ('85 c. 145 § 49, amended '05 c. 26 § 1)

1885 c. 145, was repealed by § 9446; the provisions of section 49 thereof being incorporated in the preceding section. So far as this section differs from that section, it is to be construed, by virtue of § 9398, as amendatory or supplementary.

1278. Execution of instruments—Every contract, conveyance, license, or other written instrument shall be executed on the part of the village by the president and clerk, with the corporate seal affixed, and only in pursuance of authority therefor from the council. (730)

1279. Contracts—Members excluded—Bids—No member of a village council shall be directly or indirectly interested in any contract made by such council, and every violation hereof shall be a misdemeanor. And all contracts involving an expenditure of one hundred dollars or more, if not to be paid from road or poll tax, shall be let to the lowest responsible bidder, after public notice of the time and place of receiving bids. (731)

Curative—See 1909 c. 186, legalizing certain contracts made with members of the council. 45-4, 8, 47+166; 73-146, 75+1042; 93-336, 101+495.

Failure to comply with the statute as to letting contract (98-265, 107+815). Cited (139+599).

1280. Control of streets—Each village shall constitute one road district, over which the officers of the town in which it is situated shall have no control. All poll and other road taxes raised within the village shall be expended under the direction of the council. But the county or town board may make such appropriations from its road fund as it shall deem proper for the construction or repair of bridges within such village. (732)

38-186, 188, 36+454; 83-275, 86+103.

1281. Vacating streets—On petition of a majority of the owners of land abutting on any street or alley or any part thereof, in any village, the council may by resolution vacate the same or any part thereof, if it shall appear for the interest of the public so to do, first giving one week's published and posted notice of a hearing to be had thereon. A certified copy of such resolution may be filed for record with the register of deeds. (R. L. § 733, amended '09 c. 381 § 1)

A resolution vacating a street held void, in absence of evidence of compliance with G. S. 1894, § 1246 (114-293, 131+330).

1282. Certain street vacations legalized—That in all cases in which, prior to the first (1st) day of January, 1906, the village council of any village in this state has taken proceedings to vacate and has voted to vacate any street in such village, such proceedings and the vacation of such street are hereby legalized and made valid and effectual for all purposes; provided, however, that the provisions of this act shall not apply to or affect any action now pending involving the validity of any such street vacation. ('11 c. 178 § 1)

1283. Benefit assessments—Cost of land, etc.—The cost of laying out, widening, extending, or opening any street, lane, alley, square, or other public ground or place, of constructing, opening, altering, enlarging, or extending

any drain, canal, or sewer, of widening or straightening any watercourse, or of improving any harbor, by any village governed by this chapter, including all damages and expenses incurred by the village in acquiring lands for such purposes by condemnation or otherwise, may be assessed, by a majority vote of the village council, upon such property within the village as it shall determine to be specially benefited by the improvement. (734)

Cited (101-197, 112+395, 11 L. R. A. [N. S.] 105).

1284. **Same—Street improvements**—The council of any such village may cause any street therein, or any part thereof to be graded, paved, or otherwise improved, or any sidewalk, sewer, or gutter to be built, upon a petition therefor signed by three-fourths of all owners of real estate bounding both sides, and by the owners of at least one-half of the frontage of the street or part of street to be improved, or may order any sewer to be built on any street or part of a street, or any sidewalk or gutter to be built on one side of a street or part of a street, upon like petition, if signed by the owners of at least one-half the frontage on such side of said street or part thereof to be so improved; and, without any petition, it may order any sidewalk, sewer or gutter previously built to be put in repair, or rebuilt, when necessary, and may also, upon petition, cause any street or part of street to be sprinkled when deemed necessary. The cost of such improvement or sprinkling, or any part thereof not less than half, may be assessed and levied, by resolution of the council, upon the lots or parcels of ground fronting on the street, part of street or side thereof, so improved or sprinkled and most benefited thereby. (R. L. § 735, amended '11 c. 324 § 1)

45-4, 47+166.

1285. **Deficiency—Installments**—If the tax so levied proves insufficient to pay the cost, or the proportion thereof assessed to such property, the council may levy an additional tax thereon to make good the deficiency. And if the petitioners for the improvement so request in their petition, the council, in its discretion, may make such assessment payable in five annual installments, and may issue and sell bonds for the aggregate of such installments, the proceeds thereof to be used in paying for the improvement. (736)

1286. **Mode of assessment—Collection**—The assessments authorized in §§ 1283-1285 shall be made by resolution of the council, setting forth the purpose thereof, a description of each lot or parcel benefited, the name of its owner, if known, and the amount assessed thereon. Two weeks' published and posted notice shall be given of the contents of such resolution, and of the time when the council will attend at its usual place of meeting to hear objections, to the assessment, or any part thereof. At such time and place the council shall consider all objections made, and for that purpose may adjourn from day to day, not exceeding three days, and by resolution may modify such assessment, or any part thereof. On October 10 next following, if any of the assessments be not previously paid to the village treasurer, the clerk shall certify the same to the county auditor, who shall extend all such unpaid amounts against the lands assessed, and the same shall be enforced, collected, and paid over to the village treasurer as in the case of other village taxes: Provided, that the owner of land assessed for a sidewalk improvement may discharge such assessment by laying or repairing the walk to the satisfaction of the council. (737)

1287. **Sewers in villages in certain counties—Contracts, how let**—Whenever the state board of health shall deem necessary for the preservation of public health, that sewers be constructed in any village in any county in the state of Minnesota now or hereafter having a population of two hundred and seventy-five thousand or over, according to the then last preceding official national or state census, and shall so recommend to the village council, or other governing body of such village, such village council or other governing body may, by ordinance passed by the affirmative vote of at least three-fifths of all members thereof, and are hereby authorized and empowered to, construct such sewers and appurtenances thereto as the state board of health may recommend; to assess the property specially benefited thereby,

and without any further authority may issue and sell bonds for the payment of the same; provided, that no contract for the construction of the same, or any part thereof where the expenditure will be more than one hundred dollars, shall be entered into, unless an advertisement shall be published for bids on the same, to be published at least once each week for three successive weeks, and the village council or other governing body shall have authority to prescribe such terms and conditions relative to the making of such bids for such contracts and relative to the security which each bidder shall be required to deposit with such bid, as such council or other governing body shall deem expedient and proper, and they shall have authority to reject any and all bids. ('09 c. 363 § 1)

1288. Same—Bonds, how issued and sold—The bonds of any such village, issued pursuant to the terms of this act, may be issued and sold from time to time as determined and authorized by ordinance or resolution adopted by the affirmative vote of at least three-fifths of all the members of the village council, or other governing body of such village, and at such place or places, and in such installments as may be provided in such resolution or ordinance, and shall bear interest at not to exceed five per cent per annum, and no such bonds shall be issued so as to make the aggregate of such bonds for which such village may be liable at any one time to exceed the sum of fifteen mills for each dollar of the assessed valuation of the taxable property in such village. Such bonds shall be sealed with the seal of the village issuing them, and be signed by the president and the village recorder, and such bonds shall not be sold for less than par value and accrued interest, to the highest responsible bidder after notice published once, each week for three successive weeks in some newspaper published in the county in which the village is situated. ('09 c. 363 § 2)

1289. Same—Proceeds, how used—None of the proceeds of any of the bonds issued pursuant to the provisions of this act, nor any part thereof, shall be used for any other purpose than the purposes hereinbefore specified, which purpose shall be distinctly set forth in the ordinance or resolution authorizing the same. ('09 c. 363 § 3)

1290. Same—Limitation of indebtedness—None of the bonds of any such village, issued pursuant to the terms and provisions of this act, shall be deemed or taken to be a part of the indebtedness of such village within the purview of any law limiting the amount of the bonded or other indebtedness of any such village, and the bonds authorized by this act may be issued notwithstanding and without regard to any limitation of the indebtedness of such village. Nevertheless, the full faith and credit of every such village is pledged to the full payment of all such bonds and interest. ('09 c. 363 § 4)

1291. Same—Assessment for benefits—Such village council or other governing body shall have the power and authority to assess the property specially benefited by the construction or extending of such sewer for the cost of the same, or any portion thereof, including all damages and expenses incurred by such village in construction of such sewer and appurtenances, together with cost and expense of acquiring lands for such purposes, by condemnation or otherwise. ('09 c. 363 § 5)

1292. Same—Assessments, how made—The assessments authorized by this act shall be made by resolution of such council or other governing body, setting forth the purpose thereof, a description of each lot or parcel benefited, the name of its owner, if known and the amount assessed thereon. Two weeks' published and posted notice shall be given of the contents of such resolution, and of the time when the council will attend at its usual place of meeting to hear objections to the assessment, or any part thereof. At such time and place the council or other governing body shall consider all objections made, and for that purpose may adjourn from day to day, not exceeding three days, and by resolution may modify such assessments or any part thereof. On October 10th next following, if any of the assessments be not previously paid to the village treasurer the recorder shall certify the same to the county auditor, who shall extend all such unpaid amounts against the lands assessed, and the same shall

be enforced, collected, and paid over to the village treasurer as in case of other village taxes. ('09 c. 363 § 6)

1293. **Road labor**—Every male inhabitant in any village in this state organized and operating under general laws, between the ages of twenty-one and fifty years, except paupers, insane persons and others exempted by law, shall be assessed not less than one nor more than four days' labor in each year. ('09 c. 189 § 1)

See §§ 2527, 2577.

1294. **Same—Number of days' labor, how determined**—Within twenty (20) days after the annual village election, the village council or governing board shall meet and determine by resolution the number of days of road labor to be assessed against the persons liable therefor in said village for the ensuing year, and shall make a list of all persons in said village liable for road labor, and shall place opposite the name of each person thereon, the number of days of road labor assessed against him, and such list shall be signed by the president and clerk or recorder of such village, and filed with the clerk or recorder thereof, who shall deliver a certified copy thereof to the street commissioner of such village. Such street commissioner may add the names of persons omitted from such list and all new residents that are liable for road labor to the certified copy in his hands, and thereupon such persons shall be liable for the number of days' road labor fixed by such resolution, the same as if their names had been placed on such list before the same was made and filed. ('09 c. 189 § 2)

1295. **Same—Notice—Commutation for labor**—The street commissioner shall give at least three days' notice to all the persons assessed for road labor, of the time and place when and where they shall appear for work and with what tools. Such persons may appear personally or by able-bodied substitutes, or they may elect to commute for the same or some part thereof. Commutation for labor shall be at the rate of \$1.50 per day, to be paid to the street commissioner within two days after notice to appear for work. All moneys paid to the street commissioner for labor commuted shall be at once paid by such street commissioner into the village treasury and shall be credited to the road and bridge fund of said village. ('09 c. 189 § 3)

1296. **Same—Annual report of street commissioner**—On or before December 1st in each year, the street commissioner shall render to the village council or governing board of such village, a report in writing containing:

1. The names of all persons assessed to perform road labor with the number of days each has worked.
2. The names of all persons who have commuted and the amount received for such commutation.
3. The names of all persons who have been fined and the amount of each fine, and whether the same has been paid.
4. An itemized account of all moneys paid out by him and the balance remaining in his hands.

He shall then pay over the balance to the village treasurer to be credited to the road and bridge fund of said village. ('09 c. 189 § 4)

1297. **Same—Failure to perform labor—Penalty**—Every person assessed to perform road labor in any such village on roads and streets thereof who neglects to appear and perform such labor when duly notified and does not pay his commutation therefor, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than twenty-five dollars. ('09 c. 189 § 5)

1298. **Same—Prosecution**—When no satisfactory excuse is rendered to the street commissioner for such neglect or refusal, he shall within nine days after notice has been served, as herein provided, make a complaint to a justice of the peace of such village, and if there be none in such village, then to some justice of the peace of the county in which the village or some part thereof is situated, who shall forthwith issue a warrant directed to the sheriff or any constable of the county, requiring him to arrest such citizen and bring him before such justice to be dealt with according to law. ('09 c. 189 § 6)

1299. **Same—Disposal of fines**—All fines collected under the provisions of this act shall be paid by the justice of the peace into the village treasury

of the village in which the offense was committed and credited by such village treasurer to the road and bridge fund of such village. ('09 c. 189 § 7)

1300. Claims, how audited and paid—Interest—No money demand against such village shall be paid until audited and allowed by the council, nor otherwise than by an order drawn upon the treasurer therefor. Such demand shall be made out in items, and be verified by an attached affidavit that the claim is just and correct, and that no part of it has been paid. The clerk shall indorse thereon the word "Disallowed," if such be the fact, or, "Allowed in the sum of \$.....," if approved in whole or in part; specifying in the latter case the items rejected. Such accounts and affidavits shall be filed by the clerk, and consecutively numbered throughout the year. Each claim allowed shall also bear the number of the order drawn for its payment, and the clerk shall take and preserve a receipt for each order issued. Orders presented to the treasurer and not paid for want of funds, shall be so marked, and paid in the order of their presentation, and shall bear interest at the rate of six per cent. from the date of such presentation. (738)

Cited (119-60, 137+192).

1301. Taxpayer's appeal—No order shall be issued or signed for the payment of any claim until ten days after the allowance thereof, within which time any five taxpayers of the village may appeal from such allowance to the district court of the county. To effect such appeal, they shall pay to the clerk a fee of fifty cents, and serve upon him a notice setting forth the fact of the appeal, the claim referred to, and the date and amount of its allowance, and thereafter no order shall issue until the appeal is determined. The clerk shall forthwith file the copy of notice served, and transmit to the clerk of said court the original affidavit and claim, with a certified copy of the minutes of all council proceedings relating thereto. Upon proof being filed with said clerk of the service of said notice, the court shall have jurisdiction of said claim, and of the parties thereto. Such appeal shall be tried and determined in the same manner as appeals from a decision of the county board. (739)

1302. Financial report—The council shall make an annual report showing the items and nature of all accounts, and to whom allowed, together with a detailed statement of the financial concerns of the village. Such report shall be filed with the clerk, and a copy shall be posted at the time and place of the annual election. (740)

1303. Tax levy—Annually on or before September 15 the council shall determine by resolution the amount of corporation taxes to be assessed, which shall not exceed two per cent. of the assessed valuation of the property taxable in the village. Before levying a tax for any special purpose, the council may submit the question of levying the same to the voters at a general or special election, and it shall be bound by the vote thereon. On or before October 10 in each year the clerk shall certify all such resolutions to the county auditor. (741)

61-233, 63+628.

1304. Dissolution, how accomplished—Any village governed by this chapter may be dissolved by a majority vote of its electors, cast at a special election called for the purpose. Such election shall be duly held whenever a number of the voters equal to one-third of those voting at the preceding village election shall petition the council therefor. The ballots used shall bear the printed words "For dissolution," and "Against dissolution," with a square after each, in which the voter may indicate his preference by a cross. The election shall be called and conducted, and the result thereof certified to the county auditor, as required in the case of a vote upon a proposed issue of town or county bonds. If the dissolution be carried, the auditor shall certify the vote to the state auditor and to the secretary of state, and at the end of six months after the date of such election the village shall cease to exist as such. (742)

1305. Same—Settlement of affairs—Within said six months the council shall dispose of the village property, adjust all claims against the village, settle with the treasurer and other village officers, and cause the assets of the village to be applied to the payment of its debts. If anything remain, it shall

designate the manner in which the same shall be used, and, if any debts be unpaid, shall levy a tax sufficient for such payment, the proceeds of which, when collected, shall be paid by the county treasurer to the creditors in proportion to their several claims until all are discharged. (743)

1306. Water and light plants—Any village, whether governed by this chapter or otherwise, may erect waterworks, (and) lighting plants and heating plants, for supplying water, (and) light and heat for public purposes, or for the private use of its inhabitants, or both, and may conduct and control the same, and fix and collect proper and uniform charges for such private supply, or it may purchase or lease any such works or plant already erected, and operate the same for the purposes aforesaid. But no such erection, purchase, or lease shall be made without approval by the voters of the village, such as is required by law for the issuing of village bonds for like objects. The proposal so to do, and a proposal to issue bonds to raise money therefor, may be submitted either separately, or as a single question. (R. L. § 744, amended '13 c. 486 § 1)

73-225, 230, 75+1050; 83-275, 86+103; 93-336, 101+495.

1307. Water, light and heating plants—Purchase—Bonds—Any village in this state wherein is now constructed a public water, light and heat plant, or water or light or heating plants, not owned by the village, may by resolution or ordinance of the village council, passed and approved in the usual manner, purchase such plants or any of them and issue bonds running not to exceed twenty years and bearing interest not to exceed five per cent per annum, payable semi-annually, for the purchase price or any part thereof and secure the same by lien in the form of a mortgage securing payments of the bonds upon the plant so purchased and extensions thereof and additions thereto. A written contract pursuant to and in addition to the resolution or ordinance may, if desired, be entered into between the village through its president and recorder and the persons or corporation selling the plant. ('09 c. 15 § 1)

1308. Same—Submission to electors—Before such resolution or ordinance or contract shall take effect the same shall be submitted to the village electors at a regular village or state or special election and approved by two-thirds of those voting thereon. The ballots may be substantially as follows, to-wit: "For the purchase of a water, light and heating plant" (or the plant which is proposed to be purchased); or "Against the purchase of a water, light and heating plant" (or the plant which is proposed to be purchased). ('09 c. 15 § 2)

1309. Same—Price, how paid—Any part of the purchase price may be paid in cash, and it may if desired be provided in the bonds that any bond may be paid at any interest day, at the option of the village. ('09 c. 15 § 3)

1310. Same—Power to employ attorney—The village council may, if desired, employ attorneys for consultation in regard to said ordinance, contract and bonds. ('09 c. 15 § 4)

1311. Same—Bonds or loan from state—The bonds so voted may be sold to the highest bidder for not less than par or a loan obtained from the state of Minnesota in the manner provided by law for the loan of state funds to the amount thereof or for a less amount and the amount to be paid for such plant in cash from the proceeds if such course be deemed desirable by the village council, or partly in cash and partly by the issue of bonds secured on the plant as hereinbefore provided. ('09 c. 15 § 5)

1312. Same—Operation of plants—After such plant is acquired, the village council shall make all necessary rules and regulations for the protection, maintenance and operation thereof, and the sale of its product and use of the proceeds which shall not be expended for any purpose not connected with such plant, until such bonds are paid. ('09 c. 15 § 6)

1313. Water-works—Special tax for mains—The village council of, any village now or hereafter having a water-works system shall have power to levy a special tax upon all property especially benefited thereby, in front of which any water-main shall be laid. ('11 c. 346 § 1)

1314. Same—Installments—Lien—The same may be divided up into five annual installments and shall not exceed the sum of one dollar per lineal foot of pipe laid in front of each lot or parcel of land, against each tract of land and the same shall be a lien upon such land from the time that the tax is levied by the village council as hereafter provided, provided however that no lot or parcel of land shall be subject to such tax after five annual assessments have been levied, except as hereinafter provided. ('11 c. 346 § 2)

1315. Same—Petition—Service-mains—The village council shall proceed to act upon the petition of three or more owners of lots or of a majority of the frontage, where the same is unplatted, fronting on any street or block, where it is proposed to install such water-mains. In case of a service-main to connect either with the water-system of such village, or any adjoining municipality as hereafter authorized the village council may proceed upon its own motion. ('11 c. 346 § 3)

1316. Same—Notice—Hearing—Assessment and levy—The village council in either of such cases shall fix a time and place for the hearing, and of the proposed tax levy of such water frontage tax for the hearing of all objections thereto, and give two weeks published notice thereof in accordance with the prescribed method of publication of ordinances of such village council.

At the time and place so fixed in such notice, the council shall meet and hear any objections thereto and determine whether such improvement is necessary or proper, and shall then make an assessment upon all property so fronting on such proposed water-main subject to such levy, which assessment shall state the amount levied per front foot, the name of the owner or reputed owner and the legal description by which said land is known.

Such assessment and levy shall thereupon be filed with the village clerk and a two weeks published notice of the time and place shall be given in the same manner heretofore provided, when the said council will meet, hear and determine any objections to such levy. At such time and place so fixed, the council shall meet and hear all persons; and may adjourn from time to time not exceeding three days, unless the hearing of such objections thereto shall not then be completed, in which case it shall continue in session daily until such hearing may be completed. On such hearing it may in any manner modify its levy as may appear proper. ('11 c. 346 § 4)

1317. Same—How extended and collected—On or before the 10th day of October thereafter, the village clerk shall make up and file a statement duly certified to by him, showing the frontage tax assessment so levied against each piece or parcel of land, with the county auditor, of the county in which said village is situated, as special taxes to be by him extended and collected against said land, and thereupon such auditor shall extend the same on his tax-rolls against such property, and shall collect, enforce and pay over the same to the village treasurer of such village in the same manner as all other village taxes. ('11 c. 346 § 5)

1318. Same—Disposition of money—All moneys so collected on account of such frontage tax, shall be kept separate and distinct for the purpose of constructing and paying for any water-mains, or any bonds that may have been issued for such purpose, in accordance with this act. ('11 c. 346 § 6)

1319. Same—Bonds—Deficiency tax—If the village council shall determine such to be necessary it may when lawfully authorized by the voters of such municipalities bond, for the aggregate of such installments of frontage tax, drawing not to exceed five per cent interest per annum, and payable within fifteen years from date of issue payable on or before the due date thereof out of such frontage tax or any other revenues derived from the water fund of such village, applicable thereto, the proceeds of such bonds to be used for the installation of such water-mains.

Should the frontage tax levied at the outset prove insufficient to pay for such improvement, or the bonds issued in payment therefor, then a deficiency tax for such frontage may be levied, which including the first tax levied shall not exceed in the aggregate the full amount of twenty cents per running foot, for five years annually. Such bonds if issued shall not be counted as

a part of the bonded debt of such village, but the faith and credit of such village shall be pledged for the payment thereof.

Should the frontage tax levied at the outset prove insufficient to pay for such improvement, or the bonds issued in payment therefor, then a deficiency tax on such frontage may be levied, which including the first tax levied shall not exceed in the aggregate the full amount of ten cents per running foot, for ten years annually. Such bonds if issued shall not be counted as a part of the bonded debt of such village, but the faith and credit of such village shall be pledged for the payment thereof. ('11 c. 346 § 7)

1320. Same—Estimates—Submission to voters—Before such village council shall have power to finally fix the assessment to be levied against the property abutting on such water-mains as provided in section four (4) of this act, and make contracts, therefor, it shall obtain detailed estimates of the cost of installing the same, and may for such purpose employ a competent engineer therefor, and shall make a careful estimate of the amount that will be realized from such frontage tax to be levied and if it shall appear that the same will not be sufficient to pay the expense of the installation of such water-mains and that for such purpose it will be necessary to issue the bonds of such village, then before the said council shall proceed any further with such assessments or installation, it shall submit the question of issuing the bonds necessary to pay any deficiency, to the voters of the village in accordance with the provisions of section 744 of the Revised Laws of 1905 [1306], fixing the amount of bonds to be voted for such purpose. Such bonds shall be payable out of the general funds of such village, raised by taxation or other sources. If such bonds shall be voted by the village, the council shall then proceed further as heretofore provided. ('11 c. 346 § 8)

1321. Same—Contract with adjoining municipality—The village council of any such village may also enter into contracts with any adjoining municipality, for the furnishing by it of water to the citizens of such village, and the laying of water-mains in the streets of such village. Thereupon such adjoining municipality shall have power to lay water-mains under the direction of such village council in the streets of such village and may furnish it and its citizens with water therefrom, and all of the provisions of this act relative to petitions, frontage-tax notices, tax levy assessments, statements regarding such frontage tax, the collection thereof, the issuance of bonds and all other provisions of this act for the purpose of paying for such water-mains shall be followed, the same as if said water-mains were laid and said water was furnished directly by such village from its own water-plant system. ('11 c. 346 § 9)

1322. Water and light plant—Special tax in certain villages—That the village council or governing body of any incorporated village in this state, whose water and light plant is operated and controlled by a water, light and building commission, is hereby authorized, annually, at the time of levying the general corporation taxes, to levy a special tax not exceeding five mills on each dollar of the taxable property in such village, for the purpose of paying the cost of operating the village water and light plant in supplying such village with the necessary water for fire protection and street sprinkling and the necessary electric current or other means of light, for lighting the streets and public parks in such village. ('13 c. 214 § 1)

1323. Same—How collected, etc.—Such tax shall be known as "the village water and light tax" and shall be levied and collected in same manner as the general corporation taxes, anything in the charter of such village or in any law of this state, which may prohibit the levying of any tax in excess of any specific percentage of the taxable property in such village, to the contrary notwithstanding. When collected, such tax shall be paid into the water and light fund of such village. ('13 c. 214 § 2)

1324. Same—Estimate of cost—Before making such special tax levy, the water, light and building commission of such village each year, shall at the request of the village council on or before the following first day of August, make and file with the village recorder (clerk) a statement containing an es-

timate of the probable cost of supplying such village with the necessary water and light for the ensuing year. ('13 c. 214 § 3)

1325. Franchises for water, light or heating confirmed in certain villages—That in all cases where any incorporated village in counties now or hereafter containing two hundred and twenty-five thousand inhabitants and over in this state, whether incorporated under general or special laws, has heretofore adopted an ordinance or ordinances purporting to grant the right to any person, persons or corporation, to construct, operate and maintain in such village, water works, gas, electric light or heating plants, or either of them, and in all cases where any such village by such ordinance or ordinances or by an agreement or agreements in writing, has heretofore undertaken or attempted, among other things, to contract with such person, persons or corporation, or their assigns, for the furnishing of water, gas, electric light, heat, or power, or either of them, to such village, or the inhabitants thereof, and any such person, persons or corporation, or their assigns, has expended money in the construction and maintenance of said water works, or gas, electric light or heating plant, or either of them, and is now furnishing such village and its inhabitants with water, gas, electric light, heat or power, or either of them, such grant and contract are hereby in all things ratified, legalized and confirmed. ('05 c. 169 § 1)

1326. Certain proceedings as to streets, sewers, water works, etc., confirmed—That whenever and in all cases between the fifteenth (15th) day of October, A. D. 1909, and the eighth (8th) day of March, A. D. 1911, the village council or governing body of any organized village in the state of Minnesota has proceeded to lay out, establish, open up, grade, build and construct streets, avenues, alleys and sidewalks in such village, or has proceeded to lay out, establish and construct a sewer, or sewers, in such village, or has proceeded to establish, build, construct and install water works, or water plants, in such village for the furnishing of water to the inhabitants of such village, and has during said time maintained its said village organization and government, and has, for the purpose of raising the necessary money and funds to pay for the same, that is pay for the labor, services and materials used, including the contract prices or considerations agreed to be paid by such village council or governing body for the same, and to pay the village orders or other evidences of indebtedness issued by such village for the same, including village orders issued for the running expenses of such village, has issued its orders or other evidences of indebtedness to a bank, or to banks, and has thereby procured from such bank or banks a loan of money, or funds in the nature of a loan, which money and funds have been deposited in the village treasury of such village and have been actually used for said purposes, all steps taken, things done, acts and proceedings had, done and performed by such village council or governing body in the laying out, establishing, opening up, grading, building and constructing such streets, avenues, alleys and sidewalks, or in the laying out, establishing and constructing such sewer or sewers, or in the establishing, building, constructing and installing such water works or water plants, and in the carrying on and maintaining of such village, including all village orders and other evidences of indebtedness issued by such village to any bank or banks for the procuring of said moneys or funds for said purposes, are hereby legalized, validated, ratified, and confirmed; and all such village orders and evidences of indebtedness so issued by such village, or village council, or the governing body of such village, to any bank or banks, are hereby legalized, validated, ratified and confirmed, and made the legal, valid and binding obligations of such village. All acts and proceedings done or performed by such village, or by its village council or governing body, in the performance of said work of laying out, establishing, building and constructing streets, avenues, alleys, sidewalks, sewers and water works, or water plants, in such village, including the procuring of the necessary money and funds therefor, and for the running expenses of such village and the payment therefor, and the disbursing of funds and moneys in the payment therefor, are hereby legalized, validated, ratified and confirmed. Provided, however, that the full or total amount of such village orders and other evidences of indebtedness, together with all other outstanding

indebtedness of such village, shall not exceed ten per cent (10%) of the assessed valuation of the taxable property of such village; provided, further, that nothing herein contained shall be construed as validating or legalizing any assessment or attempted assessment by any such village for or on account of any sewer, sidewalk or other public improvement; not to validate or legalize any act or proceeding of any such village which is now the subject of any pending litigation concerning its validity. ('11 c. 229 § 1)

1327. Purchase of electrical energy—All villages in the state of Minnesota are hereby authorized and empowered to contract with any person, firm, corporation or municipal corporations for the purchase of electric energy for municipal purposes and to be distributed and supplied by such municipality to the inhabitants thereof. ('13 c. 317 § 1)

1328. Same—Contract, how made—Term—Such contract shall be made by the common council, or other governing body of such municipality by a two-thirds vote of all of the members of such council or governing body, and may be for a period not exceeding fifteen (15) years from the time when such person, firm, corporation or municipal corporations shall commence to furnish such electric energy, which time shall not be more than two years from the date of such contract. ('13 c. 317 § 2)

1329. Connecting street railways—The council of any such village may grant to individuals or corporations the right to construct street railways upon its streets, and to operate the same by other than steam power, for the purpose of connecting such village with outside places or territory. But nothing herein shall authorize any exclusive franchise for such purpose, nor any franchise for more than twenty-five years. All such franchises heretofore granted, and all acceptances thereof, are hereby confirmed. (745)

A street railroad franchise cannot be granted to a real estate corporation (119-77, 137+395).

1330. Parks and parkways in certain villages—Board of park commissioners—Submission to voters—Election—Terms—Any village now or hereafter located in any county of the state now or hereafter having a population exceeding two hundred and twenty-five thousand inhabitants, is hereby authorized to create a board of park commissioners, and to acquire, govern and administer lands for parks and parkways by proceedings in the manner provided in this act. The city council of such village may submit to the voters thereof at any general election or at any special election ordered for the purpose, the question whether to adopt the provisions of this act. The vote shall be by ballot, the form of which shall be as follows:

For a park and parkway system and the election of a board of park commissioners.

Yes.....
No.....

Those voting in the affirmative shall make a cross after the word "Yes," and those voting in the negative after the word "No." If a majority of the votes cast upon that question are in the affirmative the provisions of this act shall be deemed to be adopted, otherwise not. The village council shall at the said election provide for the election of three park commissioners, and prescribe the form of ballots in accordance with the general election law. If the provisions of this act are adopted by the vote taken as aforesaid, the three candidates receiving the highest number of votes shall be elected as park commissioners. The one receiving the highest vote shall hold office until the third annual village election next ensuing; the one receiving the second highest, until the second annual village election next ensuing; and the one receiving the third highest until the first annual village election next ensuing, and until their respective successors are elected. Thereafter one park commissioner shall be elected at each annual village election to serve for three years, and until his successor is elected and qualified. The newly elected park commissioner shall take office at the same time as the newly elected members of the village council. Each park commissioner shall before entering on the duties of his office, subscribe and file with the village re-

order an oath faithfully to perform his duties as such park commissioner and to the best of his ability. ('05 c. 167 § 1)

1331. Same—Officers—Vacancies—The said park commissioner[s] shall constitute a department of the village government, by the name of the board of park commissioners of the village of... They shall elect one of their own number annually as chairman and shall make rules for their meetings and for the conduct of their business. In case a vacancy occurs it shall be filled by election by the village council until the next annual village election when a park commissioner shall be elected to fill the unexpired term. The village recorder shall be the recording officer of the board. ('05 c. 167 § 2)

1332. Same—Duties and powers—It shall be the duty of such board of park commissioners to devise and adopt a system of parks and parkways for the village, and from time to time to add thereto. The board shall have power to acquire lands for parks and parkways by gift, devise, lease, purchase and dedication, to administer and govern the same as parks and parkways, and to ordain and establish rules and ordinances to secure the quiet, suitable and appropriate use thereof. The lands so acquired shall be held for public use as parks and parkways. ('05 c. 167 § 3)

1333. Same—Tax levy—Park fund—What land may be taken—Regulating traffic—The village council shall annually at the time of levying other village taxes, levy such sum as it shall deem necessary, not to exceed one mill upon the dollar of taxable property of the village, for park purposes and such taxes shall be collected with an[d] as a part of other village taxes, and paid into the village treasury, and set apart as a village park fund. The board of park commissioners shall have power to expend such fund in the acquisition, maintenance and improvement of parks and parkways. All warrants drawn upon such fund shall be accompanied by receipted vouchers showing the purpose for which the warrant is drawn, and shall be signed by the president of the board and by the village recorder, and countersigned by the president of the village council. The board of park commissioners may with the consent of the village council, take any land within the village, which has been acquired or dedicated as a public park or common, and thereafter administer and govern the same as if acquired by purchase under the provisions of this act. The board of park commissioners may also, with the consent of the village council, take as a parkway any street or highway or portion thereof, and thereafter administer and govern the same in all respects and with like powers as if it had been originally acquired as a parkway under the provisions of this act. The board of park commissioners shall have power to regulate, control and govern the traffic upon and over any parkway, and may exclude therefrom all vehicles excepting those in use for carrying passengers, or impose lesser restrictions thereon as it may deem best. ('05 c. 167 § 4)

1334. Same—Prosecution of offenses—Penalties—All offenses against ordinances of the board of park commissioners may be prosecuted before any justice of the peace or municipal court of the county. The penalty for violating such ordinance shall be by imprisonment not exceeding ninety days or by fine not exceeding one hundred dollars for each offense; and in case the fine is not paid, by imprisonment not exceeding ninety days. ('05 c. 167 § 5)

1335. Same—Eminent domain—Special assessments—For the purpose of acquiring lands for parks and parkway purposes, the village shall have the power of eminent domain, and the power of levying special assessments to be exercised in the manner prescribed by sections 214 to 242 inclusive, and sections 261 to 266 inclusive of chapter 8 of the General Laws of Minnesota for 1895. The proceedings therein provided for shall be conducted by the village council and the duties prescribed to be performed by the city controller and the city clerk by said chapter 8, shall be performed by the village recorder. Duties prescribed to be performed by the city engineer and city treasurer may be performed by any engineer employed by the city council, and by the village treasurer respectively. Notices may be published in any newspaper published in the village. ('05 c. 167 § 6)

1336. **Same—Docks, boat houses, etc.—Contracts and leases**—The board of park commissioners shall have power to erect docks, boat houses, bath houses, refreshment booths, amusement halls, pavilions and other structures for the comfort of the people, and to operate and administer the same and to make reasonable charges therefor. The board shall also have power with the consent of the village council to make contracts and leases for the construction and operation of such buildings for terms not exceeding ten years. Every such contract and lease shall provide that the structure shall be operated for the public use and convenience, and that the charges shall be reasonable, and shall reserve to the board of park commissioners power to prescribe reasonable rules and regulations from time to time for the conduct of the privilege. ('05 c. 167 § 7)

1337. **Same—Lease to private club**—In case any such park or parkway shall embrace the shore of any navigable lake, the board shall have power to lease to private clubs the privilege of occupying limited areas in the bed of the lake adjacent to such shore for club house purposes, for periods not exceeding ten years in any case. The space to be occupied by any one private club shall not exceed one acre. No such club house shall be located so as to interfere with navigation. Every such lease shall reserve to the board full power and authority to make from time to time reasonable rules and regulations to secure quiet and good order on the premises. The lessee in such case shall have power to retain the club house for the use of its own members and guests. Every area so leased shall be subject to all the ordinances of the village, and in particular to the ordinance relating to the sale and use of malt and intoxicating liquors. ('05 c. 167 § 8)

1338. **Certain warrants in excess of debt limit legalized**—In all villages where the village council have heretofore ordered and there has been issued and delivered to third parties who have given value therefor warrants in excess of the legal limitation therein, for the purpose of building bridges costing not over twenty thousand dollars, and said warrants or orders have been sold at their face value, and the entire money used for the construction of such bridge or bridges, the acts of such village council are hereby legalized. ('07 c. 189)

CITIES

1339. **How classified**—Cities are hereby divided, for legislative purposes, into classes as follows:

First class. Those having more than fifty thousand inhabitants.

Second class. Those having twenty thousand, and not more than fifty thousand, inhabitants.

Third class. Those having more than ten thousand, and not more than twenty thousand, inhabitants.

Fourth class. Those having not more than ten thousand inhabitants.

Changes in classification resulting from any future state or national census shall not take effect until the first Monday in January next after the taking thereof. Meanwhile the council or other governing body shall take measures for the election of proper officials, and for dividing the city into wards, if necessary, and otherwise prepare for the coming change. (746)

1340. **State census to govern**—That for the purpose of determining the classification of the several cities of this state the population of every such city shall be ascertained and determined according to the last census taken under and pursuant to the laws and authority of the state of Minnesota, and every such state census shall govern and determine the population of each such city in this state for the purpose of determining to which class such city belongs. ('11 c. 73 § 1)

1341. **Existing charters preserved**—Until otherwise provided in accordance with this subdivision, all cities existing at the time of the taking effect of the Revised Laws shall continue to be governed by the laws then applicable thereto. (747)

Cited (101-277, 112+269, 20 L. R. A. [N. S.] 1127).

Requirement of charter as to liquor licenses was not repealed by Laws 1895 c. 90, nor by R. L. § 1522 [3114] (103-314, 115+200).

1342. Home rule charters—Patrol limits—Any city or village in the state of Minnesota, whenever incorporated, may frame a city charter for its own government in the manner hereinafter prescribed, provided, that in such cities having patrol limits established by charter, such limits shall not be altered unless the charter proposing such alteration be adopted by a three-fourths majority. (R. L. § 748, amended '07 c. 375 § 1)

81-79, 83+498.

R. L. §§ 748-758 cited (117-458, 136+264, 41 L. R. A. [N. S.] 111).

Judicial notice of contents of home rule charter (138+939).

1343. Board of freeholders—Whenever the judges of the judicial district in which such city or village is situated, shall deem it for the best interests of the municipality so to do, they may appoint a board of freeholders to frame such charter, composed of fifteen members, each of whom shall have been a qualified voter of such city or village for five years last past; and, upon presentation to them of a petition requesting such action, signed by at least ten per cent. of the number of voters of such municipality, as shown by the returns of the election last held therein, they shall appoint such board. The members shall severally hold office for the term of four years, or until they cease to be such resident voters and freeholders, and vacancies in said board shall be filled by appointment of said judges for the unexpired terms. Upon the expiration of such four-year term, the judges shall appoint a new board, in case for any reason the judges shall fail to appoint a new board within thirty (30) days then thereafter at any time the judges upon their own motion may, and upon the written petition of ten (10) freeholders of said city, shall appoint said new board. Every appointment shall be made by order filed with the clerk of the court. Every appointee who shall neglect to file with the clerk within thirty days a written acceptance and oath of office shall be deemed to have declined such appointment and his place shall be filled as though he had resigned. The judges within thirty (30) days thereafter shall make such rules with reference to such board, and require such reports, as may appear desirable or necessary. Any appointee who has qualified by filing his written acceptance and oath of office within thirty (30) days, may thereafter be removed at any time from office, by written order of the district court, the reason for such removal being stated in the order; and upon receiving a certificate in writing, signed by a majority of the entire board of freeholders, setting forth that any member has failed to perform the duties of his office and has failed to attend four (4) consecutive meetings, without being excused by the board, and requesting a removal of such member, the district court shall thereupon make its order of removal, and fill the vacancy created as in the case of a resignation. (R. L. § 749, amended '09 c. 423; '13 c. 535 § 1)

1344. Compensation—Expenses—The members of such board shall receive no compensation, but the board may employ an attorney and stenographer to assist in framing such charter, and any amendment or revision thereof, and their reasonable compensation and the cost of printing such charter, or any amendment or revision thereof, when so directed by the board, shall be paid by such city or village. Provided, however, that the cost of preparation, printing and legal services in framing and submitting such charter in the first instance shall not exceed \$500. (R. L. § 750, amended '07 c. 216 § 1)

The board may not employ and pay a member as counsel and to prepare charter (97-4, 105+969, 3 L. R. A. [N. S.] 849).

1345. Proposed charter, how framed—Within six months after such appointment, the board of freeholders shall deliver to the chief executive of said city or village the draft of a proposed charter, signed by at least a majority of its members. Such draft shall fix the corporate name and the boundaries of the proposed city, and provide for a mayor, and for a council consisting of either one or two branches; one in either case to be elected by the people. Subject to the limitations in this chapter provided, it may provide for any scheme of municipal government not inconsistent with the constitution, and may provide for the establishment and administration of all departments

of a city government, and for the regulation of all local municipal functions, as fully as the legislature might have done before the adoption of sec. 33, art. 4, of the constitution. It may omit provisions in reference to any department contained in special laws then operative in said city or village, and provide that such laws, or such parts thereof as are specified, shall continue in force therein. It may prescribe methods of procedure in respect to the operation of the government thereby created, and the duties thereunder of all courts and officers of the district and county in which the city is situated, which duties such courts and officers shall perform. And by such charter the city may be authorized to acquire, by gift, devise, purchase, or condemnation, any property, within or without its boundaries, needed for the full discharge of any public function which it is permitted to exercise. Nothing in this section shall authorize a change of boundaries. (751)

Charter not inconsistent with Constitution—Under Const. art. 9 § 1, construed with article 4 § 36, a charter may authorize local assessment without preliminary petition by property owners (98-113, 107+728).

When charter supersedes general laws—Unless otherwise expressly provided, the provisions of the charter, if germane to municipal legislation, supersede general laws with reference to same subject-matter (101-481, 112+868).

See, also, 101-62, 111+840; 102-329, 113+899; 105-827, 117+827.

As to local assessments (101-481, 112+868; 98-113, 107+728).

As to intoxicating liquors (101-277, 112+269, 20 L. R. A. [N. S.] 1127).

As to notice of claims for damages caused by defective streets (101-62, 111+840; 106-94, 118+259, 19 L. R. A. [N. S.] 689, 16 Ann. Cas. 169).

Boundaries—A city is not authorized to extend jurisdiction outside boundaries (115-267, 132+265).

1346. Limit of bonded indebtedness—No such charter shall permit the issue of any bonds of the city whereby its aggregate bonded indebtedness would be made to exceed ten per cent. of the last assessed valuation of the property taxable therein; and no such charter of a city of the first class shall permit the issue of its bonds, except to fund maturing bonds, when thereby its aggregate bonded indebtedness would be made to exceed five per cent. of such assessed valuation, unless the charter provide that before such issue the approval of a majority of the electors voting upon the question at a general or special election be first obtained. But any such charter may provide that certificates of indebtedness or bonds issued before its adoption shall not be counted as part of such aggregate bonded indebtedness if (1) held in a sinking fund maintained by such city or village; or (2) issued for the purchase, construction, maintenance, extension, enlargement, or improvement of water and lighting plants, or either, owned and operated by such city or village, or the acquisition of property needed in connection therewith; or (3) for the creation or maintenance of a permanent improvement revolving fund; or (4) for the purpose of anticipating the collection of general taxes for the year in which issued. And any such charter may provide that the city may issue certificates of indebtedness or bonds to any limit prescribed therein, without approval of the voters, if such issue be for either of the last two mentioned purposes, or for the purpose of extending, enlarging, or improving water and lighting plants, or either, owned and operated by such city, or of acquiring property needed in connection therewith, or for the purpose of funding floating indebtedness incurred by the city or village before the adoption of the charter. (752)

Limit by which the city was controlled was that fixed by charter (102-329, 113+899).

1347. Regulation of franchises—Such proposed charter may provide for regulating and controlling the exercise of privileges and franchises in or upon the streets and other public places of the city, whether granted by the city or village, by the legislature, or by any other authority; but no perpetual franchise or privilege shall ever be created, nor shall any exclusive franchise or privilege be granted, unless the proposed grant be first submitted to the voters of the city or village, and be approved by a majority of those voting thereon, nor in such case for a period of more than twenty-five years. (753)

1348. Charter—How submitted—Ballots—Upon delivery of such draft, the council or other governing body of the city or village shall cause the

proposed charter to be submitted at the next general election thereafter occurring in said city or village within six months after the delivery of such draft, and if there is no general city or village election occurring in said city or village within six months after the delivery of such draft, then the council or other governing body of said city or village shall cause the proposed charter to be submitted at a special election to be held within ninety days after the delivery of such draft as aforesaid. Provided, that said council or other governing body may call a special election for that purpose only at any time. If said election is held at the same time with the general election, the voting places and election officers shall be the same for both elections. The ballot shall bear the printed words, "Shall the proposed new charter be adopted? Yes—No," with a square after each of the last two words, in which the voter may place a cross to express his choice. And if any part of such charter be submitted in the alternative, the ballot shall be so printed as to permit the voter to indicate his preference in any instance by inserting a cross in like manner. If any charter so submitted be rejected the board may propose others from time to time until one is adopted. (R. L. § 754, amended '09 c. 214 § 1)

81-189, 83+536; 86-136, 90+160.

1349. How adopted—Judicial notice—If four-sevenths of those lawfully voting at such election shall declare in favor of the proposed charter, it shall be considered adopted; and, if any provisions thereof were submitted in the alternative, those ratified by a majority of the votes cast thereon shall prevail. The certificates provided for in sec. 36, art. 4, of the constitution, being deposited and recorded as thereby required, said charter shall take effect at the end of thirty days from the date of the election, and shall then supersede all other charter provisions relating to such city or village. Thereupon the courts shall take judicial notice of said new charter, and, upon the election of officers thereunder, the officials of the former corporation shall deliver to them the records, money, and other public property in their control. (755)

81-220, 83+984.

1350. Amendments—The board of freeholders may propose amendments to such charter, and shall do so upon the petition of five per cent. of the voters of the city, setting forth in substance the amendment desired. Amendments shall be submitted as in the case of the original charter, and the proposal shall be published for at least thirty days in not exceeding three newspapers of general circulation in such city. The form of ballot and mode of voting shall be similar to those used upon the adoption of such charter, the general nature of each amendment being briefly indicated. If three-fifths of those lawfully voting at such election shall declare in favor of any amendment so proposed, the same shall be certified, deposited and recorded, and shall take effect, as in the case of the original charter; provided that, if it be proposed that any amendment shall take effect at a specified time, it shall take effect as proposed. (R. L. § 756, amended '07 c. 199 § 1; '11 c. 343 § 1)

Requirement as to publication (98-113, 107+728).

See note under Const. art. 4, § 36.

Population fixed by the previous census (98-113, 107+728).

1351. Amendments in cities of fourth class—Postponing election—The city council of any city of the fourth class governed by a home rule charter may postpone the city election in said city for a period not to exceed five (5) weeks, when a special election has been called to vote on any proposed amendment to said city charter, which amendment if adopted will not take effect prior to the date fixed for the city election in said city charter, and which amendment provides for holding said city election at a later date than is provided in its charter. ('13 c. 35 § 1)

1352. Alternative proposals—In submitting a charter or an amendment to the voters any alternative section or article may be presented and voted on separately, without prejudice to other articles or sections of the charter or any amendments thereto. (757)

1353. Succession—Subsisting rights—The new city so organized shall be in all respects the legal successor of the former corporation, and no charter so adopted, nor any amendment thereof, shall prejudice any subsisting right, lien, or demand against the city or village superseded, or affect any pending action or proceeding to enforce the same. All rights, penalties, and forfeitures accrued or accruing to such former corporation, all property vested therein or held in trust therefor, all taxes and assessments levied in its behalf, and all its privileges and immunities not inconsistent with the new charter, shall pass to said successor. And all ordinances, resolutions, and by-laws in force at the adoption of such new charter, and not in conflict with its provisions, shall continue in force until duly altered or repealed. (758)

Continuation of prior ordinances (105-440, 117-844).

1354. Commission form of city government—That the board of freeholders appointed under the provisions of sections 748 to 755, inclusive, Revised Laws, 1905 [1342-1349], of the state of Minnesota, and the amendments thereof, are hereby authorized and empowered, in addition to all powers now granted to any such board of freeholders, to incorporate as part of the proposed charter for any city the commission form of city government, and to provide that all elective city officers, including mayor and members of the council, shall be elected at large or otherwise. ('09 c. 170 § 1)

1909 c. 170, is constitutional and valid (117-458, 136+264, 41 L. R. A. [N. S.] 111).

1355. Same—Officers, how nominated and elected—Such board of freeholders may also provide in such proposed charter that all candidates to be voted for at all general municipal elections shall be nominated by a primary election, and that no other names shall be placed upon the ballot to be voted upon at such election, except the names of those elected in the manner which may be prescribed by such charter; and such charter may provide for a primary election to be held at such time as may be fixed preceding the general municipal elections, and that the judges of election for the general municipal election shall be the judges of the primary election, and may provide in what manner any person desiring to become a candidate for any elective municipal office may become a candidate for nomination at such primary election, and may provide for the publication of statements and petitions of candidates, the form of the primary election and municipal election ballots and for publication thereof, and may provide that there shall or shall not be any party designation or mark indicating that any candidate is a member of any party whatsoever, whether on said primary election ballot or upon said municipal election ballot, and may make provisions with reference to the printing, delivery and authentication of ballots and for the counting and canvass of results of such primary election or municipal election. ('09 c. 170 § 2)

1356. Same—Distribution of administrative powers—Such board of freeholders may also provide that the administrative powers, authority and duties in any such city shall be distributed into and among departments and may provide that the council may determine the powers and duties to be performed by and assign them to the appropriate department and determine who shall be the head of each department and prescribe the powers and duties of all officers and employes thereof, and may assign particular officers or employes to perform duties in two or more departments, and make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city. ('09 c. 170 § 3)

117-458, 136+264, 41 L. R. A. (N. S.) 111.

1357. Same—Powers of mayor and council—Said board of freeholders may incorporate in such charter provisions defining the powers and duties of the mayor and each member of the council, and may provide that each member of the council shall perform such administrative duties as may be designated in such charter. ('09 c. 170 § 4)

117-458, 136+264, 41 L. R. A. (N. S.) 111.

1358. Same—Recall and removal of officers—Ordinances—Such board of freeholders may also provide for the recall of any elective municipal officer and for his removal by vote of the electors of such city, and may also provide for submitting ordinances to the council by petition of the electors of

such city and for the repeal of ordinances in like manner; and may also provide that no ordinance passed by the council except an emergency ordinance shall take effect within a certain time after its passage, and that if, during such time, a petition be made by a certain percentage of the electors of the city protesting against the passage of such ordinance until the same be voted on at an election held for such purpose, and then such ordinance to take effect or not as determined by such vote. ('09 c. 170 § 5)

1359. Same—Application of general election laws—The provisions of any charter of any such city adopted pursuant to this act shall be valid and shall control as to nominations, primary elections and elections for municipal offices, notwithstanding that such charter provisions may be inconsistent with any general law relating thereto, and such general laws shall apply only in so far as consistent with such charter. ('09 c. 170 § 6)

1360. Same—Submission of amendments—Nothing in this act contained shall be held to abridge, impair or diminish the right of electors in any city now having or which shall hereafter have such a board of freeholders and a home rule charter, to require the submission of amendments to the charter of such city, as provided in section 756 of the Revised Laws of 1905 [1350], but, in addition to the provisions of said section 756, five per cent of the electors may, by petition, as provided in said section 756, require the submission of amendments to such charter, embodying the commission plan of government, in whole or in part, as more particularly described and set forth in sections 1, 2, 3, 4, 5 and 6 [1354-1359] of this act. ('09 c. 170 § 7)

1361. New charter authorized—Any city in this state which now has, or may hereafter adopt, a so-called "home rule" charter by and under the provisions of section 36, article 4 of the constitution, and of any statutes enacted in pursuance thereof, is hereby authorized and empowered to frame, submit and adopt a new charter in the same manner and mode as is by law provided for the original adoption of such so-called "home rule" charter. ('09 c. 236 § 1)

Section 4 repeals inconsistent acts, etc.

1362. Same—Amendments authorized—Any city named in section one [1361] hereof is hereby authorized and empowered to amend its present so-called "home rule" charter in the nature of a revision and submit and adopt such revision as is by law provided for the original adoption of such so-called "home rule" charter. ('09 c. 236 § 2)

1363. Same—Not obligatory to report to chief magistrate within six months—It shall not be necessary or obligatory for the board of freeholders framing such new charter, or making such revision hereunder, to return the same to the chief magistrate of such city within six months. ('09 c. 236 § 3)

1364. Act regulating cities of first class not applicable unless expressly declared—No act regulating any of the affairs of cities, of the first class, shall be deemed applicable to any city therein existing under a charter framed and adopted under section 36 of article 4 of the state constitution, authorizing the adoption by cities of charters for their own government, unless the intention to make the same so applicable shall by such act be expressly declared. ('09 c. 172 § 1)

1365. Certain charters legalized—In any case where in an (any) city or village in this state a city charter has been prepared and filed with the chief magistrate or chief executive officer of said city or village by a number of persons, not less than ten, purporting to be a board of freeholders and to have been appointed and to have acted under section 36, article 4, of the constitution of this state and the laws of this state enacted thereunder. And such charter has been actually submitted to the qualified voters of such city or village at a general or special election held therein; and such charter has been ratified and adopted by a vote of not less than four-sevenths of the qualified voters voting at such election; and such charter has been actually put in operation in said city or village, and officers have been elected therein under said charter and have qualified and entered upon their duties, then such charter is hereby legalized and made the lawful city charter of said city or village, and to have the same force and effect and to be of like validity as

if each, all and every requirement of law for the appointment and qualification of the board of freeholders to prepare and propose the same, the preparation, proposal and filing thereof by said board of freeholders, the submission thereof to the voters of said city and the ratification and adoption thereof by the voters of said city, and the certifying and filing thereof in the office of the register of deeds of the county and in the office of the secretary of state had in all things been fully complied with: Provided, that if said city charter has not been filed in the office of the register of deeds of the county, a copy thereof, certified to by the mayor of said city, elected under said charter, shall be filed in said office within sixty days after the passage of this act. And if said city charter has not been deposited in the office of the secretary of state, a copy thereof, certified by the mayor, elected under said charter, shall be deposited in said office within sixty days after the passage of this act. ('05 c. 29 § 1)

1366. Same—Acts of officers validated—All acts of the officers of any such city or village, elected and qualified under such charter, shall have the same force and validity as if said charter had originally been fully valid and legal. ('05 c. 29 § 2)

1367. Same—Vested rights, etc.—This act shall not affect vested rights nor actions now pending. ('05 c. 29 § 3)

1368. Certain charters legalized—In any case where in any city or village in this state a city charter has been prepared and filed with the chief magistrate or chief executive officer of said city or village by a number of persons, not less than fifteen, purporting to be a board of freeholders and to have been appointed and to have acted under section 36, article 4, of the constitution of this state and the laws of this state enacted thereunder; and such charter has been actually submitted to the qualified voters of such city or village at a general or special election held therein; and such charter has been ratified and adopted by a vote of not less than four-sevenths of the qualified voters voting at such election; and such charter has been actually put in operation in said city or village, and officers have been elected therein under said charter and have qualified and entered upon their duties, then such charter is hereby legalized and made the lawful city charter of said city or village, and to have the same force and effect and to be of like validity as if each, all and every requirement of law for the appointment and qualification of the board of freeholders to prepare and compose the same, the preparation, proposal and filing thereof by said board of freeholders, the submission thereof to the voters of said city and the ratification and adoption thereof by the voters of said city, and the certifying and filing thereof in the office of the register of deeds of the county and in the office of the secretary of state had in all things been fully complied with. ('07 c. 373 § 1)

1369. Same—Acts of officers validated—All acts of the officers of any such city or village, elected and qualified under such charter, shall have the same force and validity as if said charter had originally been fully valid and legal. ('07 c. 373 § 2)

1370. Same—Vested rights, etc.—This act shall not affect vested rights nor actions now pending. ('07 c. 373 § 3)

1371. Certain charters legalized—Duties of officers—In any case wherein in any city or village in this state a city charter has been prepared and filed with the chief magistrate or chief executive officer of said city or village by a number of persons, not less than ten purporting to be a board of freeholders and to have been appointed and to have acted under section 36, article 4, of the constitution of this state and the laws of this state enacted thereunder, and such charter has been actually submitted to the qualified voters of such city or village at a general or special election held therein; and such charter has been ratified and adopted by a vote of not less than four-sevenths of the qualified voters voting at such election; and such charter has been actually put in operation in said city or village, and officers have been elected therein under said charter and have qualified and entered upon their duties, then such charter is hereby legalized and made the lawful city charter of said city or village, and to have the same force and effect and to be of like validity as if

each, all and every requirement of law for the appointment and qualification of the board of freeholders to prepare and propose the same, the preparation, proposal and filing thereof by said board of freeholders, the submission thereof to the voters of said city and the ratification and adoption thereof by the voters of said city, and the certifying and filing thereof in the office of the register of deeds of the county and in the office of the secretary of state had in all things been fully complied with. Provided, that if said city charter has not been filed in the office of the register of deeds of the county, a copy thereof, certified to by the mayor of said city, elected under said charter, shall be filed in said office within sixty days after the passage of this act. And if said city charter has not been deposited in the office of the secretary of state, a copy thereof, certified by the mayor, elected under said charter, shall be deposited in said office within sixty days after the passage of this act. ('09 c. 177 § 1)

1372. Same—Acts of officers validated—All acts of the officers of any such city or village, elected and qualified under such charter, shall have the same force and validity as if said charter had originally been fully valid and legal. ('09 c. 177 § 2)

1373. Same—Vested rights, etc.—This act shall not affect vested rights nor actions now pending. ('09 c. 177 § 3)

1374. Annexation of territory legalized—That the annexation of any additional territory or enlargement of boundaries by any city or village in this state heretofore made, between Jan. 1st, 1903, and April 15th, 1903, in framing and adopting its charter, under and pursuant to the provisions of section 36, article 4, of the constitution of the state of Minnesota, and chapter 351 of the Laws of Minnesota for the year 1899, be and the same are hereby in all things legalized and confirmed: Provided, that the provisions of this act shall not extend or apply to any action or proceeding now pending. ('05 c. 3 § 1)

PROVISIONS RELATING TO ALL CITIES

1375. Public utilities—Definition—For the purposes of this act public utilities shall include street railways, telephones, water works, gas works, and electric light, heat or power works. ('07 c. 452 § 1)

See § 1498 et seq.

1376. Same—Cities may own and operate or lease—Submission to voters—Reservations in grant—Ordinance authorizing lease—Petition for submission—Regulations and rates—Bonds—Purchase and condemnation—Valuation—Rental—Every city of this state shall have the power to own, construct, acquire, purchase, maintain and operate any public utility within its corporate limits, and to lease the same, or any part of the same, to any company incorporated under the laws of this state, for the purpose of operating such public utility for any period not longer than twenty years, on such terms and conditions as the city council shall deem for the best interests of the public. But no city shall proceed to operate any such public utility unless the proposition to operate shall first have been submitted to the electors of such city as a separate proposition and approved by three-fifths of those voting at such election. But any city now owning and operating its own water works, or other public utilities, may continue to own and operate the same in the same manner as is now authorized by law to own and operate the same, without submitting any proposition so to do to the electors thereof, and no lease thereof for any term shall be made until confirmed by the voters of such city, as herein provided. It shall be lawful for any such city to incorporate in any grant of the right to construct or operate any such public utility, a reservation of the right on the part of such city to take over all or part of such public utility, at or before the expiration of such grant upon such terms and conditions as may be provided in the grant; it shall also be lawful to provide in any such grant, that in case such reserved right be not exercised by the city and it shall grant a right to another company to operate such public utility in the streets and parts of streets occupied by its grantee under the former grant, the new grantee shall purchase and take over

such public utility of the former grantee, upon the terms that the city might have taken it over, and it shall be lawful for the city council of any city to make the grant containing such a reservation for either the construction or operation, or both the construction and operation of such public utility, in, upon, and along any of the public streets, alleys or ways therein, or portions thereof, in which such public utility is already located at the time of making such grant, without the petition or consent of any of the owners of the land abutting or fronting upon any street, public alley or way, or portion thereof, covered by such grant. No ordinance authorizing the lease for a longer period than five years, nor any ordinance renewing this lease, shall go into effect until the expiration of sixty days from and after its passage. And if, within said sixty days, there is filed with the clerk of such city a petition signed by ten per cent of the voters voting at the last preceding election for mayor, in such city, asking that such ordinance be submitted to a popular vote, then such ordinance shall not go into effect unless the question of the adoption of such ordinance shall first be submitted to the electors of such city and approved by a majority of those voting thereon. The signatures of such petition need not all be appended to one paper, but each signer shall add to his signature, which shall be in his own handwriting, his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer, competent to administer oaths, that each signature to the paper appended is the signature of the person whose name purports to be thereto subscribed. The city council of any city [which] shall decide by popular vote, as in this act provided, to operate any public utility, shall have the power to make all needful rules and regulations respecting the operation of same, including the power to fix and prescribe rates and charges, but such rates and charges shall be high enough to produce a revenue sufficient to bear all the costs of maintenance and operation, and to meet interest charges on all bonds or certificates issued on account of such public utility, and to permit the accumulation of a surplus or sinking fund that should be sufficient to meet all such outstanding bonds or certificates at maturity. For the purpose of acquiring any such public utility either by purchase or construction, as provided for in this act, or for the equipment of any such public utility, any city may borrow money and issue its negotiable bonds therefor, pledging the faith and credit of the city; but no such bonds shall be issued, unless the proposition to issue the same shall first have been submitted to the electors of such city, and approved by three-fifths of those voting thereon, nor in any amount in excess of the cost to the city of the property for which said bonds were issued, as ascertained as elsewhere provided in this act, and ten per cent of such cost in addition thereto. In exercise of the powers, or any of them, granted by this act, any such city shall have power to acquire, take and hold any and all franchise or franchises, and necessary property, real, personal or mixed, for the purposes specified in this act, either by purchase or condemnation in the manner provided by law for the taking and condemning of private property for public use, but in no valuation of public utility property for the purpose of any such acquisition, except of such public utilities now operating under such existing franchises shall any sum be included as the value of any earning power of such utility, or of the unexpired portion of any franchise granted by said city. In case of the leasing by any city of any public utility owned by it, the rental reserved shall be based on both the actual value of the tangible property and of the franchise contained in such lease, and such rental shall not be less than a sufficient sum to meet the annual interest upon all outstanding bonds or certificates issued by said city on account of any such public utility. ('07 c. 452 § 2)

1377. Same—Certificates in lieu of bonds—How payable—Limit—Mortgage, etc.—Foreclosure—Submission to voters—In lieu of issuing bonds pledging the faith and credit of the city, as provided for in section 2 [1376] of this act, any city may issue and dispose of interest-bearing certificates, to be known as the "street railway certificates," "telephone certificates," "water works certificates," "gas works certificates," "electric light, heat or power

works certificates," as the case may be, which shall, under no circumstances, be and become an obligation or liability of the same, or payable out of the general fund thereof, but shall be payable solely out of the specified portion of the revenues or income to be derived from such public utility property, for the acquisition of which they were issued. Such certificates shall not be issued and secured on any such public utility property in an amount in excess of the cost to the city of such property as hereinbefore provided, and ten per centum of such cost in addition thereto. In order to secure the payment of such public utility certificates, and the interest thereon, the city may convey by way of mortgage, or deed of trust, any or all of the property thus acquired or to be acquired through the issue thereof; which mortgage or deed of trust shall be executed in such a manner as directed by the city council and acknowledged and recorded in the manner provided by law for the acknowledgment and recording of mortgages of real estate, and may contain such conditions and provisions not in conflict with the provisions of this act, as may be deemed necessary to fully secure the payment of the certificates described therein. Any such mortgage or deed of trust may carry the grant of a privilege or right to maintain and operate the property covered thereby, for a period not exceeding twenty years from and after the date such property may come in the possession of any person or corporation as a result of foreclosure proceedings; which privilege or right may fix the rates which the person or corporation securing the same as a result of the foreclosure proceedings shall be entitled to charge in the operation of said property, for a period not exceeding twenty years. Whenever, and as often as default shall be made in the payment of such certificate issued or secured by mortgage or deed of trust, as aforesaid, or in the payment of the interest thereon when due, and any such default shall have continued for the space of twelve months after notice thereof has been given to the mayor and financial officer of the city issuing such certificates, it shall be lawful for any such mortgagee or trustee, upon the request of the holder or holders of a majority in amount of the certificates issued and outstanding under such mortgage or deed of trust, to declare the whole of the principal of all such certificates as may be outstanding, to be at once due and payable, and to proceed to foreclose such mortgage or deed of trust in any court of competent jurisdiction. At a foreclosure sale, the mortgagee or the holders of such certificates may become the purchaser or purchasers and the rights and privileges sold, if he or they be the highest bidders. Any public utility acquired under any such foreclosure shall be subject to regulation by the corporate authorities of the city to the same extent as if the right to construct, maintain and operate such property had been acquired through a direct grant without the intervention of foreclosure proceedings; provided, however, that no such public utility certificates or mortgage shall ever be issued by any city under the provisions of this act, unless and until the question of the adoption of the ordinance of the city council making provision of the issue thereof shall have first been submitted to a popular vote and approved by a majority of the qualified voters of the city voting upon such question. ('07 c. 452 § 3)

1378. Same—Accounts, how kept—Annual report—Every such city owning or owning and operating any such public utility shall keep the books of account for such public utility distinct from other city accounts, and in such manner as to show the true and complete financial results of such city ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to such city of such public utilities owned; all cost of maintenance, extension and improvement; all operating expenses of every description, in case of such city operation; the amount set aside for sinking fund purposes. The city council shall cause to be printed annually, for public distribution, a report showing the financial results of such city ownership, or ownership and operation. ('07 c. 452 § 4)

1379. Same—Adoption of act—Submission to voters—This act shall not be in force in any city until the question of its adoption in such city shall first have been submitted to the electors of such city at the general or city election or at a special election called for that purpose, and is approved by

the affirmative vote of three-fifths of those voting at such election. The city council of any such city named, by ordinance, direct that the question of the adoption of this act in such city be submitted to popular vote at any general or city election called for that purpose in and for the entire city, coming not sooner than thirty days from and after the passage of the ordinance. If the city council in any city shall incorporate in any grant to a private company of the right to construct or operate any public utility, a provision reserving to such city the right to take over such property at or before the expiration of the grant, in case the people of such city shall later adopt this act, as herein provided, such provision shall be as valid and effective for all purposes, in case such city shall later adopt this act as herein provided, as if the said provision were made a part of this grant after the adoption of this act by said city. ('07 c. 452 § 5)

1380. Same—Ordinance for submission—Election—Ballots—In all cases provided in this act for the submission of questions or propositions to popular vote the city council shall pass an ordinance stating the substance of the proposition or question to be voted upon and designating the election at which such question or proposition is to be submitted, which may be at any general or city election or special election called for that purpose; provided, that such election shall not be held sooner than thirty days from and after the passage of said ordinance. Notice of special election which shall be held in any city under this act and all proceedings respecting the same shall conform as nearly as may be to the law governing other special elections therein. And all ballots as to any proposition or question submitted pursuant to the terms of this act shall be delivered to the election judges, shall be deposited in a separate box and shall be counted, canvassed and returned, as is provided by law in case of other ballots, and the tally sheets and return blanks shall contain suitable columns and spaces therefor. ('07 c. 452 § 6)

1381. Same—Time limit of grant or lease—Nothing in this act contained shall be construed to authorize any city to make any grants or to lease any public utility for a period exceeding twenty years from the making of such grant or lease; provided, that when a right to maintain and operate a public utility for a period not exceeding twenty years is contained in a mortgage or deed of trust to secure any of the certificates hereinbefore mentioned, (and no such right shall be implied), such period shall commence as provided in section 3 [1377] of this act. ('07 c. 452 § 7)

1382. Observance of Memorial Day—Appropriation—The city council or common council of each and every city in the state of Minnesota, in addition to all other powers now possessed by it, is hereby empowered and authorized to set apart, appropriate and expend, or cause to be expended, in such manner as it may deem best, from any funds in the city treasury available therefor, an amount not to exceed the sum of three hundred dollars annually for the purpose of aiding in the appropriate observance of Memorial Day on the 30th day of May of each year and in the annual commemoration of the noble and valiant deeds of the nation's soldier dead. ('09 c. 365 § 1)

1383. Certain acts relative to purchase of electric light and water plant legalized—In any case where the city council of any city in the state, whether organized under a home rule charter or under the general law, shall have heretofore by resolution or ordinance submitted to the legal voters of such city, at any general or special election, the proposition of the acquisition by such city by condemnation or purchase of an electric light and water plant then privately owned therein, and of said city supplying the city and individuals with light and water, provided such plant could be acquired at a reasonable price, and at such election more than a majority of the legal voters of such city voting thereat shall have voted in favor of such bond proposition; and thereafter the city council of such city, by resolution or ordinance, shall have submitted to the legal voters of such city at any general or special election the proposition of the issuance of the bonds of such city to a specified amount for the purpose of providing the funds necessary for the purchase of such electric light and water plant, and at such election more than a majority of the legal voters of such city voting thereat shall have voted in favor

of such bond proposition; then and in every such case all of the acts and proceedings of said city, and of the corporate authority and officials thereof, in and about the calling and holding of said elections and declaring the result thereof, and all of said election proceedings, are hereby in all respects fully legalized, and are hereby declared to constitute full and legal authority for the purchase by said city of said electric light and water plant and for the issuance by said city of its bonds to the amount so voted for the purpose of providing funds for such purchase. ('13 c. 89 § 1)

Section 4 repeals 1913 c. 3.

1384. Same—City authorized to complete work—That any city coming within the provisions of section one of this act is hereby authorized to do and perform any and all acts necessary, desirable or appropriate in and about the completion of the purchase by it of any such electric light and water plant as in said section one mentioned; and all such acts and performances done or to be done, and any and all contracts heretofore or hereafter entered into by said city for such purchase, are hereby declared fully authorized, ratified and confirmed. ('13 c. 89 § 2)

1385. Same—Bonds authorized and legalized—Term—That the bonds and interest coupons thereto attached of any city coming within the provisions of section one of this act and which have been voted as stated in said section one, may be executed and issued by such city in such forms and manner, and payable, at such time or times and at such place, and such provision made for the payment thereof, and sold, as the city council by resolution or ordinance may have authorized and directed, or may hereafter authorize and direct; and all acts and proceedings of the city council, and of the officers of such city pursuant to the authority thereof, done or had or to be done or had as herein provided in and about the sale, award and issuance of said bonds are hereby legalized, approved and confirmed; and said bonds when so issued are hereby declared to constitute and be the legal, valid and binding obligations of said city.

Provided, however, that none of said bonds shall run for a period longer than thirty years from their date, nor shall be sold or issued at less than their par value and the interest accrued thereon to date of delivery. ('13 c. 89 § 3)

PROVISIONS RELATING TO CERTAIN CITIES

1386. Gas, electric and water plants—Eminent domain—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, and all other cities having a population of ten thousand inhabitants or less whether operating under such home rule charter or not, are 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. ('09 c. 372 § 1, amended '13 c. 158 § 1)

The provisions of R. L. 1905 c. 41, are included in chapter 41 hereof.

1387. Same—Condemnation, how authorized and conducted—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 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 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 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. ('09 c. 372 § 2)

The provisions of R. L. 1905 c. 41, are included in chapter 41 hereof.

1388. **Same—Bonds authorized—Operation of plant**—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. ('09 c. 372 § 3)

1389. **Same—Service rates**—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. ('09 c. 372 § 4)

1390. **Contracts for water and light in cities of second and third class**—Any city of the second or third class, if it have no water system of its own, may contract with a private person or corporation to supply its inhabitants with water for public and private use, for such period, not exceeding thirty years, and upon such conditions, as its council may determine; and, as a part of such contract, it may authorize the laying, maintenance, and operation of mains, hydrants, connections, and other appliances in the streets and other public grounds. In like manner, any such city not owning a lighting system may contract for the public and private lighting thereof for a period not exceeding fifteen years, and may authorize the placing of poles, wires, and other necessary lighting apparatus in the streets and public grounds. Any

such contract may be extended from time to time for periods not exceeding the limits herein fixed. (765)

1391. Deposit of funds of cities not under home rule charters—Designation of depositories—The city council or common council of any city in this state, and not including cities now or hereafter governed under a charter adopted under and pursuant to section 36, article 4 of the constitution of this state, and sections 747 to 758 inclusive of Revised Laws of Minnesota, 1905 [1341-1353], shall have the power and authority, at the beginning of each calendar year, to designate and from time to time redesignate the banks, banking houses and other depositories of any such city in which the city treasurer of such city shall deposit and keep the moneys of such city, designating in each instance the maximum amount which may at any time be kept in any one of such depositories, which maximum amount shall in no case exceed 25 per centum of the paid-up capital and surplus of such depository. The city council or common council of each city shall at all times designate depositories in their respective cities or elsewhere in the United States sufficient for the depository of all funds which are likely to be in the hands of the city treasurer of such city at any one time, and shall, so far as consistent with the best interest of such city, designate such depositories in their respective cities and shall require from such depositories good and sufficient bonds payable to such city for double the amount of money likely to be received, and conditioned for the safe-keeping and payment of funds so deposited. ('07 c. 17 § 1)

See § 98.

1392. Same—Duty of treasurer—Exemption from liability—The city treasurer of each city where depositories have been designated in accordance with this act, shall keep the funds of such city as far as possible in the depositories so designated, and when so deposited the treasurer and the sureties on the official bond of such treasurer shall be exempt from all liability for the loss of any such funds so deposited as in this act provided, if such loss is caused by the failure, bankruptcy or any other act of default of such depository. ('07 c. 17 § 2)

1393. Same—Failure to designate—The failure of the city council or common council of any city to designate depositories, as in this act provided, shall not exempt or relieve the city treasurer of such city or the sureties on his official bond from any liability. ('07 c. 17 § 3)

1394. Same—Duty of council—Interest—The city council or common council of any city authorized under this act to designate depositories shall exercise all possible care to secure safe depositories for the city funds of such city and to obtain the highest rate of interest possible consistent with safety for such moneys. All interest received in any way for the use or keeping of moneys or on account of the same shall be the property of such city and shall be credited to the current expense fund of such city. ('07 c. 17 § 4)

1395. Same—Money, how deposited—Checks, how drawn—All moneys of any such city kept in accordance with this act in any depository designated by the city council or common council of any city shall be kept and deposited in the name of such city and such depository or depositories shall have no authority to pay out any such money except upon checks drawn upon such depository or depositories signed by the city treasurer and countersigned by the city comptroller or recording officer of such city. ('07 c. 17 § 5)

1396. Same—Withdrawal of funds—Duty of treasurer—Redesignation—The city treasurer of any city who has city funds deposited in accordance with this act shall, whenever notified so to do by the sureties on his official bond or by the city council or common council of such city, withdraw all funds from any designated depository, and it shall be the duty of the city comptroller or other recording officer of such city to countersign all checks for such withdrawal. Said city treasurer shall thereupon, upon such withdrawal, notify the city council or common council of such city thereof and thenceforth such city treasurer shall deposit no more funds in such depository until authorized so to do by the city council or common council of such city. And upon such withdrawal, it shall be the duty of the city council or common council of such

city to proceed forthwith to redesignate, in accordance with the provisions of this act. ('07 c. 17 § 6)

1397. Incorporation within city limits of land of state institutions—Whenever the board of control of state institutions shall petition the city council of any city, the limits of which shall be the dividing line between such city and the lands surrounding any state institution, describing said lands, for leave to have such lands come into and be part of such city, the city council thereof may adopt a resolution which shall describe such lands and provide for their incorporation within the limits of said city, and upon the recording of an authenticated copy thereof with the register of deeds of the county or counties within which such city, or any part thereof is situated, and, in case such city and said lands are in different counties, upon the recording of such authenticated copy of such resolution in the office of the register of deeds of the county in which such lands are situated, such lands shall become a part and be included within the limits of such city for all purposes. ('05 c. 110 § 1)

See §§ 1663-1666.

1398. Water works, and light or power plants in cities organized under special laws having not over 5,000 inhabitants—How acquired—Bonds—Whenever any charter, general or special election, held in any city in the class hereinafter mentioned, the electors thereof by an affirmative vote of three-fifths of the electors voting thereat so determine, any city in the state of Minnesota having 5,000 population or less, organized and existing under a special law, is hereby authorized and empowered, in addition to all powers to issue bonds conferred upon it by its city charter, or by virtue of any general or special law, and in addition to all other bonds that it is by the law authorized to issue, to issue its bond in the aggregate amount hereinafter mentioned to be determined as hereinafter set forth, and to dispose of the same as hereinafter provided, and to use the proceeds thereof for the purpose of acquiring, constructing, extending, enlarging, improving or purchasing municipal water works, light and power plants, or of acquiring or purchasing lands or rights for the erection, establishment and maintenance of dams and reservoirs for the purpose of furnishing water, light or power to the public, or for either or all of such purposes, but in each such case the said city may either acquire such plant or property at such price, not exceeding its fair value, and on such terms as may be agreed upon between such city and the owner thereof, or if such arrangement as to price and terms cannot be agreed upon, may acquire such property by condemnation thereof. The procedure in event of condemnation shall be that prescribed by chapter 41, Revised Laws, 1905, and the purchase price of said property as so fixed by agreement or condemnation may be paid out of the proceeds of the bonds by this act authorized to be issued and the balance of the proceeds, if any, may be used for the extension, enlargement or improvement of such plant or property so acquired. ('09 c. 323 § 1)

The provisions of R. L. 1905 c. 41, are included in chapter 41 hereof.

1399. Same—Submission to voters—Whenever the city council of any such city, at any regular or special meeting thereof, determine by resolution duly adopted by two-thirds vote of all members thereof, entered upon the minutes of the proceedings, that it is necessary to acquire by purchase or condemnation, or both, waterworks, light or power plants already in existence, or to construct, enlarge, extend, establish or improve a municipal water, light or power plant, or to acquire as aforesaid lands or shore or flowage rights along, by or near any lake or river for the purpose of erecting or establishing or maintaining reservoirs or dams for water or power purposes, or either or all thereof, as the case may be, and that the funds in the treasury of such city are not sufficient for such purposes, and that it is necessary to issue the bonds of such city in an amount to be determined by such city council in such resolution, not exceeding in the aggregate ten per cent of the assessed valuation of the taxable property of such city according to the last preceding assessment thereof, such city council may cause the proposition of issuing such bonds, in such an amount, to be submitted to the electors of said city at any charter, general or special election to be held therein. Such resolution shall fix the time of said voting, if the same be submitted at special election, which shall

be not less than ten days after the date of the adoption of said resolution, and said special election shall be conducted as provided by law for charter elections. The notice of such election at which said proposition is to be submitted, whether general, charter or special, shall contain a statement of the total amount of the principal of said bonds, and the purposes to which it is proposed to put the same. ('09 c. 323 § 2)

1400. Same—Ballots—Election—In voting upon said proposition the ballots used shall have written or printed, or partly written and partly printed thereon, the words "Issue of Bonds," "Yes," "No"—and each elector voting on such proposition shall make a cross mark thus (X) in one of the two spaces left for that purpose, upon the margin of the ballot used. The elector desiring to vote in favor of issuing bonds shall make a cross mark thus (X) in the place left opposite the word "Yes," and the elector desiring to vote against the issuing of bonds shall make a cross mark thus (X) in the place left opposite the word "No," and no ballot shall be counted on said proposition except those having said cross mark (X) opposite one only of said words, "Yes," "No." The voting shall be conducted in the same manner as provided by law for the election of city officers, and shall be counted, returned and canvassed in the same manner as provided by law for the election of city officers, and if upon such canvass it appears that a majority of all the votes cast upon said proposition shall be in favor of the issuing of such bonds, the same may thereafter be issued in accordance with the provisions of this act, but not otherwise. ('09 c. 323 § 3)

1401. Same—Bonds, how issued—Whenever three-fifths of the electors of any such city at any such election shall declare in favor of issuing the bonds of such city hereunder, such city, and the city council thereof, is hereby authorized and empowered by an affirmative vote of two-thirds of the members of such city council to issue the bonds of said city in an amount to be determined by said city council, not exceeding in the aggregate the amount contained in the said proposition adopted by the electors at said election, and such city council may dispose of the same as hereinafter provided, and may use the same and the proceeds thereof for any of the purposes which the resolution provided for in section two [1399] of this act shall specify, but not otherwise. ('09 c. 323 § 4)

1402. Same—Terms of bonds, etc.—Such bonds shall be of such denomination as the city council shall determine, shall be payable at such place as the city council may designate; at such times, not less than ten nor more than thirty years from date of issue; shall be made payable to bearer, or to the order of the person or corporation to whom they may be delivered, as such city may deem best, and shall draw interest payable semi-annually at such place as the city council may determine at a rate not exceeding five per cent per annum, to be represented by coupons attached to said bonds. Said bonds and coupons shall be signed by the mayor and attested by the clerk or similar officer of such city, and the corporate seal of the city shall be impressed upon said bonds. ('09 c. 323 § 5)

1403. Same—Bonds, how disposed of—Use of proceeds—The city council of any such city shall have authority by a majority vote of all members to dispose of such bonds in such manner as in the judgment of said city council shall best subserve the interests of the city, but it shall not negotiate the sale, nor dispose of, nor sell said bonds, nor any of them, at less than their par value and accrued interest, either for cash or for property at its fair value, and neither the said bonds nor the proceeds of the sale thereof shall be used for any other purpose than specified in said resolution contemplated by section two [1399] hereof, and such purpose shall be again distinctly stated in said resolution of said council authorizing the issuance thereof. ('09 c. 323 § 6)

1404. Same—Lien of bonds, etc.—The principal and interest of any such bonds so issued is hereby declared to be a first lien upon the municipal waterworks, light or power plants, dams or reservoirs, respectively constructed or required by means of said bonds or the proceeds of the sale thereof, and the faith and credit of such city issuing the bonds is hereby irrevocably pledged to

the payment thereof, any provisions of the law of this state, whether general or special, to the contrary notwithstanding. ('09 c. 323 § 7)

1405. Corporations to provide electricity in cities upon rivers—Any city situated upon a river where there may be secured a developed water power conveniently near for utilization in the creation and development of electrical energy to supply such city and any state institution therein with such energy at approximate cost, either alone or in conjunction with an adjacent city, may do so through a public corporation formed at its request as hereinafter provided. ('11 c. 141 § 1)

1406. Same—Uniting with adjacent city—Failure to unite—Any such city which may desire to avail itself of the provisions of this act shall proceed as follows:

If there is another city adjacent thereto, it shall be invited by resolution of the legislative branch of the city first mentioned to unite with the latter in securing the organization of such public corporation. If such adjacent city within thirty days thereafter shall, by resolution accept such invitation, said city shall, by further resolution of their respective legislative bodies, declare their desire to so secure such water power and to have organized, under this act, a public corporation therefor, and shall, by the same resolution, request the respective mayors, or other executive heads (by whatever name known) of said cities, and the president or other executive head of the governing, or managing board, of any state institution, (or of the senior state institution, if more than one) in such cities, to proceed to form such corporation under this act.

If there is no adjacent city, or if there is one and it fails or refuses to unite in the adoption of such resolutions within thirty days, the legislative body of the city which may desire to avail itself of the provisions of this act shall by resolution request its mayor, or other executive head, its city engineer, or the head of its engineering department, (if known by any other name), and the president, or other executive head, of the governing or managing board of any state institution (or of the senior institution, if more than one) within such city, to proceed to form such a corporation under this act. ('11 c. 141 § 2)

1407. Same—Corporation, how organized—The officials designated shall meet upon the call of the mayor (of the larger of the cities if more than one) at his office, and shall proceed to organize themselves into a public corporation under some appropriate name for the objects and purposes stated in section "1" [1405], and shall unite in a certificate which shall state the name and objects of the corporation, the fact that it is organized under this act, and that the members of the corporation shall be themselves, during their respective terms of office, and their respective successors in such offices. Such certificate shall be recorded in the office of the secretary of state. ('11 c. 141 § 3)

1408. Same—Officers and government—Such corporation, when organized, shall provide for and elect such officers as it may designate, and may employ a manager and such other agents and servants as may be necessary for the corporate business, and may adopt such rules, regulations and by-laws for the government of the corporation and of its employees as may seem best, but the members of such corporation shall receive no pay or compensation as such members, or as officers, but may have their actual expenses. ('11 c. 141 § 4)

1409. Same—Acquisition and development of water power—Such public corporation, when organized, shall be authorized and empowered to acquire by lease or otherwise any developed water power within or near the corporate limits of the cities whose officers are, ex officio, members of such corporation; to acquire all necessary lands, rights, and privileges, and to provide itself with a suitable hydro-electric plant, fully equipped with auxiliary power plant necessary to utilize economically said water power, and with the necessary means of distribution of the electrical energy therefrom. ('11 c. 141 § 5)

1410. Same—Disposition of electrical energy—The electrical energy, so developed, shall be disposed of as follows: First, to the grantor from whom the water power is acquired if the contract therefor so provides; second, to any state institution in such city, or cities, desiring the same, and third, any surplus then remaining, in equal shares, to the cities whose officers are members of the corporation, if more than one, otherwise the whole to the single city. ('11 c. 141 § 6)

1411. Same—Rates—The same rate shall be charged by the corporation to all users of electrical energy so supplied, whether the user is the grantor of the water power, a state institution, or a city, and that rate shall be sufficient to pay and cover the cost of operation, maintenance, interest charges, and the retirement of any indebtedness, and to provide for the renewal of the plant and for a reasonable emergency fund, and no more. ('11 c. 141 § 7)

1412. Same—Issuance of bonds—Such corporation shall likewise be authorized to raise money by the sale of its bonds or certificates of indebtedness to carry out the objects and purposes of the corporation, and the indebtedness evidenced thereby shall be a lien upon all the property, rights, and franchises of the corporation. ('11 c. 141 § 8)

1413. State's ownership of bed of navigable river—That the ownership of the beds and the lands under the waters of all rivers in this state which are navigable for commercial purposes are hereby declared to be and shall be in the state of Minnesota in fee simple, subject only to the regulations made by the congress of the United States with regard to the public navigation and commerce and the lawful use by the public of the waters while thereon. ('11 c. 291 § 1)

Section 4 repeals inconsistent acts, etc.
See §§ 1513-1516.

1414. Same—Change of channel within and at cost of city—City's ownership—That when any portion or portions of the channel of any such navigable river within the limits of any city in this state is changed by or under the authority of the United States government or any other authority for the improvement of navigation and the cost of such change or any portion thereof is borne by the city within which change is made the old bed of the river or portion thereof abandoned by reason of any such change, shall belong to and become the property in fee simple of the city in which the same is situate without further act or ceremony. The filing and recording in the office of the register of deeds of the county in which such city is located, of a copy of this bill together with a plat or map certified by the secretary of war of the United States or the United States government engineer in charge of the changes of the channel hereinbefore referred to, showing the respective locations of the water line of the old or original bed of the river and such changed location, shall constitute sufficient evidence of title of such city to the old river bed and lands hereinbefore referred to. Upon the request of any such city the governor and state auditor shall also execute and deliver to such city a deed of conveyance transferring all of the right, title and interest of the state of Minnesota in and to such old river bed and lands within the limits of such city, and the lands so reclaimed or acquired may be held, used or disposed of by such city as the common council shall determine to be for the best interests of such city. ('11 c. 291 § 2)

1415. Same—To what cities applicable—This act shall apply to all cities including those now or hereafter governed by a charter adopted pursuant to section 36 article 4 of the constitution of the state. ('11 c. 291 § 3)

1416. Special assessments in installments for paving in cities having 20,000 inhabitants or less—That any city having a home rule charter in this state and having a population of twenty thousand inhabitants or less may, in addition to the powers conferred upon it by charter, provide for the payment of special assessments for the paving of any public street, alley, lane, levee or highway, in not to exceed fifteen annual installments in the manner as follows: ('11 c. 134 § 1)

1417. Same—Duty of council or board of public works—Installments, how determined—Notice—The city council of any such city or the board of

public works of any such city, whichever body is by charter authorized to make a special assessment for the costs and expense of paving any public street, alley, lane, levee or highway, may, if they deem it expedient so to do, by resolution, determine the number of annual installments, not to exceed fifteen in which such assessments may be paid, and direct the city clerk or other like officer of the city, to, after giving the notice hereinafter specified and after the expiration of twenty days from the date of giving of such notice divide the then unpaid part of such assessments into the number of equal installments theretofore determined, and to compute and add to each installment the full amount of interest which would be due upon such unpaid part of such assessments at the date of maturity of each of said installments respectively; the first installment thereof to mature on the first day of November succeeding the year in which the improvement is made for which said assessment is levied and each succeeding installment to mature at intervals respectively of one year thereafter; the interest to be added to such first installment shall be computed from the date of the expiration of said twenty day period.

Forthwith upon the adoption of such resolution the city clerk or other like officer shall give notice by one publication in the official paper of said city that the whole or any part of such assessment may be paid within twenty days after the date of such publication, and that after the expiration of said period of twenty days, all parts of such assessment then unpaid will be divided into installments, with interest thereupon all as above set forth; such interest to be at the rate of six per cent. per annum. ('11 c. 134 § 2)

1418. Same—Duty of clerk—How collected—The city clerk or other like officer of any such city shall on or before the tenth day of December in each and every year file in the office of the county auditor of the proper county a statement containing a description of each and every tract of land upon which the next then maturing installment of such assessment has not been paid, and the amount of principal and interest which will next become due upon each of said tracts or lots of land; and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him 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 enforced. ('11 c. 134 § 3)

1419. Same—Certificates of indebtedness—That for the purpose of providing funds in advance of the collection of the moneys to be derived from any such assessment the city council of any such city may from time to time issue certificates of indebtedness of such city to be paid out of the moneys collected from any such assessment. ('11 c. 134 § 4)

1420. Same—Certificates, how executed and payable—Such certificates shall bear date of the day when actually issued and delivered, shall be under the corporate seal of such city, signed by the mayor, and countersigned by the city clerk, or other like officer, in such sums as the city council may from time to time determine, not exceeding the aggregate amount of such unpaid assessment, and shall be payable at the office of the city treasurer of said city at such time or times as such council shall determine, and out of funds to be derived from the assessment in said certificate specified, with interest payable annually at a rate not to exceed six per cent per annum and shall be payable to bearer. ('11 c. 134 § 5)

1421. Same—Form of certificates—Application of moneys—Such certificates shall be substantially in the following form: Public Improvement Certificate of the City of Installment No. Amount

..... Serial No.
To whom it may concern:

This is to certify that the sum of dollars has been assessed against the lots and parcels of land mentioned in the assessment roll for the following improvement, to-wit: the paving..... in said city of, which said assessment is a valid and subsisting lien and charge against the lots, pieces and parcels of land therein mentioned and described, and that said sum has been divided into install-

ments; that this certificate represents the sum of dollars: being part of installment No., which is due and payable to said city of out of the property pledged by law for its payment, and issued pursuant to the provisions of chapter, of the General Laws of the state of Minnesota for the year 1911; and the said city of hereby guarantees to the holder of this certificate that it will cause to be collected the said installment and will pay upon surrender of this certificate to its treasurer at the office of the city treasurer, on, the sum of dollars, with interest thereof from date hereof to the time mentioned herein for payment at the rate of per cent per annum.

In testimony whereof the said city of has caused this certificate to be signed by its mayor, and attested by its clerk and its corporate seal affixed hereto this day of A. D., Mayor.

Countersigned:

.....
 City Clerk.

City seal.

The installments of interest accruing upon any of such certificates shall be evidenced by coupons or orders thereto attached, signed by the mayor and city clerk or other like officers of said city, such certificates shall not be sold, negotiated or disposed of by any such city issuing the same at less than the par value thereof.

All moneys collected from any such assessment shall be set apart for and applied to the payment of the certificates issued upon said assessment, and shall not be in whole or in part applied to any other or different use or purpose whatever.

No error or informality in any action taken by such city in the ordering or making of such assessment or in the execution, delivery or issue of any such certificates shall in any manner affect the validity of any such assessment. ('11 c. 134 § 6)

1422. Teachers' retirement fund associations in cities having more than 10,000 inhabitants—In every city of this state now or hereafter having a population of more than ten thousand inhabitants, the teaching body may, with the consent of the common council or city council in said city, establish an association to be known as "teachers' retirement fund association," said association to be formed and organized and to have powers and privileges as hereinafter provided. ('09 c. 343 § 1, amended '11 c. 383 § 1)

1423. Same—Incorporation—Any plan for the establishment of such an association shall include a provision for the organization of a corporation under the provisions of chapter fifty-eight of the Revised Laws of 1905 and acts amendatory thereof. ('09 c. 343 § 2)

The provisions of R. L. 1905, c. 58, are included in chapter 58 hereof.

1424. Same—Plan of association—Fund—Approval of council—Whenever any teaching body of any city of this state having a population of more than ten thousand inhabitants desires to avail itself of the privileges of this act, said teaching body shall formulate a plan for the formation and incorporation of such an association and the collection and disbursement of a fund for the benefit of retired teachers in said city, which said plan shall be submitted to the common council or city council of said city for approval, and when the same is approved by said common council or city council, the said association so established and incorporated shall have full power and authority to receive and disburse funds in accordance with the said plan so adopted. ('09 c. 343 § 3, amended '11 c. 383 § 2)

1425. Same—Approval of board of education, etc.—No such association shall be incorporated and commence to collect and disburse funds until the plan so to be proposed by the said teaching body shall be approved in writing by a majority of all the teachers in the employ of the board of education and when the said corporation is formed there shall be filed with the articles of incorporation an affidavit made by some officer of the board of education

that a majority of the said teachers have approved in writing of the formation of said association. ('09 c. 343 § 4)

1426. **Same—Contribution by teachers—Taxation—**Said plan so to be adopted shall include a provision that only such teachers as make a contribution to the said fund, as provided in said plan, shall be entitled to the benefits thereof, and may include a provision that a portion of said fund shall be raised by taxation upon the property of the said city; it being understood, however, that all teachers who are willing to comply with the terms and conditions of the articles of association and by-laws of said association shall be entitled to participate in the benefits of said fund. ('09 c. 343 § 5)

1427. **Same—Taxes, how levied, etc.—**When said plan is adopted, as hereinbefore set forth, and said association is formed and incorporated, the proper officers of said association shall certify annually to the proper authorities, who have charge of the levying of taxes in said city and in the county in which said city is located, the amount which it will be necessary to raise by taxation in order to carry out the plan so adopted, as hereinbefore set forth, for the coming year, and it shall be the duty of the said authorities so having charge of the levying of taxes to include in the tax levy for the ensuing year, a tax in addition to all other taxes, sufficient to produce said sum so certified. Provided, however, that said tax shall in no event exceed one-tenth of a mill upon all taxable property of said city; and the said tax shall be collected as other taxes are collected in said city and when so collected shall be paid over to the treasurer of said association to be held and disbursed in accordance with the provisions of said plan so to be adopted. ('09 c. 343 § 6)

1428. **Same—Power to hold property—**Any such association so to be formed shall be empowered to receive, hold and dispose of real estate or personal property acquired by them, either by gift or purchase or in any other lawful way, as provided by their articles of association so to be adopted, as herein provided. ('09 c. 343 § 7)

1429. **Same—Pro rata distribution of funds—**Said plan may provide in the event that the funds of the association are not sufficient to pay annuities in full, as provided in said plan, in any particular year, that the amount available shall be pro-rated between those entitled to receive the same. ('09 c. 343 § 8)

1430. **Same—"Teachers" defined—**The word teachers as used in this act shall include superintendents, supervisors, principals, as well as instructors, who are in the employ of the board of education or board of school inspectors in the city mentioned in this act. ('09 c. 343 § 9)

PROVISIONS RELATING TO CITIES OF FIRST CLASS¹

1431. **Employment bureaus—**Any city of the first class may establish and conduct an employment bureau, and provide by ordinance or otherwise for its regulation and maintenance by the city. (760)

1432. **Elevator operators—License—Penalties—**No person shall operate a passenger elevator in any city of the first class without being licensed so to do by the building inspector. The inspector shall examine the applicant as to his knowledge of the construction of elevators, and his experience and ability in their operation, and, if he be found qualified, shall license him to run elevators in such city for one year. The licensing officer shall receive twenty-five cents for each license issued. No person shall employ or permit a person not the holder of a license to operate any passenger elevator under his control. Every violation of this section shall be a misdemeanor. (761)

1433. **Attaching new territory—Petition—Approval of mayor and town board—Notice—Proclamation—**Lands not exceeding 50 acres in area, adjoining and contiguous to any organized city of over 50,000 inhabitants may,

¹ See 1913 c. 175, authorizing cities not under home rule charters to levy a tax during the years 1913, 1914, 1915, and 1916, for the grading and repair of streets.

upon the approval of the mayor of said city, and the board of supervisors of the township in which such lands are located, be attached to, and become part of such city upon the petition of 500 legal voters thereof requesting that said territory be so attached. Said petition shall before its presentation to the mayor be first approved by said board of supervisors which approval shall be endorsed thereon, signed by a majority of said board and attested by the town clerk, provided, however, that after presentation of said petition to the mayor for approval or rejection, a notice specifying the substance thereof and that an application will be made to him to approve the same at a time and place therein named not less than 20 days from the date thereof shall be served upon the owner of said premises so proposed to be attached by the delivery of a copy thereof, or if he cannot be found, of which fact the return of the sheriff that he cannot be found in said county shall be prima facie evidence, then upon the person or persons in actual possession of said premises at least twenty days prior to the date fixed in said notice. If the lands are vacant and unoccupied, and the owner of the record title cannot be found in said county, then said notice shall be published in some newspaper of general circulation, published in said city in one issue thereof, at least twenty days prior to said date. If approved by the mayor the same shall be endorsed upon said petition and further evidenced by proclamation to be issued by him reciting the prayer of said petition, the number of signatures attached thereto, the approval thereof by said board of supervisors, and certifying that such territory, describing it, is a part of such city, which said proclamation shall be deemed to be prima facie evidence of the matters therein stated, and of the legality and regularity of all proceedings involving the annexation of such territory. Said petition shall be addressed to the mayor and upon presentation shall be filed and recorded in his office. ('05 c. 219 § 1)

1434. Same—Duty of council—Said proclamation shall be recorded in the office of the register of deeds of the county in which said territory is situated and also in the office of the secretary of state, whereupon said lands shall be deemed to be attached to and a part of said city. ('05 c. 219 § 2)

1435. Same—Expenses, how paid—The expenses incident to such proceedings shall be audited and paid by the city, provided the lands are annexed thereto. ('05 c. 219 § 3)

1436. Salary of mayor in cities not under home rule charters—In cities of the first class the salary of the mayor shall be six thousand dollars (\$6000.-00) per annum, payable in equal monthly installments; provided that this act shall not apply to any city whose inhabitants have adopted or hereafter shall adopt, a charter pursuant to section 36, article 4, of the state constitution. ('07 c. 370, amended '13 c. 381 § 1)

1913 c. 381 § 2, provides that the act shall take effect January 1, 1914.

1437. Salaries of aldermen in cities not under home rule charters—That in cities now or hereafter having over fifty thousand (50,000) inhabitants, the salary of each alderman shall be fifteen hundred dollars (\$1,500) per annum, payable pro rata monthly, out of the city treasury; provided that this act shall not include or apply to cities now or hereafter governed under a charter adopted under and pursuant to section 36, article 4, of the constitution of this state, as amended, and chapter 351 of the General Laws of 1899, and amendments thereto. ('13 c. 491 § 1)

Section 2 repeals inconsistent acts. By section 3 the act takes effect January 1, 1914.

1438. Salaries of members of council in certain cities—Conference committee—That in any city in this state now or hereafter having a population of over 50,000 inhabitants, each member of the common council, or city council of said city shall receive and be paid as salary the sum of three hundred dollars, per annum, from the treasury of said city, in equal monthly installments, of twenty-five dollars; provided, however, that in any city, the conference committee thereof, or said other committee or body as may have the right by law to recommend to the common council, or city council, the annual tax levy therefor, may include in such recommendation an amount not exceeding twelve hundred dollars per annum, as the salary of each member

of the common council, or city council of such city, and when so recommended and included in the tax levy, each member of the common council or city council shall receive and be paid such amount from the treasury of such city in equal monthly installments as his annual salary. ('07 c. 284 § 1)

1439. **Same—Not to apply to certain cities**—This act shall not include or apply to cities the members of the common council or city council, of which now or hereafter shall receive a greater amount than herein provided as salary or compensation. ('07 c. 284 § 2)

1440. **Salary of clerk in cities not under home rule charters**—The city council or common council of every city of this state now or hereafter having over fifty thousand inhabitants, in addition to the powers and authority heretofore granted, is hereby authorized and empowered to fix by resolution the compensation or salary per annum of the city clerk of such city immediately after the passage of this act and at the beginning of every term of office of such city clerk thereafter.

This act shall not apply to any such city governed by a home rule charter adopted under the provisions of section 36 of article 4 of the state constitution and the laws of this state relating to the adoption of such home rule charters. ('13 c. 166 § 1)

1441. **Salary of chief of police**—That in all cities of this state now or hereafter having a population of over fifty thousand inhabitants, the board of police commissioners of any such city are hereby authorized and empowered to fix and prescribe the salary and compensation of the chief of police of such city at an amount not to exceed four thousand dollars per annum, and the sum so fixed and determined shall be paid to such officer in equal monthly installments from the treasury of such city. ('07 c. 51 § 1)

1442. **Salaries of officers of fire department**—That in all cities of this state now or hereafter having a population of more than 50,000 inhabitants, the board of fire commissioners or the city council, if there is no board of fire commissioners, of any such city is hereby authorized and empowered to fix and prescribe the salaries and compensation of the chief engineer, first, second and third assistant engineers and district and battalion chiefs of the fire departments and the salary of the superintendent of fire alarm department of any such city. ('07 c. 401 § 1)

1443. **Fire marshal—Appointment**—In every city in the state of Minnesota that now has, or hereafter may have, a population of over fifty thousand inhabitants, and which does not now have an official in its fire department designated and acting as fire marshal, under the charter of such city, there is hereby created the office of fire marshal, and it shall be the duty of the chief of the fire department of such city to appoint from among the members of the fire department a fire marshal, and he shall hold office until removed for cause. ('11 c. 94 § 1)

1444. **Same—Duties and powers—Compensation**—It shall be the duty of the fire marshal to examine all property within said city and enforce the ordinances of the city relating to the care of chimneys, the storage and handling of explosives and enforce all other ordinances and laws of the state pertaining to precautions against danger from fires. Said fire marshal shall have power to enter any dwelling or other building between 7 o'clock a. m. and 6 o'clock p. m. for the purpose of making said examination, and he shall examine into the cause of every fire which shall happen in such city and make a complete report of the same, and make a report thereof monthly to the chief of the fire department. He shall report all violations of ordinances of the city and laws of the state relating to the public safety, in all public buildings, and shall sign and file complaints before the proper prosecuting officers for the enforcement of said ordinances. Said fire marshal shall receive as his compensation a sum to be fixed by the board of fire commissioners, not less than the salary paid a captain of the fire department of such city. ('11 c. 94 § 2)

1445. **Maximum expenditure for fire department**—That any city in this state now or hereafter having a population of over fifty thousand inhabitants, in addition to all powers now possessed by it, shall have the power and au-

thority, acting by and through its common council, to fix the maximum expenditure each year for the support and maintenance of its fire department, and to include the amount so fixed in the current annual tax levy for such city. ('07 c. 286 § 1)

Section 2 repeals inconsistent acts, etc.

1446. Pensions for members of volunteer fire departments in cities not under home rule charters—That the city council or other governing body of every city in this state of the first class not operating under a home rule charter, which has had a volunteer fire department, is hereby authorized to pension retired members thereof not drawing a pension from the relief association of any paid fire department, such pension not to exceed \$25 per month, and to be paid to such members under rules established by said city council or governing body; provided, however, that no such retired fireman shall receive such pension unless he served actively without pay as a member of such volunteer fire department for at least four years preceding the 31st day of July, 1879. Provided further, that before any retired member of such volunteer fire department shall be entitled to the benefits of this act, said retired member of such volunteer fire department shall first make written application for the pension herein provided and file the same with the city clerk. Thereafter said council or governing body shall upon proper investigation allow or deny said application as it may deem proper. ('13 c. 419 § 1)

1447. Same—Tax levy—Every such city is hereby authorized and empowered to levy a tax for the purpose of providing such pensions, not to exceed two-tenths of one mill, on all the taxable property of such city. ('13 c. 419 § 2)

1448. Salary of first assistant commissioner of public works—That in all cities of this state now or hereafter having a population of over 50,000 inhabitants, the commissioner of public works of any such city is hereby authorized and empowered to fix and prescribe the salary and compensation of the first assistant commissioner of public works of such city at an amount not to exceed three thousand six hundred dollars per annum and the sum so fixed and determined shall be paid to such officer in equal monthly installments from the treasury of such city. ('07 c. 241 § 1)

1449. Salary of president of workhouse board in cities under home rule charters—That hereafter the president of the board of public workhouse directors, or the president or chairman of such other board or body as may have charge and control of the public workhouse of any city in this state now or hereafter having a population of over fifty thousand inhabitants, shall receive for his services, an annual compensation of not to exceed twelve hundred dollars, payable in equal monthly installments, the amount so paid to be fixed by the common council of the city. This act shall apply to cities existing under a charter framed pursuant to section 36 of article 4 of the constitution of the state of Minnesota. ('09 c. 256 § 1)

1450. Assistant attorneys in legal department—That the common council of any city in this state now or hereafter having a population of over fifty thousand inhabitants, shall have the power and authority, by resolution approved by the mayor, once in every two years, by a two-thirds vote of all members elect thereof, to fix the number and respective salaries of assistant attorneys in the legal department of such city. ('11 c. 124 § 1)

1451. Same—To what cities applicable—This act shall also apply to all such cities as are or may be governed by a charter adopted pursuant to section 36, article 4 of the constitution of this state. ('11 c. 124 § 2)

1452. Maximum expenditure of police department—That any city in this state, now or hereafter having a population of over 50,000 inhabitants, in addition to all powers now possessed by it, shall have the power and authority, acting by and through its common council, to fix the maximum expenditure each year for the support and maintenance of its police department, and to include the amount so fixed in the current annual tax levy for such city. ('07 c. 301 § 1)

Section 2 repeals inconsistent acts, etc.

1453. Pension for police matrons—In every city of this state now or hereafter having a population of over 50,000 inhabitants where there is or may be created a police pension fund, governed and managed by a police pension board or relief association in accordance with the provisions of chapter 159 of the General Laws of Minnesota for the year 1903, as subsequently amended by chapter 109 of the General Laws of Minnesota for the year 1905, such police pension board or relief association is hereby further authorized and directed to make further provisions for creating and paying pensions to disabled and retired police matrons in said cities. ('05 c. 180 § 1, amended '11 c. 188 § 1)

1903 c. 159, is not included among the acts of that session repealed by § 9456. The act was amended by 1905 c. 109.

1454. Same—Powers of pension board—That every police pension board or relief association organized or incorporated in conformity with the laws of the state of Minnesota regulating the incorporation of societies for benevolent and other purposes and which has received or shall hereafter receive moneys from the state of Minnesota raised by taxation in said state, is hereby authorized and directed to pay out of and from any funds it may have received from the state of Minnesota or from any other source a service pension not less than twenty-five dollars per month to each police matron who shall, at the time of her application, either before or after the passage of this act, have arrived at the age of forty-five years or more and who has, prior to her application or shall hereafter have, done active service as police matron and retired therefrom for a period of ten years or more in the police department of such city, in which such police pension board or relief association has been or shall be so organized or has been or shall be disabled physically or mentally while in the performance of her duties as such police matron so as to render necessary her retirement from active service as police matron.

It shall not be necessary to entitle said police matron to said pension that she become a member of said relief association. ('05 c. 184, § 2, amended '11 c. 188 § 2)

1455. Same—When not payable—The pension authorized by this act shall not be paid to any police matron while drawing salary in any amount from said police department. ('05 c. 184 § 3)

1456. Same—Laws applicable—Each and every of the provisions of chapter 159 of the Laws of 1903 as amended by H. F. No. 542, 1905 [Laws 1905, c. 109], are hereby made subject to the provisions of this act for the purpose of allowing all police matrons in cities of 50,000 inhabitants and over to obtain the same privileges and benefits as disabled and retired policemen in such cities. ('05 c. 184 § 4)

1457. Maximum expenditures of engineering and building inspection departments—That any city in the state now or hereafter having a population of over fifty thousand inhabitants, in addition to all powers now possessed by it, shall have the power and authority, acting by and through its common council, to fix the maximum expenditures each year for the support and maintenance of its engineering and building inspection departments and to include the amount so fixed in the current annual tax levy for such city. ('07 c. 194 § 1)

Section 2 repeals inconsistent acts, etc.

1458. "Board" and "department" defined—The terms "board" or "department," as used in this act, shall mean and embrace board of education, library board, park board, board of charities and corrections and all other boards or departments of every kind and nature expending public funds for the use and benefit of any such city. ('09 c. 374 § 1)

Section 4 repeals inconsistent acts, etc.
Cited (111-80, 126+408).

1459. Same—Statements, etc., to comptroller—Contracts—It shall be the duty of every such board or department on the first day of each calendar month and at such other times as the city comptroller, in writing, may demand, including such further information as the city comptroller may demand, to furnish such city comptroller with an accurate and complete state-

ment, properly attested by the proper officer, of all its acts, including all the names, addresses, kind of labor and compensation to be paid to each of its employes and duration thereof, and whenever any such board or department expends or is about to expend, money for the purchase of any lands, goods, materials, labor, supplies or anything of value, and enters into a written contract therefor, such board or department shall immediately furnish such city comptroller with a certified duplicate copy thereof; and no contract shall be valid unless countersigned by said city comptroller. ('09 c. 374 § 2)

Cited (111-80, 126+408).

1460. Same—Access to books, papers, etc.—For the purpose of fully complying with this act, the city comptroller or any person such city comptroller may designate, shall have full and complete access to all books, papers, documents, statements or accounts on file or of record with any of such boards or departments, at any and all times and any officer, agent, employe or other person in charge of any such board or department, refusing the city comptroller, full and complete access to all such books, papers, documents, statements or accounts shall be guilty of a misdemeanor. ('09 c. 374 § 3)

Cited (111-80, 126+408).

1461. Deputy comptroller in cities under home rule charters—Powers and duties—That in all cities of the first class, the comptroller may appoint and at his pleasure may remove a deputy comptroller, who shall perform such duties as the comptroller may prescribe. During the absence of the comptroller from the city, or his inability for any reason to discharge the duties of his office, the deputy comptroller shall act in his place and stead, and shall have the same powers and duties, and the comptroller and the sureties on his bond shall be liable for the acts of the deputy comptroller, the same as if they were done by the comptroller. ('11 c. 112 § 1)

By section 2 the act applies only to cities governed by a charter adopted pursuant to Const. art. 4, § 36.

1462. Deputy treasurer—Powers and duties—That in all cities of the first class the treasurer may appoint and at his pleasure may remove a deputy treasurer, who shall perform such duties as the treasurer may prescribe. During the absence of the treasurer from the city, or his inability for any reason, to discharge the duties of his office, the deputy treasurer shall act in his place and stead, and shall have the same powers and duties, and the treasurer and the sureties on his bond shall be liable for the acts of the deputy treasurer, the same as if they were done by the treasurer. ('11 c. 227 § 1)

1463. Same—To what cities applicable—This act shall be applicable to cities of the first class governed by a charter adopted under and pursuant to section 36 of article 4 of the constitution of the state of Minnesota. ('11 c. 227 § 2)

1464. Purchasing department in cities under home rule charters—Each and every city of the first class in the state of Minnesota, not having or operating under a home-rule charter adopted pursuant to section 36 of article 4 of the constitution of the state of Minnesota, in addition to all the rights and powers heretofore granted thereto by law, is hereby authorized and empowered and shall at all times hereafter have the power and authority, acting by and through its city council, to establish and maintain a purchasing department as a branch of the city government, which department shall have full charge of the purchase by the city of all supplies and materials required for the use of the several departments of the city under the supervision of the city council, and for making and maintaining public works and improvements of the city, and to appoint a purchasing agent who shall be the head of such purchasing department, and to appoint all necessary assistant purchasing agents and other employes required for the proper management of such purchasing department, and to prescribe the duties of such purchasing agent, assistant purchasing agents and other employes, and by ordinance or otherwise to make all rules and regulations necessary for the conduct and management of such purchasing department. ('11 c. 201 § 1)

1465. Payment of current bills in cities not under home rule charters—The city council or other governing body of any city of the first class not operating under a home rule charter, notwithstanding any provision of its charter to the contrary, may hereafter provide by ordinance for the payment of all current bills incurred by the city for goods, wares and merchandise, the purchase whereof has been duly authorized for the use of the city or any of its departments, without awaiting the formal vote of said governing body directing payment thereof. ('13 c. 469 § 1)

By section 5 the act shall not apply to any city which has adopted a charter under Const. art. 4, § 36.

1466. Same—When city has purchasing department—If a purchasing department has been duly established in and for any such city the ordinance aforesaid may provide for the immediate payment by the city treasurer, out of the appropriate fund, or out of a special fund set aside for the purpose, of all bills approved by the city purchasing agent. And all officers of said city who are authorized by law to sign or countersign warrants or orders for the payment of merchandise accounts may accept the approval of the purchasing agent as a sufficient audit of such bills. ('13 c. 469 § 2)

1467. Same—Excessive payments, etc.—Should any bill so paid prove to be erroneous or excessive upon examination made within ninety days after payment, the payee thereof shall repay to the city on demand of the city attorney all such excess, or be subject to an action at law for double the amount thereof. ('13 c. 469 § 3)

1468. Same—Ordinances—Said ordinance or ordinances may contain such further provisions as the governing body shall deem necessary for protecting the city against fraud, irregularity and mistake in the matter of such purchase and may provide that any violation thereof shall be a misdemeanor and punishable as such. ('13 c. 469 § 4)

1469. Civil service commission in cities not under home rule charters—In every city of the first class not organized under section 36, article 4, of the state constitution, there shall be a civil service commission (hereinafter called the commission) of three commissioners, who shall be citizens of the state and residents of the city and serve without compensation. No commissioner shall at the time of his appointment or while serving hold any other office or employment under the city, the United States, the state of Minnesota, or any public corporation or political division thereof, other than the office of notary public. The mayor shall appoint as commissioners persons known to favor the principle of merit and efficiency in the public service. The terms of those first appointed, to be designated in orders of appointment, shall expire, one on the first day of February in the odd numbered year next following the year of the appointment, one on the first day of February next following the first, and one on the first day of February next following the second, and thereafter the mayor shall appoint for three years to fill expired terms, and in case of vacancy occurring otherwise, shall appoint for the unexpired term. In case of cities existing at the time of the passage of this act, the first appointment shall be made on or before the first day of July, 1913.

Each commissioner, before entering upon his duties, shall subscribe and file with the city clerk an oath for the faithful discharge of his duties. ('13 c. 105 § 1)

1470. Same—Civil service fund—The city council shall set apart on the first Monday in January of each year, in the city treasury, a sum not less than twenty-five (25) dollars for each thousand of the population of the city, according to the next preceding state or national census, to be known as the civil service fund and to be used only for the purposes of this act. Unexpended balances at the end of the year shall revert to the current expense fund of the city. To provide such fund, the city council shall levy a sufficient annual tax upon all the taxable property of the city, real and personal, in addition to all other taxes authorized by law. Warrants on the fund shall be drawn by order of the commission and signed by its president or vice-president and secretary and counter-signed by the city comptroller. The

commission shall audit its own bills and pay-rolls. The city council of any existing city shall provide like funds for the year 1913 by temporary interest bearing loans, if necessary, and add the amount thereof to the next annual tax levy. ('13 c. 105 § 2)

1471. Same—Meetings—Officers and employés—The commission shall first meet immediately after its appointment, at a time to be fixed by the mayor, and on the first Monday after the first day of February each year thereafter; and at each said meeting elect a president and vice-president to serve until their successors are elected. The commission also, at each said meeting, or as soon thereafter as practicable, shall select a secretary, who shall keep the records and files of the commission and who shall be ex officio the chief examiner, and appoint other necessary employés, and fix their compensation. The commission shall from time to time fix the times of its meetings, and adopt, amend and alter rules for its procedure. ('13 c. 105 § 3)

1472. Same—Classified and unclassified service—The powers of the commission shall extend only to the classified service, which shall embrace the entire service of the city except the following officers and employés, which shall be known as the "unclassified service," namely:

Officers who are elected by the people; members of boards and commissions; the city clerk; secretaries of the several boards and commissions serving without pay; the city engineer; the chief health officer; the superintendent of police; the city assessor; superintendents, principals, supervisors of teachers and teachers in the public schools; the city attorney and attorney of the park board; the librarian and assistants of the public library; the superintendent of parks; a landscape architect; a chief of park police; the mayor's private secretary. None of the unclassified service shall be subject to examination or affected as to their selection, appointment, discharge or removal by the provisions of this act. ('13 c. 105 § 4)

1473. Same—"Employé" defined—The term "employé," as used in this act, shall include every officer, agent, employé and other person in the classified service of the city. ('13 c. 105 § 5)

1474. Same—Employés to be listed, graded, etc.—Service—Register—Immediately after the appointment and organization of the commission, all employés of the city of every nature excepting those in the unclassified service, shall be listed, graded and classified, and a service register shall be made up in books prepared for the purpose, in which shall be entered, in their proper classes, the names, ages, compensation, period of past employment, and such other facts and data as to each employé as the commission may deem useful. To enable the commission to make such service register, the mayor, the city council, each board and commission and each appointing or employing officer shall prepare and furnish to the commission complete lists of all employés in the classified service, containing the names and data aforesaid and such other information as the commission may call for. The commission shall furnish a complete duplicate of the service register to the city controller, and correct and complete the same from day to day thereafter. ('13 c. 105 § 6)

1475. Same—Rules for good of service—The commission shall, immediately after its appointment and from time to time thereafter, make, amend, alter and change rules, to promote efficiency in the city service and to carry out the purposes of this chapter. The rules shall provide, among other things, for:

- a. The classification of all offices, positions and employments in the classified service.
- b. Public competitive examinations to test the relative fitness of applicants.
- c. Public advertisement of all examinations at least ten days in advance in two newspapers of the city of general circulation, one of which shall be the official newspaper, and posting such advertisement a like time in a conspicuous place in the city hall.
- d. The creation of lists of eligible candidates after successful examination, in the order of their standing in the examination, and without reference to

time of examination. Such lists shall be embraced in an eligible register. The commission may by rule provide for striking any name from the eligible register after it has been two years thereon.

e. The rejection of candidates or eligibles who, after the entry of their names, shall fail to comply with the reasonable rules and requirements of the commission in respect to age, residence, physical condition or otherwise, or who have been guilty of criminal, infamous or disgraceful conduct, or of any wilful misrepresentation, deception or fraud in connection with the examination or in connection with their applications for place.

f. The certification of the name standing highest on the appropriate list to fill any vacancy.

g. Temporary employment without examination, but with the consent in each case of the commission, in cases of emergency and pending appointment from the eligible list; but no such temporary employment shall continue longer than sixty days, nor shall successive temporary employments be permitted for the same position.

h. Transfer from one position to a similar position in the same class or grade and for reinstatement of persons who, without fault or delinquency, are separated from the service or reduced.

i. Promotion based on competitive examination and upon records of deficiency, character, conduct and seniority. Promotion shall be deemed, among other things, to include increase in salary, and the rules shall be framed to encourage the filling of vacancies by promotion rather than otherwise.

j. Suspension, with or without pay, for not longer than thirty days, and for leave of absence, with or without pay.

k. Appointment of unskilled laborers in the order of priority of application after such tests of fitness as the commission may prescribe.

l. Removing names from the service register upon termination of service.

The commission shall adopt such other rules, not inconsistent with the provisions of this act, as may from time to time be found necessary to secure the purposes of the act. ('13 c. 105 § 7)

1476. **Same—Notice of rules**—Before the adoption, amendment or repeal of any rule, the commission shall give notice of consideration thereof by publishing and posting a brief notice, as required in section 7 [1475], stating the subject of the rule or rules to be acted on. ('13 c. 105 § 8)

1477. **Same—Application register**—The commission shall keep a third register, to be known as an application register, in which shall be entered the names and addresses and order and date of application of all applicants for examination, and the offices or employments they seek. All applications shall be upon forms prescribed by the commission. ('13 c. 105 § 9)

1478. **Same—Notice, etc.—Offices filled from names certified**—As soon as the commission has organized and made up the service register and adopted rules, as herein provided, it shall notify the mayor, the city council, the several boards and commissions, and each appointing officer of the city, and thereafter no office, position or employment shall be filled in the classified service except from names certified by the commission and in accordance with the provisions of this act. ('13 c. 105 § 10)

1479. **Same—Removal and discharge of employés**—The mayor, the city council, and each board, commission and appointing or employing officer of the city, shall have power to remove and discharge at will any subordinate employé, unless restricted by law other than this act, but such removal or discharge shall be forthwith reported in writing, together with the cause thereof, to the commission and the city comptroller. Such report shall be made when the reason is lack of work, as well as in other cases. ('13 c. 105 § 11)

1480. **Same—Duties of commission—Grades of offices, etc.**—The commission shall ascertain the duties of each office, position and employment in the classified service, and designate by rule as well as may be practicable, the grade of each office, employment or position. Each grade shall comprise those offices, employments and positions having substantially similar duties. The commission shall by rule indicate the lines of promotion from each low-

er to higher grade wherever the experience derived in the lower tends to qualify for the higher. The commission shall prescribe standards of efficiency for each office, position and employment and for each grade, and adapt its examinations thereto. For the purpose of establishing uniformity of pay and title for similar offices and employments, the commission may by rule recommend the maximum and minimum pay for each office and employment and for each grade and the title thereof, and report the same to the mayor, city council, the several boards and commissions and to each appointing officer, annually or more frequently if deemed necessary. The commission shall in like manner report the name and position of each employé paid more or less than the pay recommended by the commission, or designated by any title other than that prescribed by the commission. The commission shall make and keep a record of relative efficiency of each employé in the classified service other than unskilled laborers, and shall provide by rule methods for ascertaining and verifying the facts from which such records of relative efficiency shall be made. ('13 c. 105 § 12)

1481. Same—Examinations—All examinations shall be impartial, fair and practical and designed only to test the relative qualifications and fitness of applicants to discharge the duties of the particular employment which they seek to fill. No question in any examination shall relate to the political or religious convictions or affiliations of the applicant. All applicants for positions of trust shall be specially examined as to more character, sobriety and integrity, and all applicants for positions requiring special experience, skill or faithfulness shall be specially examined in respect to those qualities. Where written answers are required from applicants for positions calling for expert knowledge, the rules may provide for examination of the answers and the comparative ranking of the various applicants, without a disclosure of the names of the applicants to the examiners. The commission may furnish to the chief examiner such assistance as may be necessary. It shall be the duty of every employé of the city to act as an examiner or assistant examiner, at the request of the commission, without special compensation therefor. The members of the commission, collectively or individually, may act as examiners or assistant examiners. ('13 c. 105 § 13)

1482. Same—Notice of examination—Eligible register—Notice of the time, place and scope of each examination shall be given by publication and posting, as specified in section 7 [1475], and by mailing to each applicant upon the appropriate list of the application register ten days in advance. The names of those found eligible, after giving credit for character and previous successful experience, shall be entered, with their addresses and percentages, in appropriate lists of the eligible register. No name shall remain upon the eligible register more than two years without a new application, and, if the rules of the commission so require, a new examination. ('13 c. 105 § 14)

1483. Same—Vacancies, how filled—When a vacancy is to be filled in the classified service, the mayor, city council, board, commission or employing officer, shall notify the commission, and the commission shall certify the highest name from the appropriate list of the eligible register, except in the case of unskilled labor, and then shall certify the name first in time on the list. All vacancies shall be filled from the names so certified, and the commission shall be immediately notified of the employment and of the compensation to be paid. The names selected shall be stricken from the eligible register and transferred to the service register. All changes in grade, title or compensation shall be likewise reported. ('13 c. 105 § 15)

1484. Same—Exceptional qualifications—In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, the commission, upon satisfactory evidence that competition is impracticable, and that the position can best be filled by the selection of some person of recognized attainments, without examination, and after hearing in an open, regular meeting of the commission and by the affirmative vote of all three members, may suspend competition; but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reasons therefor, in the annual reports of the commission. ('13 c. 105 § 16)

1485. **Same—Comptroller not to pay unless names on register**—After the receipt by the city comptroller of the duplicate service register, he shall not approve the payment of any salary, wages or compensation for any office or employment in the classified service, nor countersign any warrant therefor, unless the name of the person claiming the same appears upon the service register for the time for which such salary, wages or compensation is claimed, nor at any higher rate than shown on such register; and if the city comptroller shall wilfully or negligently approve any payment or countersign any warrant in violation of this section, he and the sureties on his bond shall be liable to the city for the amount thereof and action may be brought therefor by any tax payer for the use of the city without making previous request to the city to sue. ('13 c. 105 § 17)

1486. **Same—Annual report**—The commission shall in each year, on or before the 15th day of January, make to the mayor and city council a report, showing as fully as may be the acts and disbursements of the commission for the preceding calendar year; the rules in force at the beginning of such year and changes made during the year; the practical effect and working of the rules and of this act; the results of the efforts to standardize services and compensation and the departures therefrom; together with such recommendations as the commission may see fit to make, to promote the efficiency and integrity of the public service. The commission shall furnish a suitable number of copies of such report to the mayor, the city council and each board and commission and each employing officer of the city. ('13 c. 105 § 18)

1487. **Same—Commission to investigate—Charges against employés—Trial—Removal**—The commission shall from time to time investigate the enforcement of this act and of the rules made under it; the action of all examiners; the duties of all departments and of all employés of the city; the efficiency of the service, and such other matters as come within the scope of this act. In the course of such investigations each commissioner shall have power to issue subpoenas and to administer oaths and to compel the attendance and testimony of witnesses and the production of books and papers relevant to the investigation. Any person who shall willfully testify falsely shall be guilty of perjury and any person who shall refuse to obey the lawful subpoenas or directions of the commission or any commissioner in any such investigation shall be guilty of a misdemeanor. Any member of the commission shall have power of his own motion to file written charges against any employé in the classified service, and thereupon the commission shall try the charges, after not less than ten days written notice to the person accused, in the manner and with the powers prescribed in this section; but in such case the complaining commissioner shall not sit. If found guilty of breach of duty, such employé may be removed by the commission and his name be stricken from the service register. The commission may make complaint to the district court of disobedience of its subpoenas or orders under this section, and the court shall prescribe notice to the person accused and require him to obey the commission's subpoena and order, if found within the lawful powers of the commission, and punish disobedience as a contempt of the court. Witnesses shall be entitled to the same fees and mileage as for attendance upon the district court, except that any officer, agent or employé of the city who receives compensation for his services shall not be entitled to fees or mileage. ('13 c. 105 § 19)

1488. **Same—False statement on examination**—Any applicant for an office or employment in the classified service, who shall knowingly make any false answer or statement upon any examination in regard to any material matter upon which he is examined, shall thereby forfeit his right to be entered upon the eligible register, and, in case he has been appointed to any office or employment, shall forfeit the same and shall not within three years thereafter be eligible to any office or employment in the unclassified service of the city, nor shall he during such time be entitled to any of the examinations of the commission. ('13 c. 105 § 20)

1489. **Same—Payment or promise of payment, etc., for position—Penalty**—Any applicant for examination or for appointment to the classified serv-

ice, who shall, either directly or indirectly, give, render or pay or promise to give, render or pay any money, service or other thing to any person for or on account of or in connection with his examination, appointment or proposed appointment, or who shall ask for or receive any recommendation or assistance from any person in the classified or unclassified service of the city, except a statement of his previous service and the character thereof, if any, to the city, as a subordinate under such officer or employé, shall be guilty of a misdemeanor. ('13 c. 105 § 21)

1490. **Same—Assessments, etc., for political purpose—Officers, etc., soliciting, etc.—Penalty**—Any officer or employé in the classified service of the city, who shall in any manner directly or indirectly solicit or receive or pay or be in any manner concerned in soliciting, receiving or paying any assessment, subscription or contribution for any party or political purpose, shall be guilty of a misdemeanor. ('13 c. 105 § 22)

1491. **Same—Other persons soliciting, etc.—Penalty**—Any one concerned in same guilty of a misdemeanor—Any person who shall solicit or receive, directly or indirectly, or be in any manner concerned in soliciting or receiving any assessment, contribution or payment for any political purpose whatever, from any officer or employé in the classified service of the city, shall be guilty of a misdemeanor. ('13 c. 105 § 23)

1492. **Same—Discharging employé for withholding contribution, etc.—Penalty**—Any officer or employé in the classified or unclassified service of the city who shall discharge, promote or reduce in rank or in any manner change the official rank or compensation of any other officer or employé, or promise or threaten so to do, for giving or withholding or neglecting to make any service or contribution of money or other valuable thing for any party or political purpose, shall be guilty of a misdemeanor. ('13 c. 105 § 24)

1493. **Contracts for lighting streets, etc.—Term**—That in all cities of the first class, the common council may award, enter into and let contracts for lighting the city streets, parks and other public places, or either, or any of the same for any term not exceeding two years under any one contract. It shall not be necessary before awarding or entering into such contracts that provision by budget appropriations or otherwise, shall first have been made to meet the indebtedness incurred by such contracts, but provision for meeting such obligation or indebtedness may be made after the letting of such contracts. ('11 c. 179 § 1)

1494. **Same—To what cities applicable**—This act shall be applicable to cities of the first class, governed by a charter adopted under, and pursuant to article 4, section 36 of the constitution of this state. ('11 c. 179 § 2)

1495. **Rules as to water rentals**—That in all cities of this state now or hereafter having a population of over fifty thousand inhabitants, and owning a municipal waterworks system, the board of water commissioners of such city, or other body or authority having the control and management of such waterworks system, may adopt and enforce such rules and regulations as to the time when water rentals shall become due and payable as such body or authority may deem advisable. ('13 c. 37 § 1)

Section 2 repeals inconsistent acts, etc.

1496. **Same—To what cities applicable**—This act shall apply to cities existing under a charter framed pursuant to section 36 of article 4 of the constitution. ('13 c. 37 § 3)

1497. **Disposal of electrical energy to private consumers**—Any city of the first class now or hereafter operating a plant for the production and distribution of electrical energy for municipal purposes may dispose of any surplus thereof so produced, to private consumers within the city desiring the same, at such rates and upon such terms as the city council or other governing body of the city may deem proper. ('13 c. 127 § 1)

By section 2 the act shall not apply to any city which has adopted a charter pursuant to Const. art. 4 § 36.

1498. **“Public utilities” defined—What term “public utilities” shall include**—For the purposes of this act, public utilities shall include street rail-

ways, telephones, water works, gas works, electric light, heat or power works, public docks, union depots and terminal systems, ice plants, stone quarries, creosoting works, and public markets. ('13 c. 310 § 1)

See § 1375 et seq.

1499. Same—Acquisition and operation—Bonds—Reservation in grant—Submission to voters, etc.—Petition—Every city of this state shall have the power to own, construct, acquire, purchase, maintain and operate any public utility within its corporate limits, and to lease the same, or any part of the same, to any company incorporated under the laws of this state, for the purpose of operating such public utility for any period not longer than twenty years, on such terms and conditions as the city council shall deem for the best interests of the public.

Any city now owning and operating its own water works, or other public utilities, may continue to own and operate the same in the same manner as if now authorized by law to own and operate the same, without submitting any proposition so to do to the electors thereof, and it may by a three-fifths vote of the city council, or other governing body, and without submission to the electors thereof, as herein provided, issue bonds and certificates of indebtedness in the manner and proportions herein provided for the purpose of refunding all bonds issued for the construction and creation of such utility, and the remainder of the proceeds thereof, if any, shall be covered into the treasury of said city as a sinking fund for the redemption of any existing bonds, or for the purchase and acquisition of any new bonds of said city offered by said city.

It shall be lawful for any city to incorporate in any grant of the right to construct or operate any public utility, a reservation of the right on the part of such city to take over all or part of such public utility, at or before the expiration of such grant upon such terms and conditions as may be provided in the grant; it shall also be lawful to provide in any such grant, that in case such reserved right be not exercised by the city and it shall grant a right to another company to operate such public utility in the streets and parts of streets occupied by its grantee under the former grant, the new grantee shall purchase and take over such public utility of the former grantee, upon the terms that the city might have taken it over, and it shall be lawful for the city council of any city to make the grant containing such a reservation for either the construction or operation or both the construction and operation of such public utility, in, upon, and along any of the public streets, alleys or ways therein, or portions thereof, in which such public utility is already located at the time of making such grant, without the petition or consent of any of the owners of the land abutting or fronting upon any street, public alley or way, or portion thereof, covered by such grant.

No ordinance authorizing the lease of any public utility for any period, nor any ordinance renewing any lease, shall go into effect until the expiration of sixty days from and after its passage. And if, within said sixty days, there is filed with the clerk of such city a petition signed by ten per cent of the voters voting at the last preceding election for mayor, in such city, asking that such ordinance be submitted to a popular vote, then such ordinance shall not go into effect unless the question of the adoption of such ordinance shall first be submitted to the electors of such city and are approved by a majority of those voting thereon.

The signatures of such petition need not all be appended to one paper, but each signer shall add to his signature, which shall be in his own handwriting, his place of residence, giving the street number. One of the signers of each such paper shall make oath before an officer, competent to administer oaths, that each signature to the paper appended is the signature of the person whose name purports to be thereto subscribed. The city council of any city which shall decide by vote of its electors, as herein provided, to acquire or construct any public utility, shall have the power unless otherwise provided by law to make all needful rules and regulations respecting the operation of the same, including the power to fix and prescribe rates and charges. For the purpose of acquiring any such public utility either by purchase or con-

struction, as provided for in this act, or for the equipment of any such public utility, and in addition to the certificates of indebtedness provided for in section 3 [1500] hereof, any city may borrow money and issue its negotiable bonds to an amount not exceeding one-fifth the cost thereof, pledging the faith and credit of the city therefor; but no such bonds shall be issued until the question of the issuance of certificates of indebtedness shall have been approved by a majority of the electors voting thereon as provided for in section 3 [1500] hereof, and then only upon a three-fifths vote of the city council or other governing body. In the exercise of the powers, or any of them, granted by this act, any such city shall have power to acquire, take and hold any and all franchise or franchises, and necessary property, real, personal or mixed, for the purposes specified in this act, either by purchase or condemnation in the manner provided by law for the taking and condemning of private property for public use, but in no valuation of public utility property for the purpose of any such acquisition, except of such public utilities now operating under such existing franchises shall any sum be included as the value of any earning power of such utility, or of the unexpired portion of any franchise granted by said city.

In case of the leasing by any city of any public utility owned by it, the rental reserved shall be based on both the actual value of the tangible property and of the franchise contained in such lease, and such rental shall not be less than a sufficient sum to meet the annual interest upon all outstanding bonds or certificates issued by said city on account of any such public utility. ('13 c. 310 § 2)

1500. Same—Certificates—Limit of bonds and certificates—Mortgage, etc.—Foreclosure—In addition to the bonds pledging the faith and credit of the city, as provided for in section 2 [1499] of this act, any city may issue and dispose of interest-bearing certificates, which shall be a lien or charge against the public utility property for the acquisition or construction of which they were issued and shall be payable out of the specified portion of the revenues or income to be derived therefrom, but which shall under no circumstances be or become an obligation or liability of said city or payable out of the general funds thereof, nor shall such certificates be deemed a part of the indebtedness of said city for any purpose. Such certificates, together with the bonds hereinbefore provided for, shall not be issued on any such public utility property in an amount in excess of the cost to the city of such property as hereinbefore provided, and ten per centum of such cost in addition thereto. In order to secure the payment of such public utility certificates, and the interest thereon, the city may convey by way of mortgage, or deed of trust, any or all of the property thus acquired or to be acquired through the issue thereof; which mortgage or deed of trust shall be executed in such a manner as directed by the city council and acknowledged and recorded in the manner provided by law for the acknowledgment and recording of mortgages of real estate, and may contain such conditions and provisions not in conflict with the provisions of this act, as may be deemed necessary to fully secure the payment of the certificates described therein. Any such mortgage or deed of trust may carry the grant of a privilege or right to maintain and operate the property covered thereby, for a period not exceeding twenty (20) years from and after the date such property may come in the possession of any person or corporation as a result of foreclosure proceedings; which privilege or right may fix the rates which the person or corporation securing the same as a result of the foreclosure proceedings shall be entitled to charge in the operation of said property, for a period not exceeding twenty years. Whenever, and as often as default shall be made in the payment of such certificate issued or secured by mortgage or deed of trust, as aforesaid, or in the payment of the interest thereon when due, and any such default shall have continued for the space of twelve months after notice thereof has been given to the mayor and financial officer of the city issuing such certificates, it shall be lawful for any such mortgagee or trustee, upon the request of the holder or holders of a majority in amount of the certificates issued and outstanding under such mortgage or deed of trust, to declare the whole of the principal

of all such certificates as may be outstanding, to be at once due and payable, and to proceed to foreclose such mortgage or deed of trust in any court of competent jurisdiction. At a foreclosure sale, the mortgagee or the holders of such certificates may become the purchaser or purchasers and the rights and privileges sold, if he or they be the highest bidders. Any public utility acquired under any such foreclosure shall be subject to regulation by the corporate authorities of the city to the same extent as if the right to construct, maintain and operate such property had been acquired through a direct grant without the intervention of foreclosure proceedings; provided, however, that no such public utility certificates or mortgage shall ever be issued by any city under the provisions of this act, unless and until the question of the adoption of the ordinance of the city council making provision of the issue thereof shall have first been submitted to a popular vote and approved by a majority of the qualified voters of the city voting upon such question. ('13 c. 310 § 3)

1501. Same—Books of account—Report—Every such city owning and operating any such public utility shall keep the books of account for such public utility distinct from other city accounts, and in such manner as to show the true and complete financial results of such city ownership, or ownership and operation as the case may be. Such accounts shall be so kept as to show the actual cost to such city of such public utilities owned; all cost of maintenance, depreciation, extension and improvement; all operating expenses of every description, in case of such city operation; the amount set aside for sinking fund purposes. The city council shall cause to be printed annually, for public distribution, a report showing the financial results of such city ownership, or ownership and operation. ('13 c. 310 § 4)

1502. Same—Submission to voters—No city shall acquire or construct any public utility under the terms of this act unless the proposition to acquire or construct same has first been submitted to the qualified electors of said city at a general city election or at a special election called for that purpose, and been approved by a majority vote of all electors voting upon such proposition.

The question of issuing public utility certificates as provided in section 3 [1500] hereof may at the option of the city council be submitted at the same election as the question of the acquisition or construction of such public utility. ('13 c. 310 § 5)

1503. Same—Ordinance for submission—Election—In all cases provided in this act for the submission of questions or propositions to popular vote the city council shall pass an ordinance stating the substance of the propositions or question to be voted upon and designating the election at which such question or proposition is to be submitted, which may be at any general or city election or special election called for that purpose; provided, that such election shall not be held sooner than thirty days from and after the passage of said ordinance.

Notice of special election which shall be held in any city under this act and all proceedings respecting the same shall conform as nearly as may be to the law governing other special elections therein.

And all ballots as to any proposition or question submitted pursuant to the terms of this act shall be delivered to the election judges, shall be deposited in a separate box and shall be counted, canvassed and returned, as is provided by law in case of other ballots, and the tally sheets and return blanks shall contain suitable columns and spaces therefor.

No defect or omission in the calling, giving notice or holding of any election under this act shall in any manner affect the validity of such election unless it shall affirmatively appear that such defect or omission changed the result of such election. ('13 c. 310 § 6)

1504. Same—Term of grant or lease—Nothing in this act contained shall be construed to authorize any city to make any grants or to lease any public utility for a period exceeding twenty (20) years from the making of such grant or lease; provided, that when a right to maintain and operate a public utility for a period not exceeding twenty (20) years is contained in a mort-

gage or deed of trust to secure any of the certificates hereinbefore mentioned, (and no such right shall be implied), such period shall commence as provided in section 3 [1500] of this act. ('13 c. 310 § 7)

1505. Same—Union depot and terminal system—Bonds—Whenever any city shall decide by a vote of the electors thereof in the manner herein provided, to acquire a union depot and terminal system, it may, upon a three-fifths vote of the city council or other governing body, issue such bonds as are provided for herein at such rate and for such period as the council may prescribe notwithstanding any provision in the charter of said city limiting the amount of the bonded indebtedness thereof; providing that such issue of bonds shall never be for an amount which together with all other net bonded indebtedness shall exceed ten per cent of the assessed valuation of said city as of the time of such issue. ('13 c. 310 § 8)

1506. Condemnation of land for public buildings—That hereafter any city in this state now or hereafter having a population of over fifty thousand inhabitants shall have the right, power and authority to condemn lands under the right of eminent domain for sites and grounds for public school buildings, and for all other municipal or public buildings for such cities, or for any of the departments of its government, and such power and authority shall be exercised under and pursuant to the terms and provisions of chapter 41 of the Revised Laws of Minnesota for the year 1905 and acts amendatory thereof; provided, however, that any such city shall have the right, upon the filing of the award of the commissioners provided for in said chapter 41, and upon giving the notice therein required of the filing of such award, to enter upon and appropriate the lands so condemned, without the giving of any bond, but in case of such entry and appropriation, such city shall be bound absolutely to pay all damages awarded, either by said commissioners or by the court upon appeal therefrom, together with all costs and expenses adjudged against it therein, within the time specified in said chapter 41. In case any such city shall appeal from the award of commissioners appointed pursuant to any such condemnation proceedings, such city shall not be required to give or file any appeal bond therein. ('07 c. 291 § 1)

The provisions of R. L. 1905, c. 41, are included in chapter 41 hereof.

1507. Acquisition of lands for hospital—Bonds—That any city in this state now or hereafter having a population of over fifty thousand inhabitants, in which there is a city and county public hospital, may acquire such additional lands as may be necessary therefor either by purchase or by condemnation thereof in the same manner as lands are condemned for the opening and widening of streets, and may pay the cost thereof either by public taxation or by issuing and selling the bonds of such city therefor; anything in the charter of said city or in any law of this state which may prohibit the issue of any bonds in excess of any specified percentage of taxable property in such city to the contrary notwithstanding; provided, however, that the aggregate amount of bonds issued for such purpose shall not be in excess of the sum of twenty-five thousand dollars, par value, and shall not bear a greater rate of interest than four per cent per annum. ('05 c. 139 § 1)

1508. Condemnation of land covered by water for slips—Each city in this state having at any time a population of over 50,000, according to the census then last taken, is hereby empowered to acquire by proceedings in condemnation, under the right of eminent domain, any land or lands covered with water or an easement therein, connecting with or adjacent to public navigable waters, other than rivers, within or adjacent to such city, wheresoever situated within the limits of such city, which shall be declared by the city council by resolution necessary to be taken, damaged, injured or destroyed for the purpose of laying out, opening, making, deepening, widening or otherwise improving a slip or other waterway into or connecting with such public navigable waters. ('05 c. 213 § 1)

1509. Same—To be held for public water highway—Whenever any land or lands covered with water, or an easement therein shall be acquired by any city, pursuant to the provisions of this act, such land shall thereafter be held as and for a public water highway for travel by and the accommodations and

passage of boats, steamships, vessels and water craft of all kinds. ('05 c. 213 § 2)

1510. Same—Proceedings, how conducted—The land or lands covered with water or an easement therein specified in section one [1508] of this act may be acquired by proceedings to be conducted by the city council in the manner provided by chapter 194, General Laws of Minnesota for the year 1903, enabling municipalities to establish and acquire a building line easement along streets, highways, parks and parkways, and the city council in any such city shall, under this act, exercise all the powers and perform all the duties imposed in said chapter 194, General Laws of Minnesota for the year 1903, on the "governing body" mentioned in said chapter. ('05 c. 213 § 3)

1903, c. 194 is not among the laws of that session repealed by § 9456.

1511. Same—Land or easement to vest in city—Upon the conclusion of the proceedings and the payment of the awards the several tracts of land shall be deemed to be taken and appropriated for the purposes of this act, and such land or the easement therein for the purposes aforesaid shall vest absolutely in the city in which the lands are situate. ('05 c. 213 § 4)

1512. Condemnation of land for harbors, wharves, etc.—Cities under home rule charters—That hereafter any city in this state now or hereafter having a population of over fifty thousand inhabitants, shall have the right, power and authority to condemn lands under the right of eminent domain, for harbors, wharves, boat-landings and such canals and approaches thereto as may be required, and shall have the right, power and authority to levy taxes for the purpose of raising moneys required for the payment of damages and other expenses arising in or out of such condemnation proceedings; such power and authority to condemn land shall be exercised under and pursuant to the terms and provisions of chapter 41, of the Revised Laws of 1905, and acts amendatory thereof. Provided, however, that any such city shall have the right, upon the filing the award of the commissioners, provided for in said chapter 41, and upon giving the notice therein required of the filing of such award, to enter upon and appropriate the land so condemned, without the giving of any bond, but in case of such entry and appropriation, such city shall be bound absolutely to pay all damages awarded, either by said commissioners or by the court upon appeal therefrom, together with all costs and expenses adjudged against it therein, within the time specified in said chapter 41. In case any such city shall appeal from the award of the commissioners appointed pursuant to such condemnation proceedings, such city shall not be required to give or file any appeal bond therein. This act shall apply to cities now having a home rule charter adopted under and pursuant to section 36 of article four of the constitution of the state of Minnesota. ('09 c. 327 § 1)

The provisions of R. L. 1905 c. 41 are included in chapter 41 hereof.

1513. Levees on navigable stream when channel changed—Cities under home rule charters—Any city in this state now or hereafter having a population of over fifty thousand inhabitants and any such city now or hereafter governed by a charter adopted pursuant to section 36, article 4 of the constitution of this state, shall have the power to acquire and hold in fee simple, by purchase or condemnation, levees not exceeding two hundred feet in width on either side of any navigable stream within the limits of such city when the channel thereof is altered or changed by or under the authority of the United States government, and may set aside such portions of said levees when acquired as the public needs may require for use for public travel and may devote the remainder thereof to such uses as the common council of such city shall deem for the best interests of the city, or as required by the United States government. ('11 c. 114 § 1)

1514. Same—Issuance of bonds—That any such city may by ordinance adopted by a two-thirds vote of all members elect of its common council, issue and sell the bonds of such city of the par value of not exceeding five hundred thousand dollars, (\$500,000.00) to aid in defraying the expense of acquiring and improving the levees mentioned in section one of this act. ('11 c. 114 § 2)

1515. Same—Limit of debt—Tax levy—The bonds authorized by this act or any portion thereof may be issued and sold by any such city notwithstanding any limitation 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, and the full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued under this act and for the payment of the current interest thereon, and the common council of such city shall each year include in the tax levy a sufficient amount to provide for the payment of such interest as it accrues and for the accumulation of a sinking fund for the redemption of such bonds at their maturity. ('11 c. 114 § 3)

1516. Same—Term of bonds—How executed and sold—No such bonds shall be issued by any such city for the purposes hereinbefore mentioned, to run for a longer term than thirty years or bearing a higher rate of interest than four per cent. per annum, payable semi-annually, but the place of payment of the principal and interest thereof and the denominations in which the same are issued shall be such as may be determined by the common council and may be in the form of coupon bonds or registered certificates, so-called. All of said bonds shall be signed by the mayor, be attested by the city clerk and countersigned by the city comptroller of the city issuing the same, and shall be sealed with the seal of such city; but the signatures to the coupons attached to such bonds, if any, may be lithographed thereon. None of said bonds shall be sold at less than their par value and accrued interest, and then only to the highest responsible bidder therefor. ('11 c. 114 § 4)

1517. Levees, docks, etc., on navigable waters in cities not under home rule charters—Any city of the first class, not organized under section 36, article 4 of the constitution, in addition to any lands now owned by it for any of the purposes hereinafter mentioned is hereby authorized, acting through its city council or other governing body, to acquire by gift, purchase, lease or condemnation any lands therein along, bordering or adjacent to the Mississippi river or any navigable water necessary or convenient for the purposes of public levees, docks, wharves, terminals, transfer railroad tracks, loading, unloading, transfer and storage facilities and kindred uses related to navigation, and may improve the same, including such lands owned by it, for all such purposes and construct, maintain and operate all such works and facilities open to all upon equal terms and for the reasonable use of all persons, firms and corporations. Proceedings in eminent domain shall be in pursuance of chapter 41, Revised Laws 1905 and acts amendatory thereof and supplementary thereto. But the estate taken shall be an absolute title in fee simple without any qualification whatever, unless a lesser estate be expressly designated by the council. The city, upon giving the notice required by section 2528, Revised Laws of 1905 [5403], may enter upon and appropriate the lands so condemned or any distinct parcel thereof, without the giving of any bonds, but in case of such entry and appropriation such city shall be bound absolutely to pay all damages awarded whether by the commissioners acting under said laws or the court upon appeal from their award, together with all costs and expenses adjudged against it in said proceedings, and the court shall issue a writ to the sheriff of the county to put the city in possession. In case the city shall take appeal in any such proceedings it shall not be required to give or file any appeal bond. ('13 c. 181 § 1)

The provisions of R. L. 1905 c. 41 are included in chapter 41 hereof.

1518. Same—Management and control—The improvement, management and control of all said lands, and of all such structures and facilities and the use and operation thereof shall be vested in the city council or other governing body of such city, which body, by ordinance or resolution may provide what rental fees or other charges shall be paid for the use thereof, and for their supervision and management, including the appointment and compensation of such officers and employees as may be found necessary. ('13 c. 181 § 2)

1519. Same—Issuance of bonds—Any such city, by a majority vote of its city council or other governing body, may issue and sell its bonds, to an amount not exceeding three hundred thousand dollars (\$300,000) in par value, for the purposes of this act, for the payment of which bonds, with the current

interest thereon, the faith and credit of said city shall be pledged. Any surplus income from the use of said levees, docks, terminals and other facilities shall be used to pay the current interest on said bonds, and the city council or other governing body shall include in its annual levy of city taxes an amount sufficient, with said estimated income, to pay said interest. ('13 c. 181 § 3)

1520. Same—Term of bonds—Bonds issued under this act shall run for a term not longer than thirty years and bear interest at a rate not higher than four per cent. per annum, payable semi-annually. The place of payment of principal and interest and the denomination of said bonds shall be fixed by the resolution or ordinance authorizing their issue, and all or any of them may be in the form of coupon bonds or of registered certificates, so called, as the purchasers may prefer. ('13 c. 181 § 4)

1521. Same—How executed and sold—All bonds or certificates so issued shall be signed by the mayor, attested by the city clerk, and countersigned by the city comptroller of said city, and be sealed with the city seal; except that the signatures to the coupons attached thereto, if any, may be lithographed. None of such obligations shall be sold for less than 95 per cent. of their par value and accrued interest, or to any but the highest responsible bidder therefor. ('13 c. 181 § 5)

1522. Same—To what cities applicable—Application—This act shall not apply to any city whose inhabitants have adopted a charter pursuant to section 36, article 4, of the state constitution. ('13 c. 181 § 6)

1523. Diversion of unnavigable streams—Raising waters of lakes—Any city of this state now or hereafter having a population of more than 50,000 according to the last preceding state or national census, may, if in the judgment of its city council, the public health or welfare of its citizens will be promoted thereby, divert any unnavigable stream, flowing wholly or partly within the corporate limits, from its natural bed to an artificial channel or to another water course. The diversion may take place at any feasible or desirable point within, or without the corporate limits, and the new channel may be created within or without or partly within and partly without the corporate limits. For the purpose of controlling and regulating the flow of such stream in its new channel, the city may, by the erecting of dams or other suitable means, raise the waters of any lake or lakes from which the stream may flow, or through which the new channel may flow, and may control and regulate the discharge from such lake or lakes, and may straighten, enlarge and make such changes and improvements in the channels as may be necessary for such purposes. Such new channels may, where necessary, cross any highway or railway; in which case suitable bridges shall be provided. ('05 c. 18 § 1)

1524. Same—Ordinance—Survey and map—The city council shall by ordinance first adopt and file with the city clerk a survey and map showing the point at which it is proposed to divert the stream, the route of the new channel, the sites of dams and other controlling works, the lands proposed to be taken for right of way and for flowage purposes, the levels to which it is proposed to raise and between which it is proposed to maintain the waters of any lake, a profile of the route and of the water surface, the cross-section of the proposed new channel, the enlargement, if any, of any existing channel, the bridges, tunnels, culverts to be built, and in general, the entire extent and scope of the improvement as nearly as may be. ('05 c. 18 § 2)

1525. Same—Lands, how acquired—The city council may acquire in the name of the city by grant, dedication, purchase or devise the lands and the rights necessary to carry out such improvements. ('05 c. 18 § 3)

1526. Same—Condemnation—Special assessments—The power of eminent domain and the power to levy special assessments for benefits are hereby delegated to such cities for the purposes of this act, to acquire the lands and rights needed or any of them, to be exercised as follows: ('05 c. 18 § 4)

1527. Same—Ordinance—Appraisers—The city council shall by ordinance determine and declare as nearly as may be, the cost of such improvements, exclusive of damages to property, and shall appoint five appraisers, who shall be disin-

terested free-holders and qualified voters of the county, and none of whom shall be residents of the town or ward or wards of the city in which the property so designated is situated, to view the premises and appraise the damages which may be occasioned by the taking of private property or otherwise in making such improvement, and to assess special benefits resulting therefrom. Said appraisers shall be notified as soon as practicable by the city clerk to attend at a time fixed by him, for the purpose of qualifying and entering upon their duties. Whenever a vacancy may occur among said appraisers by neglect or refusal of any of them to act or otherwise, such vacancy shall be filled by the city council. ('05 c. 18 § 5)

1528. Same—Oath—The appraisers shall be sworn to discharge their duty as appraisers in the matter with impartiality and fidelity; and to make due return of their acts to the city council. ('05 c. 18 § 6)

1529. Same—Notice of meeting for appraisal, etc.—The appraisers shall give notice of their meeting by publication in the official newspaper of the city, once a week for six consecutive weeks, which last publication shall be at least ten days before the day of such meeting, which notice shall name the stream to be diverted, the point of diversion, the general course of the new channel and the height to which it is proposed to raise or maintain any lake, the location of proposed bridges, culverts or tunnels, the estimated cost of construction, and shall contain a description of the lands designated by the city council to be taken for right of way and for flowage purposes, and give notice that a plan of the improvement has been filed in the office of the city clerk, and that said appraisers will meet at a place and time designated in the notice, and thence proceed to view the premises and appraise the damages for property to be taken, or which may be damaged by the diversion of water or otherwise by such improvement, and to assess benefits in the manner hereinafter specified. If any portion of such stream or of the lands to be taken is outside of the county containing such city, then the notice shall also be published for a like time in some newspaper in such outside county. ('05 c. 18 § 7)

1530. Same—Mailing notices—A copy of all subsequent notices relating to the proceeding which are required to be published, shall be mailed by the city clerk immediately after the first publication thereof to such persons as shall have appeared in said proceedings and requested in writing that such notices be mailed to them. ('05 c. 18 § 8)

1531. Same—Meeting of appraisers—Damages and benefits—At the time and place mentioned in the notice, the said appraisers shall meet and thence proceed to view the premises, and shall hear any evidence or proof offered by the parties interested and may adjourn from time to time for the purpose aforesaid. When their view and hearing shall be concluded, they shall determine the amount of damages, if any, suffered by each piece or parcel of land affected by the improvement. They shall also determine the amount of special benefits, if any, occurring by reason of diversion of water, drainage, or otherwise, to each piece or parcel of land wherever situate and whether contiguous to the improvement or not. If the damages exceed the benefits to any particular piece, the excess shall be awarded as damages. If the benefits exceed the damages to any particular piece, the difference shall be assessed as benefits, but the total assessment for benefits shall not be greater than the aggregate net award of damages added to the estimated cost of construction; and in every case the benefits assessed upon the several parcels shall be in proportion to the actual benefits received, and no assessment upon any particular piece shall exceed the amount of actual special benefits after deducting the damages, if any. ('05 c. 18 § 9)

1532. Same—Buildings—If there be any buildings standing, in whole or in part, upon any parcel of the land to be taken, the said appraisers shall, in such case, determine the amount of damages which should be paid to the owner or owners thereof, in case such building, or so much as may be necessary, should be taken, and shall also appraise and determine the amount of damages to be paid such owner or owners, in case he, or they, shall elect to remove such buildings. ('05 c. 18 § 10)

1533. Same—Different owners or interests—If the land and buildings belong to different persons or if the land be subject to lease, mortgage or judg-

ment, or if there be any estate less than an estate in fee, the injury or damage done to such person, or interests, respectively, may be awarded to them separately by the appraisers. Provided, that neither such award of the appraisers, nor the confirmation thereof by the city council, shall be deemed to require the payment of such damages to the person or persons named in such award, in case it shall transpire that such person or persons are not entitled to receive the same. ('05 c. 18 § 11)

1534. **Same—Report**—The said appraisers having ascertained and appraised the damages and assessed the benefits as aforesaid, shall make and file with the city clerk, a written report of their action in the premises, embracing a schedule and appraisal of the damages awarded and benefits assessed, with descriptions of the lands, and the names of the owners, if known to them, and also a statement of the costs of the proceeding. ('05 c. 18 § 12)

1535. **Same—Notice of appraisal—Buildings—Confirmation or annulment**—Upon such report being filed, the city clerk shall give notice that such appraisal has been returned, and that the same will be considered by the city council at a meeting thereof to be named in the notice, which notice shall contain the schedule of damages awarded and benefits assessed, and shall be published in the official newspaper of said city, once a week for two consecutive weeks, and the last publication shall be at least ten days before such meeting. Any person interested in any building standing in whole or in part upon any land required to be taken by such improvement, shall on or before the time specified for said meeting in such notice, notify the city council in writing of his election to remove such building, if he so elect. The city council, upon the day fixed for the consideration of such report, or at any subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise or annul the appraisal and assessment, giving due consideration to any objections interposed by parties interested in the manner hereinafter specified, provided that said city council shall not have the power to reduce the amount of any award, nor increase any assessment. In case the appraisal and assessment is annulled, the city council may thereupon appoint new appraisers, who shall proceed in like manner as in case of the first appraisal, and upon the coming in of their report, the city council shall proceed in a like manner and with the same powers as in the case of the first appraisal. ('05 c. 18 § 13)

1536. **Same—Award—Payment—Effect of appeal—Interest**—If not annulled or set aside, such award shall be final, and shall be a charge upon the city, for the payment of which the credit of the city shall be pledged. Such assessments shall be and remain a lien and charge upon the respective lands until paid. The award shall be paid to the persons entitled thereto, or shall be deposited and set apart in the treasury of the city for the use of the persons entitled thereto, within six months after the confirmation of the appraisal and award. But in case any appeal or appeals shall be taken from the order confirming said appraisal and assessment as hereinafter provided, then the time for payment of said awards shall be extended until and including sixty days after the final determination of all appeals taken in the proceedings, and in case of any change in the awards or assessment upon appeal, the city council may, by resolution duly adopted, at any time within sixty days after the determination of all appeals, set aside the entire proceeding. Any awards so set aside shall not be paid, and the proceedings as to the tracts for which the awards are so set aside shall be deemed abandoned. Any awards not so set aside shall be a charge upon the city, for the payment of which the credit of the city shall be pledged. All awards shall bear interest at the rate of six per centum per annum from the time of the filing of the original appraisers' report, and all subsequent awards and awards upon appeals shall be made as of the day and date of filing of such original reports. ('05 c. 18 § 14)

1537. **Same—Title vests, when—Deposit of award**—Upon the conclusion of the proceedings and the payment of the awards, the several tracts of land

shall be deemed to be taken and appropriated for the purposes of this act, and the title thereto shall vest in the city. In case the city council shall in any case be unable to determine to whom the damages should in any particular case be paid, or in case of adverse claim in relation thereto, or in case of the legal disability of any person interested, the city council shall, and in any and every case the city council may in its discretion deposit the amount of damages with the district court of the county in which such city is situate, for the use of the parties entitled thereto, and the court shall, upon the application of any person interested, and upon such notice as the court shall prescribe, determine who is entitled to the award, and shall order the same paid accordingly. Any such deposit shall have the same effect as the payment to the proper persons. ('05 c. 18 § 15)

1538. Same—Removal of buildings—In case any owner or owners of buildings, as aforesaid, shall have elected to remove his or their buildings, he or they, shall remove them within thirty days from the confirmation of said report, or within such further time as the city council may allow for the purpose, and shall be entitled to the payment of the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected) to remove the same within the time above specified, such buildings, or so much thereof as may be necessary, upon paying or depositing the damages awarded for such taking in manner aforesaid, may be taken and appropriated, sold or disposed of as the said city council shall elect. ('05 c. 18 § 16)

1539. Same—Appeal—Objections—Notice—Record—Questions on appeal—Any person whose property is proposed to be taken or interfered with or assessed under any provision of this act, or who claims to be damaged by the improvement, and who deems that there is any irregularity in the proceedings of said city council, or action of the appraisers, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of, or interference with his property, or the assessment thereon, may at any time before the time specified for the consideration of the award and assessment by the city council, file with the city clerk in writing, his objections to such confirmation, setting forth therein specifically the particular irregularities complained of, and the particular objection to the award or assessment, and containing a description of the property in which he is interested, affected by such proceedings and his interest therein, and if, notwithstanding such objections the said city council shall confirm the award or assessment, such persons so objecting shall have the right to appeal from such order of confirmation of the city council to the district court of the county in which said city is situate, within twenty days after such order. Such appeal shall be made by serving a written notice of appeal upon the city clerk, which shall specify the property of the appellant affected by such award or improvement, and refer to the objection filed as aforesaid, thereupon said city clerk at the expense of the appellant, shall make out and transmit to the clerk of the district court a copy of the record of the entire proceedings and of the award of the appraisers as confirmed by the city council, and of the order of the city council confirming the same, and of the objections filed by the appellant as aforesaid, and of the notice of appeal, all certified by said city clerk to be true copies, within ten days after the taking of such appeal. But if more than one appeal be taken in the same proceeding, it shall not be necessary that the city clerk in appeals subsequent to the first shall send up anything but a certified copy of the appellant's objections. There shall be no pleading on any appeal, but the court shall determine in the first instance whether there was in the proceedings any such irregularity or omission of duty prejudicial to the appellant and specified in his written objection that as to him the award or assessment of the appraisers ought not to stand, and whether said appraisers had jurisdiction to take action in the premises. ('05 c. 18 § 17)

1540. Same — Hearing — Appraisers — Report — Buildings — Award — Recommitment—Costs—Appeal to supreme court—The case may be brought

on for hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to confirm or annul the proceedings, only so far as the said proceedings affect the property of the appellant proposed to be taken or damaged or assessed, and described in said written objection. In case the amount of damages or benefits assessed is complained of by such appellant, the court shall, if the proceedings be confirmed in other respects, appoint three disinterested freeholders, residents of said county, appraisers, to reappraise said damages, and reassess benefits as to the property of appellant. The parties to such appeal shall be heard by said court upon the appointment of such appraisers, and the court shall fix the time and place of meeting of such appraisers, they shall be sworn to the faithful discharge of their duties as such appraisers, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of damages or benefits, and proceed in all other material respects as are in this act provided for the government of appraisers appointed by said city council. They shall, after the hearing and view of the premises, make a report to the said court of their award of damages and assessments of benefits in respect to the property of such appellant. The appellant shall within five days of notice of filing the award file his written election to remove the buildings if he so elect. Such election shall not affect his right to a review. The award shall be final unless set aside by the court. The motion to set aside shall be made within fifteen days. In case such report is set aside, the court may, in its discretion, recommit the same to the same appraisers, or appoint new appraisers, as it shall deem best; said court shall allow to said appraisers a reasonable compensation for their services, and make such awards of costs on such appeal, including the compensation of such appraisers, as it shall deem just in the premises, and enforce the same by execution. In case the court shall be of the opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant. An appeal may be taken to the supreme court of the state from any final decision of the district court in said proceedings. ('05 c. 18 § 18)

1541. Same—Time of payment—In case of any appeal the time for making payment of awards shall be extended as to all tracts embraced in the proceeding to sixty days after final determination of all appeals. ('05 c. 18 § 19)

1542. Same—Notice of pendency—Persons affected—The notice prescribed in section 7 [1529] shall be sufficient to charge all persons whose rights or interests may be affected by the diversion of such waters, but whose lands are not otherwise taken, with notice of the pendency of the proceeding, and all such persons may present to the appraisers evidence of the damages which they will suffer, and the appraisers shall determine and award such damages as they may find, particularly specifying in their award the location and the nature of such damages, and all persons failing to present their claims for damages arising from the diversion of waters, shall be concluded by the proceeding hereunder, whether any award of damages is made to them or not, and shall be barred from claiming damages afterwards in any other form of action or proceeding. ('05 c. 18 § 20)

1543. Same—Award and assessment, how certified—Assessment, how enforced—Upon the final determination of all appeals in such proceeding, the city clerk shall transmit to the auditor of the county or counties in which the respective lands lie a copy by him duly certified of the awards and assessment of the appraisers as confirmed by the city council; and the clerk of the district court shall, in like manner, certify the award and assessment as finally made upon all appeals; and the county auditors shall include such assessments of benefits against each tract of land assessed, with and as a part of the taxes upon such respective tracts of land in the next annual list of taxes for general, state, county and other purposes, and the same proceedings shall be had for the collection and enforcement thereof, as for such general taxes, including like penalties in case of non-payment, and including also proceedings for the collection and enforcement of delinquent taxes. Whenever any of such assessments are collected, they shall be credited to the city

conducting such proceedings, and paid over and accounted for in like manner as other taxes. ('05 c. 18 § 21)

1544. Same—Duty of city—It shall be the duty of such city to proceed with all reasonable dispatch to complete such improvements, unless the proceedings are set aside by the city council as hereinbefore provided. ('05 c. 18 § 22)

1545. Same—Powers and duties of council—Penalties—The city council shall have power and it shall be its duty after the construction of such works to maintain the same and to prevent injury or obstruction to the channel or works and contamination of the waters. And for such purposes the city council may enact suitable ordinances and prescribe penalties for their violation, not exceeding a fine of one hundred dollars for each offense, or confinement in the city workhouse not exceeding ninety days. The municipal court of the city shall have jurisdiction of such offenses. ('05 c. 18 § 23)

1546. Replacing sidewalks—Whenever a sidewalk in any city of the first class decays or becomes otherwise unsafe, the council thereof, by a four-fifths vote of its members, and without any petition from property owners therefor, may cause the same to be removed and replaced by a new walk, of the same or different material, and assess the cost thereof upon abutting property as in the case of a walk first laid. (759)

1547. Park funds—The board of park commissioners of any city of the first class may receive and accumulate all moneys arising from the operation and control of parks, and may use, the same in the improvement and maintenance of parks. (762)

1548. Parks, etc., outside limits—The board of park commissioners of any city of the first class may acquire by gift, devise, purchase, or condemnation, for parks or parkways, lands lying outside the city limits, and adjacent to lands devoted to parks and parkways within such limits; and such board may so acquire lands for parkways along the shores of a lake or stream lying partly or wholly without such limits, if such lake or stream be near or connected with a lake lying wholly or partly within such limits, on the shores of which a park or parkway has been acquired or projected: Provided, that no tract so acquired by purchase or condemnation shall exceed forty acres. (763)

1549. Roads, boulevards, parkways, etc., outside corporate limits in cities under home rule charters—Any city of the state of Minnesota, now or here^a after having more than fifty thousand inhabitants is hereby authorized and empowered to extend, lay out, open, build, maintain and repair any road, street, avenue, boulevard, parkway or other public highway which may be authorized by ordinance of such city passed by a three-fourths vote of all the members of the city council, or other governing body of said city, whether such road, street, avenue, boulevard, avenue, parkway or other public highway be wholly within or partly within and partly without, or wholly without outside of, or beyond the corporate limits of said city. ('09 c. 485 § 1)

1550. Same—Property, how acquired—Any city mentioned in section 1 of this chapter may acquire by gift, devise, purchase, condemnation or other means any property necessary or convenient or desirable for the purpose of extending, laying out, opening, building, maintaining and repairing any road, street, avenue, boulevard, parkway or other public highway authorized in section 1 [1549] of this chapter. ('09 c. 485 § 2)

1551. Same—Condemnation, how conducted, etc.—Whenever the common council or other governing body of any such city shall by ordinance as aforesaid, declare that it is necessary or convenient or desirable to acquire any real property for any such public use, it shall describe such property as nearly as may be convenient in such ordinance, and state the use to which it is proposed to devote such property, and direct the city attorney to take the appropriate proceedings in the proper course for the condemnation of the same, and direct the city engineer to make and present to the common

council, or other governing body, such plat and survey of said real estate as will show the property to be taken, and the owner of each parcel thereof according to the records in the office of the register of deeds of such county, and to accompany such plat and survey with such report as will fully explain the situation of such property, and such report may contain any other pertinent statement which the engineer deems best. The common council, or other governing body of such city may cause such plat and survey to be modified or amended as it may deem proper, and when satisfied with said plat and survey may adopt the same and direct a copy of such plat and such ordinance to be filed in the office of the register of deeds of the county in which such land is situate. Such copy of the plat and ordinance when so filed shall operate as notice of the pendency of an action by said city against each piece or parcel of land therein described for the condemnation thereof. The city attorney shall thereupon apply to the district court in and for such county for the appointment of three commissioners to appraise the property so to be taken and the damage for such taking. He shall give a notice of such application in which he shall specify the time and place of application, and in a general way describe the property proposed to be taken, and shall name the owners of such property so far as known to him, but failure to name all or any of the owners correctly shall in no wise affect the proceedings. Such notice shall be served by one publication of the same in the official paper of the city at least twenty days before the date fixed for such application, and a copy of such notice shall at least twenty days before the date fixed for such application be served upon any person or corporation in possession of any parcel therein described, and upon each person or corporation who appears by the records in the office of the register of deeds of the county in which such city is situated, to be interested in any of said parcels, and who can be found in such county, in the same manner as a summons is served in a civil action. At the time and place named in said notice, or at a duly adjourned time and place, upon proof of the publication of said notice as aforesaid, the court shall appoint three commissioners, all of whom shall be freeholders and electors of the county in which said city is situate, who shall have cognizance of all cases named in such application, and shall have power to appraise the value of all property therein described, and the damages for the taking of the same. The city attorney shall forthwith by written notice, notify said commissioners personally of their appointment, and request them to attend at his office on or before a day fixed by him not less than two days after the service of such notice, to qualify and enter upon their duties, and if any commissioner shall refuse or neglect to attend as aforesaid, the mayor of the city shall in writing appoint one or more commissioners in the stead of the said absentees, and shall file such appointment with the clerk of the court which appointed such original commissioners. Said commissioners shall thereupon, and before entering upon the duties of their office, severally take and subscribe an oath to the effect that they are freeholders and electors of the county in question and in no wise interested in any property to be affected by said proceedings, and that they will faithfully perform their duty as such commissioners without partiality and to the best of their knowledge and ability, which oath shall be filed in the office of the clerk of said court. The commissioners shall thereupon give at least twenty days' notice, by one publication in the official paper of the city, of the time and place where they will attend to make an assessment of damages in said proceedings. Such meeting may be adjourned from time to time without further publication of notice. It shall be the duty of the city attorney to serve a copy of such notice at least four days before the date named in such notice upon all persons or corporation over whom the court shall acquire jurisdiction, and who shall serve notice upon the city attorney of their appearance in such proceedings. Such notice shall be served in the manner provided by statute for the service of notices and other papers in civil actions, and may be made upon the party or his attorney. At the time and place named in said notice, or at an adjourned time and place, the said commissioners, or a majority of them, after viewing the property involved

and hearing the evidence offered, shall make through an impartial appraisal an award of compensation and damage to be paid for each tract or parcel of land to be taken or damaged, but if the remainder of any parcel or piece of property of which a part only is to be taken or damaged shall be benefited by such proposed improvement, then the commissioners in considering and awarding such compensation and damages, shall consider, determine and offset the proportionate benefits which will accrue to the remainder of such parcel not so taken and belonging to the same owner as does the part taken, and shall award only the excess, if any, of the compensation or damages over or above the benefits. Such report shall be in writing, signed by the commissioners, or a majority of them, and filed with the clerk of the court as soon as completed. Upon the filing of such report, the commissioners shall give notice thereof by one publication in the official paper of the city. Such published report shall contain a description of the several parcels of land taken or damaged for such public use and the respective awards therefor. A copy of such notice shall within ten days thereafter be served upon the city attorney and upon all parties who have appeared in said proceedings, and such notice shall be served in the manner provided by statute for the service of notices and other papers in civil actions, and may be made upon the party or his attorney. Any person or corporation interested in any property described in said report or the city in question may appeal from any award therein at any time within thirty days after the publication of said notice by filing with the clerk of the district court which appointed said commissioners notice of appeal signed by the party or his attorney taking the same, and describing the party the property in which he is interested and the award to which he objects. An appeal made from any award shall in no wise affect an award not appealed from. The clerk shall enter the appeal as an action in said court; there shall be no pleadings therein and such appeal shall be tried as other causes originally commenced in said court are tried and judgment rendered therein. From such determination an appeal may be taken to the supreme court of the state. After said commissioners shall file said report and publish said notice thereof as aforesaid the court shall allow the commissioners such reasonable compensation for their services, as it shall deem best, which shall be paid by the city seeking to condemn said property as aforesaid. Whenever an award of damages shall be made and filed as aforesaid, and not appealed from, in any proceedings for the taking of property, under this act, or whenever the court shall render final judgment in any appeal from any such award, the rights of all parties shall be finally fixed and determined thereby and the same shall constitute a lawful and sufficient condemnation and appropriation to the public use of the land for which damages are so awarded and every right, title and interest therein and thereto, and every other lien thereon shall be thereby directed and such city shall become vested with the title to, and become the owner of, the property taken or condemned absolutely for all the purposes for which said city may ever use the same; and such city shall be bound to, and shall within one year of the time of such final determination pay the amount of such award with interest thereon at the rate of five per cent. per annum from the date of the final award or judgment of the court, as the case may be, and if not so paid judgment therefor may be had against the city. In case there shall be any doubt as to who is entitled to such compensation or damages, or any part thereof as may be awarded, the amount so awarded, and in doubt or dispute shall be by the common council or other governing body of such city appropriated and set apart in the city treasury for whoever shall establish his right thereto by some judicial proceedings. Before payment of any such award the owner of such property, or the claimant of the award, shall furnish satisfactory evidence of his right to such award. Any such city may by ordinance passed by a three-fourths vote of all the members of its common council or other governing body, at any time within twenty days after any commissioners appointed by the court hereunder shall file their report with the clerk of said court, or in case of an appeal within twenty days after final determination

thereof, abandon such proceedings and shall thereupon pay the costs thereof. Upon the completion of any proceedings under this act for the acquisition of any property by any such city, the mayor or other executive head of such city shall cause an accurate description of the property so taken to be prepared, together with a statement of the amount of damages, if any, awarded or paid, or to be paid to each owner thereof and shall sign and acknowledge the same as such mayor or executive head, and cause the same to be recorded in the office of the register of deeds of the county in which such property is situated, and it is hereby made the duty of such register of deeds, upon being paid his statutory fees, to record such statement in some appropriate book in his office. Such record or duly certified copy thereof shall be prima facie evidence that the city in question is the owner of the property described therein by good and perfect title. ('09 c. 485 § 3)

1552. Same—To what cities applicable—Police protection—This act shall be applicable to any city of the first class existing under a charter framed under and pursuant to section 36, article 4 of the constitution of the state of Minnesota. Any city acquiring any property under this act is empowered to afford police protection to any and every such property. ('09 c. 485 § 4)

1553. Compensation for land condemned for parks—That when any city in this state now or hereafter having a population of over fifty thousand inhabitants shall cause to be condemned any land for public parks or parkway purposes, such city shall thereupon cause to be paid to the owner of such property the amount of damages, over and above all benefits, which may have been awarded therefor, within one year after confirmation of the award or assessment, or the final determination of any appeals therefor, with interest at the rate of five per cent per annum, but nothing in this act shall take away any existing right to annul and abandon such proceedings. ('05 c. 103 § 1)

1554. Same—Payment from park fund—That any such city is hereby authorized to pay the whole or any part of any award or judgment for land condemned for park or parkway purposes out of the park fund, in case said city has on hand in the park fund, or can obtain by donation, bequest or otherwise under lawful authority, moneys available therefor. ('05 c. 103 § 2)

1555. Same—Abandonment of proceedings—Nothing contained in this act shall deprive the city of the power to abandon proceedings as now provided by law. ('05 c. 103 § 3)

1556. One mill tax for parks and parkways—Any city in this state now or hereafter having a population of over fifty thousand inhabitants is hereby empowered to levy annually upon all the taxable property of such city a tax not exceeding one mill upon the dollar of the assessed valuation thereof, for the acquisition, maintenance and improvement of parks, parkways and other grounds under the control of the board of park commissioners or other body having jurisdiction and control of parks and parkways in such city. ('09 c. 359 § 1)

1557. Regulating travel on parkways—"Parkway" defined—The board of park commissioners, or other governing body having control of parks and parkways of any city now or hereafter having a population exceeding fifty thousand, shall have power to enact ordinances and to prescribe penalties for the violation thereof for the purpose of regulating, controlling and limiting the use of and travel upon and over all parkways heretofore or hereafter established by any such city, in or adjacent to the city, whether such parkways were originally established as parkways or were streets or highways before being taken as parkways, and among other things to exclude from such parkways all vehicles in use for any purpose except carrying passengers. For the purpose of this act the term "parkway" shall include the roadways and carriage-ways of parks as well as parkways. ('07 c. 440 § 1)

1558. Same—Power of council to levy assessments not divested—That this act shall not divest or deprive the common council of any such city of any jurisdiction or power now existing by virtue of any statute or charter,

to levy assessments for the grading, protecting, improving and ornamenting of any public park, square or grounds now or hereafter laid out, and for planting and protecting shade and ornamental trees and for constructing or reconstructing sewers, sidewalks, retaining walls, gutters, curbing, and for boulevards, macadamizing and paving in or upon any such streets set apart for park and parkway purposes. ('07 c. 440 § 2)

1559. **Sprinkling boulevards—Jurisdiction of park board—Petition—Resolution of council**—Whenever in any city of this state having more than fifty thousand inhabitants, a majority of the owners of property fronting upon any street or any portion of any street not less than one block in length, wherein have been constructed or shall hereafter be constructed any grass plots between the sidewalks and roadways of such streets, shall file a petition with the common council or other governing body, to place the grass plots in said street (or such portion of the street upon which the property owned by the petitioners shall front as aforesaid) under the care and management of the board of park commissioners of such city for the purpose of having the grass sprinkled during the season of the year when the streets adjacent thereto are sprinkled, such common council may, upon the filing of such petition, pass a resolution placing the grass plots in the street or portion of street described in such petition, under the jurisdiction, care and management of said board of park commissioners, for the purpose of having the grass thereon sprinkled between the sidewalk and roadway in any such street, and upon the passage of such resolution it shall be the duty of the clerk of such common councils, or other governing body, to forthwith forward to said board of park commissioners a certified copy of such resolution. ('07 c. 179 § 1)

1560. **Same—Boulevard defined**—The word "boulevard" as used in this act shall be construed to mean and refer to all that portion of any street upon which shall have been constructed any grass plot between the sidewalk and roadway of such street. ('07 c. 179 § 2)

1561. **Same—Duties of park board**—On receipt by said board of park commissioners of a certified copy of such resolution, the boulevard upon the street or portion of street described in said petition and resolution shall be under the jurisdiction, care and management of said board of park commissioners for the purpose of sprinkling said boulevard whenever necessary, and thereupon said board of park commissioners may cause said boulevard to be sprinkled whenever necessary, and the expense of such work shall in the first instance be payable out of a general fund of such city. ('07 c. 179 § 3)

1562. **Same—To keep account of cost—Assessment**—It shall be the duty of the said board of park commissioners at all times to keep accurate account of the cost of sprinkling such boulevards as authorized by this act, in front of such lot or parcel of land fronting on such boulevard, and on or before the first day of October of each year, said board shall assess the cost and expense of such work as has been done in front of each of said lots or parcels of land since the first day of October in the preceding year, including the proportionate cost of making such assessment, upon such lot or parcel of land. ('07 c. 179 § 4)

1563. **Same—Duty of county auditor—To be collected like taxes**—On or before the first day of November of each year, said board of park commissioners shall transmit to the county auditor of the county in which said city shall be located, a certified copy of the assessment roll and said county auditor shall extend the assessments in the proper columns against the pieces or parcels of land assessed, and such assessment shall be collected and the payment thereof enforced in like manner as state and county taxes are collected in such county and in said state, and the payment thereof enforced. When such assessment shall have been collected, the amount thereof shall be paid by the county treasurer to the city treasurer of such city, and by said city treasurer be placed to the credit of the general fund of such city for the purpose of reimbursing the said city for the cost of doing the work for which said assessment was made. ('07 c. 179 § 5)

1564. Same—Re-assessment—If any such assessment shall be set aside as to any real estate for any cause by a decision of court or for any cause may be found irregular or defective, the said board of park commissioners may make a re-assessment as to such property from time to time and as often as need be, until each lot or parcel of real estate has paid the cost of sprinkling the boulevard in front thereof, together with its proportionate part of the cost of making such assessment. ('07 c. 179 § 6)

1565. Exchange lands for parks or playgrounds—Any city in this state now or hereafter having a population of over fifty thousand inhabitants, is hereby empowered to exchange for other lands to be used for parks or playgrounds, any lands acquired by such city for parks or playgrounds; provided, that at least two-thirds of all the members of the common council of such city shall approve such exchange, and the board of park commissioners or other body having jurisdiction and control of parks and playgrounds in such city, shall by a two-thirds vote thereof, request the common council so to do. ('11 c. 26 § 1)

Section 2 repeals inconsistent acts, etc.

1566. System of streets, parks and parkways in cities not under home rule charters—Acquisition of lands—Duties of council and park commissioners—The city council and the board of park commissioners of any city of the first class may by concurrent resolution adopted by a majority vote of each body, designate lands to be acquired for a system of streets, parks and parkways, and determine that such land shall be acquired by proceedings under this act, to be conducted either by the city council or the board of park commissioners, as such resolution shall specify. If said proceedings are taken by the board of park commissioners, the duties herein specified to be performed by the city clerk, the city engineer and the city attorney respectively, shall be performed by the secretary, the engineer and the attorney elected and employed by the board of park commissioners, and the powers hereinafter specified to be exercised by the city council may for the purposes of this act be exercised by the board of park commissioners. The term system of streets, parks and parkways, as used herein, shall embrace any body of contiguous land of whatever shape or area, designed ultimately to be used in part for streets and in part for parks or parkways, and the concurrent resolution shall designate what part is for streets, what part for parks and what part for parkways. Whenever the city council desires to take land for street purposes alone, it may proceed under this act for that purpose without the concurrence of the board of park commissioners, and whenever the board of park commissioners desires to take land for parks and parkways alone, or either, it may proceed under this act without the concurrence of the city council. ('11 c. 185 § 1)

The act does not apply to cities under home rule charters. See § 1576.

1913 c. 345 § 7, amends the title of the act.

1567. Same—Duty of engineer—Appointment, powers and duties of commissioners—Report—Duties and powers of council—Award and assessment—Assessment roll—After the adoption of the resolution it shall be the duty of the city engineer to make and present to the council a plat and survey of such proposed improvement, showing the character, course and extent of the same and the property necessary to be taken or interfered with thereby, with the name of the owner of each parcel of such property so far as the engineer can readily ascertain the same, and such statement as may in the opinion of the engineer be proper to explain such plat and survey and the character and extent of the proposed improvement.

When such plat and survey shall be finally adopted by the city council, it shall be filed with the city clerk, and it shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the city council.

Said plat shall also show the amount of land taken from each owner, so far as the owners may be known, and the lands contiguous to such improvements.

The city council shall then or afterwards appoint five freeholders of said city, no two of whom shall reside in the same ward, as commissioners, to

view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of property which is to be taken or injured by such improvement, and to assess the amount of such damages and compensation and the expense of the improvement upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation.

Three or more commissioners shall constitute a quorum and be competent to perform any duty required of such commissioners; and they shall be notified of their appointment, and vacancies in their number shall be filled by the city council, and they shall be sworn to the faithful discharge of their duties. They shall give notice by two publications in the official paper of said city that such survey and plat is on file in the office of the city clerk, for the examination of all persons interested, and that they will on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in said notice on or near the proposed improvement, and view the property proposed to be taken or interfered with for the purposes of such improvements, and ascertain and award therefor compensation and damages, and view the premises to be benefited by such improvement, and assess thereon in proportion to benefits, amount necessary to pay such compensation and damage and the cost of making the improvement, and that they will then and there hear such allegations and proofs as interested persons may offer. Any such commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and, after having viewed the premises, may, for the hearing of evidence and preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of the city engineer and of any other officer of the city, and adjourn from time to time. After viewing the premises and hearing the evidence offered, such commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement; but if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvement, then the commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner, in respect to the remainder of the same property, and award him only the excess of the compensation or damages over and above such benefits.

The said commissioners shall then assess the amount of such compensation and damages so awarded upon the land and property benefited by such proposed improvements, together with the expense and cost of making the improvements as fixed by the city council, and in proportion to such benefits, but in no case shall the amount of such assessment exceed the actual benefit to the lot or parcel of land so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the city council their appraisal and award, and if in the judgment of said commissioners the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report and shall state the amount of such excess. Said commissioners shall also report to the city council an assessment list containing their assessment of such compensation, damages, and costs, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of property assessed, the name or names of the owners thereof, if known, and the amount assessed against each parcel of property and the amount of the excess of such compensation, damages and costs as aforesaid, which they shall return unassessed.

The commissioners may employ clerical assistance, and the cost thereof, as well as the commissioners' compensation, and the expenses of printing the notices required, including, among others, the notice of consideration by the city council, hereinafter referred to, estimated at the same rate per line as the

cost of printing the prior notices, shall be added to the other amounts to be assessed and shall be assessed therewith. The city attorney shall represent the city before the commissioners and produce such evidence as the case may require.

The city council, may, however, provide by the resolution appointing such commissioners that a certain specified percentage, not exceeding thirty-three and one-third ($33\frac{1}{3}$) per cent, of the total damages and cost of improvements, shall in any case be payable out of the city's general funds, and in that case the city's share shall be added to the amount of the certificates to be issued and sold under section 10 [1575], and the city council shall from year to year levy a sufficient tax upon the taxable property of the city to pay the same, with interest. In such case the amount provided to be paid out of the general funds shall not be assessed.

Said commissioners shall, upon the completion of their said report, file the same with the city clerk for presentation by him to the city council and thereupon it shall be the duty of said city clerk to give notice to all interested parties by one (1) publication in the official paper of said city that he will at the next meeting of the city council, or as soon thereafter as practicable, present such report to said council for their consideration and action, the first one (1) of which said notices shall be published at least ten (10) days before the presentation of such report to said city council; such published notices shall contain descriptions of the several lots and parcels of land taken for such proposed improvements, and the amount awarded for the taking of each such lot or parcel, together with the names of the owner or owners of the same, as nearly as they can be readily ascertained. It shall also contain descriptions of the several lots or parcels of land upon which benefits have been assessed and the amount assessed against each such lot or parcel, together with the names of the owner or owners of the same, as nearly as the same can be readily ascertained.

Such report after its presentation to the city council shall lie over until the next regular meeting of the council which shall occur at least one week after the reception thereof, at which time, or at any meeting to which the report may be referred, the city council may act upon such report and hear any complaint touching such award or assessment, or it may refer the matter to a committee of the council to hear such complaints and report thereon. The council may confirm such award and assessment or either, or annul the same, or send the same back to the commission for further consideration; and the commissioners may in such case again, upon giving notice published once in the official paper of said city, meet at a time and place to be designated in said notice, which time shall be at least two weeks after the publication of such notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in such award and assessment and alter and revise the same as they shall deem just, and again report the same to the city council, who may thereupon confirm or annul the same. Whenever the city council shall confirm any such award and assessment such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as hereinafter provided, and the city council shall proceed, at the same or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by the commissioners, in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same, which may be in the following form, or in any other form the council may adopt:

"The city council doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the compensation and damages awarded for the taking of and injury to private property, and estimated cost of improvement, and in and about the _____ as shown on the plat and survey of the same on file in the office of the city clerk of said city. This levy is made conformably to the report and assessment of commissioners duly appointed to make such assessment, and in pro-

portion to benefits from such improvements to accrue to the parcels and not exceeding the benefits to the parcels so assessed.

Name of owner, if known	Description of land	Lot	Block	Amount Dollars	Cents
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Done at a meeting of the city council this _____ day of _____,
A. D. 19—.

Attest: _____
City Clerk.

Pres't of the Council."

('11 c. 185 § 2, amended '13 c. 345 § 1)

1568. Same—Objections to confirmation—Appeal to district court—Commissioners to reappraise—Appeal to supreme court—Any person whose property is proposed to be taken, interfered with or assessed for benefits under any of the provisions of this chapter, and who deems that there is any irregularity in the proceedings of the council or action of the commissioners, by reason of which the award of the commissioners ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interference with his property or with the amount of the assessment for benefits to any property affected by such proceedings, may at any time before such award or assessment shall be confirmed by the city council, file with the city clerk, in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of and containing a description of the property affected by such proceedings, and if, notwithstanding such objections, the city council shall confirm the award or assessment, such person objecting shall have the right to appeal from such order of confirmation of the city council, to the district court of the county at any time within ten days after such order. Such appeal shall be made by serving a written notice of such appeal upon the city clerk of said city, which shall specify the property of the appellant affected by such award, and refer to the objection filed as aforesaid, and by also delivering to said city clerk a bond to the city, executed by the appellant, or by some one on his behalf with two sureties, who shall justify in the penal sum of fifty dollars, conditioned to pay all costs that may be awarded against the appellant. Thereupon the city clerk shall make out and transmit to the clerk of said district court a copy of the award of said commissioners, as confirmed by the council, and of the order of the council confirming the same, and of the objection filed by the appellant as aforesaid, all certified by said clerk to be true copies, within ten days after the taking of such appeal. But if more than one appeal be taken from any award, it shall not be necessary that the clerk in appeals subsequent to the first, shall send up anything except a certified copy of the appellant's objections. There shall be no pleading on such appeal but the court shall determine in the first instance whether there was in the proceedings any such irregularity or omission of duty prejudicial to the appellant and specified in his said written objections, that as to him the award or assessment of the commissioners ought not to stand and whether said commissioners had jurisdiction to take action in the premises.

The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and shall have precedence of other civil cases, and the judgment of the court shall be either to confirm or annul the proceedings only as the same affects the property of the appellant proposed to be taken, damaged or assessed for benefits and described in said written objection, from such determination no appeal or writ of error shall lie.

In case the amount of damages awarded or assessment made for benefits is complained of by such appellant, the court shall, if the proceedings be confirmed in other respects, upon such confirmation, appoint three disinterested freeholders, residents of said city, commissioners to re-appraise such damages or benefits. The parties to such appeal shall be heard by said court upon the appointment of such, and the court shall fix the time and place of the meeting of such commissioners. They shall be sworn to the faithful discharge of their duties as such commissioners, and shall proceed to view the premises and to hear the parties interested, with their allegations and

proofs pertinent to the question of the amount of such damages or assessments. Such commissioners shall be governed by the same provisions in respect to the method of arriving at the amount of damages and the offset thereto of benefits to other property of the same owners, and in all other material respects, as are in this chapter made for the government of commissioners appointed by said city council. They shall, after such hearing and view of the premises make report to said court of their appraisal of damages or assessments of benefits in respect to such appellant. The award or assessment of such commissioners shall be final unless set aside by the court for good cause shown. In case such report is set aside, the court may, in its discretion, recommit the same to the same commissioners or appoint a new board as it shall deem best. Said court shall allow a reasonable compensation to such commissioners for their services, and make such award of costs on such appeal, including the compensation of such commissioners as it shall deem just in the premises.

In case the court shall be of opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant.

An appeal may be taken from the court's final order to the supreme court by the city or any party thereto.

In case of proceedings conducted by the city council all reports and other papers shall be filed in the office of the city clerk, and notices of appeal and other notices to the city shall be served upon the city clerk. In case of proceedings conducted by the board of park commissioners, all papers shall be filed in the office of the secretary or other recording officer of the board, and all notices of appeal and other notices to the city shall be served upon the secretary or other recording officer of the board. ('11 c. 185 § 3, amended '13 c. 345 § 2)

1569. Same—Right of council to abandon—Effect of award—Payment into court—The city council shall have the right at any time during the pendency of any proceedings for the improvements authorized in this act, or at any time within ninety (90) days after the final order of the court, on the last of all appeals from such proceedings, to set aside any or all awards and abandon all such proceedings as to any or all parcels whenever it shall deem it for the interest of the city to do so. Such awards, if not set aside as aforesaid, shall be a charge upon the city, for the payment of which the faith and credit of the city shall be pledged and shall entitle the city to immediate possession. The city council may in its discretion order such awards to be paid into the district court of the county for the use and benefit of the persons who shall be found entitled thereto, in which case the moneys so paid into court shall be paid out under order of the court upon application of parties interested and upon such notice as the court may prescribe. ('11 c. 185 § 4)

1570. Same—Clerk to transmit assessment roll to county auditor—Installments, how made up and collected—Lien—Grounds of defense, etc.—The city clerk shall transmit a certified copy of such assessment roll to the county auditor of the county in which the land lies, and the county auditor shall include five (5) per cent of the principal amount of such assessment with and as part of the taxes upon each parcel for each year for twenty years, together with annual interest at the rate ascertained, as hereinafter provided. With the first installment the auditor shall include interest upon the entire assessment from the date of the assessment to the time when the tax books including the first installment are delivered by the county auditor to the county treasurer, and thereafter the auditor shall include in the taxes for each year one of such installments, together with one year's interest upon such installment, and all subsequent installments at the same rate, each of which, together with such interest, shall be collected with the annual taxes upon such land, together with like penalties and interest in case of default, all of which shall be collected with and enforced as the annual taxes and credited to the proper city fund. Any parcel assessed may be discharged from the assessment at any time after the receipt of the assessment by the county auditor by paying all installments that have gone into the hands of

the county treasurer as aforesaid, with accrued interest, penalties and costs, as above provided, and by paying all subsequent installments; or any parcel assessed may be discharged from the assessment by presenting certificates or bonds sold against such assessments as herein provided sufficient in amount to cover all installments due on such parcel and accrued interest, penalties and costs, and all installments yet to accrue, by surrendering such certificates or bonds to the county treasurer for cancellation or having endorsed thereon such installments, interest, penalties and costs. Said assessment shall be a lien on the land from the time of the making thereof as against the owner and every person in any way interested in the land. The owner of the land and any person interested therein may defend against such assessment at the time of application for judgment in the regular proceedings for the enforcement of delinquent taxes, but such assessment shall not be deemed invalid because of any irregularity, provided the notices have been published substantially as required, and no defense shall be allowed except upon the ground that the cost of the improvement is substantially less than the amount of the assessment, and then only to the extent of the difference between the assessment and the actual cost. Assessments made under this act shall be called special street and parkway assessments to the city of _____ and numbered consecutively. Whenever an assessment is certified as aforesaid by the city clerk to the county auditor, a duplicate thereof shall be sent to the city comptroller, and all such assessments shall be sufficiently identified by the name and number as aforesaid. ('11 c. 185 § 5, amended '13 c. 345 § 4)

1571. Same—Method of improvement—Assessments for benefits—Existing streets, etc.—The city council and park commissioners may by such concurrent resolution specify the method of improving any such street or parkway, including grading, paving, curb, gutter and sidewalk, as well as sewer and water mains where necessary. The city engineer shall estimate the cost of each item of such improvements separately and submit the estimate with the plat. Such estimates shall be for six inch water mains and eighteen inch sewers. The city council shall examine such estimates and after modifying, if necessary, find and adopt an estimate of such cost. The city council, in appointing commissioners, shall recite said estimate, and the commissioners shall assess the amount thereof upon such lots and parcels of land in the city as they shall deem specially benefited in proportion to such benefits, and not exceeding the actual benefit to any parcel, and add the same to the benefits assessed under section 2 [1567] of this act and report the net result of damages or benefits as required by said section 2 [1567], and with like proceedings thereafter.

Any existing street or parkway may be improved and the expense thereof assessed and raised in the manner provided by this chapter, including any or all of the following improvements, to-wit, widening, grading, pavement, sidewalks, curb and gutter, sewers and water mains. In case of streets or parkways exceeding eighty (80) feet in width, the resolution may, for the purpose of facilitating connections with private property and obviating the necessity of cutting or breaking into the improvements, order a double water main or a double sewer, one on either side of the street or parkway, or adopt such other arrangement or device as may seem most feasible. ('11 c. 185 § 6, amended '13 c. 345 § 3)

1572. Same—Title acquired—The title obtained to land designated for park purposes under this act shall be an absolute estate in fee simple unqualified in any way whatever, and shall vest in the city. In other lands an easement only shall be taken. ('11 c. 185 § 7)

1573. Same—Streets, parks and parkways, how governed, etc.—When the proceedings are completed, the streets, parks and parkways shall be governed as other streets, parks and parkways by the city council and board of park commissioners respectively; but such streets may be taken by the board of park commissioners for parkways with the consent of the city council and parkways may be taken by the city council for streets with the consent of the board of park commissioners. ('11 c. 185 § 8)

1574. **Same—Improvements, when and how made—**The improvements so ordered shall be made as soon as possession after the land is secured, and shall be made by the body which conducts the proceedings for acquisition. ('11 c. 185 § 9)

1575. **Same—Certificates of indebtedness—Guaranty—Interest, etc.—**The city council, for the purpose of realizing the funds for making such improvement and paying such damages, may issue and sell special certificates of indebtedness, or special street or parkway improvement bonds, as they may decide, which shall entitle the holder thereof to all sums realized upon any such assessment, or if deemed advisable, a series of two or more certificates or bonds against any one assessment, the principal and interest being payable at fixed dates out of the fund collected from such assessments, including interest and penalties, and the whole of such fund is hereby pledged for the pro rata payment of such certificates or bonds and the interest thereon, as they severally become due. Such certificates or bonds may be made payable to the bearer, with interest coupons attached, and the city council may bind the city to make good deficiencies in the collection up to, but not exceeding, the principal and interest at the rate fixed as hereinafter provided and for the time specified in section 5 [1570]. If the city, because of any such guaranty, shall redeem any certificate or bond, it shall thereupon be subrogated to the holder's rights. For the purpose of such guaranty, penalties collected shall be credited upon deficiencies of principal and interest before the city shall be liable. Such certificates or bonds shall be sold at public sale or by sealed proposals at a meeting of which at least two weeks' published notice shall be given, to the purchaser who will pay the par value thereof at the lowest interest rate, and the certificates or bonds shall be drawn accordingly, but the rate of interest shall in no case exceed five per cent, per annum, payable annually or semi-annually. The city clerk shall certify to the county auditor the rate of interest so determined, and interest shall be computed upon the assessments at such annual rate, in accordance with the terms of section 5 [1570]. ('11 c. 185 § 10, amended '13 c. 345 § 5)

1576. **Same—Not applicable to cities under home rule charters—City council defined—City's indebtedness—**Nothing in this act contained shall apply to any city operating under a charter by it adopted in pursuance of section 36, article 4, of the constitution of Minnesota.

The term city council in this act as amended shall be held to refer to the governing body of such cities, whether so called or called common council or otherwise. The proportion of the cost of any improvement which may be made payable out of the city's general fund by resolution under section 2 [1567] and for which certificates or bonds are issued, shall be accounted a part of the bonded debt of the city, but the city's liability upon any guaranty to make good deficiencies under section 10 [1575], shall not be taken into account as part of its indebtedness, until the amount of such deficiency of collection, defined as aforesaid, is determined, and then only for the amount of such deficiency. ('11 c. 185 § 11, amended '13 c. 345 § 6)

1577. **Same—Existing law not repealed—**The powers herein granted shall be deemed an addition to all powers under existing law and not a repeal or modification thereof. ('11 c. 185 § 12)

1578. **Same—Payment by city—Gifts—**The city may also, if it have funds available from other sources, pay any such portion of the total cost of any improvement as it deems best and raise the remainder by the methods hereinabove provided. It may also accept gifts to be used for any such purpose. ('11 c. 185, amended '13 c. 345 § 8)

1579. **Condemnation of lands for public playgrounds—**That any city in this state now or hereafter having a population of over fifty thousand inhabitants, shall have the right, power and authority to condemn lands under the right of eminent domain for public play grounds, and such power and authority shall be exercised under and pursuant to the terms and provisions of chapter 41 of the Revised Laws of Minnesota for the year 1905, and acts amendatory thereof. Provided, however, that any such city shall have the right, upon the filing of the award of the commissioners provided for in said

chapter 41, and upon giving the notice therein required of the filing of such award, to enter upon and appropriate the lands so condemned, without the giving of any bond, but in case of such entry and appropriation, such city shall be bound absolutely to pay all damages awarded, whether by said commissioners or by the court upon appeal therefrom, together with all costs and expenses adjudged against it therein, within the time specified in said chapter 41. In case any such city shall appeal from the award of commissioners appointed pursuant to any such condemnation proceedings such city shall not be required to give or file any appeal bond therein. ('11 c. 162 § 1)

The provisions of R. L. 1905 c. 41, are included in chapter 41 hereof.

1580. Same—To what cities applicable—This act shall also apply to cities existing under a charter framed pursuant to section 36 of article 4 of the constitution. ('11 c. 162 § 2)

1581. Residence districts—Council may designate—Any city in this state now or hereafter having a population of fifty thousand inhabitants and over may, in the exercise of the police power by ordinance, duly adopted by its city council or common council or other governing body, upon petition of fifty per cent of the property owners of the district sought to be affected, designate residence districts in such cities wherein only buildings for residences may be erected and maintained including duplex houses and double houses and prohibiting the erection and maintenance of hotels, stores, factories, warehouses, dry cleaning plants, public garages or stables, tenement and apartment houses. ('13 c. 98 § 1)

1582. Residence districts in cities not under home rule charters—Council may designate—Any city in this state now or hereafter having a population of fifty thousand inhabitants or over may, in the exercise of the police power, by ordinance duly adopted by the city council or common council or other governing body, by a two-thirds vote, upon petition of fifty per cent of the property owners of the district sought to be affected, designate residence districts in such cities and prohibit the erection and maintenance of hotels, stores, factories, warehouses, dry cleaning plants, public garages or stables, or any industrial establishment or business whatsoever, tenement and apartment houses. ('13 c. 420 § 1)

By section 5 the act shall not apply to cities under home rule charters.

1583. Same—Designation of industrial districts, etc.—Any such city by a like vote of its governing body may also classify industries and industrial establishments, and may designate, define and limit industrial districts within said city where such classes of industries and industrial establishments may be erected, operated and maintained, and may prohibit the erection, operation and maintenance of others within such districts. ('13 c. 420 § 2)

1584. Same—Change of districts—The said city council, common council or other governing body of said city may, at any time thereafter and whenever it shall find that the character of any residence or industrial district shall have changed materially, and on petition of fifty per cent of the property owners of said district, set aside its former determination and establish a residence district out of an industrial district, or an industrial district out of a residence district, by resolution or ordinance, duly passed, provided however, that any industry which may have been heretofore established in such district, shall not be disturbed unless the same shall become a public nuisance. ('13 c. 420 § 3)

1585. Same—Ordinances legalized—Any ordinance providing for such classification of industries and industrial establishments and the establishment of industrial or residence districts, which may have been heretofore passed by any such city, is hereby legalized. ('13 c. 420 § 4)

1586. Free water for free public baths—Any city in the state of Minnesota, now or hereafter having a population of more than 50,000 inhabitants, is hereby authorized and empowered, acting by and through its board of water commissioners, or city or common council or other governing body, to furnish or cause to be furnished free of charge to all persons or corporations who shall provide free public baths in said city, all water necessary for properly maintaining and supplying such baths. ('13 c. 10 § 1)

1587. Same—“Free public baths” defined—The term “free public baths,” as used in this act, shall mean all buildings and institutions for bathing purposes which shall be maintained without expense to the city wherein the same shall be located, and which shall be open to use, without charge, by all of the inhabitants of such city without discrimination. ('13 c. 10 § 2)

1588. Same—To what cities applicable—This act shall also apply to cities existing under a charter framed pursuant to section 36 of article IV of the constitution. ('13 c. 10 § 3)

1589. Rate of interest on assessment certificates—That all certificates of sale hereafter issued by the proper authorities of any city of the state of Minnesota now or hereafter having a population of over fifty thousand inhabitants, upon a sale of real property for any assessment for local improvement, shall bear the same rate of interest as was provided by law in such case previous to the enactment of said chapter 205 of the Laws of Minnesota for the year 1905. ('07 c. 132 § 2)

By section 1 of the act 1905 c. 205, providing for interest at 8 per cent., except where a lower rate was then provided by law, is repealed.

1590. Unredeemed assessment certificates—Sale—That any city in this state now or hereafter having a population of over fifty thousand inhabitants, now or hereafter holding or owning any sale certificates issued under and by virtue of any local improvement assessment, made by the proper authorities of such city, upon which the time for redemption has expired, may sell and dispose of the same or any part thereof and all interest acquired by such city thereunder in the lands therein described. ('05 c. 269 § 1)

1591. Same—Sale, how made—Such sale shall be made by the treasurer of such city publishing a notice in the official paper of such city once in each week for three successive weeks that sealed proposals will be received therefor, the last publication to be at least ten days before the date set for receiving such proposals. The notice shall specify the date and the amount of each certificate, together with a description of the lands described therein, and any bidder may include in his proposal any one or more of such certificates. Any proposals received thereunder by such treasurer shall be reported by him to the next regular meeting of the common council of such city, and if such bids or proposals or any of them are accepted and approved by the common council of such city, the proper city officers shall thereupon execute and deliver to such bidder all necessary assignments and deeds as may be necessary to transfer to said bidder all the right, title and interest in and to the certificates awarded to such bidder, and all lien, right, title and interest of the city in and to the lands described therein, held or acquired by the city, under and by virtue of such certificate, upon payment to the city treasurer of the purchase price designated in such bid or proposal. ('05 c. 269 § 2)

1592. Certificates of indebtedness in anticipation of sprinkling assessments—In all cities of fifty thousand inhabitants or more, where special assessments for sprinkling streets and other public places are collected through the county treasurer's office, the common council may as soon as such special assessment shall have been extended on the general tax lists by the county auditor, by ordinance adopted by a two-thirds vote of all the members of said common council, cause to be issued and sold from time to time, as money is actually needed for the payment of the expense of sprinkling the streets and other public places of such cities, certificates of indebtedness in anticipation of the collection of such special assessments for sprinkling, but the total amount of the principal of all such certificates issued in any one year shall not exceed eighty per cent of the total of such sprinkling assessments levied and assessed for the next preceding year. ('11 c. 152 § 1)

1593. Same—Maturity—Interest—Amounts, etc.—No such certificates shall be made to mature at a date later than the fifteenth day of November of the year following that in which the same shall be issued, and the rate of interest shall not exceed six per cent per year, payable semi-annually. The certificates shall state upon the face thereof that the same are issued for the sprinkling fund, and the principal sum of each certificate shall be in such

amounts as the common council may in the ordinance directing the issue thereof, provide. ('11 c. 152 § 2)

1594. Same—How payable, etc.—The interest and principal of the said certificates shall be payable solely out of the special assessments on whose account such certificates were sold, and the liability of the city on such certificates or the interest coupons issued therewith shall be limited to the faithful and ratable application to payment thereof of the amounts of such sprinkling assessments which shall be collected and paid into the city treasury and as the same are received by the treasury, but interest at the rate of six per cent per year shall run upon any unpaid principal, thereof, after maturity until such principal and the interest accruing thereon shall have been fully paid as herein provided. The interest and principal of the certificates sold in any year on account of such sprinkling fund shall be a first charge upon the moneys received by the city treasury from the special assessments levied for such fund, and no part of such money shall be used for any other purpose until the principal and interest of such certificates shall have been fully paid or the moneys for the payment thereof have been set apart in the city treasury. ('11 c. 152 § 3)

1595. Same—Proceeds, how used—No part of the moneys arising from the sale of any such certificates shall be used for any other purpose than that of the sprinkling fund on account of which such certificates were sold. ('11 c. 152 § 4)

1596. Same—Issue and sale—No such certificates shall be sold for less than par and accrued interest, or issued after the close of the year in which the special assessments against which the same were issued, are payable, and no such certificates shall be sold or issued more than four weeks in advance of the actual need of the proceeds for payment of orders drawn upon the sprinkling fund to which such proceeds belong. ('11 c. 152 § 5)

1597. Same—To what cities applicable—This act shall be applicable to cities governed by a charter adopted pursuant to section 4, article 36 of the constitution of the state of Minnesota. ('11 c. 152 § 6)

1598. Bonds for certain purposes authorized in cities not under home rule charters—The city council or common council of each and every city in this state now or hereafter having over 50,000 inhabitants, in addition to all the rights and powers heretofore granted thereto by law, is hereby authorized and empowered, for the purposes herein designated, to issue from time to time as needed the negotiable bonds of their respective city to an amount in the aggregate not to exceed six hundred thousand dollars (\$600,000), said bonds to be made in such denominations and payable at such places and at such times, not to exceed thirty (30) years from the date thereof, as may be deemed best, and to bear interest at a rate not to exceed four per cent per annum, payable semi-annually, and to have interest coupons attached, payable at such place or places as shall be designated therein, and said city council or common council, as the case may be, is further authorized to negotiate and sell such bonds from time to time to the highest bidder or bidders therefor, and upon the best terms that can be obtained for said bonds.

Provided, that no such bonds shall be sold for a less amount than ninety-five per cent of the par value thereof and accrued interest thereon; and

Provided, further, that said bonds shall not be issued until the issuance thereof is authorized by a resolution duly passed by a three-fourths vote of all the members of the city council or common council proposing to issue the same. ('11 c. 190 § 1)

The act is not applicable to cities under home rule charters. See § 1601.

1599. Same—Limit of debt—Nothing herein contained shall authorize the issue at any time of the bonds of any such city to such an amount that the whole amount of the principal of the bonds actually issued by such city and still outstanding, including water and light bonds, together with the proposed issue, less the amount of bonds of such city which shall be in and shall constitute a part of the sinking fund of said city for the payment of bonds, shall exceed 10 per cent of the assessed valuation of the non-exempt taxable property of such city as shown by the last preceding assessment. ('11 c. 190 § 2)

1600. Same—How issued—Proceeds a fund for payment of special assessments in advance of collection, etc.—All bonds issued under authority of this act shall be sealed with the seal of the city issuing the same and signed by the mayor and attested by the city clerk or recorder, and countersigned by the city comptroller.

The proceeds of any and all bonds issued and sold under authority of this act shall be placed in the city treasury of the city issuing the same and shall constitute a special fund and shall be kept distinct from all other funds of the city, except from funds used for the same purpose, and shall be used only for the purpose of paying, to the amount of the special assessments duly assessed and levied therefor and in advance of the collection of such assessments:

(1) The cost of paving, repaving or macadamizing any public street, lane or alley in such city.

(2) The cost of any gutter or gutters along any such street, lane or alley.

(3) The cost of laying any curbstone along any such street, lane or alley (not including sidewalk proper on any street, lane or alley).

(4) The cost of laying, relaying or extending any sewer or any portion thereof; and the proceeds of said bonds, or any thereof, shall not be used for any other purposes than those hereinbefore specified.

All said assessments, the amounts of which have been advanced from the special fund hereby created and used pursuant to the provisions of this act for paying the cost of local improvements for which such assessments are levied, together with all penalties, when collected, shall be paid into the city treasury to the credit of the special fund hereby created, and the same shall be and become a part of said special fund and shall be used only for the purposes of said special fund, as hereinbefore expressly provided.

All accrued interest on said special assessments shall be credited to the sinking fund of such city. ('11 c. 190 § 3)

1601. Same—Duty of comptroller—Additional assessments—To what cities applicable.—It shall be the duty of the city comptroller of said cities to ascertain annually at the end of each calendar year to what extent, if any the whole special fund in which said proceeds of said bonds are placed and of which fund said proceeds form all or any part has been impaired or depleted by the annulment of assessments or other cause, and shall state in his annual report the amount of cash in the city treasury belonging to said fund, the amount of uncollected and unimpaired assessments due and to become due to said fund, together with the amount of said impairment or depletion of said fund, if any, the same to be itemized under the respective causes of such impairment or depletion.

In case said impairment or depletion of said fund, or any part thereof, arose by reason of any such special assessments being less than the cost of the actual improvement for which the assessment was made, it shall be the duty of the proper officer or officers of such city, and they are hereby empowered, to cause a new and additional special assessment to be made against the property which was under-assessed, so as to bring the whole assessment against said property up to the actual cost of such improvement, due regard being given to the benefits of such improvement.

This act shall not apply to any city operating under a home rule charter, framed pursuant to section 36, article 4, of the constitution of Minnesota. ('11 c. 190 § 4)

1602. Local assessments for streets, parks, etc.—Payment in annual installments.—Whenever any city of the first class including, among others, those cities operating under charters adopted in pursuance of section 36 of article 4 of the constitution of Minnesota, shall have completed, in accordance with the provisions of its charter, any assessment upon benefited real estate for paying the cost of the acquisition of any land, or interest in land, taken for a public use, or for paying the cost of any improvement which shall have been duly authorized, or both, the city council of said city by a five-sixths vote may by resolution provide that said assessment may be paid in any number of equal annual installments, not exceeding twenty (20). Provided, the city council shall not exercise the power granted by this act after the pro-

ceeds of such assessment has been pledged by the issue of bonds or certificates of indebtedness to be paid from the proceeds or otherwise. ('13 c. 295. § 1)

1603. Same—Duties of clerk and auditor—Assessment, how discharged, etc.—The city clerk shall thereupon transmit a certified copy of such assessment roll to the county auditor of the county in which the city is situated each of which certified copies shall bear an appropriate name and be numbered consecutively from one (1) upwards. In cases where the whole undertaking requires the condemnation of land and improvements the assessments for the condemnation of land and the assessments for improvements may be consolidated as to each parcel of land and certified to the county auditor as one assessment. And thereupon the county auditor shall include one of the equal annual payments of the principal amount of said assessment with and as a part of the taxes upon each parcel for each year until the whole assessment shall be thus included, together with annual interest at the rate prescribed by the city council, not exceeding five (5) per cent per annum. With the first installment, the county auditor shall include interest upon the entire assessment from the date of the assessment to the time when the tax books including the first installment are delivered by the county auditor to the county treasurer, and thereafter the county auditor shall include in the taxes of each year one of such installments, together with one year's interest upon such installment and all subsequent installments at the same rate, each of which, together with such interest shall be collected with the annual taxes upon such land together with like penalties and interest in case of default, all of which shall be collected and enforced as the annual taxes and credited to the proper city fund. Any parcel assessed may be discharged from the assessment by presenting a local improvement bond sold against such assessment as herein provided sufficient in amount to cover all installments unpaid on such parcel and accrued interest, penalties and costs, and surrendering such local improvement bond or bonds to the county treasurer for cancellation or having endorsed thereon such installments, interest, penalties and costs. Whenever an assessment is certified as aforesaid by the city clerk to the county auditor, a duplicate thereof shall be sent to the city comptroller, and such assessment shall be sufficiently identified by the name and number as aforesaid. All installments due and payable and all interest or penalties on the same having been paid, nothing herein shall prevent the transfer of said property or any interest therein on the books of the county wherein it is situated, or the recording of instruments or transfers, subject to the lien of future installments, interest and penalties. ('13 c. 295 § 2)

1604. Same—Bonds—The city council, for the purpose of realizing the funds for making such improvement and paying such damages may issue and sell special local improvement bonds which shall entitle the holder thereof to all sums realized upon and such assessment, or if deemed advisable, a series of two or more of said local improvement bonds against any one assessment, the principal and interest being payable at fixed dates out of the fund collected from such assessment including interest and penalties, and the whole of such fund is hereby pledged for the payment of said local improvement bonds and the interest thereon as they severally become due. Such local improvement bonds shall be payable to bearer with interest coupons attached, and the city council may by a five-sixths vote bind the city to make good deficiencies in the collection up to but not exceeding the principal and interest at the rate fixed by the city council upon such local improvement bonds which shall not exceed five (5) per cent. per annum. If the city, because of any such guarantee, shall redeem any local improvement bonds, it shall thereupon be subrogated to the holder's rights. For the purpose of such guarantee, penalties collected shall be credited upon deficiencies of principal and interest before the city shall be liable. Such local improvement bonds shall be sold at public sale at not less than the par value. ('13 c. 295 § 3)

1605. Same—To what cities applicable—To supplement charter—This act shall apply to all cities operating under charters adopted in pursuance of section 36 of article 4 of the constitution of Minnesota. The provisions of this act are

not intended to and shall not be construed to repeal or abrogate any of the provisions of such charter but are intended to be supplementary to said charter and as conferring additional power upon said cities which may be exercised at their option. The cities' liabilities upon such guarantee shall not be taken into account as part of its indebtedness until the amount of such deficiency or collection defined as aforesaid is determined and only for the amount of such deficiency. ('13 c. 295 § 4)

1606. Supply of ice—Powers of water commissioners—In any city of this state now or hereafter having over fifty thousand inhabitants, the board of water commissioners thereof, in addition to all the powers now possessed by such board under any general or special law or under the charter of such city, shall have and possess the power to engage in the manufacture, gathering and purchase of ice, and the sale and distribution thereof to such city and to the several boards and departments thereof and to the inhabitants of such city, and to acquire the necessary land, buildings, machinery and equipment for such purpose. ('13 c. 305 § 1)

1607. Same—Eminent domain—For the purpose of acquiring land, storage plants, side-tracks, spur-tracks and other rights in real property, necessary or convenient for the manufacture, gathering, storage or distribution of ice, any such city may exercise the power of eminent domain under and in pursuance of chapter 41, Revised Laws of 1905 and acts amendatory thereof and supplementary thereto, either within or without the corporate limits of such city. ('13 c. 305 § 2)

The provisions of R. L. 1905 c. 41, are included in chapter 41 hereof.

1608. Same—Bonds—To provide a fund for the establishment and maintenance of such ice plant, any such city is hereby authorized and empowered, acting by and through the common council or city council of such city, upon request of the board of water commissioners of such city, to issue the bonds of such city from time to time in such sums as may be deemed necessary, not, however, exceeding in the aggregate two hundred fifty thousand dollars (\$250,000) par value. Said bonds may be issued and sold by any such city notwithstanding any limitation contained in the charter of such city or in the laws of this state prescribing or fixing any limit upon the bonded indebtedness of such city, but the full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued under this act and for the current interest thereof, and the common council or city council of such city shall each year include in the tax levy for such city a sufficient amount to provide for the payment of such interest and for the accumulation of a suitable sinking fund for the redemption of such bonds at their maturity, in case the revenues derived from the sale of ice prove insufficient for that purpose. No bonds shall be issued hereunder by any such city for the purpose herein authorized, to run for a longer period than thirty years or bearing a higher rate of interest than five per cent per annum, but the place of payment of the principal and interest thereon and the denominations in which the same shall be issued shall be such as may be prescribed by the common council or city council, and may be in the form of coupon bonds or registered certificates, so-called. All such bonds shall be signed by the mayor, attested by the city clerk, and countersigned by the comptroller, and shall be sealed with the seal of such city; provided, that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon, and none of said bonds shall be sold at less than their par value and accrued interest, and then only to the highest responsible bidder therefor. When said bonds or any of them are issued and sold, it shall be the duty of the board of water commissioners to make suitable provision from the revenues of said ice plant for the prompt payment of all current interest on said bonds as the same accrues and for the redemption of said bonds at their maturity. ('13 c. 305 § 3)

1609. Same—Prices for ice—Duties of commissioners—The said board of water commissioners shall establish such prices for ice as will at all times insure a sufficient income to pay the interest and to provide a fund to pay the principal upon all the bonds to be issued under this act, as well as to pay all the expenses and cost of the maintenance and repairs of said ice plant and other expenses of operation and equipment. ('13 c. 305 § 4)

1610. Same—To what cities applicable—This act shall also apply to cities existing under a charter framed pursuant to section 36, article 4 of the constitution. ('13 c. 305 § 5)

1611. Art commission—The council of any city of the first class may establish by ordinance a city art commission, of five resident members, to be appointed by the mayor, one each from lists, of three persons each, presented to him as follows: One by the oldest incorporated society of fine arts, or other similar body, of the city, one by the library board thereof, and one by the park board. The other two shall be selected, one from the resident painters, sculptors, and architects, and one from the citizens generally. If any such list be not submitted within thirty days after request so to do from the mayor, he shall appoint without such recommendation. The terms of members shall begin January 1 next after appointment. The first board shall serve for one, two, three, four, and five years, respectively, as designated by the mayor, and thereafter the term of each shall be five years, and until his successor qualifies. Vacancies shall be filled for the unexpired terms by like appointments. After such commission is established, the city shall acquire no work of art, nor shall any such work be placed in any public place therein, unless the design and location thereof be by such commission approved; neither shall any work of art possessed by the city be removed, replaced, or altered without such approval. The mayor or council may request such commission to pass upon the design of any municipal building, bridge, approach, gate, fence, lamp, or other structure to be erected upon any public ground of the city, and upon any proposed grading, platting, or laying out of public grounds or ways; and in such cases the decisions of the commission shall be binding, and shall be obeyed. If the commission shall fail to decide upon any matter within sixty days after such request, its decision may be dispensed with, and in cases of emergency the mayor or council may prescribe a shorter time. The term "work of art," as used herein, shall embrace all paintings, mural decorations, stained glass, statues, bas-reliefs or other sculptures, monuments, fountains, arches, gates, and other permanent structures for ornament or commemoration. Nothing herein shall apply to any building or grounds owned by the state, or require any library or park board to accept any work of art to be displayed upon property under its control. (764)

1612. Scientific and art collections of private corporations—That hereafter any city of this state now or hereafter having a population of over fifty thousand inhabitants, is hereby authorized and empowered from time to time to appropriate and expend money, in such sums as may be determined by two-thirds vote of all members of its common council or governing body, for the purpose of defraying the expense of housing, maintaining and exhibiting scientific and art collections, for the benefit of the public, which are owned or controlled by private corporations or associations. ('13 c. 32 § 1)

Section 4 repeals inconsistent acts, etc.

1613. Same—Public use, etc.—No money shall be appropriated or expended hereunder by any such city unless such collections are kept and maintained within such city for the general use and benefit of the public, under such reasonable rules and regulations as shall be first approved by the mayor of such city; nor unless the corporation or association owning or controlling such collections shall first provide by its articles of incorporation that the mayor and at least two other officials of such city shall be ex-officio members of its governing board. ('13 c. 32 § 2)

1614. Same—To what cities applicable—This act shall apply to cities with charters adopted pursuant to section 36, article 4 of the constitution of this state. ('13 c. 32 § 3)

1615. Gifts for parks, museums, galleries, or schools of arts and crafts—Acceptance by park commissioners—The board of park commissioners of every city of the first class is authorized to receive and accept in the name of the city, any gift or devise of land or buildings to be used for a public park, museum, gallery, or school of arts or crafts, or for the construction, equipment, improvement, maintenance or use thereof, or for any one or more of such purposes, with the right reserved by the donor or deviser to the free and exclusive occupancy, management, control and use of any such

building by any incorporated society of this state organized for the general purposes of fostering and promoting educational, artistic and scientific interests, or some one or more of them, and not for any purpose of pecuniary gain or profit to any of its members, and upon such other conditions, but subject to such regulations and restrictions, as shall be approved by such board of park commissioners.

The board may likewise accept gifts and bequests of money and other personal property to be used for any of the purposes aforesaid. ('11 c. 95 § 1)

1616. Same—Powers and duties of commissioners—Such board, out of any moneys received under the provisions of this act, or from any gift or bequest applicable thereto, shall care for and maintain, as a public park, any land or grounds acquired and used as aforesaid, and shall maintain and keep in repair, alter, enlarge, improve and equip, heat, light and care for, any and all such buildings, shall maintain proper insurance thereon, and shall make suitable provision for the custody of, and for keeping, preserving and exhibiting, any and all collections, objects and specimens contained therein. In case of the destruction or damage of any such building from any cause, the proceeds of any insurance thereon, together with any funds available therefor received under the provisions of this act, shall be used for the restoration of such building. Such board shall have power to make any contracts or arrangements, in the name of the city necessary or convenient to promote the general purposes of this act, and shall have power to make rules and regulations for the use and government of such lands and buildings, and, for that purpose, may adopt rules and ordinances, and provide penalties for their violation. ('11 c. 95 § 2)

1617. Same—Tax levy—Park museum fund—After the acquirement of any such museum, gallery or school of arts or crafts as aforesaid, there shall be annually levied and it shall be the duty of such board of park commissioners to cause to be included in the annual tax levy, upon all the taxable property of the city, a tax of one-eighth (1-8) of one mill upon each dollar of the assessed valuation of property in said city subject to taxation, and such board shall certify such levy to the auditor of the county in which such city is situated, and the same shall be added to, and collected with and as part of, the general, real and personal property taxes, with like penalties and interests, in case of non-payment and default, and all provisions of law in respect to the levy, collection and enforcement of other taxes shall, so far as applicable, be followed in respect of such taxes. All of said taxes, penalties and interest, when collected, shall be paid to the city treasurer, and shall be credited to a fund to be known and denominated as the park museum fund, and shall be used for the purposes specified in this act, and for no other purpose. Any part of the proceeds of such levy not expended for the purposes specified in section 2 [1616] of this act, may be used for the erection of new buildings for the same purposes. ('11 c. 95 § 3)

1618. Same—To what cities applicable—This act shall be applicable to cities governed by a charter adopted pursuant to section 4, article 36 of the constitution of the state of Minnesota. ('11 c. 95 § 4)

1619. Library board may extend privileges to counties and villages—Expenses—Any public library board in any city of this state having a population of fifty thousand inhabitants or over, whether such board was created by and under the General Laws or by special act of the legislature, may enter into arrangement with the authorities of the county within which it is located, or with the authorities of any adjoining county, or with the authorities of any village within any such county, whereby the inhabitants of any such county, counties or villages, may secure the privileges of using the library and museums of any such library board, and the authorities of any such county, counties or villages are hereby authorized to defray the expenses any such arrangement may involve. ('07 c. 289 § 1)

Section 3 repeals inconsistent acts.

1620. Same—One mill tax for library board—There may be annually levied by, or for the benefit of any public library board in any city of this

state, having a population of fifty thousand inhabitants or over, whether such board was created by and under the General Laws or by special act of the legislature, a tax of not to exceed one mill upon each dollar of the property in such city, as the value of such property has been assessed and determined for the purposes of general taxation. ('07 c. 289 § 2)

1621. Gifts, etc., for dispensaries and libraries—That any city in the state of Minnesota now or hereafter having a population of over fifty thousand inhabitants, shall, in addition to all other powers now possessed by it, have, and it is hereby given, power and authority to accept in trust, gifts, devises and bequests of money or property, whether the same be donated, devised or bequeathed prior or subsequent to the passage of this act, for the purpose of founding, establishing and maintaining free medical dispensaries for the benefit of the poor of any such city or of the county in which any such city is situated, and for the purpose of founding, establishing and maintaining free public libraries for the use and benefit of the inhabitants of any such city or of the county in which any such city is situated. ('13 c. 232 § 1)

1622. Same—Administration of trust—Donor may designate officials to administer trust—Any such city is hereby authorized and empowered to administer any gift, devise or bequest to it in trust for the purposes aforesaid, by such officials, officers or trustees as the donor or testator may designate for that purpose in the will or instrument creating the trust, and in accordance with the terms of such will or instrument, and any officers or officials of any such city or of any county in which any such city is situated, as may be designated to administer any such trust by any will or other instrument creating the trust in any such municipality for either of the purposes aforesaid, are hereby empowered to administer, and are hereby charged with the duty of administering, such trust in accordance with the terms of the will or instrument creating the same. ('13 c. 232 § 2)

1623. Same—To what cities applicable—This act shall apply to cities having a population of over fifty thousand inhabitants now or hereafter operating under a home rule charter adopted pursuant to section 36, article 4 of the constitution of the state of Minnesota. ('13 c. 232 § 3)

1624. Salary of librarian in cities under home rule charters—The city council or other governing body of any city of the state of Minnesota now or hereafter having a population of over fifty thousand (50,000) inhabitants, is hereby authorized to fix the salary of the librarian of the public library of such city, and to refix the same from time to time at such sum as said city council or other governing body may deem advisable. ('13 c. 199 § 1)

By section 2 the act applies only to cities having a home rule charter.

1625. Power to maintain auditorium building—Auditorium board—That any city in this state now or hereafter having a population of over fifty thousand inhabitants shall have the power and authority, acting by and through its common council, to acquire, construct, own, maintain and use an auditorium building, with necessary grounds, suitable for the accommodation of large gatherings of people on public occasions, and to levy and collect the necessary taxes therefor. The mayor of any such city which has acquired and constructed, or which may desire to acquire or construct, any such auditorium building shall forthwith appoint five resident freeholders of such city as an auditorium board, whose term of office shall be, respectively, for one, two, three, four and five years and until their successors are appointed and qualified, and annually thereafter the mayor shall appoint one member of said board, whose term shall be five years, and until his successor is appointed and qualified, and shall fill all vacancies in the said board, from whatever cause, with persons of like qualifications, for the unexpired term. Members of said board shall, within ten days after their appointment, file an oath of office with the comptroller, and shall forthwith, after their appointment and annually thereafter, meet and select from their number a president and vice president of said board. ('07 c. 57 § 1)

Meeting of board—Said board shall hold stated meetings as often as once in each month, and shall keep a record of its proceedings, and the city treas-

urer, comptroller and city clerk shall be, respectively, treasurer, comptroller and clerk ex-officio of said board. ('07 c. 57 § 1)

Compensation of superintendent to be fixed—The members of said board shall serve without compensation. Said board shall have charge of the construction, maintenance and operation of said building, and shall have power, within the limit of the funds at its disposal, to enter into and carry out on behalf of the city all necessary contracts therefor, and in like manner shall have power to appoint and fix the compensation of the superintendent of said building and such other help as may be necessary in the maintenance and operation thereof. ('07 c. 57 § 1)

Money to be paid into the city treasury—All money derived from the use of said building shall be daily turned into the city treasury, and shall be credited to a fund to be known as the Auditorium Fund, and the expense of maintaining said building and the operation thereof shall be paid from said fund, and any and all money which may accrue from said building in excess of the cost of maintenance and operation shall be set apart and preserved for the payment of interest upon any bonds or indebtedness which may be issued or incurred for the construction of said building and as a sinking fund for the redemption of such bonds or indebtedness. ('07 c. 57 § 1)

Annual statement to city council—Said board shall in the month of January of each year, and at such other times as the common council may require, make to the common council a full and detailed report of its proceedings, including all receipts and expenditures and the sources thereof for the preceding year. ('07 c. 57 § 1)

1626. Same—Validating previous acts—All acts and proceedings heretofore had or taken by any such city toward acquiring grounds for and constructing any such building are hereby validated and confirmed. ('07 c. 57 § 2)

1627. Destruction of garbage—Power to acquire plant—That any city in the state of Minnesota, now or hereafter having a population of over fifty thousand, is hereby authorized and empowered to acquire by purchase or condemnation, lands on which to erect plants for the destruction of garbage and other refuse matter; also to purchase, erect, operate and maintain such plants for the destruction of garbage and other refuse matter, also to provide for the collection of all such garbage or refuse matter and delivering the same to such destruction plants or other places, and to pay and contract to pay for the same in such annual installments and at such a rate of interest on deferred payments as the common council of such city may determine. Provided that each and every act and thing herein authorized shall receive at least a three-fourths vote of all members of such common council before the same shall be effective for any purpose. ('05 c. 121 § 1)

1628. Same—Limit of indebtedness—Tax estimates, etc.—The obligations incurred by any such city in the making of any such contracts shall not be considered as a part of its indebtedness under the provisions of its governing charter, or of any law of this state fixing the limit of amount of indebtedness for such city; nor shall such city be required at any time before making, or during the life of such contracts to have specifically provided for the same by previous tax estimates or levy, or to provide for or have on hand in its treasury more money applicable to such contracts than the amount to be paid thereon during a single year. ('05 c. 121 § 2)

1629. Destruction or removal of rubbish in cities not under home rule charters—In each city in the state of Minnesota now or hereafter having more than fifty thousand (50,000) inhabitants every person and corporation shall by the tenth day of May of each year destroy or remove all rubbish on all lots or lands within such city which he or they may own or control or occupy. ('13 c. 288 § 1)

By section 6 the act shall not apply to any city under a home rule charter.

1630. Same—Duty of street commission—Notice—If the occupant or owner of any such lots or lands shall fail to so destroy or remove such rubbish as so required after having six days' notice in writing by the street com-

missioner of his ward such occupant or owner shall be reported by said commissioner as delinquent and a tax be levied against such lots and lands as hereinafter provided. ('13 c. 288 § 2)

1631. Same—Notice to corporation—Whenever it shall become necessary to serve notice as provided in section two (2) [1630] of this act upon any manufacturing or other corporation owning or controlling any lots or lands in such city, such notice if served upon any agent of such corporation residing or being in such city shall be deemed good and sufficient notice and if no such agent shall reside or be in such city, then such notice may be served upon any agent of such corporation at its general place of doing business in this state and if such owner of vacant lots or lands is a non-resident by mailing the same to any such owner or agent. ('13 c. 288 § 3)

1632. Same—Service of notice—It shall be the duty of the street commissioner of each ward of such city to serve or cause to be served the notice referred to in section two (2) [1630] of this act upon the proper person or persons, in their respective wards of such city as the case may require. ('13 c. 288 § 4)

1633. Same—Destruction or removal by commissioner—Cost—Tax—The said street commissioner shall carefully inquire concerning the existence of rubbish on the lots or lands in his ward, and in case any person, persons or corporation owning, occupying or controlling any lots or lands in his ward shall neglect after such notice to destroy or remove such rubbish, it shall be the duty of such street commissioner to destroy or remove or cause to be destroyed or removed all such rubbish upon such lots or lands. The cost thereof in the first instance shall be paid out of the ward fund of the particular ward in which the said rubbish is found and thereupon the street commissioner of said ward shall report, under oath, to the city council or other governing body the amount so expended, specifying the separate items thereof and the lot or parcel of land upon which the service was performed and the amount thereof shall thereupon be levied by the city council as a tax against the said lot or parcel of land. Said tax, when collected, shall be placed in the city treasury to the credit of the ward fund from which such cost of removal of rubbish has been paid. ('13 c. 288 § 5)

1634. City chemist in cities under home rule charters—Assistants—In all cities of this state now or hereafter having over 50,000 inhabitants, the mayor of such city shall have the power and authority to appoint one city chemist and not exceeding six assistants to such city chemist. ('11 c. 64, amended '13 c. 250 § 1)

By 1913 c. 250 § 4, the act applies only to cities governed by a charter adopted under Const. art. 4 § 36.

See 1911 c. 104.

1635. Same—Powers and duties—The said city chemist and his assistants shall have power and authority to make inspection of all gas, gas plants, gas meters, electric light plants, electric lights, electric, heat and water meters, lights for public and street lighting purposes, whether the same be connected with a plant owned by such city or owned or operated by any person, corporation or association in said city. The said city chemist and his assistants shall also, when directed by the mayor, commissioner of public works, board of public works or common council of said city, inspect, analyze, and report upon all cement, cement work and paving material and all stone, wood and timber used or to be used in the erection and construction of any public building or structure or in the laying, making or repair of any public walk or in the paving of any street or in any other public work whatsoever, and shall also inspect, analyze and report to the mayor of said city or to the common council, as directed, upon the quality and sufficiency of the fuel, oils, gasoline, paints or other material or commodity used or to be purchased and used by said city, and perform such other duties and undertake such investigation and researches as may be required by the mayor or the common council. ('11 c. 64, amended '13 c. 250 § 2)

1636. Same—Salaries—The said city chemist shall receive as compensation for his services the sum of twenty-five hundred (\$2,500) dollars per

year; his first and second assistants, the sum of not to exceed twelve hundred (\$1,200) dollars per year, each; three other assistants, the sum of not to exceed one thousand (\$1,000) dollars per year, each; and one assistant at not to exceed nine hundred (\$900) dollars per year. Not exceeding two of the assistants receiving one thousand (\$1,000) dollars per year, shall receive an additional salary of not to exceed thirty (\$30.00) dollars per month, provided that, if employed as inspectors of street lighting, they shall provide themselves with horses and buggies or other equally effective means of transportation for use in such inspection. ('11 c. 64, amended '13 c. 250 § 3)

1637. Same—Effect of charter amendment to take effect subsequently—This act shall be in force and in effect from and after its passage, but if by virtue of any law, charter amendment, or charter heretofore enacted to take effect in the future, said chapter 64 of the Laws of 1911 [1634–1637], shall cease to be operative because superseded by such law or charter, this amendment shall not in any such case be construed to continue said chapter 64 in force beyond the time when it would otherwise cease to be operative by reason of such law, charter amendment or charter. ('11 c. 64, amended '13 c. 250 § 5)

1638. Expenditure for publicity—Publicity board—That any city in this state now or hereafter having a population of over fifty thousand inhabitants, in addition to all the powers now possessed by any such city, shall have, and is hereby granted, the power and authority to levy taxes therefor, and to expend money for city publicity purposes, not exceeding, however, in any one year an amount equal to a tax of one-tenth of one mill upon the dollar of the assessed valuation thereof upon all the taxable property of such city, the same to be expended in such manner and for such city publicity purposes as the common council shall direct, and the common council of any such city may establish and provide for a publicity board or bureau to administer such fund, subject to such conditions and limitations as the common council shall by ordinance prescribe. Provided that any moneys already raised by taxation for this purpose and not expended therefor, although not then authorized by law, shall also be applicable to the uses provided for by this act. ('11 c. 111 § 1)

1639. Same—To what cities applicable—This act shall apply to all such cities governed by a charter adopted pursuant to section 36, article 4 of the constitution of this state. ('11 c. 111 § 2)

PROVISIONS RELATING TO CITIES OF SECOND CLASS

1640. Public bath house—That any city in the state of Minnesota at any time having twenty thousand and not more than fifty thousand inhabitants according to the last official promulgated state census, is hereby authorized and empowered to establish and maintain a public bath house and grounds and park in connection therewith and for that purpose to acquire by grant, gift, purchase, lease or otherwise, lands within or without the corporate limits of such city, including land on any island in any navigable river lying in close proximity to such city in this or adjoining state, and appropriate money therefor and for the maintenance thereof, whenever the common council of such city by a majority vote thereof, deems the same necessary or advisable. ('07 c. 22 § 1, amended '11 c. 53 § 1)

1641. Same—Board of directors—When the common council of any such city shall have decided to establish and maintain a public bath house and grounds and park in connection therewith, under this act, the mayor of such city shall, with the approval of the common council, proceed to appoint a board of three directors for the same, choosing from the citizens at large, with reference to their fitness for such office, and not more than one member of the common council shall be at any time a member of said board; the president of the board of health and the president of the park board of such city shall be ex-officio members of said board. ('07 c. 22 § 2)

1642. Same—Terms—Removal—Said directors shall hold office, one for one year, one for two years, and one for three years from the first day of May following their appointment, and the mayor of such city appointing such

board, shall designate the respective terms of each member so appointed, and annually thereafter, the mayor of said city shall, before the first of May, appoint as before one director to take the place of the retiring director who shall hold his office for three years and until his successor is appointed. The mayor of said city, may, by and with the consent of the common council, remove any director for misconduct or neglect of duty. ('07 c. 22 § 3)

1643. Same—Vacancies—Compensation—Vacancies in the board of directors occasioned by removal, resignation or otherwise, shall be reported to the common council and be filled in like manner as original appointments, and no director shall receive compensation for services rendered as such. ('07 c. 22 § 4)

1644. Same—Duties and powers—Said directors shall, immediately after appointment, file their written acceptance and meet and organize by the election of one of their number, president, and by the election of such other officer as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the bath house, grounds and park, or either of them as may be expedient, not inconsistent with this act, or any ordinance passed by the common council of such city. They shall have the control of the expenditures of all moneys collected and placed to the credit of the bath house fund, and of the construction of any bath house building or addition thereto, or the improvement of the grounds and park in connection therewith, and of the supervision, care and custody of the grounds, bath house and buildings constructed, leased or used in connection therewith, subject to the approval of the common council of such city. Provided, that all moneys received for such bath house and grounds shall be deposited in the treasury of said city to the credit of said bath house and grounds fund, and shall be kept separate and apart from the fund of such city, and shall be paid out only upon the properly authenticated voucher of the bath house board. Said board shall have the power to appoint a suitable person to take care of such bath house and grounds and necessary assistants and fix their compensation, and shall also have power to remove said appointees and shall in general carry out the spirit and intent of this act. ('07 c. 22 § 5)

1645. Same—Rules and regulations—Every bath house, including the grounds and parks in connection therewith, established under this act, shall be subject to such reasonable rules and regulations as the bath house board may adopt not inconsistent with this act or any ordinance passed by the common council of such city in order to render the use of said bath house and grounds, or either of them, of the greatest benefit to the greatest number, and said board may exclude from the use of said bath house or grounds, or either of them, any and all persons who shall wilfully violate such rules. ('07 c. 22 § 6)

1646. Same—Annual report—The said board of directors shall make on or before the first day of April of each year, an annual report to the common council of such city, stating the conditions of their trust on the first day of March of that year, the various sums of money received and the sources from which received and how such moneys have been expended and for what purposes, with such other statistics, information and suggestions as they may deem of general interest. ('07 c. 22 § 7)

1647. Same—Ordinances—The common council of such city shall have power to pass ordinances for the control and regulation of such bath house, grounds and parks in connection therewith, fixing suitable penalties for the punishment of persons violating the same and for committing injury to such bath house, or grounds and park in connection therewith, or any shrub, plant or other property thereon or connected therewith. ('07 c. 22 § 8)

1648. Same—Gifts—Any person desiring to make donations of money, personal property or real estate for the benefit of such bath house and grounds and park in connection therewith, or either, shall have the rights to vest the title to the money, property or real estate so donated in such city to be held and controlled by such board, subject to the direction and approval of the common council of such city according to the terms of the deed, gift or devise [devise] of such property. ('07 c. 22 § 9)

1649. **Free open air concerts**—That in all cities of this state having a population of not less than 20,000 and not more than 50,000, the city council shall have the power annually to raise by taxation and appropriate the sum of not more than fifteen hundred dollars to be expended under the direction of the city council of such city for the purpose of providing free open air concerts for the benefit of the people of such city. ('09 c. 155 § 1)

1650. **Dense smoke in cities not under home rule charters—Abatement, etc.**—That any city in the state of Minnesota now or hereafter having more than ten thousand and not more than twenty thousand inhabitants, in addition to all the powers now possessed by such city, is hereby authorized and empowered, acting by and through the council, common council or city council of such city by ordinance duly enacted by an affirmative vote of not less than two-thirds of all the members elect of such council, common council or city council, to control, regulate, prevent and prohibit the emission of dense smoke from the smoke stack of any locomotive, engine, stationary engine or building within the limits of any such city, and to declare such emission of dense smoke to be a public nuisance, and to provide for the summary abatement thereof; and in addition thereto to impose such a penalty by fine or imprisonment upon the person or persons who may cause, permit or allow such nuisance to exist, as may be deemed proper, such penalty not to exceed, however, in any case a fine of one hundred dollars, or ninety days imprisonment. ('13 c. 341 § 1)

By section 2 the act shall not apply to cities under charters adopted pursuant to Const. art. 4, § 36.

PROVISIONS RELATING TO CITIES OF THIRD CLASS

1651. **Annexation of territory**—Any territory so conditioned as properly to be subjected to city government which has been wholly or partly platted into lots, and which has a resident population of not less than five hundred to the square mile, taken as a whole, and not being within the limits of any city or village and lying adjacent to any city in the same county now or hereafter having a population of not more than twenty thousand or less than ten thousand inhabitants, may be annexed to and become a part of any such city upon the terms hereinafter prescribed. ('09 c. 137 § 1)

Section 14 repeals inconsistent acts, etc. Section 15 repeals 1907 c. 168, as amended by 1909 c. 5.

1652. **Same—Petition—Census—Duty of county auditor**—Ten per cent or more of the voters residing within any city and in such territory proposed to be annexed thereto may petition the county board of the county in which such city and territory are situate to call an election for the determination of such proposed annexation. A census of the resident population of such territory shall first be taken by one or more of such petitioners, and if found to be within the numbers specified in section 1 [1651] hereof, the petition aforesaid shall be presented within eight weeks thereafter. It shall set forth the boundaries of such territory, that a census has been taken of the number of actual residents therein and the number thereof, and the name of the city to which the same is prayed to be annexed. It shall be verified by the oaths of at least three of the petitioners, declaring that such census was accurately taken within the dates specified therein, and that the statements made in the petition are true. The number of voters shall be ascertained from the number of votes cast for governor at the last preceding general election at any such city prior to the making of such petition. Such petition shall be filed with the county auditor of the county in which such territory is located, and it shall be the duty of the county auditor to cause a copy thereof to be served upon the city clerk of the city to which annexation of such territory is prayed within five days after the same is filed in the office of the county auditor. ('09 c. 137 § 2)

1653. **Same—Duty of council and clerk**—At the next meeting of the city council of the city to which annexation of such territory is prayed, after the service of a copy of any such petition, the city clerk shall lay the same before the council, and at such meeting or a meeting subsequent thereto the city council shall determine by resolution whether the city desires to consent to

the annexation of such territory, and the city clerk shall forward to the county auditor, immediately after the adoption of any resolution upon such question, a certified copy of the resolution of the city council accepting or rejecting such annexation, and thereupon the county auditor shall attach such certified copy of such resolution to the original petition for annexation. ('09 c. 137 § 3)

1654. Same—Duty of county board—In case the resolution of such city council shall be in favor of annexation the county board shall proceed as in the next section specified, and in case the city council shall vote to reject such annexation no further proceedings shall be had by the county board. ('09 c. 137 § 4)

1655. Same—Election—Notice—If the city council shall vote in favor of such annexation as hereinbefore provided, the county board at its regular meeting shall determine whether the facts stated in such petition are true, and, if they so find, the county board shall order an election to be held by the voters of such city and of the territory described in such petition, and shall cause a copy of said petition, with a notice attached fixing a time and place for holding such election, to be posted in three public places within the boundaries of the territory described in such petition. The time of holding such election shall be not less than twenty nor more than thirty days after such posting, and shall be held within such city and the territory proposed to be annexed thereto. A copy of such petition and notice of election shall also be published in a legal newspaper published within said city, and if there be a newspaper published within the limits of such territory proposed to be annexed, a copy thereof shall also be published in such newspaper, and such publications shall be made once in each week for two successive weeks prior to such election. ('09 c. 137 § 5)

1656. Same—Election, how conducted—Ballots—Such election shall be conducted in said city in the same manner and the judges and clerks of election therefor shall be appointed in the same manner as at municipal elections therein and the same shall be conducted in all respects as municipal elections, except as hereinafter provided. The county board shall appoint three inspectors, residents of the territory proposed to be annexed, who shall act as judges of said election, who shall appoint two persons clerks of such election, and such judges and clerks shall conduct the same in the same manner as general elections, except as herein provided. Polls shall open at nine o'clock in the morning and close at six o'clock p. m. Only voters residing within said territory and within said city shall be entitled to vote at such election. All ballots at such election shall bear the words "For annexation, Yes, No," with a square after each of said words, in one of which the voter shall make a cross to express his choice. The judges of said election in said city and the inspectors of such election in such territory shall at once upon the close of such election, make and file with the county auditor certificates of the results of such election in such territory and in each election district of such city, declaring therein the time and place of holding such election, that they have canvassed the ballots cast thereat and stating the number of ballots cast both for and against such proposition. The certificates shall be signed and verified by at least two of said inspectors in such territory and two judges in each election district of said city to the effect that the statements thereof are true. ('09 c. 137 § 6)

1657. Same—Duties of auditor—The auditor shall attach said certificates to the original petition with a copy of the resolution appointing said inspectors and the original proofs of the posting and publication of the election notice, and file the whole as one document in his office. If the certificates show that the majority of all votes cast at such election were in the affirmative, the county auditor shall forthwith make and transmit to the secretary of state a certified copy of said document to be there filed as a public record, and thereupon the annexation of such territory shall be deemed complete. He shall also file a certified copy of said document in the office of the register of deeds of the county and the same shall be recorded, and shall also file a certified copy thereof with the city clerk of the city in which such

territory is annexed. If the vote be adverse no subsequent petition shall be entertained within one year next after said election. ('09 c. 137 § 7)

1658. **Same—Expenses of annexation**—All proper expenses of the annexation shall be borne by such city in case the city council of any such city shall vote to accept annexation of such territory, including fees for copies, recording, publication and expenses of election. ('09 c. 137 § 8)

1659. **Same—Existing indebtedness**—No such territory annexed to any such city shall be in any manner taxed to pay any part of any indebtedness existing on the part of any such city prior to or at the time of such annexation, nor shall any such territory be in any manner released of or from liability to taxation for any debt existing against any municipality of which such territory formed a part prior to such annexation. ('09 c. 137 § 9)

1660. **Same—Property and indebtedness, how apportioned—Appeal**—It shall be the duty of the county board to make an equitable division of the public property of the several towns and school districts of which such territory annexed formed a part prior to such annexation, and to apportion the property and indebtedness, if any of each thereof between the respective towns, school districts and city in such manner as shall be just and equitable, having in view the location and value of public buildings and real and personal property where the same remains after annexation, the amount of taxes due and delinquent and the indebtedness of each such town, school district and city, if any, and for what purpose the same was incurred, all in proper relation to the last assessed valuation of all of the taxable property of such town, school district and city, and shall make such apportionment and division thereof by resolution and other appropriate proceedings, first giving at least twenty days' notice to each town or school district and to the city to be affected thereby. Any city, town, school district or territory affected by any resolution, order or proceeding of any county board, as herein authorized to be taken, may appeal to the district court from any such resolution, order or proceeding within twenty days after the making thereof, and in case of appeal by the residents of such territory annexed the same may be taken by forty per cent of the voters thereof; and in case of such appeal all appeals shall be tried and disposed of in one proceeding by the district court in the same manner in all respects as appeals from the decision of the county board on claims against the county, except that the trial thereof shall be by the court without a jury, and an appeal from the determination of the district court shall lie with the supreme court in the same manner as in civil actions. ('09 c. 137 § 10)

1661. **Same—Readjustment of wards**—The city council of any such city to which any such territory shall be annexed as herein provided shall have authority by ordinance to provide for a readjustment of the boundaries of the several wards existing in such city in such a manner that the population of each such ward, as the same shall exist at the time of such annexation, shall be made as nearly equal as practicable after the addition of any such territory; provided the several wards shall be composed of contiguous territory. ('09 c. 137 § 11)

1662. **Same—Annexed territory, how governed—Schools—School districts—Intoxicating liquors**—Such annexed territory shall in all respects be governed by laws governing the city at the time of such annexation, and said annexed territory shall be governed by all of the laws relating to schools and school districts in said city and the school property awarded to such annexed territory by the county board shall be under the control and management of the officers and proper authorities of such city controlling and governing the school property of such city, subject to the provisions herein with respect to the indebtedness of any such territory, and in case the detaching of any such territory shall divide any school districts outside of the limits of the city, the county board shall have authority to make a proper readjustment of the boundaries thereof as provided by law. Provided, that no license for the sale of intoxicating liquors in such territory so annexed to any such city shall ever be granted unless the question of issuing the same shall be first submitted to the electors residing therein and shall be authorized by a majority vote of the electors voting at such election on such question. And

the city council of any such city is hereby authorized to submit such question to the voters of any such territory so annexed at a special election to be called and held therein and to appoint the necessary judges and clerks for the purpose of conducting the same in the same manner that other municipal elections are held and conducted, and any such license so granted, without complying with the terms of this section, shall be void. ('09 c. 137 § 12)

1663. Same—New charter—Within six months after the annexation of any territory to any city as herein provided, the board of freeholders to frame charters as provided by section 749, Revised Laws of 1905 [1343], if such board of freeholders shall have been appointed, shall frame a charter for such city as the same exists after such annexation and deliver to the chief executive of such city the draft of such proposed charter as provided in section 751, Revised Laws of 1905 [1345], and the same shall be submitted for the approval of the voters of such city as provided by law. ('09 c. 137 § 13)

1664. Incorporation within city limits of land of state institutions—That any lands adjacent to any city now or hereafter having a population of not less than ten thousand inhabitants, and not more than twenty thousand inhabitants in this state, which are wholly owned by the state of Minnesota, and used as a part of any state institution under the jurisdiction and control of the state board of control of state institutions, may be annexed to any such city by resolution of the city council or other governing body thereof, whenever such city council may be requested to annex such state lands by resolution adopted by the state board of control of state institutions, which resolution shall in all cases describe the lands to be annexed. ('07 c. 349 § 1)

See § 1397.

1665. Same—When annexation is complete—Such annexation shall be deemed complete upon the adoption of any such resolution by the city council or other governing body of such city in the manner above specified, when a duly certified copy of such resolution shall be filed in the office of the secretary of state. A certified copy of such resolution shall also be recorded in the office of the register of deeds of the county in which such city is situate. ('07 c. 349 § 2)

1666. Same—What lands may be annexed—Any lands owned by the state, as provided in section 1 [1664] and adjacent to any city, as herein provided, may be annexed as provided herein, save and except lands situate outside of the limits of the county in which such city is situate. ('07 c. 349 § 3)

1667. Street railways—That the city council of any city in this state now or hereafter having a population of not less than 10,000 inhabitants and not more than 20,000 inhabitants, according to the then last official state or national census, is hereby empowered to grant by ordinance to any person, persons or corporation the authority, right and privilege to construct, maintain and operate street railway lines by other than steam power upon the streets of any said city, and also authority to connect such street railway lines in any said city with other territory, cities and villages in the state of Minnesota for a period of not exceeding twenty-five years. Provided, however, that nothing herein contained shall be construed to authorize the making of any exclusive franchise. ('05 c. 250 § 1)

1668. Same—Certain grants legalized—Where any city council of any said city has heretofore granted by ordinance or resolution to any person, persons or corporation the right and authority to use its streets for the construction and operation of street railway lines of the character described in section 1 [1667] hereof, for a period not to exceed twenty-five years, and where such ordinance or resolution has been accepted by such person, persons or corporation, every such ordinance or resolution is hereby legalized and declared to be valid, provided that nothing herein shall be construed to confirm or legalize the granting of any franchise to the extent of making the same exclusive. ('05 c. 250 § 2)

1669. Same—Not to apply to cities under home rule charters—This act shall not include or apply to cities now governed under a charter adopted under and pursuant to sec. thirty-six, article four, of the constitution of this

state, as amended, and chapter three hundred and fifty-one of the Gen. Laws of 1899 and the several acts amendatory thereof. ('05 c. 250 § 3)

1670. Water works—Power to acquire—That each city in the state of Minnesota, now or hereafter having not less than ten thousand and not more than twenty thousand inhabitants, according to the then last preceding national census, is hereby authorized and empowered, as hereinafter provided, to construct, erect, purchase or otherwise pursuant to authority of law, acquire a system of water works to be operated and governed by such city, in such manner and to be managed and regulated by such boards or commission, or otherwise, as from time to time may be prescribed by lawful authority, and each said city is authorized to issue bonds in payment therefor, as hereinafter provided. ('05 c. 105 § 1)

1671. Same—Issue of bonds—Mortgage—Limit of debt—That each such city is hereby authorized to issue in payment for any such system of water works, or to pay and discharge or refund any bonds secured by a mortgage upon any water works heretofore or hereafter purchased by any such city, and existing at the time of such purchase, in addition to all bonds heretofore authorized to be issued by any such city, its bonds, in an amount to be determined by a two-thirds vote of all the members of its city council, not exceeding in amount five per cent of the assessed valuation of the taxable property of such city, according to the last preceding assessment thereof, for the aforesaid purpose of constructing, erecting, purchasing or acquiring in any lawful manner a system of water works. ('05 c. 105 § 2)

1672. Same—Submission to voters—Ballots—Election, how held, etc.—Before any bond shall be issued as provided in this act, the city council shall by resolution authorize the issuance thereof, subject to the approval of the legal voters of such city, and by such resolution such city council shall determine the amount of bonds to be issued, the rate of interest, which shall not exceed four per cent per annum, payable semi-annually, and the time of the maturity of such bonds, which may be at such time or times and in such installments as the council shall in such resolution provide, and such bonds may be issued in such denominations as such resolution may provide, and such council shall in such resolution fix a time either at an annual or special election to be called for that purpose, when the voters of such city shall vote upon the question of the issuance of such bonds, and at the time so fixed by such city council the legal voters of such city shall vote upon the question of the issuance of such bonds. The form of ballot therefor shall be as follows:

“Shall the city of _____ issue its bonds in the sum of _____ dollars, bearing interest at _____ per cent per annum, payable semi-annually, for the purpose of acquiring and owning a system of water works, pursuant to a resolution of the city council of said city, passed on the _____ day of _____, 190-?”

Yes
No

Voters who desire to vote for the issuance of such bonds shall place a cross (X) opposite the word “Yes” of said ballot, and those who desire to vote against the issuance of said bonds shall place a cross (X) opposite the word “No” of said ballot. Such election, if a special election, shall be conducted in all respects as a general election, except that it shall not be necessary to have more than two days for registration, which days shall be one week and two weeks, respectively, prior to the day of such election. If the majority of the voters who vote upon such question shall vote for the issuance of said bonds, then the same shall be issued, otherwise they shall not be issued. ('05 c. 105 § 3)

1673. Same—Bonds, how executed and sold—The bonds of any such city issued pursuant to the terms of this act may be issued and sold from time to time as determined and authorized by ordinance or resolution adopted by the affirmative vote of a majority of all the members of the city council, and all interest upon such bonds shall be evidenced by coupons attached to such bonds, and which interest shall be payable at such times and at such place

or places as may be specified in such ordinance or resolution. Such bonds shall be sealed with the seal of the city issuing them and be signed by the mayor and city clerk or recorder, and such coupons shall be signed by the city clerk or recorder, and such bonds shall not be sold for less than par value and accrued interest to the highest responsible bidder after notice published once in each week in a daily newspaper, if there be one in such city, for two successive weeks; if not, then once in each week for two successive weeks in a weekly newspaper in said city, and also once in each week for two successive weeks in a daily newspaper published in the city of St. Paul, Minnesota. ('05 c. 105 § 4)

1674. Same—Proceeds, how used—None of the proceeds of any of the bonds issued pursuant to the provisions of this act, nor any part thereof, shall be used for any other purpose than the purposes hereinbefore specified, together with the necessary expense attending such purposes, and the purpose or purposes for which such bonds shall be issued shall be distinctly set forth in the ordinance or resolution authorizing the same. ('05 c. 105 § 5)

1675. Same—Limit of debt—None of the bonds of any such city issued pursuant to the terms and provisions of this act shall be deemed or taken to be a part of the indebtedness of such city within the purview of any law limiting the amount of the bonded or other indebtedness of any such city, and the bonds authorized by this act may be issued notwithstanding and without regard to any limitation of the indebtedness of such city, nevertheless the full faith and credit of every such city is irrevocably pledged to the full payment of all such bonds and interest. ('05 c. 105 § 6)

1676. Same—Tax levy—Water works fund—Sinking fund—Every such city issuing any bonds under authority of this act is hereby required to levy each year thereafter the necessary tax upon all the taxable property of such city for the purpose of raising an amount which shall be equivalent to the reasonable value of the hydrant rental and other water consumed or used by such city and provided by such system of water works, which sum shall be paid into and credited to a fund known as the "water works fund," which shall be kept separate from all other moneys of such city, and shall be under the control and management of the governing body, board or commission of such city, which shall have the control, government and management of such water works system as may be from time to time provided by law, and likewise all rentals and revenue derived from such system of water works in any manner shall be paid into such fund, and all expenses of management and operation, and otherwise of such system of water works, shall be paid out of said fund, and from the balance thereof there shall each year be set aside a sufficient amount to pay the interest upon all bonds issued by authority of this act and such further sums as may be necessary to create a sinking fund, to pay the principal of such bonds as they mature and a sufficient sum to pay the interest as it falls due upon any bonds secured by a mortgage upon such water works, given before any such purchase thereof. Said sinking fund to be known as the "water works sinking fund." And in case of any deficiency in the amount of said water works fund, every such city is hereby required to levy each year the necessary tax upon all taxable property of such city for the purpose of making up any such deficiency, and of paying the interest upon all such bonds so issued and of creating a sufficient sinking fund to pay such bonds as they mature, and such sinking fund shall not be diverted to or used for any other purpose than that of paying the interest and principal upon the bonds issued by authority of this act; and none of the receipts of said water works system shall be diverted to any other purpose except that of the maintenance, operation and extension of said water works system, and of the payment of the interest and principal of the bonds issued pursuant to this act. ('05 c. 105 § 7)

1677. Same—Water works, how acquired—Contracts, how awarded—Every such city is hereby authorized and empowered by a two-thirds vote of the common council thereof to contract on behalf of said city for the purchase of water works or for the building and construction of a system of water works, but no contract for such building or construction shall be entered

1706. **Same—How same may be acquired—**That any city mentioned in section one [1705] of this act may acquire by gift, devise, purchase, condemnation or otherwise any property necessary, convenient or desirable for the purpose of establishing, maintaining, equipping, improving, owning and operating any hospital, hospital site or hospital grounds within the limits of such city authorized by section one (1) [1705] of this act. ('13 c. 215 § 2)

1707. **Same—To what cities applicable—**This act shall not include or apply to cities now or hereafter governed under a charter adopted pursuant to section 36, article 4, of the constitution of this state, and the several acts of the legislature authorizing cities to adopt their own charters. ('13 c. 215 § 3)

1708. **Special assessments for local improvements in cities not under home rule charters—Payment—Annual installments—May determine manner of paying special assessments—**That any city in this state now or hereafter having more than ten thousand and not more than twenty thousand inhabitants, in addition to the powers conferred upon it by law, may determine the manner of the payment of special assessments made and levied against real estate for local improvements and provide for the payment of such assessment in ten annual installments, and enforce the collection thereof, in the way and manner hereinafter stated. ('13 c. 253 § 1)

This act is not applicable to cities under home rule charters. See § 1725.

1709. **Same—Power of council—Resolution—**When any special assessment levied against real estate to defray the cost and expense of any local improvement is fully completed and has been confirmed and established the city council of such city may, if they deem it expedient so to do, by resolution in writing, duly adopted by the affirmative vote of at least two-thirds of all the members thereof, provide that the owner, or any person interested in any lot or parcel of land so assessed and described in such assessment, may at his election and written request pay the same in ten annual installments. Each of said installments shall bear interest at a rate to be determined by said resolution, not exceeding six per cent per annum, from the expiration of thirty days after the publication of the notice provided in section six [1713] of this act. ('13 c. 253 § 2)

1710. **Same—Record of assessments—City clerk to keep record—**The city clerk shall keep in his office, in books provided for that purpose, a correct record of all assessments adopted and confirmed by the city council; the said books to be properly ruled and headed so as to contain at all times a substantial description and history of each assessment on each lot or parcel of land, whether payable in installments as hereinafter provided and whether paid to the city or county treasurer, or whether remaining unpaid. ('13 c. 253 § 3)

1711. **Same—Warrant for collection—**When any special assessment shall be confirmed and established by the city council, it shall be the duty of the city clerk to issue a warrant for the collection thereof, which shall be under the seal of the city and signed by the mayor and city clerk, and shall contain a written or printed copy of the assessment roll as confirmed, or so much thereof as describes the real estate and the amount of the assessment in each case. Said warrant shall also include a copy of the resolution passed by the city council as provided by section 2 [1709] of this act. ('13 c. 253 § 4)

1712. **Same—Duty of clerk—**All warrants issued for the collection of any special assessment by the city shall be delivered by the city clerk to the city treasurer as soon as practicable after the said assessment has been confirmed and established. The city clerk shall in each instance take a receipt for such warrants and place the same on file. ('13 c. 253 § 5)

1713. **Same—Duty of treasurer—Notice—**Upon the receipt of any warrant for the collection of any special assessments, the city treasurer shall forthwith give notice by one publication in the official newspaper of such city that such warrant is in his hands for collection, briefly describing its nature, the improvement for which the assessment was made, and the territory embraced in such assessment. Such notice shall require all persons

interested to make payments within thirty days after the publication of such notice. Said notice shall also state that the owner, or any person interested in any lot or parcel of land so assessed and described in such assessment may, at his election and written request, pay the assessment in ten annual installments. ('13 c. 253 § 6)

1714. Same—Election to pay in installments—Notice, etc.—Any person desiring to pay such assessment in installments, as a condition precedent to the exercise of such right shall, within thirty days after the publication of the notice provided for in the preceding section and before such assessment becomes delinquent, make and file with the city treasurer in duplicate, written notice of his election to pay such assessment in annual installments, recognize and assent to the regularity of said assessment, and at the same time, pay the first installment then due and payable; upon failure to file such notice and pay such first installment, the whole of such assessment shall be due and payable the same as though no extension of time for payment had been provided for.

Upon the filing of such notice by any person interested, the city treasurer shall divide the said assessment into the proper installments, and make record of the same and transmit one of such duplicate notices to the city clerk, who shall note such fact in his record book of assessments.

The city council may at any time after an assessment becomes delinquent and before the same is certified to the county auditor, upon the written application of the owner, and upon such terms as may be equitable, waive the neglect to so elect within the proper time, and permit any assessment which has become delinquent to be paid in installments as hereinbefore provided. ('13 c. 253 § 7)

1715. Same—Effect of election—Any person making an election to pay such assessment in installments as provided in the preceding section, his heirs or personal representatives, and the grantees of him or them named in any conveyance of any lot or parcel of land against which such assessment has been made, shall be held to have recognized and assented to the validity and regularity of said assessment, and of all proceedings had thereon prior to the granting of said application, and shall thereby forever be estopped from denying the validity of said assessment or the amount thereof. ('13 c. 253 § 8)

1716. Same—Installments, when payable—The time for the payment of installments and interest, and for the enforcement of the same against the property affected by the assessment shall be extended so that the several amounts shall become payable as follows:

The first installment within thirty days after the publication of the city treasurer's notice provided in section six [1713] of this act.

The second installment, together with interest on same and on all future installments, on October first of the succeeding year.

The third installment, together with interest on same and on all future installments, on October first of the following year.

The fourth installment, together with interest on same and on all future installments, on October first of the following year.

The fifth installment, together with interest on same and on all future installments, on October first of the following year.

The sixth installment, together with interest on same and on all future installments, on October first of the following year.

The seventh installment, together with interest on same and on all future installments, on October first of the following year.

The eighth installment, together with interest on same and on all future installments, on October first of the following year.

The ninth installment, together with interest on same and on the future installments, on October first of the following year.

The tenth installment, together with interest on same, on October first of the following year.

Each installment together with interest as aforesaid, excepting the first, shall be due and payable at the office of the city treasurer on the first day of October of the year when payable. ('13 c. 253 § 9)

1717. **Same—Unpaid assessments, etc.**—If the assessment charged in any special assessment warrant made for any improvement shall not be paid within thirty days after the publication of said notice by the city treasurer, and the owner or person interested in the lot or parcel of land so assessed has neglected to make and file the notice of election and make the first payment as provided in section seven [1714] of this act, the city treasurer shall return to the city clerk a list, duly certified of the assessments which still remain unpaid, giving in such list the description of the several lots and parcels on which the assessments have not been paid, with the names of the respective owners thereof, if known, and the several amounts assessed there-to. ('13 c. 253 § 10)

1718. **Same—Delinquent assessments, how collected, etc.**—The city clerk shall, on or before the 15th day of October following, cause a statement of the amount of said delinquent assessments, with six per cent annual interest thereon computed from the time said assessments became delinquent to the first day of January of the year next following the making of said assessments, added thereto, with a description of the several lots and parcels of land on which the same are made, and the names of the respective owners thereof, if known, to be certified to the auditor of the county in which such city is located for collection. It shall be the duty of the county auditor to extend the several amounts of said unpaid delinquent assessments and interest in proper columns on his rolls against the property described in such statement as aforesaid for collection, and each such assessment shall be collected and the payment thereof enforced with and in the like manner as state, county and other taxes are collected and the payment thereof enforced, and shall be subject to all the penalties and charges as property delinquent for taxes, delinquent for county and state purposes. Every such assessment when collected shall be paid over by the county treasurer to the treasurer of such city, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to the treasurer of such city. At the time of making such payment said county treasurer shall transmit to the treasurer of such city a detailed statement showing the several lots or parcels of land upon which collections have been made by him, and for which payments are so made, and the amount collected on account of each such lot or parcel of land. ('13 c. 253 § 11)

1719. **Same—Unpaid installments, how collected—Penalties, etc.**—If any installment and interest, or any part of such installment and interest, is not paid when due on the first of October of each year, together with interest to that time on all future installments of the same assessment, the treasurer of such city shall add a penalty of five per cent to the total amount thus delinquent and certify the same to the city clerk as a special tax on the property affected by such assessment. The city clerk shall thereupon certify the same to the auditor of the county in which such city is located as delinquent installments for collection in the same manner and at the same time as is provided in the preceding section respecting the case of delinquent assessments; whereupon it shall be the duty of the county auditor to extend the same in proper columns on his rolls against the property described in said statement as aforesaid for collection, and each such installment and interest shall be collected and the payment thereof enforced with and in the like manner as state, county and other taxes are collected and the payment thereof enforced, and shall be subject to all the penalties and charges as property delinquent for taxes delinquent for county and state purposes. Every such installment and interest shall be paid over by the county treasurer to the treasurer of such city, together with all costs, penalties and interest collected thereon at the time of making the payment of city taxes to the treasurer of such city. At the time of making such payment said county treasurer shall transmit to the treasurer of such city a detailed statement showing the several pieces or parcels of land upon which collections have been made by him, and for which payments are so made, and the amount collected on account of each such piece or parcel of land. ('13 c. 253 § 12)

1720. **Same—Payment of installments before maturity**—Any owner or person interested in any land against which an assessment has been lev-

ied, may, after such assessment has been divided into installments, pay one or more of the installments at any time before maturity, together with the accrued interest thereon to date of such payment. ('13 c. 253 § 13)

1721. Same—Installments to be liens—Every installment the time of payment of which has been extended as provided by this act, shall constitute and continue to be a paramount and perpetual lien in favor of the city and against the lots or parcels of land as to which said extension is granted, for the amount so extended for each lot or parcel until the same is fully paid. ('13 c. 253 § 14)

1722. Same—Assessments, when set aside—Informalities, etc.—No such assessment, whether divided into installments or not, shall be set aside or held invalid by reason of any informality in the proceedings prior to the entry thereof on the tax rolls of the auditor of the county in which such city is located as hereinbefore required, unless it shall appear that by reason of such informality or irregularity substantial injury has been done to the person or persons claimed to be aggrieved; and unless objection to such assessment was taken at the time and in the manner provided by law. ('13 c. 253 § 15)

1723. Same—Certificates of indebtedness, etc.—The city council of any such city is hereby further authorized to cause to be issued and sold as the proceeds thereof shall be needed for the purpose of paying the cost of any such local improvements for which such assessments against lots or parcels of land have been made, or may be made, certificates of indebtedness in anticipation of the collection of such assessments, whether divided into installments or not, payable at such times and in such amounts as in the judgment of the said city council the said assessments will likely provide moneys with which to pay same, which certificate shall bear interest at a rate not to exceed six per cent per annum, payable annually, and may have interest coupons attached thereto representing each year's interest and shall be payable at such place as said city council may determine. Such certificates shall be signed by the mayor and city clerk, and shall be in denominations of not more than one thousand dollars each.

Such certificates may be used in making payments on contracts for making the improvements for which such assessments are made or may be sold at such time and manner as said city council shall determine, but shall not be sold for less than par and accrued interest, and the proceeds credited to a separate fund and used for paying the cost of such improvements. No part of the moneys arising from the sale of any such certificates shall be used for any other purpose than the payment of the cost of such improvements.

The principal and interest of such certificates so sold shall be a first charge on the moneys received by said city from the collection of the assessments, whether divided into installments or not, made for defraying the cost of such improvements, and no part of such moneys shall be used for any other purpose than the payment of such certificates until the principal and interest of such certificates shall have been fully paid.

It shall be the duty of the treasurer of such city to endorse on each certificate issued as aforesaid, on presentation to him, the post office address of the owner, and in case of assignment of any such certificate, the holder shall present the same to the treasurer of such city for endorsement of the post office address of such assignee. The treasurer of such city shall keep a proper record of the post office addresses of the holders of all certificates issued as aforesaid.

Every certificate as aforesaid shall contain the following clause: "The city of _____ reserves the right to pay this certificate of indebtedness and accrued interest at any time upon giving the holder or owner thereof thirty days' notice."

Whenever there are moneys in the separate fund hereinbefore mentioned that may be properly applied to the payment of any such outstanding certificate it shall be the duty of the treasurer of such city to notify the owner or holder of such certificate that there is money in the city treasury for the payment of the same. Said notice shall be given by mail addressed to the last

known address of the owner or holder of said certificate, and if such address is unknown, such notice shall be addressed to such person at the place in Minnesota in which such city is located. Proof of such mailing shall be made by the affidavit of the person mailing the same, and shall state the time and manner of mailing, and how each notice was addressed and such affidavit shall be filed and preserved in the office of the treasurer of such city. Such certificates shall draw no interest after thirty days from the mailing of such notice. ('13 c. 253 § 16)

1724. Same—Certificates not deemed indebtedness, etc.—None of the certificates of indebtedness issued pursuant to the terms of this act shall be deemed or taken to be a part of the indebtedness of such city within the purview of any law limiting the amount of any bonded or other indebtedness of such city and certificates of indebtedness authorized by this act may be issued notwithstanding and without regard to any limitation of the indebtedness of such city, nevertheless the full faith and credit of every such city is irrevocably pledged to the full payment of such certificates and interest. ('13 c. 253 § 17)

1725. Same—To what cities applicable—This act shall not include or apply to cities now or hereafter governed under a charter adopted under and pursuant to section 36, article 4, of the constitution of this state, and the several acts of the legislature authorizing cities to adopt their own charters. ('13 c. 253 § 18)

1726. Local improvements in cities not under home rule charters—Payment of cost out of general fund—Any city in this state now or hereafter having more than ten thousand and not more than twenty thousand inhabitants, in addition to the powers conferred upon it by law, is hereby authorized and empowered, acting by and through the city council or common council of such city, by resolution duly enacted by an affirmative vote of not less than two-thirds of all the members elect of such city council or common council to make any local improvement for which an assessment upon abutting property could be made as provided by law to defray the cost and expense thereof, and order that the cost and expense of all or any part of such improvement shall be paid out of the appropriate or general fund of such city without assessment on the said abutting property, and also to have power to assess any part of the cost of any such improvement upon any property benefited thereby. ('13 c. 278 § 1)

1727. Same—To what cities applicable—This act shall not include or apply to cities now or hereafter governed under a charter adopted under and pursuant to section 36, article 4, of the constitution of this state, and the several acts of the legislature authorizing cities to adopt their own charters. ('13 c. 278 § 2)

PROVISIONS RELATING TO CITIES OF FOURTH CLASS

1728. Incorporating within limits land in adjoining county—That any city, containing a population of ten thousand or less, whether incorporated by a general or special act, may include within its corporate limits, land (lands) which are not already incorporated, lying within an adjoining county and contiguous to the corporate limits of such city. Provided, however, that such lands shall not be within ten miles of any other incorporated city or village within this state; and provided further, that for the purposes of this act lands separated from such city by an intervening river shall be considered contiguous to the corporate limits thereof. ('05 c. 191 § 1)

As to annexation of land to cities and villages having 10,000 inhabitants or less, see §§ 1798, 1799. See, also, §§ 1800-1804.

1729. Same—Proceedings—Jurisdiction acquired—The city council of such city, desiring to include within its corporate limits lands lying within an adjoining county as provided in section one [1728] of this act, shall pass a resolution describing the land (lands) desired to be included within such corporate limits, which resolution shall be submitted to the town supervisors of the town in which the said lands are included and to the board of county commissioners in which said lands are situate. If the supervisors of such

town and the board of county commissioners of such county shall approve the said proposed annexation by resolution duly made and entered on the minutes of the town and by resolution duly made and entered on the minutes of the board of county commissioners, a duly certified copy of the resolution, together with duly certified copies of the resolution of the board of supervisors and of the board of county commissioners, shall be filed in the office of the secretary of state and recorded in the office of the register of deeds of the county within which said city is situate and of the county within which said lands are situate, and a copy of such record duly certified by the register of deeds shall be filed in the office of the secretary of state, and thereupon the said lands in said adjoining county shall become part of the said city for all purposes and be subject to the laws, ordinances and jurisdiction of said city for all purposes whatsoever, except as hereinafter provided. ('05 c. 191 § 2)

1730. Same—Taxation—School districts—No territory so acquired shall at any time be subject to taxation for any indebtedness of said city incurred at any time prior to the date of such annexation. If the boundaries of the special or independent school district existing in said city, shall by the law under which said school district is organized, be co-extensive with the limits of said city, then and in that case, the said territory so included within said corporate limits under this act, shall be construed to be part of the said school district, but shall not be subject to taxation for any indebtedness incurred by said school district before the date of such annexation. ('05 c. 191 § 3)

1731. Same—Consent required—No such territory shall be annexed, however, unless the majority of the owners thereof shall consent thereto in writing. ('05 c. 191 § 4)

1732. Detachment of certain lands—Petition—Notice—The owner of any unplatted tract of land containing not less than forty acres, included within the corporate limits of any city in this state containing 10,000 inhabitants or less, and used and occupied exclusively for agricultural purposes, may petition the district court of the county in which such tract of land is situated for a decree detaching such tract of land from such city. Upon the filing of such petition the court shall fix a time for the hearing thereon which shall not be less than thirty days from the date of the filing of such petition; and the petitioner shall serve or cause to be served a notice of such hearing upon the mayor or city recorder of such city at least twenty days before the time fixed for such hearing, and shall also cause a copy of such notice to be published in a newspaper, published in said city, at least two weeks before the time so fixed for such hearing. ('07 c. 221 § 1)

Section 4, providing that the act should not apply to any city or village which had adopted a home rule charter, was repealed by 1911 c. 173.

1907 c. 221, is constitutional (104-378, 116+922; 105-84, 117+157).

Held not applicable to borough of Belle Plaine (105-84, 117+157).

If the court finds the facts authorizing it, it has no discretion to refuse a decree detaching such land (104-378, 116+922; 116-454, 134+121).

Cited (112-330, 127+1118).

1733. Same—Hearing and decree—If, upon the hearing, the court shall find that such tract of land is of the nature and quantity as hereinbefore set forth, and that it may be detached from such city without unreasonably affecting the symmetry of the settled portions of such city, it may grant such decree, and said tract of land shall thereon become detached from such city and shall thereafter form a part of the township in which it was originally situated, and shall in all things be subject to the town government of such township. ('07 c. 221 § 2)

1734. Same—Existing indebtedness—Such separation from said city shall not release any such tract of land from its liability on account of any outstanding bonded indebtedness of such city existing at the time of its separation therefrom, and in order that such detached territory shall pay its proportionate share of such outstanding indebtedness and any renewal of such indebtedness or extension thereof and interest thereon, the common council of such city in cases where such territory has heretofore been detached, or

hereafter shall be detached under this act, shall each year, at the time of levying the various taxes for city purposes, levy upon the taxable property of such city, and upon the taxable real estate within such detached territory, taxes sufficient to pay such outstanding bonded indebtedness or any renewal or extension thereof and interest thereof due and payable in any year, and the county auditor shall place the same upon the tax list in such city in the same manner as other taxes therein, and upon such detached real estate in such detached territory, upon the tax list in the taxing district where the same is then situated in the same manner as other taxes therein, and such taxes shall be collected with and in like manner as county and state taxes are paid, and payment thereof enforced, and the county treasurer shall pay such taxes when collected over to the treasurer of such city in the same manner as other city taxes are paid over. ('07 c. 221 § 4, amended '11 c. 197 § 1)

1735. Taxes for general purposes—That the governing body of any city of the fourth class in this state be and the same is hereby authorized to annually levy taxes against the taxable property in any such city for all general city and municipal purposes, not exceeding twenty-five mills on the dollar of the assessed valuation of said city. In case any such city is operating under any special law or under any form of charter which authorizes such city to levy taxes for general city and municipal purposes in excess of twenty-five mills on the dollar, the provisions of this bill shall not limit any such city. ('11 c. 318 § 1)

1736. Salaries of mayor and council—Submission to voters—That in all cities in this state having a population not to exceed ten thousand inhabitants the common council of such cities may, prior to any annual city election, to be held therein hereafter, pass a resolution fixing the annual salaries of the mayor and the members of such common council; at not to exceed one hundred dollars per annum for each of said officers, and said common council shall cause notice thereof to be given to the voters of such city in the notice of the annual city election, and the recorder of such city shall place upon the official ballot of said city, to be used therein at said annual city election the proposition "in favor of paying the sum of \$. . . . as salary to the mayor and each member of the common council," and also the proposition "against paying the sum of \$. . . . as salary to the mayor and each member of the common council." That said recorder shall place the amount of money in each of the above propositions on said ballots, as said common council shall determine by resolution, as aforesaid, but not to exceed one hundred dollars. That the voters of said city, at such annual city election shall vote for or against the proposition of paying the mayor and the respective members of the common council as salary the amount placed upon said ballot, as aforesaid, and if a majority of the voters of said city voting on said proposition shall vote in favor of the paying of said salary then said proposition shall be deemed carried, and said mayor and each member of said common council shall be entitled to be paid out of the city treasury the sum so voted for, as an annual salary for services to be rendered by them thereafter. That said amount voted for annual salary of said officers shall thereafter be paid to each of said officers as their annual salary until otherwise changed by a vote of the legal voters of said city as herein provided for fixing said salaries. ('05 c. 301 § 1)

Section 4 repeals inconsistent acts, etc.

1737. Same—Votes, how cast, etc.—That the voter wishing to vote for or against the proposition of paying said amount for salary to the said officer shall place a cross mark (X) opposite the proposition for which he intends to vote. All the votes cast for or against said proposition shall be canvassed, counted and returned to the city recorder, the same as the votes are for city officers in said city. ('05 c. 301 § 2)

1738. Same—To what cities applicable—This act shall apply to all such cities herein mentioned, whether incorporated under a general or special law, but nothing herein contained shall be construed to apply to any municipality now operating under a home rule charter. ('05 c. 301 § 3)

1739. Parks—That any city of this state, now or hereafter having a population of not more than ten thousand inhabitants, is hereby authorized and empowered, in addition to the other powers conferred upon it by law, to acquire by gift, purchase, devise, condemnation or lease, lands within its corporate limits, or lands contiguous to such city, and lying outside of its corporate limits, not exceeding fifty acres in extent of area, for use by the public for a park, and for park purposes, and may provide for the improvement thereof by the planting and preservation of trees and shrubs, by inclosing, ornamenting and protecting the same, and in such other ways as may be necessary to make such lands suitable for the uses of a public park. ('05 c. 335 § 1)

Section 4 repeals inconsistent acts, etc.

1740. Same—Park board—Powers and duties—That the city council of every such city may by a majority vote create a park board for such city, to be composed of three members, to be chosen by said council for terms of one, two and three years respectively, all of whom shall be free holders and residents of such city, and who shall serve without compensation. Such park board shall be authorized and empowered, for and on behalf of and in the name of such city, to acquire by gift, purchase, devise, condemnation or lease, the land to be held and used for park purposes, and shall provide for the improvement thereof as specified in section one of this act. Said park board shall have general supervision, management and control of such park and may appoint a suitable person to care for and take charge of the same, and may prescribe his duties and fix his compensation therefor. ('05 c. 335 § 2)

1741. Same—Annual appropriation—That for the purposes of carrying out the provisions of this act the city council of every such city may appropriate annually out of any of the revenues of the city received from taxes, saloon or other licenses and fines, a sum of money not exceeding ten per cent of such revenues, the money so received to be disbursed for the purposes herein mentioned, in such manner and subject to such rules and regulations as said city council or said park board shall direct. ('05 c. 335 § 3)

1742. Same—Not to apply to cities under home rule charters—This act shall not include or apply to cities now or hereafter governed under a charter adopted under and pursuant to section thirty-six, article four of the constitution of this state, as amended, and chapter three hundred and fifty-one of the General Laws of 1899 and the several acts amendatory thereof. ('05 c. 335 § 5)

1743. Park board may furnish entertainment—That any city of this state having a population of not more than 10,000 inhabitants and in which said city a park board has been created, may authorize said park board, in addition to the other duties, to furnish educational or musical entertainment for its inhabitants. ('11 c. 165 § 1)

1744. Same—Appropriation—That for the purpose of carrying out the provisions of this act, the city council of every such city, may appropriate annually out of the revenues of the city received from taxes, a sum of money not exceeding two hundred (200) dollars, the money so received to be disbursed for the purpose herein mentioned, in such manner and subject to such rules and regulations as said park board shall direct. ('11 c. 165 § 2)

1745. Musical entertainments in certain cities—That the governing body of any city of the fourth class in this state, operating under a home rule charter or commission form of government, is hereby authorized to annually levy a half mill tax against the taxable property in such city for the purpose of providing musical entertainments to the public in public buildings or upon public grounds. ('13 c. 329 § 1)

1746. Park districts—Provisions, how availed of—Any incorporated city in the state of Minnesota having a population of less than ten thousand inhabitants may by a two-thirds vote of its council by yeas and nays at a regular meeting thereof, take advantage of the provisions of this act. ('09 c. 486 § 1)

1747. Same—Ordinance—Submission to voters—Ballots—Any city desiring to take advantage of this act shall do so by the ordinance expressing its

intent and desire so to do, whereupon the territory embraced in such city shall be deemed and it is thereby declared to be a park district of the state of Minnesota. But before such resolution or ordinance shall take effect the same shall be submitted to the electors of such city at a regular city or special election and approved by a majority of those voting thereon. The ballots may be substantially as follows, to-wit:

"For the creation of a park district to be known as 'Park District of the State of Minnesota' and creating a board of park commissioners, and providing for the government thereof;"

Or "Against the creation of a park district to be known as 'Park District of the State of Minnesota' and creating a board of park commissioners, and providing for the government thereof." ('09 c. 486 § 2)

1748. Same—Park districts, how known—Powers—Each park district so created shall be known as "Park District of the City of" and as such shall have a seal and perpetual succession, with power to sue and be sued, contract and be contracted with, acquire by purchase, gift, devise or otherwise and hold, own, possess and maintain real and personal property in trust for the purpose of parks, boulevards and ways and to exercise all the powers hereinafter designated or which may hereafter be conferred upon it. ('09 c. 486 § 3)

1749. Same—Board of park commissioners—Membership and qualifications, etc.—The powers of such park district shall be exercised by a board of park commissioners consisting of five members who shall hold office for the period of five years from and after the date of their election and qualification and until their successors are duly elected and qualified except the members of the first board, who shall hold office as follows: One member until one year from the last mentioned date, one member until two years from the last mentioned date, one member until three years from the last mentioned date, and one member until four years from the last mentioned date. The members of the park commissioners shall qualify by taking and filing with the clerk or recorder of the city the oath prescribed by law. The city treasurer shall be ex-officio treasurer of the park district, he shall take the oath prescribed by law and shall furnish such bond as may be required by the commission. The members of the commission shall be elected by qualified electors of the park district at the annual city election, shall qualify within ten days of this election, and shall within twenty days after said election organize by the selection of a president, vice-president and secretary. The first board may be elected at a regular annual city election or at a special election called for that purpose by the city council. The members of the board shall receive no compensation for their services as such and shall have the qualifications of electors of such district. They shall not be interested in any contract entered into by said commission. Vacancies on such board shall be filled by the board until the next regular election of members of the board, when such vacancies shall be filled by election. Removal of residence from the park district by any member of the commission shall create a vacancy. ('09 c. 486 § 4)

1750. Same—Powers of commission—The park commission shall have power:

1. To acquire by purchase, gift, devise, condemnation or otherwise, land within its territorial limits or within two miles therefrom, for parks, boulevards and ways, and shall have sole and exclusive authority to maintain, govern, erect and improve the same.

2. To lay out, open, grade, curb, pave and otherwise improve any path, way or street, in, through, or around said parks and to construct, erect, build, maintain, manage, govern and erect any and all buildings, pavilions, play and pleasure grounds or fields and such other improvements of a like character as may be deemed necessary.

3. To pass all ordinances necessary, requisite and needful for the regulation and government thereof, and to make, change and enforce any order with reference thereto.

4. To levy special assessments on all property specially benefited by the purchase, opening, establishment and improvement of such parks, boulevards, and ways or streets or ways about the same.

5. To appoint such engineers, surveyors, clerks and other officers and employés, including such police force as may be necessary and to define and prescribe their respective duties and authority and to fix their compensation.

6. To issue the negotiable bonds of the park district in a sum not to exceed two per cent of the value of the taxable property therein situated, for the sale [sole] and exclusive purposes of purchasing and acquiring lands for such parks, boulevards and ways, and for the permanent improvement thereof, including the erection and construction of buildings, pavilions, play and pleasure fields, provided such bonds shall not bear a rate of interest to exceed six per cent and provided, further, that upon the affirmative vote of the electors of such district as by law provided, such commission may be authorized to issue such bonds in an amount in the aggregate not to exceed five per cent of such assessed value.

7. To levy taxes upon all the property within said district for the purpose of maintaining and improving said parks, boulevards and ways and to defray the expenses of such board; provided, that such tax so levied shall in no year exceed the sum of five mills on each dollar of the taxable property within said district.

8. To establish building lines for all property fronting on any park, boulevard or way under the direction and control of such commission, and to control the subdivision and platting of property within four hundred feet thereof.

9. To borrow money in anticipation of taxes already levied to defray the expenses of the year and to issue therefor the notes of obligation of the district.

10. To connect any park or parks owned or controlled by it with any other park or parks, and for that purpose to select and take charge of any connecting street or streets or parts thereof, and the said park commission shall have sole and exclusive charge and control of such street or streets so taken for such purpose. ('09 c. 486 § 5)

1751. Same—Meetings—Ordinances—Contracts—Claims, etc.—The park commission shall hold a regular meeting on the first Tuesday of each month at such hour as it may by rule designate, and such special meetings as it may deem necessary. Special meetings may be called by the president and must be called by him upon the request in writing of two members of the board. The commission shall have power to adopt rules of procedure as it may deem necessary. The powers of the commission shall be exercised by ordinance unless otherwise provided. All ordinances shall be read twice and at least eight days shall intervene between the readings. They shall be adopted by ye and nay vote and shall be approved by the president and published in the official newspapers of the city and shall go into effect upon such publication. The enacting clause of all ordinances shall be as follows: "Be it enacted by the park commissioners of the park district of the city of, state of Minnesota;" the ye and nay vote shall be taken on all propositions involving the expenditure of money, and levying of taxes or the issuance of bonds or other certificates of indebtedness. All contracts shall be let to the lowest responsible bidder after advertisement in the official newspaper of the city for three successive weeks, once in each week, provided, that such commission shall have the power to reject all bids. All contracts shall be in writing and signed by the president and clerk of the board and unless so executed shall be void. At no time shall the debt of the park district exceed five per cent of the taxable property within the district, according to the last preceding assessment. No bill, claim, account or demand against the district shall be audited, allowed or paid until a full itemized statement in writing properly verified shall be filed with the park commission. All claims against the park district arising out of negligence shall be in writing and verified by the claimant, and shall obtain a full, clear and concise statement of the transaction out of which it is alleged to arise giving time, place, extent of injury or damage, and shall be filed within thirty days

from the date thereof with the clerk of the board. No action shall be maintained unless begun after thirty days and within six months from the date of the filing of the claim. ('09 c. 486 § 6)

1752. Same—Jurisdiction of municipal court, etc.—The municipal court of the city shall have exclusive jurisdiction to try and determine all causes of action for violation of the rules or ordinances enacted by the board and the procedure therein with the right of appeal, shall be as prescribed by general law. ('09 c. 486 § 7)

1753. Same—General laws, when applicable—In the issuing of bonds, warrants, certificates of indebtedness and in levying any tax or special assessment and in otherwise carrying out, enforcing or making effective any of the powers herein granted, the park commissioners and their officers and the park district shall be governed by and shall follow the laws enacted for the government of cities, except as herein specially provided. ('09 c. 486 § 8)

1754. Parking lake shores—Donations—Contracts for water and ice—That all cities of the fourth class and the city councils of the same, in addition to all powers now possessed by such cities, shall have the power to dredge lakes wholly or partly within the corporate limits of such cities, to park the shores thereof, maintain a water level in such lakes and expend money therefor.

Such cities are also given the right to accept donations from any person, firm or corporation to aid in defraying such expenses, and such cities and the city councils thereof shall have the power to make contracts with any person, firm or corporation for the taking of water and ice from such lake upon such terms and conditions as may be agreed upon between such city council and the person, firm or corporation acquiring the right to the use of said water and ice. ('13 c. 331 § 1)

1755. Water frontage tax—The city council of any city having a population of ten thousand inhabitants or less shall have power to levy a water frontage tax upon every lot, piece or parcel of land in front of which water pipes are or thereafter shall be laid. ('09 c. 174 § 1)

1756. Same—Amount of tax—Lien—That the annual tax or assessment shall not exceed ten cents per lineal foot of the frontage of such lot, piece or parcel of land and which shall be a lien upon such lot, piece or parcel of land and shall be collected as hereinafter provided. That no property shall be subject to such tax or assessment after ten such annual tax or assessments have been levied against it. ('09 c. 174 § 2)

1757. Same—Petition of property owners—The common council of such cities shall proceed upon the petition of the property owners of the property fronting on the street of the proposed main, but the consent and signature of three owners of any platted block shall be sufficient. ('09 c. 174 § 3)

1758. Same—Notice—Power of council—Assessment—The common council shall thereupon give ten days' notice by publication of such proposed tax levy of such proposed water frontage tax, and if a majority of the common council are of the opinion that such improvement is necessary and proper, the common council shall make an assessment upon the property which fronts upon the proposed water main; such assessment shall state the amount per foot levied, the name of the owners or reputed owners and the lot and block number. ('09 c. 174 § 4)

1759. Same—Delinquent taxes—Annual statement—Extension of tax, etc.—That the common council shall make up, on or before the first day of October in each and every year, a detailed statement, duly certified to by the mayor and city clerk of such city, under the seal of said city showing the delinquent frontage taxes for the year preceding and ending on the first day of January following, which statement shall be transmitted by the city clerk to the county auditor of the county as delinquent taxes for collection. Thereupon it shall be the duty of the county auditor to extend the same on his rolls against the property in said statement as aforesaid for collection, and if not paid within the time prescribed by law then the same shall become a lien upon the real estate, and said real estate shall be subject to all the penalties and charges as property delinquent for taxes. ('09 c. 174 § 5)

1760. **Same—Moneys collected—Water fund—**All moneys collected or paid into the treasury of the county on account of such assessments or taxes shall be paid over from time to time to the respective cities wherein such frontage taxes is levied for the use of the water fund, and all moneys that are collected shall be kept separate and distinct and be put into the water fund to be kept by the respective cities separate and distinct in maintaining, constructing, repairing or leasing water systems within their corporate limits. ('09 c. 174 § 6)

1761. **Same—Contracts for water from other cities—Mains—Provisions applicable—**The common council of any city containing a population of ten thousand inhabitants or less may enter into contracts and agreements with any adjoining municipality, which has water system, water commission or water board, for the furnishing of water to the citizens of said city, containing ten thousand inhabitants or less, for the laying of water mains in the streets of such city, containing ten thousand inhabitants or less, by the said adjoining municipality, the water commission or water board thereof. And upon the making of such agreement or contract, or upon permission to that effect being given by the common council of such city, containing ten thousand inhabitants or less, the said adjoining municipality or its water board or commission may lay said water mains, under the direction of said common council, and furnish water to the citizens of said city containing ten thousand inhabitants or less. All the provisions of this act relative to frontage tax, petitions, notice, tax levy, assessment, statements relative to delinquent frontage taxes, the collection thereof, and the other provisions hereof shall be followed in such cases the same as if such water was furnished directly by said city, containing ten thousand inhabitants or less, from a water plant owned and controlled by said city itself. ('09 c. 174 § 7)

1762. **Water works and light plants—Power to acquire—Bonds—Condemnation—**Whenever at any general or special election, held in any city in the class hereinafter mentioned, the electors thereof by an affirmative vote of three-fifths of the legal voters, voting thereat, so determine, each city in the state of Minnesota, having ten thousand inhabitants or less, whether organized or existing under special or general law, or under and by virtue of the provisions of chapter three hundred fifty-one of the General Laws of Minnesota for the year eighteen hundred and ninety-nine, as amended, is hereby authorized and empowered, in addition to all powers to issue bonds conferred upon it by its city charter, or by virtue of any general or special law, and in addition to all other bonds that it is by law authorized to issue, to issue its bonds in the aggregate amount hereinafter mentioned to be determined as hereinafter set forth, and to dispose of the same as hereinafter provided, and to use the proceeds thereof for the purpose of constructing, extending, enlarging, improving or purchasing municipal water works or light plants or either or all thereof, but in each case the said city may either acquire such existing water works system or electric light plant by purchase at such price, not exceeding its fair value, and on such terms as may be agreed on between said city and the owner thereof, or if such arrangement as to price and terms cannot be arrived at, may acquire such system by condemnation thereof. The procedure in the event of condemnation, shall be that prescribed by chapter 41, Revised Laws of 1905, or that prescribed by such city's charter, and the purchase price of said plant or system as so fixed by agreement or condemnation may be paid out of the proceeds of the bonds by this act authorized to be issued, and the balance of the proceeds, if any, may be used for the extension, enlargement or improvement of such plant or plants so acquired. ('09 c. 43 § 1)

The provisions of R. L. 1905 c. 41, are included in chapter 41 hereof.

As to water, light, power and building commissions in cities and villages having less than 10,000 inhabitants, see §§ 1807-1815.

1763. **Same—Powers of council—Submission to voters—Notice—**Whenever the city council of any such city, at a regular called meeting thereof, determine by resolution, duly adopted, by a three-fourths majority vote of all the members thereof, entered upon the minutes of the proceedings, that it is necessary either to acquire by purchase or condemnation, water works

or light plants already in existence, or construct, extend, enlarge, or improve a municipal water or light plant, or either or all thereof, as the case may be, and that the funds in the treasury of said city available therefor, are not sufficient for such purpose, and that it is necessary to issue the bonds of such city in an amount to be determined by such city council in such resolution, not exceeding in the aggregate fifteen (15) per cent of the assessed valuation of the taxable property of such city according to the last preceding assessment thereof, such city council may cause the proposition of issuing such bonds, in such an amount, to be submitted to the electors of such city at any general or special election to be held therein. Such resolution shall fix the time of said voting, if the same be submitted at a special election, which shall be not less than ten (10) days after the date of the adoption of said resolution, and said special election shall be conducted as provided by law for general elections. The notice of such election at which said proposition is to be submitted, whether general or special, shall contain a statement, of the total amount of the principal of said bonds, and the purpose to which it is proposed to put the same. ('09 c. 43 § 2, amended '11 c. 289 § 1)

1764. Same—Election, how conducted—Ballots, etc.—In voting upon such proposition those in favor of issue of bonds, shall have written or printed, or partly written and partly printed on the ballots used, the words "Issue of Bonds," "Yes," "No," and each elector voting on such proposition shall make a cross mark thus: (X) in one of the two spaces left for the purpose, upon the margin of the ballot used as provided in section twenty-eight chapter four General Laws of Minnesota for 1893. The elector desiring to vote in favor of issuing bonds shall make a cross mark thus: (X) in the place left opposite the word "Yes," and the elector desiring to vote against the issuing of bonds, shall make a cross mark thus: (X) in the place so left opposite the word "No," and no ballot shall be counted on said proposition except those having said cross mark (X) opposite one only of said words "Yes," "No." The voting shall be conducted in the same manner as provided by law for the election of city officers, and shall be counted, returned and canvassed in the same manner, as provided by law for the election of city officers, and if upon such canvass it appears that a three-fifths majority of all the votes cast upon said proposition, shall be in favor of issuing bonds, the same may thereafter be issued in accordance with the provisions of this act, but not otherwise. ('09 c. 43 § 3)

1765. Same—Bonds, when issued—How disposed of—Whenever the electors of any such city at any such election shall declare in favor of issuing the bonds of such city hereunder, such city, and the city council thereof, is hereby authorized and empowered by an affirmative vote of three-fourths of the members of such city council, to issue the bonds of said city, in an amount to be determined by said city council, not exceeding in the aggregate the amount contained in the said proposition, adopted by the electors at said election, and such city council may dispose of the same, as hereinafter provided, and may use the same and the proceeds thereof for any of the purposes which the resolution provided for in section two [1763] of this act shall specify, but not otherwise. ('09 c. 43 § 4)

1766. Same—Terms of bonds, etc.—Such bonds shall be of such denomination as the city council may determine, shall be payable at such place as the city council may designate; at such times, not less than ten nor more than thirty years from date of issue; shall be made payable to bearer, or to the order of the person or corporation to whom they may be delivered, as such city may deem best, and shall draw interest payable semi-annually, at such place as the city council may determine, at a rate not exceeding five per cent per annum, to be represented by coupons attached to said bonds. Said bonds and coupons shall be signed by the mayor and attested by the clerk, or similar officer, or recorder of such city, and the corporate seal of the city shall be imprinted upon said bonds. ('09 c. 43 § 5)

1767. Same—Bonds, how disposed of—The city council of any such city shall have authority by a majority vote of all its members to dispose of such bonds in such manner as in the judgment of said city council shall best subserve the interest of the city, but it shall not negotiate the sale, dispose of, nor sell said

bonds, nor any of them, at less than their par value and accrued interest, and neither the said bonds or the proceeds of the sale thereof shall be used for any other purpose than specified in said resolution contemplated by section two [1763] hereof, and such purpose shall be again distinctly stated in said resolution of said council authorizing the issuance thereof. ('09 c. 43 § 6)

1768. **Same—Lien of bonds, etc.**—The principal and interest of any such bonds so issued is hereby declared to be a first lien upon the municipal water works or light plants respectively constructed or acquired by means of said bonds or the proceeds of the sale thereof, and the faith and credit of such city issuing the same is hereby irrevocably pledged to the payment thereof, any provision of the law of this state, whether general or special, or by virtue of said chapter three hundred and fifty-one, as amended, of the General Laws of Minnesota, for the year eighteen hundred and ninety-nine, to the contrary notwithstanding. ('09 c. 43 § 7)

1769. **Cities owning electric light plants—Extension of lines into certain villages**—That the common council of any city, in this state, having a population of ten thousand or less and owning and operating an electric light plant, are hereby authorized and empowered to extend the lines, wires and fixtures of its plant to and into any incorporated village lying within three miles of the limits of said city, with the consent of the council or other governing body of said village and to appropriate and expend money therefor. ('09 c. 218 § 1)

1770. **Same—Powers of city council—Contracts**—Said common council is also authorized and empowered to make such contracts and arrangements with person or persons, village or villages to and in which their electric light line may be so extended; necessary for the proper extension, operation and maintenance of said line, the collecting of compensation for the light or current, and service that may be furnished thereby, and for the reimbursement of the cost of such extension. ('09 c. 218 § 2)

1771. **Same—Powers of village council—Use of streets—Contracts**—That the village council or other governing body of any village to which an electric line may be extended pursuant to this act, are hereby authorized and empowered to grant to such city making such extension, the right of the use of the streets, alleys, and other public grounds of such village for the erection, operation and maintenance of such line for said purpose, and to make contracts and arrangements for the lighting of such village thereby and the payment therefor. ('09 c. 218 § 3)

1772. **Purchase of electricity—Contracts**—That any city of this state now or hereafter owning an electric light and power plant and now or hereafter having a population of ten thousand (10,000) inhabitants or less, shall be authorized and empowered to enter into a contract or contracts for the purchase by such city of electricity for the purpose of operating such electric plant, upon such terms as may be approved by a two-thirds vote of all of the members of the governing body thereof; Provided, that such contract or contracts shall not be made to run for a period exceeding fifteen (15) years. ('13 c. 103 § 1)

1773. **Same—Obligation not indebtedness**—The obligation incurred by any such city in the making of such contracts shall not be considered as a part of its indebtedness under the provisions of its governing charter or of any law of this state fixing a limit of indebtedness for such city. ('13 c. 103 § 2)

1774. **Roads, bridges, etc., in cities in two or more counties**—In all cities of the fourth class situated in two or more counties, the common council or other governing body shall have exclusive power to expend all moneys arising from taxation for roads, bridges and streets upon the real and personal property within the corporate limits of such cities. ('13 c. 183 § 1)

1775. **Same—Taxes**—Such tax shall be levied and collected as other taxes are levied and collected, and when collected, such taxes except the state road and bridge tax shall be paid by the respective counties into the treasury of such city. ('13 c. 183 § 2)

1776. **Same—Expenditures**—The governing body of any such city shall have the control of all expenditures for roads, streets and bridges, within such city, and may at its pleasure expend moneys from the city road and bridge fund

for building and repairing roads and bridges outside of its corporate limits. ('13 c. 183 § 3)

1777. Same—Street commissioners—The governing body of any such city shall appoint one or more street commissioners who shall have charge of all road, street and bridge work, and who shall serve during the pleasure of such governing body. He shall keep an accurate account of all money received and expended by him, and shall make an itemized statement thereof to such governing body ten days before any annual city election, and at such other times as such governing body may direct. ('13 c. 183 § 4)

1778. Same—Rules—The governing body of any such city shall have the power to make all rules and regulations for the collection and disbursement of road, street and bridge funds, not inconsistent with law. ('13 c. 183 § 5)

1779. Inspection of milk, dairies, etc.—The council of every city in this state, having 10,000 inhabitants or less, may provide for the inspection of milk sold within its limits, and of dairies, and of dairy herds kept for the production of such milk. ('09 c. 354 § 1)

1780. Same—Dairy inspector—Appointment—Fees—The council may appoint a competent licensed veterinarian as city dairy inspector for such city, and said dairy inspector shall once a year inspect all dairies and dairy herds kept for the production of milk sold within the limits of such city. For each inspection he shall be entitled to a fee of 25 cents for each animal inspected, to be paid by the owner of such animal. The dairy inspector of such city shall be appointed at the first meeting of the city council after the municipal election in such city and shall hold office until his successor is appointed. ('09 c. 354 § 2)

1781. Same—Certificate of sanitary condition—If the inspector finds that such dairies or dairy herds are in a sanitary and wholesome condition he shall issue to the owner of such dairy or dairy herd a certificate setting forth such facts, which certificate shall be and remain in force for a period of one year after its issuance, and no longer. ('09 c. 354 § 3)

1782. Same—Sale of milk without certificate, etc.—Penalty—Every person who sells or attempts to sell in such city any milk produced by a dairy or dairy herd without having a certificate to the effect that such dairy or dairy herd has been inspected within the preceding year and is in a sanitary, wholesome and healthy condition, shall be guilty of a misdemeanor. ('09 c. 354 § 4)

1783. Transfer of funds in certain cities—That any city of the fourth class incorporated and now or hereafter operating under the provisions of chapter 8 of the Laws of 1895, may by a resolution adopted by a unanimous vote of its council, transfer funds from the permanent improvement revolving fund to the permanent improvement fund, at any time, provided said permanent improvement revolving fund shall not be so reduced to an amount less than the aggregate of all outstanding certificates of indebtedness and other obligations incurred and payable from said last mentioned fund. ('13 c. 542 § 1)

As to repeal of 1895 c. 8, see § 9451.

PROVISIONS RELATING TO CITIES, VILLAGES, BOROUGHS AND TOWNS

1784. Eminent domain—All cities and villages may exercise the right of eminent domain for the purpose of acquiring private property for any public use for which it is authorized by law to take or hold the same by purchase or gift. (766)

85-76, 88+423.

1785. Gifts to municipalities—Any city or village may accept a grant or devise of real () or personal property () and may maintain and administer such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Provided, that nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every such acceptance shall be by resolution of the council adopted by a two-thirds majority of its members, expressing such terms in full. (R. L. § 767, amended '13 c. 319 § 1)

Village may accept grant of abandoned right of way, and sell same (101-298, 112+216).

1786. Damages—Notice of claim—Limitation—Every person who claims damages from any city, village or borough for or on account of any loss or injury sustained by reason of any defect in any bridge, street, sidewalk, road, park, ferry-boat, public works or any grounds or places whatsoever, or by reason of the negligence of any of its officers, agents, servants or employees, shall cause to be presented to the common council or other governing body, within thirty days after the alleged loss or injury, a written notice, stating the time, place and circumstances thereof, and the amount of compensation or other relief demanded. No action therefor shall be maintained unless such notice has been given; or if commenced within ten days thereafter, or more than one year after the occurrence of the loss or injury. ('13 c. 391 § 1)

Section 4 repeals R. L. § 768, and all inconsistent acts and parts of acts.

By section 6 the act takes effect July 1, 1913.

Under R. L. § 768—Constitutional (72-539, 75+745. See 82-127, 84+788; 106-94, 118+259, 19 L. R. A. [N. S.] 689, 16 Ann. Cas. 169). Applicable only to injuries to person (97-23, 106+89). Cf. 30-545, 16+410. Not applicable to actions for death by wrongful act (87-237, 91+843; 111-253, 126+826). Not applicable to action by servant of municipality (95-293, 104+231; 97-171, 106+305; 119-63, 137+199; 139+716; but see 116-323, 133+804). Mandatory and applicable to all cities, villages and boroughs (72-539, 75+745; 78-200, 80+962; 74-157, 76+1029). Supersedes similar provisions in charters (80-415, 83+375; 80-414, 83+376; 86-26, 90+8). Notice sufficient where it complies with home rule charter (94-45, 101+940, 1133; 101-62, 111+840). See note under § 1345. Object to give municipal officers notice so that they may investigate promptly and determine advisability of resisting or settling claim (80-415, 83+375; 84-341, 87+917; 77-76, 79+653; 74-157, 76+1029; 30-545, 16+410; 66-14, 68+178, 33 L. R. A. [N. S.] 601). Place of accident must be described with reasonable certainty (76-20, 78+868; 40-446, 42+350; 110-55, 124+449). Amount claimed to be stated. Demand for "other relief" (72-539, 75+745). Sufficient although it contains inaccuracies, if it conveys necessary information to proper person (40-446, 42+350; 110-55, 124+449; 111-544, 127+1134; 112-311, 127+1129; 116-17, 133+80). Cf. 91-207, 97+879. Error in address immaterial if service on proper person (52-364, 54+735). Signature of claimant with initials of husband sufficient (81-519, 84+458). To whom directed and how served (76-20, 78+868; 74-157, 76+1029; 76-456, 79+519; 84-205, 87+615; 77-76, 79+653; 87-484, 92+401; 90-158, 95+908; 86-26, 90+8). Claimant not concluded by amount claimed (84-341, 87+917). Meaning of "any defect in any bridge, etc." (38-536, 38+621; 54-279, 56+80). Pump-house included in "public works" (82-127, 84+788).

Plaintiff, while lawfully on private property, was injured by being struck by a piece of rock hurled by blasting, in a negligent manner, by defendant in one of its streets. *Held*, within the statute (116-323, 133+804).

In 1897 c. 248, the clause "or by reason of the negligence of its officers, agents or servants" was not germane to the title, and no effect was given to it (82-127, 84+788; 97-23, 106+89). The clause, as it appears in the revision is valid (116-323, 133+804).

Not applicable to claim of liability under R. L. § 4536 [8246], for loss sustained by one furnishing labor or material to contractor with municipal corporation by reason of failure to take from contractor bond required by R. L. § 4535 [8245] (119-60, 137+192).

1787. Same—Claims based on relation of master and servant—The provisions of section 1 [1786] shall also apply when the claim is based on the failure of the city, village or borough in one of the duties assumed by or imposed upon it as a master or employer. ('13 c. 391 § 2)

1788. Same—Claims for death—Notice—The provisions of section 1 [1786] shall also apply when the claim is one for death by wrongful act or omission, and in that case, the notice may be presented by the personal representative, surviving spouse or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in such death; provided, however, that if the person for whose death the claim is made, shall have duly presented within thirty days, a notice which would have been sufficient had he lived, the same shall be deemed sufficient within the terms of this act. ('13 c. 391 § 3)

1789. Same—To what cities and villages applicable—This act shall also apply to cities and villages existing under a charter framed pursuant to section 36, article 4 of the constitution. ('13 c. 391 § 5)

1790. Judgment against municipality—Payment—No execution shall issue on a judgment for the recovery of money against a city, village, or borough, except as hereinafter provided. Upon delivery of a certified copy of the judgment, the treasurer of such municipality shall pay it out of any moneys in or coming into his hands not otherwise appropriated, unless collection thereof be stayed on appeal, always retaining a sufficient sum to pay necessary current expenses; and, if he fails so to do, he and his bondsmen shall be liable

for the amount. In case there be no such treasurer, then, upon delivery of such certified copy and an affidavit of the judgment creditor, his agent or attorney, showing the amount due, and that the judgment has not been stayed on appeal, the county treasurer shall pay such judgment out of the funds of the municipality in or coming into his hands, taking receipt therefor. (769)

1791. Tax levy—Execution—When a judgment against a city, village, or borough is unpaid at the time of the annual tax levy, unless the proper officers thereof have otherwise provided sufficient funds to pay the same before the time for collection of such tax levy, they shall levy a tax to pay such judgment, and certify the same, and the purpose thereof, to the county auditor. If the judgment be not paid within twenty days after the time fixed by law for the county treasurer to pay over to the treasurer of the municipality the moneys in his hands belonging to it on account of such annual tax levy, execution may issue on such judgment, but only the property of such municipality shall be liable thereon. If there be no officers of the municipality to levy such tax, the judgment creditor may apply to the county auditor, who, upon being satisfied that the judgment has not been paid or stayed, shall levy and extend the tax. (770)

1792. Codification of charter, etc.—Evidence—Any city or village may cause its charter, and all general and special laws, ordinances, resolutions, rules, and by-laws in force therein, to be codified, printed, and published, and may declare, by ordinance, such codification to be prima facie evidence of the law of such municipality. It shall thereupon be received in evidence by the courts. (771)

1793. Assessment abandoned or excessive—Limitation—Whenever any special assessment shall have been levied upon real estate to defray the cost of a proposed local improvement, and the improvement shall be abandoned, or the total amount of the assessment shall exceed the cost of the improvement, the municipality shall be liable to the owner in the first case for the amount of the assessment paid by him, and in the second case for such proportion of the excess as the amount of the assessment paid by him bears to the total assessment, and it is hereby made the duty of the proper authorities to make refundment. Provided application therefor is made by or on behalf of the party entitled thereto, or any action to recover the same is brought within six years after funds to pay the same have been appropriated and made available by the proper officers to fully pay the same. (R. L. § 772, amended '13 c. 306 § 1)

1794. Transient dealers—No person, without permission granted by vote of the council, shall engage temporarily in the business of selling goods in any city or village, unless such goods have been duly assessed for taxation within the state for the current year. No such permission shall be granted by the council until the applicant shall have paid to the treasurer such sum as it may require, not exceeding fifty dollars per week, for the period for which permission is sought, which sum shall be fixed upon consideration of the kind, amount, and value of the goods offered. A transient dealer violating any provision of this section shall be guilty of a misdemeanor, and the fact that such goods are not listed for taxation in the county shall be prima facie proof that they are not assessed for taxation in the state. (773)

1795. Power to regulate transient merchants—That every city or village of the state of Minnesota, whether incorporated under a home rule charter or a general or special law of this state, in addition to all other powers given such city or village by any law of this state, shall have power by ordinance to regulate, control and license transient merchants, and to provide for the punishment of persons violating such ordinances. ('09 c. 84 § 1)

1796. Deposit of public funds—The council of any village, or of any city of the fourth class, may designate as a depository of city or village funds such national, state, or private banks as it may deem proper. Each shall give bond to the municipality, in at least double the amount authorized to be deposited therein, to be approved by the council, conditioned to repay all sums deposited therein upon proper demand therefor, and for the performance of such other duties as the council may require. And such council from time

to time may require the city or village treasurer to deposit all or any part of the public funds in his hands in such banks, and to withdraw the same when so directed. No such deposit shall be made for a time extending beyond the term of the council then in office, and all the terms and conditions of deposit shall be set forth in the resolution designating the several depositaries, which resolution shall be filed with the clerk or recorder. The treasurer shall not be liable on his bond for any money so deposited by direction of the council, and lost through the failure, bankruptcy, or other default of such bank. All interest accruing upon such deposits shall belong to the city or village. (774)

See § 98.

1797. Roads, bridges and ferries outside city or village—The council of any village or of any city of the fourth class may appropriate and expend such reasonable sums as it may deem proper to assist in the improvement and maintenance of roads lying beyond its boundaries and leading into it and to improve and maintain bridges and ferries thereon whether they are within or without the county in which it is situated. (R. L. § 775, amended '13 c. 111 § 1)

Curative—See 1905 c. 107.

1798. Annexation of territory to certain cities and villages having 10,000 inhabitants or less—**Ordinance**—That whenever the majority of the owners of any property which has been platted into lots and blocks or outlots, or the owner of any tract, piece or parcel of land abutting upon any incorporated city or village having ten thousand inhabitants or less, whether such city or village is incorporated under general or special laws, shall petition the city or village council to have such property annexed to the city or village, the city or village council may by ordinance declare the same to be an addition to such city or village and thereupon such territory shall become a part of such city or village, as effectually as if it had been originally a part thereof. ('05 c. 220 § 1, amended '09 c. 383 § 1)

1799. Same—Duty of council—Act supplementary—It shall be the duty of the council of any city or village adding territory under this act to cause a certified copy of the ordinance aforesaid to be recorded and filed in the office of the register of deeds of the county in which such city or village is located in the same manner as city or village charters are filed and recorded under the general laws of this state. Provided, that this act shall be construed to be supplementary to any other law providing for the annexation of territory to villages and cities of less than 10,000 population, and not as repealing such law. ('05 c. 220 § 2, amended '09 c. 383 § 2)

1800. Annexation of territory to certain cities and villages—Any territory containing a population of not less than 75 persons, and not included in any incorporated city or village, but adjoining any city or village now or hereafter existing under the laws of the state of Minnesota, and no part of which territory is more than one and one-half miles from the present limits of the city or village which it adjoins, may be annexed to such city or village and become a part thereof, as follows: ('09 c. 113 § 1)

Section 7 repeals inconsistent acts, etc.

1801. Same—Petition for election—Five or more of the legal voters residing within such territory may petition to the governing body of such city or village to call an election for the determination of such proposed annexation. The petitioners shall first cause to be taken a census of the resident population of said territory, and if found to be 75 or more, the petition shall be presented to the said governing body within four weeks thereafter. It shall set forth the boundaries of such territory, the quantity of land embraced therein and the number of actual residents thereon. It shall be verified by the oaths of at least three of the petitioners, declaring that such census was accurately taken within four weeks and that the statements within the petition are true. ('09 c. 113 § 2)

1802. Same—Duty of governing body—Such governing body shall receive such petition and may in its discretion cause a copy thereof, with a notice attached thereto, fixing a time and place for holding an election, to be posted

in three public places within such territory. The time for holding the election may not be less than ten nor more than thirty days after such posting, and the place, within the limits of such territory. ('09 c. 113 § 3)

1803. Same—Election, how conducted—Ballots—Said governing body may also appoint three inspectors, residents of said territory, who shall act as judges of said election and conduct the same, so far as practicable, in accordance with the laws regulating the election of town officers. Only voters residing within said territory shall be entitled to vote. The ballot shall bear the words "For annexation, Yes, No," with a space after each of the last two words, in one of which the voter shall make a cross to indicate his choice. Immediately after such election the inspectors shall canvass the ballots and forthwith make and file with the city or village clerk or recorder of such city or village, a certificate stating the time and place of holding said election, that they have canvassed the ballots cast thereat, and the numbers cast for and against said proposition. The certificate shall be signed and verified by all of said inspectors to the effect that the statements therein are true. ('09 c. 113 § 4)

1804. Same—Duty of city or village clerk, etc.—Such city or village clerk or recorder shall attach said certificate to the original petition with a copy of the resolution appointing said inspectors and the original proofs of posting of the election notices, and file the whole as one document in his office. If the certificate shows that the majority of votes cast were in the affirmative, he shall forthwith make and transmit to the secretary of state a certified copy of said document to be filed as a public record, and shall also transmit to the county auditor of the county in which such city or village is situated a certified copy of said document to be filed as a public record and thereupon the annexation of said territory to said city or village shall be deemed complete. If the certificate shows that the majority of votes cast were in the negative, no subsequent petition shall be entertained within two years next after said election. ('09 c. 113 § 6)

1805. Change of names of villages and cities of fourth class—Submission to voters—How name of municipality may be changed—That whenever twenty per cent (20%) of the legal voters of any incorporated village or city of the fourth class of this state shall petition the governing body of such municipality for a change of the name of such municipality, the question of such change of name may be submitted to the voters of such municipality at any general or special election, and if a majority of all the votes cast upon the question are in favor of such change, the governing body of such municipality may, by ordinance, by a four-fifths vote of all members thereof, change the name of such municipality. ('13 c. 431 § 1)

1806. Same—Effect of change, etc.—Upon the filing of a certified copy of such ordinance with the county auditor of the county in which such village or town is located and with the state auditor and secretary of state, the name of such village or town shall be changed as in such ordinance provided. Such change in name shall in no way effect any liability, obligation, power, duty, law or ordinance or other matter or thing in any way relating to such village or town, excepting that the new name of such village or town shall thereafter be substituted for and used in the place of its old name. ('13 c. 431 § 2)

1807. Water, light, power and building commission in cities and villages having less than 10,000 inhabitants—There may be created in every city and village in the state of Minnesota having a population of less than ten thousand inhabitants, a water, light, power and building commission, with powers and duties as hereinafter provided. ('07 c. 412 § 1)

Section 10 repeals inconsistent acts, etc.

As to waterworks and light plants in cities having 10,000 inhabitants or less, see §§ 1762-1768.

Powers of Commission (113-237, 129+377).

No power to employ attorney (117-323, 136+402).

1808. Same—Population, how determined—In determining the population of any such municipality, the last census taken therein and by authority of

the state of Minnesota shall be conclusive as to the population thereof, for the purpose of this act. ('07 c. 412 § 2)

1809. Same—Appointment—Term—Said commission shall consist of three members and shall be appointed by the common council of said city or village, as the case may be, and when first created one shall be appointed for the term of one year, one for the term of two years, and one for the term of three years, and all said commissioners shall hold their office until their successors are appointed and qualified by subscribing to an oath that he will faithfully and impartially perform the duties of this office. ('07 c. 412 § 3)

1810. Same—President—How appointed—There shall be appointed each year thereafter by the said council one member of the said commission whose term of office shall be for three years, and each member of said commission shall be president of said commission during the last year of the term for which he is appointed. ('07 c. 412 § 4)

1811. Same—Secretary—Duties and powers—Bond—Compensation—The said water, light, power and building commission shall have the power and authority, and it is hereby given the power and authority to appoint and employ a secretary of said commission, who shall qualify as hereinafter stated, and upon such qualification shall be the secretary of said water, light, power and building commission, provided, that in cities organized under the provision of chapter 8 General Laws 1895, the city clerk shall be, the secretary of said commission. Such secretary shall keep an accurate record, in books kept by him for that purpose, of all the proceedings and business transactions of said commission and he is also empowered and it is hereby made his duty to collect water, light and rent charges from patrons for the said city or village as the case may be, and at once pay the same into the treasury of said municipality and he shall make a detailed statement of the same at the regular monthly meeting of said commission, which shall be held on the first Tuesday of each month. He shall be furnished by said municipality with all the necessary books and stationery to properly perform all the duties of his office and he shall be required to furnish a corporate bond running to such municipality, in such amount to be fixed by said commission, that he will faithfully perform all the duties of his office as is required of him by law and promptly pay over to the treasurer of said city or village, as the case may be, all moneys and deliver up all property to the council of said city or village, belonging to said municipality, that he may have in his possession. Said bond shall be approved by the said commission and filed with the city or village treasurer, as the case may be. The compensation of said secretary for his said services shall be fixed by the said commission in a sum not to exceed seventy-five dollars (\$75.00) per month, the same to be when so fixed full compensation for services performed as secretary of said commission, which compensation shall be paid out of the treasury of said municipality. Said commission shall be authorized and fully empowered, and it is hereby authorized and fully empowered to revoke its said appointment and discharge its said secretary any time it may see fit and whenever it does so revoke such appointment and discharge its secretary it shall have and is hereby given the power and authority to reappoint and employ such other secretary as it may desire or determine. ('07 c. 412 § 5, amended '11 c. 239 § 1)

Section 3 of the amendatory act repeals inconsistent acts, etc.

1812. Same—Powers of commission—Said commission shall have full, absolute and exclusive control of and power over the water, light, and power plant or plants, and all parts, attachments and appurtenances hereto, and all apparatus and material of every kind and description used or to be used in operating said plants, or any or either of them in all said municipalities aforesaid, including all other public buildings and halls owned by said municipality. They shall have the power and authority to operate the same and each thereof, and to extend, add to, change or modify the same, and to do any and all things in and about the same which they may deem necessary for a proper and economical operation of the same; provided, they shall not have the right to sell, lease, rent or in any way dispose of or incumber, or suffer, or permit,

the said property or any part thereof, to come under the control of any other person or corporation whatever, provided, however, this shall not prevent the said commission from renting or leasing public halls or buildings for public use and entertainments. They shall have authority to buy all material, and employ all help necessary, or they may contract to extend, add to, change or modify said plants, buildings and halls, or any part thereof; they shall also have authority to buy all fuel and supplies, and employ all help necessary to operate said plants. ('07 c. 412 § 6)

113-237, 129+377; 117-323, 136+402.

1813. Same—Rates, how fixed—Warrants—Publication of proceedings—Said commission shall fix all water and lighting rates to patrons, and rents for public halls and buildings as hereinbefore provided; provided, however, that the provisions of this act shall not impair the obligations of existing contracts; said commission shall audit all claims and the said secretary of said commission shall draw his warrant upon the treasurer of said city or village for the amount allowed by said commission, and said warrant shall be countersigned by the president of the said commission. Said commission shall publish in the official newspaper in said municipality at the end of each three months, all proceedings of said commission, together with a detailed statement of all the revenue received by said commission during the three preceding months. This act shall apply to all cases where the plant or plants or buildings are wholly or in part within, or wholly or in part without, the corporate limits of said municipality. ('07 c. 412 § 7, amended '11 c. 239 § 2)

113-237, 129+377.

1814. Same—Act, how availed of—Any city or village in the class mentioned in the title of this act which may wish to avail itself of the provisions of this act shall do so by resolution of its common council, expressly accepting the provisions hereof, which resolution shall be adopted by a vote of a majority of all the members of said council, and be approved by the mayor of such city or the president of such village council, and this act shall not apply to any sub-city or village until the adoption as aforesaid of such resolution. ('07 c. 412 § 8)

1815. Same—Not to apply to cities under home rule charters—This act shall not include or apply to cities now or hereafter governed under a charter adopted under and pursuant to section 36, article 4 of the constitution of this state, and the several acts of the legislature authorizing cities to adopt their own charter. ('07 c. 412 § 9)

1816. Inspectors of gas, electric light, heat and water meters—That in addition to the powers heretofore granted by law to the cities and villages in this state, which power shall not be limited or abridged by the provisions of this act, there is hereby granted to the council or governing board of any such city or village the power and authority to appoint inspectors of gas, electric light, heat and water meters. ('07 c. 343 § 1)

1817. Same—Powers and duties—Term—Salary—Such inspector shall have power and authority to, at all reasonable hours, inspect and read any gas, electric light, heat or water meters, whether the same be connected with a plant owned by such municipality, or owned or operated by any person, corporation or association in said city or village. Such inspection may be made either under the direction of the council or governing board of any such city or village, or at the request of any private owner or patron of any such gas, electric light, heat or water plant, and such inspector—when requested or required so to do—shall report upon the condition of any such meter and in reference to such other matters concerning the same as shall be required of such inspector, that the term of office of such inspector shall not be for a longer period than two years and that the said inspector's salary shall not exceed fifteen hundred dollars annually. ('07 c. 343 § 2)

1818. Same—Compensation and term, how fixed—The council or governing board of any such city or village shall have the power and authority to fix and determine the compensation to be paid to or received by such inspector, and his term of office. ('07 c. 343 § 3)

1819. Extending water pipes on streets, etc.—Any city or village in the state of Minnesota now or hereafter owning and operating water works is hereby authorized to extend its water works and water pipes over, under and along any road, street, alley or public highway in this state, whether within or without the corporate limits of such city or village, and to supply water for a reasonable compensation to the occupants of property adjacent or accessible to the line so extended, whether within or without the corporate limits of such city or village; provided, however, this act shall not be construed as granting any rights to any city or village within the corporate limits of any other city or village; provided further, that such line shall be so extended as not to interfere with the safety or convenience of ordinary travel over said roads, streets, alleys and public highways. ('05 c. 228 § 1)

1820. Park boards in cities and villages having less than 10,000 and more than 1,000 inhabitants—There may be created, in the discretion of the governing board thereof, in every city or village in the state of Minnesota, having a population of less than ten thousand and more than one thousand inhabitants, a park board with powers and duties hereinafter provided. ('09 c. 441 § 1)

Section 7 repeals inconsistent acts, etc.

1821. Same—Population, how determined—In determining the population of any such municipality, the last census taken thereby by authority of the state of Minnesota or of the United States government shall be conclusive as to the population thereof for the purposes of this act. ('09 c. 441 § 2)

1822. Same—Board, how constituted and appointed, etc.—Said board shall consist of three members and shall be appointed by the mayor of the city or president of the village council and confirmed by the common council of said city or village; and when first created one shall be appointed for the term of one year, one for the term of two years, and one for the term of three years, and said members shall hold their offices for the term of three years and until their successors are appointed and qualified; and each member so appointed shall qualify within ten days after notification of his appointment by subscribing an oath that he will faithfully and impartially perform the duties of his said office, and shall file his said oath in the office of the village recorder or the clerk as the case may be. There shall be appointed each year thereafter by said council one member of said board whose term of office shall be three years, and each member of said board shall be president thereof during the last year of the term for which he is appointed. ('09 c. 441 § 3)

1823. Same—Powers and duties—Said park board shall have full, absolute and exclusive control of, and power over, all real estate now owned or hereafter acquired by said municipality and set apart for park or boulevard purposes therein or in adjoining territory, and all public property used therein or therefor. Said board shall have power and authority to maintain the same, and to beautify and improve any and all such lands and the approaches thereto for the benefit of the general public; to erect and construct therein such roadways and paths, buildings, fountains, toilet rooms, or other improvements necessary to meet the requirements of the visiting public; to buy all necessary material and fuel required to carry out the provisions of this act; to make such reasonable rules and regulations for the government of the same as may be deemed necessary and proper; to employ such help in and about the conduct of such parks and boulevards as may be found necessary; to employ a secretary at a salary of not exceeding five hundred dollars per annum, whose duty it shall be to keep a full and complete record of all the transactions of said board, attend its meetings, and do and perform such other duties as may from time to time be required of him by said board; to employ an attorney if found necessary to assist the board at a salary of not exceeding five hundred dollars per annum; to fix the compensation of any and all persons employed by said board; to audit and allow all just claims for labor, services or material furnished by order of said board, and endorse its approval of such claims thereon when allowed, which claims when so audited and allowed and endorsed shall be presented to the council of said municipality for payment and paid by said municipality as other claims are paid; pro-

vided, said board shall not have the right to sell, rent, lease, or in any other way dispose of or incumber, or suffer, or permit the said property, or any part thereof, to come under the control of any other person or corporation whatever. Said board shall also have power and authority to receive on behalf of said municipality any proper donation of statuary, shrubbery, trees, material, or other personal property for use in and about the said parks and boulevards. Said board shall make detailed report of all its doings and proceedings to the council at least once in three months. ('09 c. 441 § 4)

1824. Same—Compensation of members—Membership in other boards—Said members of said board shall serve without compensation except such as may be provided by the council of said municipality, which council shall in no case fix any greater compensation for service of each of such members than one hundred dollars per annum, which said salary, if any be allowed, shall be paid by the municipality as other claims are paid by it; and nothing in this act shall be construed so as to prevent any person from holding membership in said board, and also in the light, water and power commission. ('09 c. 441 § 5)

1825. Same—Act, how availed of—Not applicable to cities and villages under home rule charters—Any city or village mentioned in the title of this act which may wish to avail itself of the provisions hereof shall do so by resolution of its council, expressly accepting the provisions hereof, which resolution shall be adopted by a majority of all the members of said council and approved by its presiding officer, and this act shall not apply to any such city or village until the adoption as aforesaid of such resolution. This act shall not be construed as in any manner superseding, repealing, amending or qualifying the provisions of any home rule charter heretofore adopted by any city or village under the laws of this state, and this act shall not in any manner apply to any such city or village. ('09 c. 441 § 6)

1826. Boulevards, power to construct or rebuild—Resolution of council—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. ('05 c. 330 § 1)

1827. Same—Service of resolution—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:

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.

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. ('05 c. 330 § 2)

1828. Same—Work, how done—Benefits, how ascertained and determined—Record—Assessment—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. 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 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 [1826] 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. 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. ('05 c. 330 § 3)

1829. Same—Issue and sale of treasury orders—Form—Record—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 separate 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,, 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. Books shall be provided for said purpose. ('05 c. 330 § 4)

1830. Same—Tax levy—Duty of county officers—Payment before levy— 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 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. ('05 c. 330 § 5)

1831. Same—Laws repealed—Not to apply to certain cities or villages— Prior assessments—Chapter forty-nine 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. Provided, however, that this act shall not apply to any city or village of this state having a population of less than ten thousand 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. ('05 c. 330 § 6)

1899 c. 49, was repealed by § 9307.

1832. Tax for fire department relief fund in certain cities and villages having less than 50,000 inhabitants—The village or city council or other governing body of every village and city in this state that now or hereafter may have a population of less than 50,000 inhabitants, which has a regularly organized fire department, may, each year, at the time the tax levies are made for the support of the village or city, and in addition thereto, levy a tax of one-tenth of a mill on all the taxable property of such village or city. The tax so levied shall be transmitted to the auditor of the county in which the village or city is situated at the time all other tax levies are transmitted, and shall be collected and payment thereof enforced in like manner as state and county taxes are collected and the payment thereof enforced. The village or city treasurer, when the tax is received by him, shall pay the same over to the treasurer of the duly incorporated firemen's relief association of such village or city, if there is one organized with the consent of the governing body of such municipality, together with all penalties and interest collected thereon; but if there is no firemen's relief association so organized in any

such village or city, or if any such association resign, be dissolved or removed, or any successor of such association resign, be removed or has heretofore resigned or has been removed as trustee of such money, then the treasurer of such municipality shall keep the money in a special fund to be disbursed only for the purposes authorized by this act. Provided, that the village or city council of any village or city in this state which now has or hereafter may have a population of less than 50,000 inhabitants is hereby authorized and empowered, when in its discretion it deems it necessary or desirable so to do, to levy on the taxable property of such village or city an additional amount not to exceed nine-tenths of one mill; such additional tax to be collected and disbursed as herein provided. ('09 c. 197 § 1)

1833. Same—Board of trustees of relief association, how constituted—Funds, how disposed of, etc.—The board of trustees of every firemen's relief association of this state shall be composed of the following persons, to-wit: Four trustees elected annually by such firemen's relief from its own members and also the following ex officio members taken from the officers of the municipality in which the relief association is located, viz.: The mayor or president, the recorder or clerk, the treasurer and the chief of the fire department thereof, and any such board of trustees of a duly incorporated relief association shall have exclusive control and management of all funds received by its treasurer under the provisions of this act, and all moneys or property donated, given, granted or devised for the benefit of said funds, and the funds received under the provisions of this act shall be kept in a special fund on the books of the secretary and treasurer of said association and shall never be disbursed for any purpose whatever except the following, viz.: (1st) For the relief of sick, injured and disabled members of any fire department in such village or city; (2nd) for the payment of pensions to disabled firemen and the widows and orphans of firemen; (3rd) for the payment of pensions to retired firemen pursuant to the laws of the state. Provided, that the funds received by any relief association from dues, fines, initiation fees and entertainments shall be kept in a fund called the general fund, and may be disbursed for any purpose authorized by the articles of incorporation and by-laws of said association. Provided, further, that said relief association is hereby authorized and empowered to invest its funds in such income paying properties and securities as the council of the village or city in which such organization is located shall from time to time, authorize. Provided, further, that none of the money raised by taxation as provided herein shall be paid to any firemen's relief association, or other trustee or officer, except the treasurer of the municipality wherein the same is levied, unless such firemen's relief association, or the treasurer thereof, or trustee authorized to receive the same, shall file a bond with the city clerk or village recorder, as the case may be, with sufficient sureties approved by the common council, or other governing body of such municipality, in double the amount received by virtue hereof, and shall from time to time, whenever required by such council or other governing body of such municipality, file a new or additional bond conditioned to safely keep all of said money and to disburse the same only for the purposes authorized by this act. ('09 c. 197 § 2)

1834. Public wagon scales in certain municipalities—That any city containing not to exceed ten thousand inhabitants, or any village or borough in this state, is hereby authorized and empowered to maintain a public wagon scales therein as hereinafter provided. ('05 c. 286 § 1)

Section 6 repeals inconsistent acts, etc.

1835. Same—Acquisition and maintenance—The common council of any such municipality is hereby authorized and empowered to buy, establish and maintain public wagon scales in such municipality, and said council is hereby authorized and empowered to hire, buy and maintain scales already in use in said municipality, the same to be used and maintained as a public wagon scale in such municipality for the public use therein. ('05 c. 286 § 2)

1836. Same—Rules and regulations—Weighmaster—Duties—Charges—The common council of such municipality wherein such public scales are maintained shall have control of such scales and shall make such rules or

regulations in regard to the maintenance and use of the same as they shall deem proper, and said council shall annually appoint a public weighmaster, whose duty it shall be to have charge of such scales and properly weigh all articles and commodities thereon as hereafter provided and give a statement in writing of the weight of such articles or commodities weighed thereon to the person applying to have such article weighed, and such statement shall be prima facie the correct weight of said articles or commodities, and the common council shall fix the compensation of said weighmaster, which compensation shall be paid out of the treasury of such municipality, and shall, from time to time, fix the price to be charged for weighing any article or commodity thereon, and the weighmaster shall collect such charge at the time of weighing such article or commodity, and he shall at the end of each month pay all moneys collected by him for such charge into the treasury of the municipality and file with the recorder of such municipality a statement of the amount of such money collected. ('05 c. 286 § 3)

1837. Same—Scales to be tested, etc.—Who may use—Such scales shall be tested, stamped and sealed by the sealer of weights and measures, before being used, and as often thereafter as may be necessary. Any person either buying or selling any article or commodity by weight to be delivered in such municipality wherein such public scales are maintained may have the same weighed upon such public scales by paying the fee charged for weighing thereon. ('05 c. 286 § 4)

1838. Same—Not to apply to certain cities—Provided that this act shall not apply to any city having a charter which provides for a city weighmaster. ('05 c. 286 § 5)

1839. Council may prohibit bucket shop—Penalty for violation—The common council of any municipal corporation in this state may by ordinance prohibit the keeping or causing to be kept within such municipality any bucket shop, office, store, or other place wherein is conducted or permitted the pretended buying or selling of the shares of stocks or bonds of any corporation, or petroleum, cotton, grain, provisions or other products, either on margins or otherwise, without any intention of receiving and paying for the property so bought, or of delivering the property so sold, or wherein is conducted or permitted the pretended buying or selling of any such property on margins, or when the party buying any such property or offering to buy the same, does not intend actually to receive the same, if purchased, or to deliver the same if sold, and to punish any corporation or person, whether acting individually or as a member, or as an officer, agent or employé of any corporation, association or co-partnership, who shall keep, maintain or cause to be maintained any such bucket shop, office, store, within said corporate limits, by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding ninety days. ('07 c. 174 § 1)

1840. Same—Submission to voters—Petition—Notice—Ballots, etc.—Electors residing within the corporate limits of any such municipality, equaling or exceeding in number ten per cent of the vote cast in such municipality at the last general election, may present to the common council or board of trustees thereof a petition signed by them and containing a proposed ordinance, as authorized in section 1 [1839] of this act, and it shall be the duty of said common council, or board of trustees, to receive the same and to submit said proposed ordinance to the electors of said municipal corporation at the first general or special election occurring more than fifteen days after the receipt by it of such petition. The clerk of such municipal corporation shall give ten days' notice of the submission of said proposed ordinance to the electors of said municipality, by publishing same in some newspaper published in said municipality, or if no newspaper is published therein, then in some newspaper published in the county seat of the county in which such municipality is situated, more than ten days prior to said election, and by posting same in three public places in said municipality at least ten days prior to said election. At said election said question shall be voted upon by ballot, which shall have printed thereon, "A proposed ordinance to prohibit

the keeping of bucket shops. Yes. No." which vote shall be canvassed, returned and announced as other votes of such election. ('07 c. 174 § 2)

1841. Same—Adoption of ordinance—If a majority of the vote cast at said election upon said proposed ordinance favor the adoption thereof, said ordinance shall thereupon be in full force and effect and binding upon every person within the corporate limits of said municipality. ('07 c. 174 § 3)

1842. Same—When offense is committed—It shall not be necessary, in order to commit the offense defined in an ordinance adopted under the provisions of this act, that both the buyer and the seller shall agree to do any of the acts therein prohibited, but said crime shall be complete against any corporation, association, co-partnership or person thus pretending or offering to sell, or thus pretending or offering to buy, whether the offer to sell or buy is accepted or not. ('07 c. 174 § 4)

1843. Lands deeded to state—Modification of conditions—Any city or village in this state, that has heretofore or may hereafter deed to the state of Minnesota any lands to be used by said state for a public purpose in such deed stated, conditioned, among other things, that such lands shall be so used by the state for a period of time, which time exceeds twenty years, and in case such use is not made thereof for the stated time, then such land shall revert to such city or village, may at any time after fifteen years from the date of said deed by a majority vote of the city or village council at any regular meeting thereof, or at a properly called special meeting of such council, pass a resolution or enact an ordinance modifying the terms and conditions above specified and permit the noncompliance by the state with such terms and conditions as originally made, either wholly or in part, and such resolution so adopted shall operate as a release of said state from such terms and conditions to the extent provided in such resolution and the action by said state in conformity with such resolution shall not in any way cause a reversion to such city or village of said lands or any part thereof or interest therein. ('11 c. 182 § 1)

1844. Condemnation of property for fire damage, etc., in villages, boroughs and cities having less than 10,000 inhabitants—Appeal to district court—In all villages, burroughs and cities of less than ten thousand inhabitants, where any property has been condemned or ordered removed, by virtue of damages by fire or other cause, the owner of such property may appeal to the district court of such county, from the decision of such board of aldermen or other officers condemning such property, within thirty (30) days after notice served of such decision; provided, however, this act shall not apply to buildings made of brick or stone. ('13 c. 178 § 1)

Section 3 repeals inconsistent acts, etc.

1845. Same—Notice of appeal, etc.—Trial—Notice of such appeal shall be filed with the clerk of such village, burrough or city. It shall be the duty of such clerk to file in the office of the clerk of said court, copies of the proceedings had in such matter, with the notice of appeal within ten days after the filing of such notice of appeal. The case shall thereupon be tried in said court in the same manner as if originally commenced therein and the court may order issues joined and pleadings filed. ('13 c. 178 § 2)

1846. Municipal forests in cities, villages and towns—Any city, village or town in this state, by resolution of the governing body thereof, may accept donations of land that such governing body may deem to be better adapted for the production of timber and wood than for any other purpose, for a forest, and may manage the same on forestry principles. The donor of not less than one hundred acres of any such land shall be entitled to have the same perpetually bear his or her name. The governing body of any city, village or town in this state, when funds are available or have been levied therefor, may, when authorized by a majority vote by ballot of the voters voting at any general or special city or village election or town meeting where such question is properly submitted, purchase or obtain by condemnation proceedings, and preferably at the sources of streams, any tract of land for a forest which is better adapted for the production of timber and wood than for any other purpose, and which is conveniently located for the purpose, and man-

age the same on forestry principles; the selection of such lands and the plan of management thereof shall have the approval of the state forester. Such city, village or town is authorized to levy and collect an annual tax of not exceeding five mills on the dollar of its assessed real estate valuation, in addition to all other taxes authorized or permitted by law, to procure and maintain such forests. ('13 c. 211 § 1)

CHAPTER 10

PUBLIC INDEBTEDNESS

1847. Scope of chapter—The provisions of this chapter shall not be construed as relating to the debt of the state, or to current and ordinary public expenses, but only to the authorized indebtedness, payable with interest at future and stated times, of cities, villages, boroughs, counties, towns, and school districts; and the terms "municipal corporation," "corporation," and "municipality," as herein used, shall embrace any or all of said bodies. (776)

1848. Net indebtedness defined—The words "net indebtedness," as used herein, shall mean the sum of all outstanding money obligations of the corporation referred to, after deducting:

1. Orders or warrants drawn upon the treasurer, and payable forthwith.
2. Certificates of indebtedness and bonds issued for the creation or maintenance of a permanent improvement revolving fund.
3. Obligations incurred in respect to the construction of public drainage ditches and in acquiring lands for streets, parks, or other public improvements, and payable from the proceeds of assessments levied upon property especially benefited by such ditches or other improvements.
4. Bonds issued for the purchase or construction of public waterworks, or for the enlargement, protection or distribution of the water supply, for the establishment of public lighting, heating, or power plants, and for the acquisition and equipment, by purchase or otherwise, of street railways, telegraph or telephone lines, or any other public convenience from which a revenue is or may be derived.

5. The amount of all money, and the face value of all securities, held as a sinking fund for the extinguishment of corporate debts other than those enumerated in this section. (R. L. § 777, amended '13 c. 145 § 1)

1849. Assessed value defined—The words "assessed value," as used herein, shall mean the latest valuation for purposes of taxation, as finally equalized, of all property taxable within the municipality referred to. (778)

1850. Charter powers not modified—Nothing herein shall be construed as abrogating any restriction imposed, or as modifying or extending any power conferred, upon a city, village, or borough, by any provision of its charter relating to corporate indebtedness. Except as so limited, all municipal corporations shall be governed in respect thereto by the provisions of this chapter. (779)

1851. Limit of debt—Excess void—Subject to § 1850, no city of the first class shall hereafter incur or be subject to a net indebtedness in excess of five per cent. of its assessed value, nor shall any other municipal corporation except school district become so indebted beyond ten per cent. of such value; and all contracts and promises made in violation hereof shall be void: Provided, that if the net indebtedness of any municipality, at the time when the Revised Laws take effect, shall exceed the limit herein fixed, or if any village thereafter organized as a city under a home rule charter shall be subject to such excess when so organized, either may issue and sell new bonds sufficient in amount to refund all or any part of such existing indebtedness, but the same shall not thereby be increased. (780)

See G. S. 1894 §§ 1639, 1090, 1092, 1095, 1096, 1441, 2771; 10-340, 268; 27-64, 6+111; 54-331, 56+49; 57-434, 59+488; 58-418, 59+1088, 49 Am. St. Rep. 523; 63-125, 65+115, 30 L. R. A. 281; 83-119, 85+933; 89-477, 95+310; 91-290, 97+1049, 1 Ann. Cas. 322; 93-290, 101+180; 94-397, 103+11; 87-381, 92+328; 82-202, 84+754.

G. S. 1894 §§ 1095, 1639, limiting indebtedness, not applicable to city under home rule charter (102-329, 113+899).