

REVISED LAWS OF
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
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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)

[775—]42. **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)

[775—]43. **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)

CHAPTER 10.

PUBLIC INDEBTEDNESS.

780. Limit of debt—Excess void.

In general.—The provisions of G. S. 1894, §§ 1095, 1639, limiting the indebtedness of municipal corporations to 5 per cent. of the assessed valuation of taxable property, did not apply to a city which had adopted a home rule charter under Laws 1903, c. 238. *American Electric Co. v. City of Waseca*, 102 Minn. 329, 113 N. W. 899.

784. Bonds, for what purposes.—* *

2. *Counties.*—In the case of counties, for the erection and furnishing of a court house and jail, or either of them; for the purchase of a poor farm and equipping the same with suitable buildings, tools and stock; for establishing morgues and hospitals; for laying out, opening, building and improving public highways in the nature of county roads; for laying out and opening steam traction roads or other special public highways authorized by law; and for the bridging of waters within the county or bordering thereon. (R. L. § 784, as amended by Laws 1907, c. 297, § 1.)

Historical.—"An act to amend sub-section 2 of section 784, Revised Laws of 1905, which authorizes counties to issue bonds for certain purposes." Approved April 22, 1907.

In the official publication "2 of section" after "sub-section" are omitted.

4. *School districts.*—In the case of school districts, including special and independent districts, whether lying within a city or village or not, for the purchase of sites for school houses, and for defraying the expenses incurred and to be incurred in building, rebuilding, remodelling, repairing and furnishing school houses, and installing heating, ventilating and plumbing plants in the same, and equipping the same with libraries, apparatus and other school furniture. (R. L. § 784, as amended by Laws 1909, c. 261, § 1.)

As to the powers of various municipalities to issue bonds for certain purposes conferred by the Session Laws of 1905, 1907 and 1909, see sections [793—]11 to [793—]162.

R. L. § 784, cited in *Wall v. St. Louis County*, 105 Minn. 403, 117 N. W. 611.

[785—]1. **Failure to advertise—Curative.**—Whenever any city of the fourth class, operating under a home rule charter, shall have

heretofore issued its bonds and shall have complied with all of the provisions of its charter as to the issuance of the same and with the laws of the state of Minnesota, applicable thereto, except that the governing body of such city neglected to advertise and offer such bonds for sale under the provisions of section 785, chapter 10, Revised Laws, 1905, and the same have been heretofore sold to purchasers at par, in good faith, and such city has received the avails thereof, such bonds and each thereof are hereby legalized and declared to be a just and binding obligation of each such city so issuing the same, to the same effect as if the sale of the same had been duly advertised, as provided by law; provided, however, that the provisions of this act shall not apply to any pending litigation. ('09 c. 28 § 1)

Historical.—"An act validating certain bonds." Approved February 25, 1909.

[786—]1. **Selling bonds by popular subscription.**—Any municipality in this state which may hereafter issue any bonds shall have the right to sell and dispose of the same or any part thereof by popular subscription from the citizens of the municipality issuing the same, for not less than par and accrued interest. The officers of any such municipality who are charged with the duty of selling such bonds shall have the right, upon giving published notice to that effect in the official paper of the municipality, to receive bids from its citizens for such bonds in amounts of one hundred dollars or any multiple thereof, and such officers shall also have the right to receive bids from any source for the whole amount of bonds so to be issued, and when all bids are received to award the bonds to any one or more of such bidders in accordance with what, in their judgment, will be for the best interests of the municipality; provided, that in no case shall any such bonds be sold at less than their par value and accrued interest thereon. ('07 c. 462 § 1)

Historical.—"An act to provide for the manner of selling and disposing of bonds issued by any municipality in the state of Minnesota." Approved April 25, 1907.

[786—]2. **Sinking fund in counties—Investment in mortgages.**—That the board of county commissioners of any county in this state, having a bonded indebtedness sinking fund, is hereby authorized and empowered to invest the money of the said fund not at any time necessary for use in paying the matured bonded indebtedness of the said county upon the security of first mortgages on improved real estate of the said county; provided that no loan or investment of the said funds shall in any case, be made for an amount greater than fifty per centum of the market value of the said real estate security at the time the said loan or investment is made, exclusive of the value of any structures situated thereon; also provided that no money or funds shall in any case, be loaned for a period of time extending beyond the time when the said funds shall be required for payment of the matured bonded indebtedness of the said county nor for a rate of interest to be paid annually, lower than five per cent per annum. ('05 c. 202 § 1)

Historical.—"An act to authorize the board of county commissioners in all counties in this state having a bonded indebtedness sinking fund to invest the money of said sinking fund in first mortgage loans upon improved farm real estate." Approved April 15, 1905.

[786—]3. **Same—Proceedings to enforce—Assignment.**—Whenever any such loan has been made, the board of county commissioners shall have the same rights in reference to the enforcement of any suit or proceeding for the collection of the same, or the foreclosure of any such mortgage, as any other lender or mortgagee, and if necessary may sell and assign any such note or mortgage at a discount of not more than two per cent of the interest unpaid.

When authorized by resolution of the board, the chairman and county auditor may execute any such assignment. ('05 c. 202 § 2)

[786—]4. Sinking fund in school districts, how invested.—The treasurer of any school district in the state is authorized to invest any of the sinking funds in his hands belonging to such school district in bonds of the State of Minnesota, or of any other state, or in bonds of any county, school district, city, town or village of the state, but no investment shall be made in bonds issued to aid in the construction of any railroad; provided, however, that the net return of any such investment, taking into account the price paid for the bonds, the date when the same shall fall due and the rate of interest thereon, shall be at a rate not less than $3\frac{1}{2}$ per cent per annum for the whole period elapsing before the maturity thereof; and provided further, that any such investment shall be made only after the same has been duly authorized at a general or special meeting of the board of directors or trustees of such school district. ('07 c. 354 § 1)

Historical.—"An act permitting the investment of the sinking funds of school districts of the state of Minnesota in certain securities and relieving the treasurers of such districts and the sureties upon their official bonds from liability on account of losses (if any) incurred by reason of such investments." Approved April 23, 1907.

[786—]5. Same—Liability of treasurer.—For any loss occurring by reason of the depreciation of any securities purchased under the provisions of this act, or by reason of the failure to pay the same, or any part thereof, on the part of the public body or corporation issuing the same, the treasurer making the investment and the sureties upon his official bond as such shall not be liable. ('07 c. 354 § 2)

[786—]6. Purchase by counties of outstanding bonds.—Whenever any fund in the treasury of any county of this state having not more than 50,000 population is of such size that in the opinion of the board of county commissioners of said county the same would not be necessary to be expended for the purpose for which it was paid in within two or more years from the time of such determination, the board of county commissioners of such county may thereupon authorize the auditor and treasurer of said county to purchase out of such fund any outstanding bonds of said county, at not exceeding the face value thereof and accrued interest thereon to date of purchase, and the bonds so purchased shall be kept by the county treasurer as an asset of such fund. ('07 c. 214 § 1)

Historical.—"An act to provide for the purchase of county bonds by board of county commissioners in counties having not more than 50,000 population." Approved April 15, 1907.

[786—]7. Same—Resale.—Any bonds so purchased may again be sold by such board of county commissioners, at not less than the face value thereof, whenever in their judgment it is deemed necessary to replenish the fund out of which such bonds were purchased. ('07 c. 214 § 2)

[787—]1. Apportionment of bonded indebtedness of divided town.—Whenever heretofore any town in this state has issued its bonds for any lawful purpose, and the proceeds thereof have been used for the benefit of such town as then constituted; and such town has thereafter been divided into one or more additional towns or villages, and one of said towns or villages has paid said bonds so issued with interest, or any part thereof or either of the same, the total amount so paid, together with interest thereon from the time of payment, shall constitute and be valid and subsisting debt against all such towns and villages, forming a part of said original town at the time of the issuance of the same; and the amount

thereof that each of such town or village shall be liable for, shall be the proportion to the total amount so paid which the assessed valuation of all property in each such town or village, as fixed by the state board of equalization next preceding the time of the payment of said bonds and interest thereon bears to the assessed valuation of all property as then likewise equalized, in the entire territory comprising said town at the time of the issuance of said bonds, provided that nothing herein contained shall affect in any manner whatsoever any action or proceeding now pending in any of the courts of this state in relation to any bonds so issued. ('07 c. 273 § 1)

Historical.—"An act relating to the liability of towns and villages in cases where bonds have been heretofore issued, and the territory comprising the same has thereafter been divided." Approved April 20, 1907.

[787—]2. **Same—Towns may sue to recover.**—Any town which has paid any of said bonds or interest as hereinbefore provided, may maintain an action in any of the courts of this state to recover from any town or village the portion of the same for which said town or village is liable, as provided in section 1[787—1] of this act. ('07 c. 273 § 2)

[787—]3. **Division of bonded indebtedness of townships and villages in certain cases.**—That in any case where any township and village are jointly liable for the payment of any bonded indebtedness, or where all the property of any township or village is liable to taxation for the payment of any such indebtedness any such township or village at the time of the maturity of such bonds may assume and pay such proportion of the entire bonded indebtedness as the amount of the last assessment of real and personal property situate in such town or village bears to the total assessed valuation of both such township and village; provided, however, that if either such township or village deems such assessment to be inequitable the town board or village council, as the case may be, or a majority of either, may demand in writing that the Minnesota tax commission appoint a disinterested assessor, not a resident of either such township or village, to make a re-assessment of all the real and personal property situate in both such town and village, and thereupon it shall be the duty of such commission to appoint such assessor, and the valuation and assessment so made by such assessor shall govern in the division of the bonded indebtedness as between such township and such village. ('09 c. 254 § 1)

Historical.—"An act to provide for the division of the amount of bonded indebtedness of townships and villages in cases where towns and villages are jointly liable for the payment thereof." Approved April 19, 1909.

[787—]4. **Same—Bonds for indebtedness assumed.**—Any township or village jointly liable for any such indebtedness shall have authority to issue its bonds for the payment of the amount of the total bonded indebtedness for which it may be liable ascertained as provided in the foregoing section. ('09 c. 254 § 2)

788, 789.

These sections appear to be superseded by sections [789—] 2 to [789—] 11.

[789—]1. **Limited debt—Authorization—Period—Change of boundaries.**—No loan shall be made which with all other indebtedness shall exceed the sum of fifteen per cent. of the assessed valuation of the taxable real property of such county, school district, city, village or township, nor until the county, school district, city, village or township shall have been authorized to issue bonds therefor in accordance with the provisions of law applicable thereto. No loan shall be made for a shorter period than five years, nor for a longer period than twenty years. No change of boundary lines shall in any way relieve such county, school district, city, village or township

from any liability for taxation to pay such bonds. (Laws 1897, c. 83, § 7, as amended by Laws 1905, c. 8, § 1.)

Historical.—"An act to amend section seven of chapter eighty-three of the General Laws of Minnesota for the year 1897, entitled 'An act to provide for the loaning of the permanent school and permanent university funds of the state to any county, school district, city, town or village of this state, as authorized by section six of article eight of the Constitution of the state of Minnesota.'" Approved February 10, 1905.

Laws 1897, c. 83, was repealed by R. L. § 5542; its provisions being incorporated in section 789. So far as the amended section above set forth differs from said section 789, it is to be construed, by virtue of section 5504, as amendatory or supplementary.

See note under sections 788, 789, and [789—] 2.

[789—]2. Sale of bonds to state—Municipality defined.—The word "municipality" as used herein shall be held to mean and include the respective counties, cities, villages, boroughs, towns and school districts of the State of Minnesota. ('07 c. 122 § 1)

Historical.—"An act authorizing municipalities to issue their bonds to the state of Minnesota." Approved April 6, 1907.

The act contains no repealing clause, but it appears to supersede sections 788, 789, [789—] 1.

[789—]3. Same—Power of municipality.—Whenever any municipality is authorized by law to issue its bonds and borrow money thereon, the same may be issued, negotiated, sold and delivered to the State of Minnesota by conforming hereto. ('07 c. 122 § 2)

[789—]4. Same—Where vote of electors is not required—Procedure.—Whenever any municipality desires to issue its bonds for any purpose not now, or hereafter, requiring a vote of the electors thereof, the governing body of such municipality at any regular meeting or at any regularly called special meeting, may adopt, by majority vote, a resolution stating the authority of law under which the right is claimed to issue such bonds, the purpose for which it is proposed to issue the same, the number, the face value of each thereof, the time when each bond, to be issued thereunder, shall mature, the rate of interest the same shall bear, and direct that the same be issued to the State of Minnesota in accordance therewith. Thereupon the treasurer of such municipality shall forthwith make application to the state board of investment to purchase the same, and upon the approval of such application by the attorney general, as to form and execution, and otherwise by the state board of investment, such bonds may be issued, executed by the officers of the respective municipalities, sold to and purchased by the State of Minnesota, and shall thereupon become and be the valid obligation of the municipality issuing the same. Money obtained upon bonds issued to refund indebtedness previously existing shall be used for that purpose and no other. Whenever the state board of investment shall so request, each municipality issuing refunding bonds by virtue hereof, shall file with the state auditor the bonds or other evidence of indebtedness so refunded. ('07 c. 122 § 3)

[789—]5. Same—Where vote of electors is required—Procedure—Submission to voters—Notice of election.—Whenever any municipality desires to issue its bonds to the State of Minnesota for any purpose now, or hereafter requiring a vote of the electors, the governing body of such municipality may adopt, by majority vote, a resolution stating that it is expedient, in the opinion of such governing body to issue to the State of Minnesota the bonds of such municipality for the purpose or purposes therein stated, to the amount therein mentioned, to mature, to bear the rate of interest and to be of the number and amount therein set forth, or whenever a petition is filed with the clerk, or other like officer of such municipality, signed by ten or more freeholders, residents therein, stating that in the opinion of such persons signing the same it is expedient

to issue to the State of Minnesota the bonds of such municipality for the purpose or purposes therein stated and to the amount therein mentioned, said clerk or other like officer shall furnish and give proper notice to said governing body which shall meet within ten days after such notice, and if the proposition contained in said petition be deemed by it expedient it shall adopt a resolution setting out the same facts as hereinbefore provided in case the initiative for such bond issue to the state is taken by said governing body; in either event the clerk or other like officer of such municipality shall submit the proposition or propositions therein contained to the electors thereof at a special election, to be held therein at a date not more than thirty days after the adoption of such resolution and shall give notice thereof by posting in three or more public places in said municipality, and in case of counties the same notice in each election precinct therein; and if there be one or more legal newspapers in said municipality, by publishing twice in not less than one such newspaper to be designated by the said clerk or other like officer, at least ten days before such election, the following notice:

NOTICE OF SPECIAL ELECTION.

Notice is hereby given that a special election will be held in the (village, city, town, county) of (name) on the (figures) day of (month), 190.., for the purpose of voting upon the proposition of issuing to the State of Minnesota, the bonds of said municipality in the aggregate sum of \$. (total amount), bearing interest at the rate of (figures) per centum per annum, the proceeds thereof to be used for the purpose of (describing it generally, as construction of electric light plant, water works, municipal building, naming it, or bridge, as the case may be), and to be numbered and to mature as set forth in the (resolution), now on file in the office of the (clerk or other like officer).

Dated 190..

Such notice shall be signed by the clerk or other like officer. ('07 c. 122 § 4)

[789—]6. Same—Election—Form of ballot—Several propositions.—Such special election may be held on a day separate, or on the day fixed for any other election, in which latter event the judges acting as such for the election then to be held shall act as the judges for said special election, but in either case a special ballot box shall be provided and the ballots cast on the proposition of issuing bonds shall be kept separate from all other ballots cast; such special election shall be by ballot and the ballot to be used thereat shall be in the following form:

BOND BALLOT.

Shall the bonds of the (town, city, village, county) of (name) be issued to the State of Minnesota in the aggregate amount of \$. (total amount), bearing interest at the rate of (figure) per centum per annum, the proceeds thereof to be used for the purpose of (describing it generally, as construction of electric light plant, water works, municipal build-

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ing, naming it, or bridge, as the case may be), and to be numbered and to mature as set forth in the (resolution) now on file in the office of the..... (clerk or other like officer).

Yes.....

No.....

More than one proposition may be submitted at such special election, in which event each proposition contained in such resolution or petition shall be stated separately on the notice and on the ballot and shall be voted on separately, and the wording of any proposition to be voted for, as the same appears in the notice, shall also be the wording employed to state said proposition upon the ballot. Electors desiring to vote in favor thereof shall make their cross mark, thus X, opposite the word "Yes," and electors desiring to vote against the proposition shall make their cross mark, thus, X, opposite the word "No." ('07 c. 122 § 5)

[789—]7. Same—Election, how held, etc.—Application to state.—The special election shall be conducted, the ballots counted and canvassed and the result certified in the manner then fixed by law, for the conduct of general elections therein, and if it appears therefrom that a majority of the electors voting thereat have voted in favor of any proposition, then submitted, to issue bonds to the state of Minnesota, the governing body of such municipality shall forthwith adopt a resolution issuing said bonds to the State of Minnesota, in accordance with the terms of such proposition and directing its treasurer or other like officer to apply to the state for a loan thereon. Such application shall be directed to the state board of investment of which the state auditor shall be clerk and shall also state the law, or laws, under which authority is claimed to issue the bonds therein mentioned. ('07 c. 122 § 6)

[789—]8. Same—Approval of application—Limit of debt—Period—Duties of state and county auditor.—Upon the approval of such application by the attorney general, as to form and execution, and otherwise by said state board of investment, such governing body and the respective officers thereof shall have authority to issue, execute and deliver to the State of Minnesota the bonds of such municipality, in accordance with the vote of said electors, and said state board of investment shall have authority to purchase the same to an amount not exceeding 15 per cent of the assessed valuation of the taxable real property of such municipality, according to the last preceding assessment. Such bonds shall not run for a shorter period than five years, nor for a longer period than twenty years. Forthwith upon the delivery to the State of Minnesota of any bonds issued by virtue thereof, the state auditor shall certify to the respective auditors of the various counties wherein are situated the municipalities issuing the same, the number, denomination, amount, rate of interest and date of maturity of each such bond, and each county auditor shall keep a record thereof in his office in a book to be furnished him by the state auditor, at the expense of the state. ('07 c. 122 § 7)

As to the exercise of the powers of the board by less than a unanimous vote, see section [2435—]1.

[789—]9. Same—Statement to board of investment, etc.—Any municipality issuing its bonds in accordance with the terms of this act shall also furnish a copy of the ballots used and such other in-

formation as may be required by the state board of investment, including a statement showing the valuation of the real and personal property situated therein at the last preceding assessment. ('07 c. 122 § 8)

[789—]10. Same—Blanks to be furnished by state.—The various forms of petitions, resolutions, notices, ballots, applications and bonds contemplated by this act shall be printed by and at the expense of the state, from forms prepared by the attorney general, and shall be furnished by the state auditor, without cost to any municipality applying for the same. ('07 c. 122 § 9)

[789—]11. Same—Validity of bonds not to be questioned, except—Change of boundaries.—The validity of any bond issued under the terms of this act shall never be questioned except on the ground that the same and the loan made thereon was not approved by the state board of investment; that the bonds in question made the entire bonded indebtedness exceed 15 per cent of the assessed valuation of the taxable real property of the municipality issuing such bonds; that such bonds bear a lower rate of interest than 3 per cent; that such bonds run for a shorter period than five years, or for a longer period than twenty years, or that the principal thereof was never paid by the state to, or received by the officers of the municipality issuing the same; and no change of the boundary lines of any such municipality shall relieve the real property therein at the time of the issuing of such bonds from any liability for taxation to pay for the same. ('07 c. 122 § 10)

[789—]12. Certain bonds legalized.—Whenever the State Board of Investment shall have heretofore purchased with the funds of the State of Minnesota, the bonds of any municipality in this state, the validity of any such bond shall never be questioned except on the ground that the same and the loan made thereon was not approved by the State Board of Investment; that the bond in question made the entire bonded indebtedness exceed 15 per cent of the assessed valuation of the taxable real property of the municipality issuing such bonds; that such bonds bear a lower rate of interest than 3 per cent; that such bonds run for a shorter period than five years, or for a longer period than twenty years; or that the principal thereof was never paid by the state to, or received by the officers of the municipality issuing the same, and no change of the boundary lines of any such municipality shall relieve the real property therein at the time of the issuing of such bonds from any liability from taxation to pay for the same, and all such bonds so purchased are hereby declared to be the valid and subsisting indebtedness of each such municipality, respectively issuing the same. ('07 c. 102 § 2)

Historical.—"An act to validate certain bonds heretofore purchased by the state board of investment with the funds of the state of Minnesota." Approved April 4, 1907.

By section 1, "Municipality" is defined as in sections [789—]2, [789—]13.

[789—]13. Municipality defined.—The word "municipality," as used herein, shall be held to mean and include the various counties, cities, villages, boroughs, towns and school districts of the State of Minnesota. ('09 c. 99 § 1)

Historical.—"An act to validate certain bonds heretofore purchased by the state board of investment with the funds of the state of Minnesota." Approved March 24, 1909.

[789—]14. Certain bonds purchased by state validated.—Whenever the State Board of Investment shall have heretofore purchased with the funds of the State of Minnesota, the bonds of any municipality in this state, the validity of any such bond shall never be

questioned except on the ground that the same and the loan made thereon was not approved by the State Board of Investment; that the bond in question made the entire bonded indebtedness exceed 15 per cent of the assessed valuation of the taxable real property of the municipality issuing such bonds; that such bonds bear a lower rate of interest than 3 per cent; that such bonds run for a shorter period than five years, or for a longer period than twenty years; or that the principal thereof was never paid by the state to, or received by, the officers of the municipality issuing the same; and no change of the boundary lines of any such municipality shall relieve the real property therein at the time of the issuing of such bonds from any liability from taxation to pay for the same, and all such bonds so purchased are hereby declared to be the valid and subsisting indebtedness of each such municipality, respectively issuing the same. ('09 c. 99 § 2)

790. Special tax levy.—The annual tax levy for the payment of principal and interest on account of such bonds shall be for an amount fifty per cent in excess of the sum to be paid therefrom. The state auditor, at the time of certifying the state tax, shall also certify to each county auditor the amount necessary to pay such principal and interest. When collected so much of such tax as may be necessary shall be paid into the state treasury. The excess remaining shall be held over in the county treasury to be applied on the next future payment due on such bonds, and the amount of such excess shall be reported by the county auditor to the state auditor, on or before August first of each year, who shall deduct the same from his next annual tax levy for such purpose. The remainder, when such bonds are paid in full, shall be credited to the general fund of the municipality; and in case a portion of the territory embraced in such municipality at the time such bonds were issued, have since been set off to another municipality, or organized into a new municipality, such remainder shall be divided with such other municipality, using as a basis for such division the last assessed valuation of the territory affected by such bonds. Provided, that any such municipality which shall make payment to the state of the full amount of principal and interest due on account of such bonds prior to the extending of such tax therefor by the state auditor shall be exempt from the provisions of this section. (R. L. § 790, as amended by Laws 1909, c. 94, § 1.)

Historical.—“An act to amend section seven hundred and ninety of the Revised Laws of Minnesota, one thousand nine hundred and five relating to special tax levy for the payment of municipal indebtedness to the State School Fund.” Approved March 24, 1909.

Section 2 repeals inconsistent acts.

POWER OF CITIES TO ISSUE BONDS FOR CERTAIN PURPOSES.

[793—]1. **Bonds for water works—Limit of amount.**—In addition to the rights and powers heretofore conferred by any general or special law upon the several cities of this state, there is hereby granted to any city organized or which may hereafter be organized under or by virtue of any general or special law of this state and which now or shall hereafter own a system of water works, power and authority to extend and improve its system of water works, including the installing of filters or other means for purifying the water furnished by such system, and for that purpose to borrow money on its negotiable coupon bonds in the manner and subject to the conditions hereinafter provided to an amount not exceeding in the aggregate outstanding at any one time the sum of one hun-

dred and fifty thousand dollars in addition to all other indebtedness of such city. ('05 c. 19 § 1)

Historical.—"An act to authorize cities of this state owning a system of water works to borrow money and issue bonds for the purpose of improving and extending their water works system and of providing means for purifying the water furnished thereby." Approved March 2, 1905.

[793—]2. Same—Submission to voters—Notice of election.—Whenever the common council of any such city shall deem it advisable to issue the bonds of the city under the provisions of this act, it shall by resolution passed by a majority vote of all the members thereof, provide for the submission of the proposition of issuing such bonds to the qualified voters of the city at any general election or at any special election called by the common council in said resolution for that purpose. Such resolution shall distinctly state the amounts and purposes for which such bonds are proposed to be issued, the date or dates of their maturity, the rate of interest they shall bear, and the time of holding the election at which the proposition is to be submitted, and shall be published in the official newspaper of the city at least once each week for three successive weeks prior to such election; or if there be no newspaper published in such city, then said resolution shall be posted in five of the most public places in the city at least three weeks prior to such election. ('05 c. 19 § 2)

[793—]3. Same—Election, how held, etc.—All elections provided for in this act shall be called and conducted in the manner provided by law for the holding and conducting of municipal elections. ('05 c. 19 § 3)

[793—]4. Same—Ballots—Votes, how counted, etc.—Bonds, when issued—Tax levy.—The ballot to be voted at all elections under this act shall read as follows:

"In favor of the proposition of issuing water works improvement bonds to the amount of \$_____."

"Against the proposition of issuing water works improvement bonds to the amount of \$_____."

The voters voting in favor of such proposition shall mark a cross (X) opposite the words "In favor of the proposition of issuing water works improvement bonds to the amount of \$_____." in the space provided for that purpose, and those voting against the proposition shall mark a cross (X) opposite the words "Against the proposition of issuing water works improvement bonds to the amount of \$_____." on said ballot in the space provided for that purpose. The votes cast at such election shall be counted, returned and canvassed in the same manner as at other municipal elections, and the result certified to the city clerk or recorder by the canvassing board. If a majority of the qualified voters voting on the proposition at such election shall vote in favor of the issue of the bonds, then such city shall be deemed to be authorized to issue said bonds to the amount proposed, and its common council may, by resolution passed by a majority vote of all members thereof, provide for and direct the issuance of said bonds and provide for the levy of a direct annual tax on all the taxable property of the city, in addition to all other city taxes, sufficient to pay the interest of said bonds when due and to provide a sinking fund for the payment of the principal thereof at maturity. ('05 c. 19 § 4)

[793—]5. Same—Terms of bonds—How executed and sold—Proceeds, how used.—All bonds issued under the provisions of this act shall run for not more than thirty years from their date, shall bear interest not to exceed five per cent per annum, principal and interest payable at such time or times and at such places as the com-

mon council may prescribe; shall have the seal of the city affixed thereto; shall be signed by the mayor and attested by the city clerk or recorder, and countersigned by the city treasurer or by the city controller if there be one, and the interest coupons thereon attached shall bear the signatures, or the lithographed fac-simile signatures, of the mayor and of the city clerk, or of the city controller if there be one. All such bonds shall be sold at not less than their par value and accrued interest to the highest responsible bidder after notice published once in each week for three successive weeks prior to the day fixed for such sale in the official newspaper of the city, and also at least once in some daily newspaper published and of general circulation in the city of St. Paul not less than one week prior to the day fixed for such sale; and if there be no newspaper published in said city, then and in that event such notice shall be posted in five of the most public places in said city at least three weeks prior to the date fixed for such sale. Such notice of sale shall specify the denominations of said bonds, their aggregate amount, the purpose for which issued; the interest they shall bear, and whether payable annually or semi annually, the times and place of payment of interest and principal and the time and place for receiving and opening the bids for said bonds. None of the proceeds of any of the bonds issued and sold pursuant to the provisions of this act shall be used for any purpose other than that for which they were directed and voted to be issued, and any member of the common council or any officer of said city who shall vote for or in any manner participate in the appropriation of any of such proceeds for any other purpose shall be deemed guilty of a misdemeanor and punished as by law in such cases made and provided. ('05 c. 19 § 5)

[793—]6. **Same—Existing indebtedness.**—This act shall be deemed and considered to confer powers in addition to and not as an abridgment of all other powers now existing by virtue of any general or special law of this state. And 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 indebtedness of any city, and the bonds provided for in this act may be issued without regard to the indebtedness of any such city. ('05 c. 19 § 6)

[793—]7. **Bonds for graded school buildings—Curative.**—That all school bonds heretofore voted upon by any city for graded school buildings and additions to graded school houses, under or pursuant to the provisions of chapter 204 of the General Laws of the State of Minnesota for the year one thousand eight hundred and ninety-three, as amended by chapter 128 of the General Laws of the State of Minnesota for the year one thousand eight hundred and ninety-five, and other acts amendatory thereof, are hereby declared to be, when issued and sold, legal and binding obligations of said city; providing that the proposition to issue said bonds received a two-thirds majority of all votes cast upon the proposition to issue said bonds at the election when said proposition was voted upon; and provided further, that all other requirements of law have been fully complied with. ('05 c. 76 § 1)

Historical.—“An act legalizing school bonds heretofore voted upon by cities for graded school buildings and additions to graded school houses under the provisions of chapter 204 of the General Laws of the State of Minnesota for the year 1893, and acts amendatory thereof.” Approved March 24, 1905.

Constitutionality.—Laws 1905, cc. 76, 77, are curative acts, and are not special legislation, in conflict with Const. art. 4, §§ 33, 34. State ex rel. Board of Education of City of Minneapolis v. Brown, 97 Minn. 402, 106 N. W. 477, 5 L. R. A. (N. S.) 327.

[793—]8. Bonds for high school buildings—Curative.—That all school bonds heretofore voted upon by any city for high school buildings and additions to high school houses, under or pursuant to the provisions of chapter 204 of the General Laws of the State of Minnesota for the year one thousand eight hundred and ninety-three, as amended by chapter 128 of the General Laws of the State of Minnesota for the year one thousand eight hundred and ninety-five, and other acts amendatory thereof, are hereby declared to be, when issued and sold, legal and binding obligations of said city; provided, that the proposition to issue said bonds received a two-thirds majority of all votes cast upon the proposition to issue said bonds at the election when said proposition was voted upon; and provided further, that all other requirements of law have been fully complied with. ('05 c. 77 § 1)

Historical.—“An act legalizing school bonds heretofore voted upon by cities for high school buildings and additions to high school houses under the provisions of chapter 204 of the General Laws of the State of Minnesota for the year 1893, and acts amendatory thereof.” Approved March 24, 1905.

Constitutionality.—Laws 1905, c. 77, is not unconstitutional. State ex rel. Board of Education of City of Minneapolis v. Brown, 97 Minn. 402, 106 N. W. 477, 5 L. R. A. (N. S.) 327.

See note under section next preceding.

POWER OF CITIES OF FIRST CLASS TO ISSUE BONDS FOR CERTAIN PURPOSES.

The following acts, empowering cities of the first class to issue bonds for certain purposes, expressly limit the time within which the power may be exercised, and have not been included, viz.:

Laws 1905, c. 58, authorizing the issue of bonds in aid of certain street improvements. Powers granted must be exercised by passage of ordinance within one year from passage of act.

Laws 1909, c. 89, authorizing the issue of \$60,000 bonds for street paving. Ordinance authorizing issue must be passed prior to January 1, 1910.

Laws 1907, c. 20, as amended by Laws 1909, c. 360, authorizing the issue of \$1,000,000 bonds for high schools. Ordinance authorizing issue must be passed prior to July 1, 1910.

Laws 1907, c. 21, authorizing the issue of \$300,000 bonds for graded schools. Ordinance authorizing issue must be passed prior to January 1, 1910.

Laws 1909, c. 156, authorizing the issue of \$1,000,000 bonds for graded schools. Ordinance authorizing issue must be passed prior to January 1, 1910.

Laws 1909, c. 357, authorizing the issue of \$100,000 bonds for playground sites. Such bonds may not be issued after December 31, 1912.

Laws 1907, c. 52, authorizing the issue of \$500,000 bonds for main sewers. Ordinance authorizing issue must be passed prior to January 1, 1909.

Laws 1907, c. 52, held not unconstitutional as special legislation. Farwell v. City of Minneapolis, 105 Minn. 178, 117 N. W. 422.

Laws 1909, c. 406, authorizing the issue of \$50,000 bonds for main sewers and repealing inconsistent acts. Ordinance authorizing issue must be passed prior to January 1, 1911.

Laws 1909, c. 489, authorizing the issue by cities not under home rule charters of \$200,000 bonds for main sewers and repealing inconsistent acts. Ordinance authorizing issue must be passed prior to January 1, 1911.

Laws 1909, c. 47, approved March 5, 1909, authorizing the issue of \$100,000 bonds for bridges over railways. Such bonds must be issued on or before one year from date of the act.

Laws 1909, c. 185, approved April 14, 1909, authorizing the issue by cities not under home rule charters of \$850,000 bonds for constructing “within three years from this date” bridges over navigable streams running through such cities. Such bonds are not to be issued after January 1, 1912.

Laws 1909, c. 370, approved April 22, 1909, authorizing the issue of \$100,000 bonds for fire engine-houses. The issue must be within two years of the passage of the act. See Laws 1907, c. 287 (sections [793—] 51 to [793—] 53).

Laws 1909, c. 213, approved April 17, 1909, authorizing the issue of \$50,000 bonds for central police stations. The issue must be within one year of the date of the act. See Laws 1907, c. 413 (sections [793—] 54 to [793—] 56).

[793—]9. Bonds for certain improvements in advance of special assessments.—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 hereafter grant-

ed 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 \$500,000, said bonds to be made in such denominations and payable at such places and at such times, not to exceed thirty years from the date thereof, as may be deemed best, and to bear interest at a rate not to exceed 4 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 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. ('07 c. 265 § 1)

Historical.—"An act to authorize and empower the city council or common council of cities in this state of over 50,000 inhabitants to issue and sell municipal bonds, and to use the proceeds thereof for defraying the cost of making certain local improvements in advance of the special assessment levied therefor, and to provide for ascertaining, reporting and supplying any impairment or depletion of the fund into which the proceeds of said bonds come." Approved April 19, 1907.

[793—]10. **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. ('07 c. 265 § 2)

[793—]11. **Same—How executed—Proceeds, how used—Special fund.**—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 assessment duly assessed and levied therefor and in advance of the collection of such assessment. (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, 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. ('07 c. 265 § 3)

[793—]12. Same—Duty of comptroller—Impairment of fund—New assessment.—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 from all or any part has been impaired or depleted by the annulment of assessment or other cause, and shall state in his annual report the amount of cash in the city treasury belonging to said fund, the amount 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. ('07 c. 265 § 4)

[793—]13. Bonds for certain improvements in advance of special assessments.—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 \$400,000, said bonds to be made in such denominations and payable at such places and at such times, not to exceed thirty years from the date thereof, as may be deemed best, and to bear interest at a rate not to exceed 4 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 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. ('09 c. 402 § 1)

Historical.—“An act to authorize and empower the city council or common council of cities in this state of over 50,000 inhabitants to issue and sell municipal bonds and to use the proceeds thereof for defraying the cost of making certain local improvements in advance of the special assessments levied therefor, and to provide for ascertaining, reporting and supplying any impairment or depletion of the fund into which the proceeds of said bonds come.” Approved April 22, 1909.

[793—]14. 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. ('09 c. 402 § 2)

[793—]15. Same—How executed—Proceeds, how used—Special fund.—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. ('09 c. 402 § 3)

[793—]16. Same—Duty of comptroller—impairment of fund—New assessment—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, of article 4, of the constitution of Minnesota. ('09 c. 402 § 4)

[793—]17. Bonds for improvements in street intersections and in front of exempt property.—The city council or common council of each and every city of 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 purpose 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 \$175,000, said bonds to be made in such denominations and payable at such places and at such times not exceeding thirty years from the date thereof, as may be deemed best, and to bear interest at a rate not to exceed 4 per cent per annum, payable semi-annually and with 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 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. ('07 c. 264 § 1)

Historical.—“An act to authorize and empower the city council or common council of cities of this state of over 50,000 inhabitants to issue and sell municipal bonds and to use the proceeds thereof for defraying the cost of making certain local improvements in intersections of streets and in front of property exempt by law from special assessments.” Approved April 19, 1907.

[793—]18. Same—Limit of debt.—Nothing therein 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 the bonds of such city which shall be in and constitute a part of the sinking fund of said city for the payment of bonds, shall exceed ten per cent of the assessed valuation of the nonexempt taxable property of such city as shown by the last preceding assessment. ('07 c. 264 § 2)

[793—]19. Same—How executed—Proceeds, how used—Special fund.—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 recorded 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, and shall be used only for the purpose of paying for the cost of paving, repaving and macadamizing in street intersections, the cost of constructing curb and gutter in street intersections, and also the cost of laying or relaying of sewer pipes in the intersections of streets, and the cost of paving, repaving or macadamizing in front of property exempt by law from special assessments, and the cost of constructing curb and gutter in front of property exempt by law from special assessments, and also the cost of laying, relaying or extending sewer pipes in front of property exempt by law from special assessments, and also for the increased cost of sewers which are larger than two feet in diameter; and the proceeds of said bonds or any thereof shall not be used for any other purpose than those hereinbefore specified. ('07 c. 264 § 3)

[793—]20. Bonds for improvements in street intersections and in front of exempt property in cities not under home rule charters.—

The city council or common council of each and every city of 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 \$200,000, said bonds to be made in such denominations and payable at such places and at such times, not exceeding thirty years from the date thereof as may be deemed best, and to bear interest at a rate not to exceed 4 per cent per annum, payable semi-annually, and with 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 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. ('09 c. 367 § 1)

Historical.—"An act to authorize and empower the city council or common council of cities of this state of over 50,000 inhabitants to issue and sell municipal bonds and to use the proceeds thereof for defraying the cost of making certain local improvements in intersections of streets and in front of property exempt by law from special assessments." Approved April 22, 1909.

[793—]21. **Same—Limit of debt.**—Nothing therein contained shall authorize the issuance 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 the bonds of such city which shall be in and constitute a part of the sinking fund of said city for the payment of bonds, shall exceed ten per cent of the assessed valuation of the non-exempt taxable property of such city as shown by the last preceding assessment. ('09 c. 367 § 2)

[793—]22. **Same—How executed—Proceeds, how used—Special fund.**—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, and shall be used only for the purpose of paying for the cost of paving, repaving and macadamizing in street intersections, the cost of constructing curb and gutter in street intersections, and also the cost of laying and relaying of sewer pipes in the intersections of streets, and the cost of paving, repaving or macadamizing in front of property exempt by law from special assessments, and the cost of constructing curb and gutter in front of property exempt by law from special assessments, and also the cost of laying, relaying or extending sewer pipes in front of property exempt by law from special assessments, and also for the increased cost of sewers which are larger than two feet in diameter; and the proceeds of said bonds or any thereof shall not be used for any other purpose than those hereinbefore specified. This act shall not apply to any city operating under a home rule charter framed pursuant to section 36, of article 4, of the constitution of Minnesota. ('09 c. 367 § 3)

[793—]23. **Bonds for gas works.**—That 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, as needed, the negotiable bonds of their respective cities to an amount not to exceed \$2,000,000, said bonds to be made in such denominations and payable at such places and at such times, not to exceed thirty 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 such city council, or common council, as the case may be, is further authorized to negotiate and sell such bonds 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 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 or ordinance, duly passed by a two-thirds vote of all the members of the city council or common council, proposing to issue the same. ('07 c. 376 § 1)

Historical.—"An act to authorize and empower the city council or common council of cities in this state of over 50,000 inhabitants to issue and sell municipal bonds and to use the proceeds thereof for the purpose of purchasing or establishing gas works and plants for the use and benefit of the inhabitants of such cities." Approved April 24, 1907.

[793—]24. **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, together with the proposed issue, less the amount of the bonds of such city which shall be in and constitute a part of the sinking fund of such city for the payment of bonds, shall exceed ten per cent of the assessed valuation of the taxable property of such city, as shown by the last preceding assessment. ('07 c. 376 § 2)

[793—]25. **Same—Bonds, how executed—Proceeds, how used.**—All bonds issued under authority of this act shall be sealed with the seal of the city issuing them, and signed by the mayor and attested by the clerk or recorder, and countersigned by the city comptroller, if such officer exists in such city. 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 used only for the purpose of purchasing or establishing gas works and gas plants for the use and benefit of the inhabitants of such city, and the proceeds of said bonds, or any thereof, shall not be used for any other purposes than those hereinbefore specified. ('07 c. 376 § 3)

[793—]26. **Bonds for waterworks.**—Any city in this state now or hereafter having a population of over fifty thousand (50,000) inhabitants, in addition to all the powers now possessed by such city, is hereby authorized and empowered, acting by and through the common council or city council of such city, by ordinance duly enacted by an affirmative vote of not less than two-thirds (2-3) of all members elect of such common council or city council, to issue and sell not exceeding one million (1,000,000) dollars par value of the bonds of such city for the purpose of aiding in defraying the expense of investigating and ascertaining a means or source of supply of pure water for such city and constructing and improving waterworks for the purpose of furnishing such water supply therefor. ('09 c. 228 § 1)

Historical.—"An act to authorize cities in the state of Minnesota now or hereafter having a population of over 50,000 inhabitants to issue and sell bonds

for the purpose of aiding in defraying the expense of investigating and ascertaining a means or source of supply for pure water and constructing and improving water works for the purpose of furnishing such water supply." Approved April 17, 1909.

Section 4 repeals inconsistent acts.

[793—]27. Same—Limited of debt—Sinking fund.—The bonds authorized by section 1 [793—26] of 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 or city 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. ('09 c. 228 § 2)

[793—]27a. Same—Terms of bonds—How executed and sold.—No bond shall be issued by any such city for the purposes hereinabove 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 upon by the common council or city 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, 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, except 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. ('09 c. 228 § 3)

[793—]28. Bonds to take up bonds constituting lien on water or gas 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 issue and sell bonds of such city in such amount as shall be deemed necessary for the purpose of taking up by payment, exchange or otherwise, bonds which are at the time of the issuance of bonds under this act, a lien on any water or gas plant, or both, now owned by such city, or are secured by a mortgage or trust deed thereon; provided, that the total amount of bonds issued under this act shall not exceed the total face value of such bonds so proposed to be taken up by payment, exchange or otherwise, as herein provided. ('05 c. 172 § 1)

Historical.—"An act to authorize any city of this state, now or hereafter having a population of over fifty thousand, to issue bonds of such city for the purpose of taking up by payment, exchange or otherwise, bonds which are a lien or secured by a lien upon a water or gas plant, or both, now owned by such city, and to make such bonds a lien upon such plants, or either of them." Approved April 13, 1905.

[793—]29. Same—Obligation and lien.—Said bonds so authorized to be issued shall always be general obligations of said city and shall be a first lien upon all water and light plants and structures of every kind and all property acquired or used in connection therewith, owned or purchased by the city. ('05 c. 172 § 2)

[793—]30. Same—Interest—Sale at par.—Said bonds authorized by this act shall in no event bear a greater rate of interest than five per cent per annum, and shall in no event be sold, exchanged or otherwise disposed of, for less than the par value thereof; but

the provisions of chapter 355 of the General Laws of Minnesota for the year 1897, with reference to the issuance and sale of bonds shall not apply to the bonds which may be issued under the provisions of this act. ('05 c. 172 § 3)

[793—]31. **Same—How issued.**—Said bonds may be issued whenever the common council of any such city shall, by a three-fourths vote of all its members, authorize the issuance thereof, any law of this state in the form of a city charter or otherwise requiring a vote of the people on such issuance of bonds to the contrary notwithstanding. The sale, exchange or other disposal of such bonds shall also be made, except as specifically provided for herein, as such council by a three-fourths vote of all its members may determine; but the bonds authorized to be issued hereunder may be issued at any time after the passage of this act and may be used to take up any bonds referred to in section 1 [793—28] of this act at any time before or after the maturity thereof. ('05 c. 172 § 4)

[793—]32. **Same—Limit of debt.**—None of the bonds of any such city, issued under this act, shall be deemed or taken to be a part of the indebtedness of such city, within the meaning of any law or city charter limiting the amount of the indebtedness of any such city; and the bonds provided for in this act may be issued and sold or exchanged without regard to any law limiting the amount of indebtedness of any such city. ('05 c. 172 § 5)

[793—]33. **Bonds for parks, etc.**—Any city in this state now or hereafter having a population of over fifty thousand inhabitants is hereby authorized and empowered, acting by and through the common council of such city, by ordinance duly enacted by an affirmative vote of not less than two-thirds of all members-elect of such common council, upon request of the board of park commissioners of such city, or of such other governing body as may have charge and supervision of the parks and parkways of such city, to issue and sell not exceeding three hundred thousand dollars par value in and of the bonds of such city, for the purpose of acquiring and improving land for public parks and parkways, as well as for the improvement of parks and parkways heretofore acquired in such cities; provided, that no more than fifty thousand dollars par value of such bonds shall be issued and sold by any such city in any one calendar year. ('07 c. 93 § 1)

Historical.—"An act to authorize cities in this state now or hereafter having a population of more than fifty thousand inhabitants, to issue bonds for acquiring and improving lands for public parks and parkways." Approved April 4, 1907.

Section 4 repeals inconsistent acts.

[793—]34. **Same—Limit of debt—Sinking fund.**—The bonds authorized by section one [793—33] of 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, 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 thereon, and the common 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 sinking fund for the redemption of such bonds at their maturity. ('07 c. 93 § 2)

[793—]35. **Same—Terms of bonds—How executed and sold.**—No bonds shall be issued by any such city for the purposes hereinabove mentioned to run for a longer term 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 thereof and the

denominations in which the same shall be issued shall be such as may be determined upon by the common 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 city comptroller of such city, and shall be sealed with the seal of such city, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon, and none of such bonds shall be sold at less than their par value and accrued interest, and then only to the highest responsible bidder therefor. ('07 c. 93 § 3)

[793—]36. Bonds for parks.—Any city in this state now or hereafter having a population of over fifty thousand inhabitants is hereby authorized and empowered, acting by and through the common council of such city, by ordinance duly enacted by an affirmative vote of not less than two-thirds of all members-elect of such common council, upon request of the board of park commissioners of such city, or of such other governing body as may have charge and supervision of the parks and parkways of such city to issue and sell not exceeding three hundred thousand dollars par value in and of the bonds of said city, for the purpose of improving land for public parks and parkways and for improving lakes within the city, and in addition thereto not exceeding fifty thousand dollars par value in and of the bonds of said city for the purpose of acquiring land for public parks and parkways. ('09 c. 206 § 1)

Historical.—“An act to authorize cities in this state now or hereafter having a population of more than fifty thousand inhabitants to issue bonds for acquiring and improving lands for public parks and parkways.” Approved April 17, 1909.

Section 5 repeals inconsistent acts.

[793—]37. Same—Limit of indebtedness—Sinking fund.—The bonds authorized by section one [793—36] of 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, 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 thereon, and the common 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 sinking fund for the redemption of such bonds at their maturity. ('09 c. 206 § 2)

[793—]38. Same—Terms of bonds—How executed and sold.—No bonds shall be issued by any such city for the purposes hereinabove mentioned to run for a longer term 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 thereof and the denominations in which the same shall be issued shall be such as may be determined upon by the common 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 city comptroller of such city, and shall be sealed with the seal of such city, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon, and none of such bonds shall be sold at less than their par value and accrued interest, and then only to the highest responsible bidder therefor. ('09 c. 206 § 3)

[793—]39. Same—To what cities applicable.—This act shall not apply to any city operating under a home rule charter. ('09 c. 206 § 4)

[793—]40. **Bonds for certain bridges.**—That any city in this state now or hereafter having a population of over fifty thousand inhabitants may by ordinance adopted by a three-fourths vote of all members-elect of its common council, issue and sell bonds of such city of the par value of not to exceed one hundred and fifty thousand dollars for the purpose of constructing a bridge over and across any navigable stream which forms a part of the boundary line of such city, and the bonds provided for in this act may be issued and sold notwithstanding any charter provision of such city or any law of this state limiting the amount of indebtedness of any such city. ('05 c. 293 § 1)

Historical.—"An act to authorize any city in this state now or hereafter having a population of over 50,000 inhabitants to issue and sell its bonds for the purpose of constructing a bridge across a navigable stream forming a part of the boundary line of such city." Approved April 19, 1905.

[793—]41. **Same—Terms of bonds—How executed and sold—Sinking fund.**—No bonds shall be issued by any such city for the purpose above mentioned to run for a longer term than thirty years nor bearing a higher rate of interest than four per cent per annum, but the place of payment of the principal and interest thereof and the denomination in which the same shall be issued shall be such as may be determined upon by the common council, and may be in the form of coupon bonds or registered certificates, so called; all such bonds shall, however, be signed by the mayor, attested by the city clerk and countersigned by the comptroller of such city, and shall be sealed with the seal of the city, except 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 par value and accrued interest, and only to the highest responsible bidder therefor, upon at least ten days' published notice of invitation for bids therefor. The full faith and credit of any such city shall be pledged at all times for the payment of all bonds and the interest thereon issued under this act, and such city shall each year levy sufficient taxes to pay the annual interest on such bonds, and shall provide a sinking fund sufficient to insure the redemption and payment of said bonds at maturity. ('05 c. 293 § 2)

[793—]42. **Bonds for certain bridges in cities not under home rule charters.**—That any city in this state now or hereafter having a population of over fifty thousand inhabitants, and which has not adopted the home rule charter, may by ordinance adopted by a three-fourths vote of all members-elect of its common council, issue and sell bonds of such city of the par value of not to exceed four hundred thousand dollars, for the purpose of constructing a bridge or bridges over and across any navigable stream running through such city; the exact location of said bridge or bridges to be fixed by the common council of said city, as near as practicable, midway between the northerly and southerly line of the corporation limits of said city, and the bonds provided for in this act may be issued and sold notwithstanding any charter provision of such city, or any law of this state, limiting the amount of indebtedness of any such city. ('07 c. 283 § 1)

Historical.—"An act to authorize any city in this state now or hereafter having a population of over fifty thousand inhabitants and which has not adopted home rule charter, to issue and sell its bonds for the purpose of constructing a bridge or bridges across a navigable stream running through said city." Approved April 22, 1907.

[793—]43. **Same—Terms of bonds—How executed and sold—Sinking fund.**—No bonds shall be issued by any such city for the purposes above mentioned, to run for a longer time than thirty years, nor bearing a rate of interest greater than 4 per cent per

annum, but the place of payment of the principal and interest thereof and the denomination in which the same shall be issued, shall be such as may be determined upon by the common council, and may be in the form of coupon bonds, or registered certificates, so called. All such bonds shall, however, be signed by the mayor and attested by the city clerk, and countersigned by the comptroller of such city, and shall be sealed with the seal of the city, except 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 par value and accrued interest and only to the highest responsible bidder therefor, upon at least ten days published notice of invitation for bids therefor. The full faith and credit of any such city shall be pledged at all times for the payment of all bonds and the interest issued under this act, and such city shall each year levy sufficient taxes to pay the annual interest on such bonds, and shall provide a sinking fund sufficient to insure the redemption of said bonds at maturity. ('07 c. 283 § 2)

[793—]44. Bonds for certain bridges.—Any city in this state now or hereafter having a population of over fifty thousand inhabitants is hereby authorized and empowered by ordinance enacted by an affirmative vote of not less than two-thirds of all members elect of its common council, to issue and sell not exceeding four hundred thousand dollars, par value in and of the bonds of such city for the purpose of constructing a wagon and foot passenger bridge over any navigable stream within any such city; provided, that such bridge shall never be used by any line or lines of street railway. ('09 c. 231 § 1)

Historical.—"An act to authorize cities in this state, now or hereafter having a population of more than fifty thousand inhabitants, to issue and sell bonds for the construction of a wagon and foot passenger bridge over any navigable stream within any such city." Approved April 17, 1909.

[793—]45. Same—Limitation of debt—Sinking fund.—The bonds authorized by section 1 [793—44] of 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, 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 payment of the current interest thereon, and the common 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 sinking fund for the redemption of such bonds at their maturity. ('09 c. 231 § 2)

[793—]46. Same—Terms of bonds—How executed and sold.—No bonds shall be issued by any such city for the purposes herebefore mentioned to run for a longer period than thirty years or bearing a higher rate of interest than four (4) per cent per annum, but the place of payment of the principal and interest thereof and the denomination in which the same shall be issued shall be such as may be determined upon by the common council of such city 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 of such city, and shall be sealed with the corporate seal of such city, except 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. This act shall apply to cities now having a home rule charter adopted under and pursuant to section 36 of article 4 of the constitution of the state of Minnesota. ('09 c. 231 § 3)

[793—]47. **Bonds for certain bridges.**—That any city in the state of Minnesota now or hereafter having a population of over fifty thousand inhabitants may, by ordinance adopted by a three-fourths vote of all members elect of its common council or city council, issue and sell bonds of such city of the par value of not to exceed one hundred and fifty thousand dollars for the purpose of constructing or aiding in the construction of a bridge over and across any navigable stream which forms a part of the boundary line of such city, and the bonds provided for in this act may be issued and sold notwithstanding any charter provision of such city or any law in this state limiting the amount of indebtedness of any such city. Provided, that such bridge shall be for the exclusive use of foot passengers, wagons, carriages and other means of transportation than railways, street railways or tramways, and that it shall not be lawful for such bridge to be used or occupied by railways, street railways or tramways, whether operated by steam, electricity, animal power or power of any other kind. ('09 c. 399 § 1)

Historical.—“An act to authorize any city in this state now or hereafter having a population of over fifty thousand inhabitants to issue and sell its bonds for the purpose of constructing or aiding in the construction of a bridge across any navigable stream forming a part of the boundary line of such city for traffic other than by railways, street railways and tramways.” Approved April 22, 1909.

[793—]48. **Same—Terms of bonds—How executed and sold—Sinking fund.**—No bonds shall be issued by any such city for the purpose above mentioned to run for a longer period than thirty years, nor bearing a higher rate of interest than four per cent per annum, but the place of payment of the principal and interest thereof and the denomination in which the same shall be issued shall be such as may be determined upon 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 of such city, and shall be sealed with the seal of the city. Provided, that the signature to the coupons attached to such bonds, if any, may be lithographed thereon, and none of said bonds shall be sold at less than par value and accrued interest, and only to the highest responsible bidder therefor. The full faith and credit of any such city shall be pledged at all times for the payment of both principal and interest of any bonds issued under this act, and such city shall each year levy sufficient tax to pay the annual current interest on such bonds, and to provide a suitable sinking fund for the redemption thereof at maturity. This act shall apply to cities existing under what is known as a home rule charter framed pursuant to section 36 of article 4 of the constitution, and all acts and parts of acts inconsistent herewith are hereby repealed. ('09 c. 399 § 2)

[793—]49. **Bonds for arching creek.**—Any city in this state not operating under a home rule charter now or hereafter having a population of over fifty thousand inhabitants 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 members elect of such city council or common council, to issue and sell not to exceed \$50,000.00 par value of the bonds of such city for the purpose of arching or covering over any creek flowing in, over or across any public highway in such city. ('09 c. 397 § 1)

Historical.—“An act to authorize any city in this state not operating under a home rule charter now or hereafter having a population of over fifty thousand inhabitants to issue and sell its bonds for the purpose of arching or covering over any creek flowing in, over or across any public highway in such city.” Approved April 22, 1909.

[793—]50. Same—Limitation of debt—Sinking funds—Bonds, how executed and sold.—The bonds authorized by section 1 of this act may be issued and sold by any such city notwithstanding any limitation contained in the charter of such city or any law 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 the bonds issued under this act and for the current interest thereon, and the city council or common 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 sinking fund for the redemption of such bonds at their maturity. No bonds shall be issued by any such city for the purposes hereinabove mentioned to run for a longer term than thirty years or bearing a higher rate of interest than four (4) per cent, payable semi-annually, but the place of payment of the principal and interest thereof and the denominations in which the same shall be issued shall be such as may be determined upon by the city council or common 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 city comptroller of such city and shall be sealed with the seal of such city, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon, and none of such bonds shall be sold at less than their par value and accrued interest, and then only to the highest responsible bidder therefor. ('09 c. 397 § 2)

[793—]51. Bonds for engine houses and fire department.—Any city in this state now or hereafter having a population of over 50,000 inhabitants is hereby authorized and empowered, acting by and through the common council or city council of such city, by ordinance duly enacted by an affirmative vote of not less than three-fourths of all members elect of such common council or city council, to issue and sell not exceeding one hundred thousand dollars par value in and of the bonds of such city for the purpose of acquiring sites therefor and for the construction and equipment of new fire engine houses and for acquiring additional equipment for the fire department of such city. ('07 c. 287 § 1)

Historical.—“An act to authorize any city in this state now or hereafter having a population of over 50,000 inhabitants to issue and sell bonds for the purpose of acquiring sites and construction of new fire engine houses and acquiring new equipment for its fire department.” Approved April 22, 1907.

Section 4 repeals inconsistent acts. See, also, Laws 1909, c. 370, cited, p. 191.

[793—]52. Same—Limit of debt—Sinking fund.—The bonds authorized by section one [793-51] of 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, but the full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued hereunder, and for the current interest thereon, 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 as it accrues and for the accumulation of a sinking fund for the redemption of such bonds at their maturity. ('07 c. 287 § 2)

[793—]53. Same—Terms of bonds—How executed and sold.—No bonds shall be issued by any such city, under this act, for the purposes hereinbefore named to run for a longer term than thirty years, or bearing a higher rate of interest than 4 per cent per annum, but the place of payment of the principal and interest thereof and the form and denominations in which the same shall be issued shall

be such as may be determined by the common council or city council, and the same 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 city comptroller, and shall be sealed with the seal of such city, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon, and none of such bonds shall be sold for less than their par value and accrued interest, and then only to the highest responsible bidder therefor. ('07 c. 287 § 3)

[793—]54. Bonds for central police stations.—Any city in this state now or hereafter having a population of over 50,000 inhabitants, in addition to all the powers now possessed by such city, is hereby authorized and empowered, acting by and through the common council of such city, by ordinance duly enacted by an affirmative vote of not less than two-thirds of all members elect of such common council, to issue and sell not exceeding one hundred thousand dollars par value in and of the bonds of such city for the purpose of aiding in defraying the expense of constructing a building to be used as and for a central police station in such city. ('07 c. 413 § 1)

Historical.—“An act to authorize cities in the state of Minnesota now or hereafter having a population of over 50,000 inhabitants, to issue and sell bonds for the purpose of aiding in the construction of buildings to be used for central police stations.” Approved April 25, 1907.

Section 4 repeals inconsistent acts. See, also, Laws 1909, c. 213, cited, p. 191.

[793—]55. Same—Sale of bonds.—The bonds authorized by section one [793—54] of 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. ('07 c. 413 § 2)

[793—]56. Same—Terms of bonds—How executed and sold.—No bonds shall be issued by any such city for the purposes hereinabove mentioned to run for a longer term than thirty years, or bearing a higher rate of interest than four per cent per annum, 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 upon 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, 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, except 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. ('07 c. 413 § 3)

[793—]57. Bonds for streets leading to state buildings, etc.—Any city in this state now or hereafter having a population of over fifty thousand inhabitants is hereby authorized and empowered, acting by and through its common council, by ordinance duly enacted by an affirmative vote of not less than three-fourths of all members elect thereof, to issue and sell not exceeding one million dollars par value in and of the bonds of such city to aid in defraying the expense of acquiring lands for one or more streets, not exceed-

ing two hundred feet in width, leading to a state building or state institution in such city. ('07 c. 271 § 1)

Historical.—"An act to authorize cities now or hereafter having a population of over fifty thousand inhabitants to issue and sell bonds to aid in defraying the expenses of acquiring lands for one or more streets not exceeding two hundred feet in width, leading to state buildings or state institutions in such cities." Approved April 22, 1907.

Section 5 repeals inconsistent acts.

[793—]58. **Same—Limit of debt—Sinking fund.**—The bonds authorized by section one [793—57] of 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, but the full faith and credit of such city shall at all times be pledged for the payment of any bonds issued under this act and for the current interest thereon, and the common council of such city shall each year include in the tax levy for such city a tax of at least one-half of one mill on the dollar of all taxable property in such city to provide for the payment of such interest and for the accumulation of a sinking fund for the redemption of such bonds at their maturity. ('07 c. 271 § 2)

[793—]59. **Same—Terms of bonds—How executed and sold.**—No bonds shall be issued by any such city for the purposes hereinbefore mentioned to run for a longer term than thirty years nor bearing a higher rate of interest than four per cent per annum, but the place of payment of the principal and interest thereof and the denominations in which the same shall be issued may be such as the common council shall prescribe, 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 city comptroller and shall be sealed with the seal of such city, except that 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 thereof. ('07 c. 271 § 3)

[793—]60. **Same—Regulating traffic, etc.—Opening streets.**—When any street of the character herein contemplated is acquired by any such city, it shall have the power and authority to exclude therefrom all street cars, street car tracks, poles, over-head wires, heavy teaming and heavily loaded vehicles. When the land for any such street is acquired by the city, the same may be opened, graded and improved by such city without the presentation to it of a petition from the owners of any adjoining or abutting property. ('07 c. 271 § 4)

[793—]61. **Bonds for water and light plants—Curative.**—All bonds bearing interest at a rate not exceeding four per cent per annum, payable semi-annually, heretofore legally authorized by any city of this state having a population of over fifty thousand inhabitants for the purpose of extending and improving any water and light plant of any such city, may be sold at less than par and accrued interest, and if any such bonds have been so sold such sale is hereby validated and confirmed and the said bonds whenever issued are hereby declared to be legal and binding obligations of the city issuing the same. ('07 c. 147)

Historical.—"An act to validate the sale of bonds, legally authorized by any city of this state having a population of over fifty thousand inhabitants for the purpose of extending and improving any water and light plant of any such city, at less than par, in certain cases." Approved April 11, 1907.

[793—]61a. **Bonds for refundments of over-assessments.**—Any city in this state now or hereafter having a population of over fifty thousand inhabitants 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 members elect of such city council or common council, to issue and sell not to exceed \$100,000 par value of the bonds of such city, for the purpose of making refundments on over-assessments heretofore made for local improvements in such city, all in accordance with section 772, chapter 9, of the Revised Laws of Minnesota for 1905. ('09 c. 284 § 1)

Historical.—"An act to authorize any city in this state, now or hereafter having a population of over fifty thousand inhabitants, to issue and sell its bonds for the purpose of making refundments on over-assessments heretofore made for local improvements, all in accordance with section 772, chapter 9, of the Revised Laws of Minnesota for 1905." Approved April 20, 1909.

[793—]61b. **Same—Limit of debt—Sinking fund—Terms of bonds.—How executed and sold.**—The bonds authorized by section 1 [793-61a] of this act 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, but the full faith and credit of any such city shall at all times be pledged for the payment of the bonds issued under this act and for the current interest thereon, and the city council or common 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 sinking fund for the redemption of such bonds at their maturity. No bonds shall be issued by any such city for the purposes hereinabove mentioned to run for a longer term than thirty years or bearing a higher rate of interest than 4 per cent, payable semi-annually, but the place of payment of the principal and interest thereof and the denominations in which the same shall be issued shall be such as may be determined upon by the city council or common 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 city comptroller of such city and shall be sealed with the seal of such city, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon, and none of such bonds shall be sold at less than their par value and accrued interest, and then only to the highest responsible bidder therefor. ('09 c. 284 § 2)

POWER OF CITIES OF THIRD CLASS TO ISSUE BONDS FOR CERTAIN PURPOSES.

[793—]62. **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)

Historical.—"An act to authorize and empower cities in this state having a population of not less than ten thousand nor more than twenty thousand inhabitants to construct, erect, purchase or otherwise acquire water works, and to issue bonds for such purpose." Approved April 4, 1905.

[793—]63. **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)

[793—]64. 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)

[793—]65. 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)

[793—]66. **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)

[793—]67. **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)

[793—]68. **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)

[793—]69. **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 into until after said city council, or other governing body, shall cause an advertisement for sealed bids for the performance of such contract to be published by the city clerk or recorder thereof, at least once in each week for three successive weeks, in a daily newspaper published in said city, if one there be; if there be none, then once in each week for three successive weeks in a weekly newspaper published in said city, and also once in each week for three successive weeks in a daily newspaper published in St. Paul or Minneapolis. The council, or other governing body, shall have authority to prescribe such terms and conditions relative to the making of such bonds for such contract and relative to the security which each bidder shall be required to make or deposit with such bid, as to such council shall seem expedient and proper, and shall have authority to reject any and all bids; but no such contract to purchase or construct shall be valid unless, either prior to the making thereof or thereafter, in case bonds are required to be issued to pay for such water works, a majority of the legal voters of such city shall vote in favor of the issuance of such bonds, as hereinbefore provided. ('05 c. 105 § 8)

[793—]70. Repairing and rebuilding bridges—Bonds—Limit of amount.—Whenever any city in this state, now or hereafter having a population of not less than ten thousand nor more than twenty thousand inhabitants according to the then last preceding official national or state census, has, by authority of law, constructed, built, purchased or otherwise lawfully acquired any bridge across any navigable stream either wholly within the limits of any such city or partially within and partially without the limits of said city, or partly within the limits of said city and connecting with and partly within any state bordering upon the State of Minnesota, every such city shall have the power and authority to repair, reconstruct and rebuild from time to time any such bridge, whenever the same may be determined to be necessary by a two-thirds vote of all the members of the city council, or other governing body of such city, and every such city is hereby authorized to issue its bonds in the manner hereinafter specified for any or all of the purposes aforesaid, provided that the amount of bonds issued by authority of this act shall not exceed two per cent of the assessed valuation of the taxable property of such city, according to the then last preceding equalized valuation thereof as determined by the state board of equalization. ('05 c. 170 § 1)

Historical.—"An act to authorize cities in this state having a population of not less than ten thousand and not more than twenty thousand inhabitants to repair, reconstruct and rebuild bridges, and to issue bonds for such purposes." Approved April 13, 1905.

[793—]71. Same—Tax levy—Sinking fund.—Every 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 paying the interest upon bonds so issued and of creating a sinking fund to pay such bonds as they mature, said sinking fund to be known as the bridge bond sinking fund, until the bonded indebtedness hereby authorized shall be extinguished, and such sinking fund shall not be diverted to or used for any other purpose. ('05 c. 170 § 2)

[793—]72. Same—Not to exceed cost.—No bonds shall be issued hereunder by any city for any sum in excess of the actual cost or contract price of repairing, reconstructing or rebuilding any such bridge. ('05 c. 170 § 3)

[793—]73. **Same—Contract for repair or rebuilding where contract exceeds \$500.**—Any such city is hereby authorized and empowered, by a two-thirds vote of the common council or other governing body thereof, to contract on behalf of said city for the repairing, reconstruction or rebuilding of any such bridge, and provide for the payment thereof on such terms and at such times as to such council, or other governing body, shall seem proper. Provided, however, that no such contract providing for any expenditure in excess of \$500 shall be entered into unless the resolution authorizing the same shall be first approved by the mayor of such city or adopted by three-fourths vote of the city council or other governing body when not approved by such mayor and an advertisement for sealed bids for the performance of such contract shall be first published by the clerk or recorder of such city at least once in each week for three successive weeks in the official newspaper of such city. The council, or other governing body, shall have authority to prescribe such terms and conditions relative to the making of such bids for such contract and relative to the security which each bidder shall be required to make or deposit with such bid, as to such council, or other governing body, shall seem expedient and proper, and shall have authority to reject any and all bids. ('05 c. 170 § 4)

[793—]74. **Same—Terms of 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 two-thirds of all the members of the city council, or other governing body of such city, and shall be issued in such denominations and shall be payable at such times and at such place or places and in such installments as may be provided in such ordinance or resolution, and shall bear interest at not to exceed four per cent per annum, which shall be evidenced by coupons attached to such bonds, and such 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 mayor and 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 one there be in such city; if not, then in a weekly newspaper in such city, and also in a daily newspaper published in the city of St. Paul. A failure to publish said notices, however, shall not invalidate such bonds. ('05 c. 170 § 5)

[793—]75. **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 or purposes shall be distinctly set forth in the ordinance or resolution authorizing the same. ('05 c. 170 § 6)

[793—]76. **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 pledged to the full payment of all such bonds and interest. ('05 c. 170 § 7)

POWER OF CITIES OF FOURTH CLASS TO ISSUE BONDS FOR CERTAIN PURPOSES.

The following acts, empowering cities of the fourth class to issue bonds for certain purposes, expressly limit the time within which the power may be exercised, and have not been included, viz.:

Laws 1905, c. 20 (approved March 2, 1905), authorizing the issue of bonds for the purpose of taking up floating indebtedness existing at the date of the passage and approval of the act, the provisions of which must be availed of within six months thereafter.

Laws 1907, c. 62 (approved March 25, 1907), authorizing the issue of bonds for the same purpose as the foregoing, and limited to eight months from its passage and approval.

Laws 1905, c. 28, authorizing cities having less than 2,500 inhabitants to issue bonds for waterworks and electric light plants, and providing that such bonds shall be issued prior to January 1, 1906.

The following, also, has not been included, viz.: "An act to legalize certain floating indebtedness of cities of ten thousand inhabitants or less, and to authorize the issue of bonds with which to pay the same." Approved April 12, 1905 (Laws 1905, c. 152). Section 1 of said act validates orders theretofore issued for certain purposes, and declares them to be lawful floating indebtedness.

[793—]77. Bonds for water works or light plants—Works or plant, how acquired—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 and 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. (Laws 1905, c. 334, § 1, as amended by Laws 1907, c. 59.)

Historical.—"An act to authorize and empower all cities in this state, however organized, having a population of 10,000 inhabitants or less to issue bonds and dispose of the same, and to use the same or the proceeds thereof for the purpose of purchasing waterworks or light plants already in existence or for the purpose of constructing, extending, enlarging, improving, or purchasing municipal waterworks or light plants or either or all thereof." Approved April 19, 1905, as amended by Laws 1907, c. 59.

[793—]78. Same—Submission to voters—Notice of election.—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 its proceedings, that it is necessary either to purchase 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 seven 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 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. ('05 c. 334 § 2)

[793—]79. Same—Ballots—Votes, how cast, 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 mark 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. ('05 c. 334 § 3)

[793—]80. Same—Bonds, how issued—Proceeds, how used.—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 [793—78] of this act shall specify, but not otherwise. ('05 c. 334 § 4)

[793—]81. Same—Terms of bonds—How executed.—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 the 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 council may deem best, and shall draw interest payable semi-annually, at such place as the city council may deter-

mine, 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. (Laws 1905, c. 334, § 5, as amended by Laws 1907, c. 178, § 1.)

[793—]82. Same—How sold, etc.—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 hereof, and such purpose shall be again distinctly stated in said resolution of said council authorizing the issuance thereof. ('05 c. 334 § 6)

[793—]83. Same—First lien on works or plant.—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 purchased 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. ('05 c. 334 § 7)

[793—]84. Bonds for water works—Power to acquire plant.—In addition to the rights and powers heretofore granted by law to the several cities of the state of Minnesota, which rights and powers shall not be abridged or affected by this act, there is hereby granted to all cities that are or may be hereafter organized within the state of Minnesota, having a population of ten thousand inhabitants, or less, according to the last officially promulgated state or United States census, the right and power to issue bonds for the purpose of installing, purchasing or otherwise acquiring a system of water works, and constructing, enlarging, extending and improving such water works, now owned by any such city or acquired under this act, and such cities are hereby authorized and empowered, subject to the approval of the legal voters of such city as is hereinafter provided, to purchase, acquire, install and construct any such water works system and plant and extend, enlarge and improve the same. ('07 c. 67 § 1)

Historical.—"An act to authorize cities having a population of ten thousand inhabitants or less, to purchase, acquire, install, construct, extend and improve waterworks and to issue bonds for such purpose." Approved March 27, 1907.

[793—]85. Same—Submission to voters—Limit of issue—Terms—How executed and sold.—The bonds of any city issued pursuant to the terms of this act may be issued from time to time by a majority vote of the electors of such city, as hereinafter provided, but the total amount of such bonds outstanding shall not at any time exceed in the aggregate the sum of fifty thousand dollars. All bonds authorized by this act shall run not more than thirty years from the date of issuance, bearing interest at not more than five per cent per annum, principal and interest payable at such time and place as may be fixed by the common council of such city, such bonds to be sealed with the seal of the city issuing them and signed by the mayor and attested by the clerk or recorder and countersigned by the comptroller, if there be one, and shall

be sold at not less than par value and accrued interest to the highest responsible bidder, after notice published once in each week for two successive weeks in a daily paper, if one there be, if not, then in a weekly paper in the city where such bonds are to be issued, and also in a daily paper published in the city of St. Paul. A failure to publish said notice, however, shall not invalidate said bonds. ('07 c. 67 § 2)

[793—]86. **Same—Election.**—Bonds issued under or pursuant to the provisions of this act shall be so issued only when authorized by the voters of such city at a general or special election called for that purpose in the manner hereinafter provided. ('07 c. 67 § 3)

[793—]87. **Same—Notice—Resolution—Ballots—Proceeds, how used.**—All elections provided for in this act shall be called and conducted in the manner prescribed for municipal elections in such cities and the notices of election shall contain a statement of the amounts and purposes for which such bonds are proposed to be issued with the date of their maturity and the rate of interest they shall bear. All elections provided for in this act may be called by resolution of the common council, passed by a majority vote of all members thereof, which resolution shall distinctly state the purpose of the election and the question to be submitted to the vote of the people. The ballot to be voted at all elections under this act may read as follows: "In favor of the proposition of issuing water works bonds to the extent of \$., Yes,, No." Those voting for such proposition shall mark a cross (X) opposite the word "Yes," and those against such proposition shall mark a cross (X) opposite the word "No" on said ballot in a space provided for that purpose. If a majority of votes cast at any such election shall be in favor of issuing the kind and amount of bonds designated in the ballot, the city voting in favor thereof, through its proper officers without further act is authorized to issue such bonds to the amount voted and to issue and sell the same. The votes cast at such election shall be counted, returned and canvassed the same as at any other municipal elections and the result certified to the clerk or recorder by the canvassing board. It shall be the duty of the common council to expend the moneys derived from the sale of said bonds in accordance with the directions of the voters as shown by said election. None of the proceeds of any of the bonds issued pursuant to the provisions of this chapter shall be used, or any part thereof, for any purpose except such as is designated in the resolution and vote of the electors cast at any election authorizing the issuance of said bonds and any member of the common council or officer of said city who shall vote for or in any manner participate in the appropriation or expenditure of any of the proceeds of any of such bonds for any other purpose shall be deemed guilty of a misdemeanor and punished as by law provided. ('07 c. 67 § 4)

[793—]88. **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 indebtedness of any city, and the bonds provided for in this act may be issued without regard to the indebtedness of any such city. ('07 c. 67 § 5)

[793—]89. **Same—Not to apply to cities under home rule charters.**—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. ('07 c. 67 § 6)

[793—]90. Bonds for water works.—That in addition to the powers heretofore granted by law, all cities in the state of Minnesota at any time having a population of less than ten thousand inhabitants, according to the last officially promulgated United States census, are hereby authorized and empowered to issue and sell bonds for the purpose of purchasing waterworks or extending waterworks. ('09 c. 205 § 1)

Historical.—“An act authorizing cities having a population of less than ten thousand inhabitants to issue bonds for water works purposes.” Approved April 17, 1909.

[793—]91. Same—Power of council—Terms of bonds, etc.—The bonds hereby authorized shall be ordered to be issued by an ordinance duly passed by the council of such city. All bonds issued under the authority of this act, shall become due not later than thirty years after date and bear interest at not exceeding five per centum per annum, payable semi-annually. Such bonds shall be signed by the mayor, attested by the city clerk or recorder with the seal of the city thereto affixed, and the coupon evidencing the interest upon such bonds may be executed with the fac-simile signatures of said officers. ('09 c. 205 § 2)

[793—]92. Same—No election unless petition—Submission to voters.—No election shall be required before the issuance of said bonds unless a petition signed by not less than three citizens of any such city, asking for the submission of the question of the issuance of said bonds shall be filed with the city clerk or recorder within twenty days after the ordinance directing the issuance of the bonds is published in the official newspaper, and in the event a petition shall be so filed asking for the submission of the question, the city council shall call a special election for the submission of the question of the issuance of such bonds to the voters of said city, giving at least fifteen days' notice thereof, in which shall be stated the polling places, the amount of bonds proposed to be issued and the purpose of issue, which said notice shall be published at least twice in the official newspaper. Whenever such petition signed by three citizens as aforesaid is filed with the city clerk or recorder, as required under and by this section 3 [793—92] and in that event the question of the issuance of such bonds shall be submitted to the vote of the people of such city, and unless so submitted such bonds shall be void and of no force. ('09 c. 205 § 3)

[793—]93. Same—Limit of issue.—No bonds in excess of eighty thousand dollars shall be issued under the authority of this act. ('09 c. 205 § 4)

[793—]94. Same—Tax levy—Sinking fund.—Every city issuing bonds under the authority of this act is hereby required to annually levy taxes upon all the taxable property in such city sufficient to pay the interest on such bonds and to provide a sinking fund for the payment of the principal of such bonds at maturity. ('09 c. 205 § 5)

[793—]95. Waterworks bonds—Curative.—That in case where the electors of any incorporated city of the fourth class in this state shall at any general or special election therein have heretofore voted for the issuance of bonds of such city for the purpose of providing the necessary funds for the construction, improvement, rebuilding, extension and maintenance of a water plant or system in and for said city and for acquiring and paying for real estate for a site in connection with such plant, and for purchasing a fire engine, chemical engine or other fire apparatus, or for any one, or part

or all of said purposes, then in every such case all bonds of such city which have been so voted and issued, or which have been so voted and shall hereafter be issued, in pursuance of such election, are hereby declared to be the legal, valid and binding obligations of said city; provided, however, that the proposition or propositions to issue said bonds received a majority of all votes cast thereon at said election; and provided further, that this act shall not apply to any suit now pending involving the legality of any bonds so issued. ('09 c. 35 § 1)

Historical.—"An act to legalize bonds heretofore voted and issued or voted and to be hereafter issued by any city of the fourth class for the purpose of providing funds for the construction, improvement, rebuilding, extension and maintenance of a water plant or system in and for said city, and for acquiring and paying for real estate for a site in connection with such plant, and for purchasing a fire engine, chemical engine or other fire apparatus, or for any one or part or all of such purposes." Approved March 1, 1909.

[793—]96. Bonds in aid of steam and electric railroads—Limit of amount—Submission to voters—Ballots.—The common council of any city in this state, of the fourth class is hereby authorized and empowered to issue, negotiate and dispose of the bonds of such city in a sum not exceeding thirty thousand dollars, and not exceeding the limitations hereinafter provided, for the purpose of aiding the construction of any steam or electric railroad which may originate, pass through or terminate in such city. Such bonds to be in denominations of from one hundred to one thousand dollars. Provided, that such bonds shall bear interest at a rate not exceeding six per cent and shall not be negotiated or disposed of at less than par value, nor until the road or roads in the aid of which they are issued shall be actually constructed from such city to some point of connection with a railroad giving an outlet, or connecting such city with another city or cities of the same or higher class. But when the permanent survey has been made such bonds may be issued and placed in escrow to be negotiated and disposed of only as hereinbefore provided. Provided further, that no bonds shall be issued, under the authority of this act, which taken together with the other legal indebtedness of any such city, as such indebtedness is defined by the General Laws of this state, will cause the total indebtedness to exceed ten per cent of the assessed valuation of the taxable property of such city. Provided further, that no such bonds shall be issued under the authority of this act until the following requirements have been fully complied with.

(1) That the common council of such city has, at a regular meeting thereof, determined by resolution, duly adopted by a majority vote of its members, entered upon the minutes of its proceedings, that it will issue the bonds of said city to aid a certain steam or electric railroad therein named and described, in an amount not exceeding a certain sum therein specified upon an approval of such action by the legal voters of such city; that the funds of such city available therefor are not sufficient; that in order to render such aid it will be necessary to issue bonds of such city in such amount as therein specified; that an election will be held at a time and place therein specified, to determine upon such bond issue, and notice thereof given reciting the time and place of the election, the amount and purpose of such bond issue and the interest thereon.

(2) That a majority of the legal voters voting at a general or special election, of which such notice has been given both by publication and posting, the former by publishing once in all of the newspapers published in such city, and the latter by posting in three conspicuous places in each ward in such city at least ten days before such election, shall vote in favor of said bond issue. Such election to be conducted and returns made as provided for the holding of general or special elections, as the case may be, by

law or the charter of such city. The vote at such election shall be by ballot prepared by the city authorities and shall be substantially in form as follows:

Shall the city of issue its bonds in the sum of \$..... with interest at a rate not exceeding per cent per annum, for the purpose of aiding the construction of a railroad, which is to originate, pass through or terminate in said city. Designate your choice by marking an "X" opposite the word "Yes" if you vote for the bond issue, or opposite the word "No" if you vote against the bond issue.

In favor of issuing bonds	Yes	
Against issuing bonds	No	

('07 c. 244)

Historical.—"An act to authorize and empower cities in this state, of the fourth class, to issue bonds under certain circumstances and subject to certain provisions, for the purpose of aiding in the construction of steam and electric railroads." Approved April 19, 1907.

[793—]97. **Bonds for sewerage and drainage system and other purposes in cities under home rule charters—Curative.**—That in case where the electors of any incorporated city of the fourth-class in this state, governed by a "Home Rule Charter," shall have heretofore voted for an ordinance or ordinances providing for the issuance of bonds, or has issued bonds of the city to raise money for the purpose of constructing and improving a sewerage and drainage system, or extending, enlarging and improving the electric light or water works system, or the acquiring of a site and the building upon the same a city hall or jail or the establishment of a permanent improvement revolving fund, which bonds, so voted or issued, or the ordinance or ordinances providing for the issuance of said bonds, purporting to have been issued or voted upon, and the election held pursuant to the provisions of the charter, but the ordinance or ordinances providing for the issuance of bonds containing a provision that the election is held under and in accordance with the provisions of said charter and the laws of Minnesota are hereby declared to be, when issued or sold, legal and binding obligations of said city; providing the proposition to issue said bonds receive a majority of all votes cast upon the proposition or propositions to issue said bonds at the election when said proposition or propositions were voted on, but this act does not apply to any suit now pending involving the legality of any bonds so issued. ('07 c. 6 § 1)

Historical.—"An act to legalize bonds heretofore voted or issued by cities of the fourth-class under a 'home rule charter,' and purporting to have been issued or voted pursuant to the provisions of said charter." Approved January 30, 1907.

[793—]98. **Bonds for city hall or jail—Curative.**—That in case where the electors of any incorporated city of the fourth class in this state, governed by a "Home Rule Charter," shall have heretofore voted for an ordinance providing for the issuance of bonds of the city to raise money for the purpose of erecting and constructing a city hall, or city jail, and whenever by the terms of any "Home Rule Charter" it shall not be perfectly clear whether or not the city has power to borrow money for these purposes, but for which purposes it is permitted to borrow money or issue bonds or vote upon an ordinance providing for the issuance of bonds under the General Laws of the State of Minnesota, and bonds or an ordi-

nance providing for the issuance of bonds for such purposes have been actually voted upon by the electors of such city; such bonds so issued or any ordinance providing for the issuance of such bonds are hereby declared to be when issued or sold, legal and valid obligations of said city, provided the proposition to issue said bonds received a majority of all votes cast upon the proposition to issue said bonds at the election where such proposition was voted on. Provided, further, the ordinance for the issuance of such bonds contains a provision that such bonds are issued according to the provisions of the charter of said city and the laws of the State of Minnesota. But this act does not apply to any suit now pending involving the legality of any bonds so issued. ('07 c. 7 § 1)

Historical.—"An act to legalize bonds, heretofore voted or issued by cities of the fourth-class under a 'home rule charter,' and purporting to have been issued or voted pursuant to the provisions of said charter and the statutes of the state of Minnesota and for purposes permitted by the statutes." Approved January 30, 1907.

[793—]99. **Bonds for payment of bonded and floating indebtedness, streets, etc.—Curative.**—That in all cases where in any city of the fourth class in this state, the question of issuing the bonds of such city for the purpose of paying up the bonded and floating indebtedness of such city and for the construction of streets, street crossings and drains in said city, has been submitted to the voters of such city at a general election held therein, and a majority of the voters of such city voting at such general election have voted in favor of the issuance of such bonds, and the issue of such bonds does not increase the indebtedness of such city beyond the limit allowed by law, and such bonds have been issued by the proper officers of said city and under its seal and have been negotiated and sold for not less than par, and bear interest at a rate not exceeding the rate allowed by law for such bonds, then and in such case the bonds so issued are hereby declared to be the valid and binding obligations of such city, notwithstanding any error, omission or irregularity in the notice of the general election at which said bonds were voted, or any other error, omission or irregularity in the calling or holding of said election or in the issuance of said bonds. ('07 c. 64 § 1)

Historical.—"An act to legalize bonds issued by cities in certain cases." Approved March 27, 1907.

[793—]100. **Same—Vested rights, etc.**—This act shall not affect vested rights, nor any action now pending. ('07 c. 64 § 2)

POWER OF VILLAGES TO ISSUE BONDS FOR CERTAIN PURPOSES.

[793—]101. **Bonds for refunding floating indebtedness—Limit of debt.**—Any village in this state having a floating indebtedness may issue the bonds of such village for the purpose of refunding such indebtedness in the manner hereinafter provided; but no such bonds shall be issued or sold by said village, which, with bonds already issued, shall exceed fifteen per cent of the assessed valuation of real estate of said village. Such bonds shall bear interest at a rate not to exceed six per cent per annum, payable annually or semi-annually, as may be determined by said village council, and may run for a period not exceeding fifteen years. Such bonds shall not be sold for less than their par value and the proceeds thereof shall be used exclusively for the payment of such outstanding floating indebtedness of said village. ('05 c. 123 § 1)

Historical.—"An act to authorize villages to issue bonds for the purpose of refunding their floating indebtedness." Approved April 7, 1905.

[793—]102. Same — Submission to voters — Ballots.—Before bonds shall be issued pursuant to section one [793—101] of this act, the village council, by resolution duly passed and recorded, shall authorize the issuance thereof, subject to the approval of the legal voters of said village, and by such resolution the village council shall determine the amount of bonds to be issued, the rate of interest which they bear and the time of their maturity, and shall fix a time, either at the annual village election or a special election to be called for that purpose, when the voters of such village shall vote upon the question of the issuance of such bonds. The form of ballot therefor shall be as follows:

Shall the village of _____ issue its bonds in the sum of \$_____, bearing interest at the rate of _____ per cent per annum, maturing _____ years after date hereof, pursuant to resolutions of the village council passed on the _____ day of _____, 190—.	Yes	No
	Ballot. Form of	

Voters who desire to vote for the issuance of such bonds shall place a cross (X) opposite the word "Yes" on said ballot, and those who desire to vote against the issuance of such bonds shall place a cross (X) opposite the word "No" on said ballot. The said election shall be conducted, and the votes cast thereat shall be canvassed and counted, and the result thereof certified in like manner as in the case of an election for village officers. If five-eighths of the voters who vote upon said question shall vote for the issuance of said bonds then the same shall be issued by said council and sold, but not otherwise. ('05 c. 123 § 2)

[793—]103. Bonds issued upon defective notice—Curative.—In all cases in this state, where during the year 1894, an incorporated village issued, sold and delivered its bonds, for value, and where, before said bonds were issued, the village council of said village gave notice that said council would receive bids for the sale of such bonds, at a time and place mentioned in said notice, as provided for in section five, in chapter two hundred of the Laws of Minnesota for the year 1893, by publishing said notice once in each week for three consecutive weeks in a daily newspaper printed and published at the capital of this state and in two weekly newspapers printed and published in the county where said bonds were issued and that twenty-one days had not elapsed from the date of the first publication thereof to the time when such council received bids for the sale of such bonds, and if all other steps and proceedings up to the issuance of said bonds are regular, said notice and bonds sold and issued in such case are hereby legalized and declared to be valid and legal for all purposes, the same as if the notice was given for three full weeks, as provided for in section five, chapter two hundred, Laws of 1893. Provided, however, this act shall not apply to any case now pending in the courts of this state. ('05 c. 111 § 1)

Historical.—"An act to legalize bonds issued by villages in certain cases." Approved April 5, 1905.

[793—]104. Evidences of indebtedness for electric light plant or waterworks—Curative.—That in all cases where after authorization given by the voters thereof, as provided by law, any village in this state has purchased an electric light plant or constructed a waterworks plant, and has paid therefor in whole or in part by issuing its orders or other evidences of indebtedness to defray the cost thereof, all such orders and other evidences of indebtedness are hereby validated and legalized. ('07 c. 306 § 1)

Historical.—"An act to legalize the action of any village in this state which has heretofore issued its orders or other evidences of indebtedness to defray the

cost of purchasing an electric light plant or of the construction of a waterworks plant." Approved April 22, 1907.

[793—]105. **Same—Pending actions.**—This act shall not affect any action or proceeding now pending. ('07 c. 306 § 2)

[793—]106. **Orders on account of waterworks or electric light plant—Curative—Bonds.**—Any and all orders heretofore issued by any village in this state for the following purpose or either thereof, to-wit: in payment of the cost in whole or in part of constructing village waterworks or electric light plant or both combined or for the enlargement, improvement, repair or maintenance thereof, which said orders are still outstanding and unpaid, are hereby declared to be lawful floating indebtedness of said village and may be funded by issuing and negotiating the bonds of said village; provided, however, that the question of taking up such indebtedness by an issue of such bonds, shall be submitted to the vote of the people of such village in 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 \$15,000.00, 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 specific percentage of the taxable property in such village, to the contrary notwithstanding. ('09 c. 227 § 1)

Historical.—"An act legalizing certain floating indebtedness of villages and authorizing the issue of bonds with which to fund the same;" Approved April 17, 1909.

[793—]107. **Same—Terms of bonds—Tax levy, etc.**—That such bonds may, at the option of the village council of said village, be issued in the form of coupon bonds or registered bonds, same to be determined by resolution of the village council of said village, setting forth therein the amount of the issue, the denomination and rate of interest, and the date, place and method of payment of principal and interest. Provided, that in case any bonds, so issued and sold, be registered, the county auditor of the county in which said village is situated, shall each year thereafter until such bonds and interest are paid, make an annual tax levy for the payment of principal and interest on account of such bonds as the same shall mature. Such tax levy shall be for an amount thirty per cent in excess of the sum to be paid therefrom. When collected, so much of said tax as may be necessary, shall be applied in payment of the principal and interest due on account of said bonds, the remainder shall be credited to the general fund of the municipality. The proceeds from the sale of any such bonds shall be paid over to the village treasurer to be used by him in carrying out the provisions of this act. Any and all surplus shall become a part of the general fund of the municipality. ('09 c. 227 § 2)

[793—]108. **Same—Provisions applicable.**—The provisions of chapter 10, Revised Laws of 1905, shall apply to and govern the issuance of any such bonds herein provided for except as modified in this act. ('09 c. 227 § 3)

[793—]109. **Refunding bonds—Curative.**—That in case where the electors of any incorporated village in this state at any general or special election therein have heretofore voted for an issuance of bonds of such village for the purposes of refunding its floating indebtedness, then in every such case all bonds of such village which have been so voted and issued, or which have been so voted and shall hereafter be issued in pursuance to such election, are hereby declared to be legal, valid and binding obligations of said village; provided, however, that the proposition or propositions to issue said bonds receive a majority of all votes cast thereon at said election; and provided further, that this act shall not apply to any suit

now pending involving the legality of any bonds so issued. ('09 c. 166 § 1)

Historical.—"An act to legalize bonds issued or voted by villages for the purpose of refunding their floating indebtedness." Approved April 5, 1909.

POWER OF COUNTIES TO ISSUE BONDS FOR CERTAIN PURPOSES.

The following acts, empowering counties to issue bonds for certain purposes, expressly limit the time within which the power may be exercised, and have not been included, viz.:

Laws 1905, c. 23, authorizing the issue of bonds for the building of a court-house, and providing that they must be issued and sold prior to September 1, 1905.

Laws 1905, c. 65, authorizing the issue of refunding bonds in certain cases prior to January 1, 1906.

Laws 1907, c. 461, authorizing the issue by certain counties of refunding bonds in certain cases prior to January 1, 1908.

The following, also, has been omitted, viz.: "An act providing for the issuance of interest-bearing certificates of indebtedness to aid in the erection, construction and furnishing of a court house, county jail and other county buildings, or either or any of them, in counties in this state having property of an assessed valuation of not less than \$100,000,000, and having a bonded indebtedness of not more than \$700,000." Approved April 7, 1907 (Laws 1907, c. 130). Section 1 of said act authorizes the county board of any such county "to borrow moneys sufficient in their judgment to complete, erect and furnish a court house, jail and other county buildings previously duly authorized, * * * not exceeding \$600,000, * * * in addition to other moneys available for that purpose, * * * and for such purpose to issue interest-bearing certificates of indebtedness."

Laws 1907, c. 130, is constitutional. *Wall v. St. Louis County*, 105 Minn. 403, 117 N. W. 611.

[793—]110. Bonds for building court house—Limit of amount.

—The board of county commissioners of any county of the State of Minnesota which does not already own a county court house, is hereby authorized and empowered to issue the bonds of said county to such an amount as, in its judgment, may be necessary, but not exceeding one per cent of the assessed valuation of its real and personal property, as fixed by the last preceding assessment for general taxation, for the purpose of building a county court house in said county. ('05 c. 175 § 1)

Historical.—"An act to authorize the board of county commissioners of any county not already owning a county court house, to issue its bonds, and to use the proceeds thereof for the building of a county court house." Approved April 14, 1905.

[793—]111. **Same—Terms.**—The said bonds shall be in such sums as the board of county commissioners shall determine, and shall bear interest at a rate, not exceeding six per cent per annum, payable semi-annually, such interest to be evidenced by interest coupons to be attached to such bonds. The principal shall become due and payable at such time or times as the said board of county commissioners may by resolution determine, not less than five or more than twenty years from the date of issue of said bonds respectively. ('05 c. 175 § 2)

[793—]112. **Same—How executed—Record.**—The bonds and interest coupons attached shall be signed by the chairman of the board of county commissioners, and attested by the auditor and sealed with his official seal, and made payable at such place within the state as the said board may determine. The auditor shall keep a record of all bonds issued under the provisions of this act, which record shall show the date, number and amount of each bond, the rate of interest, the time when due, the place where payable, and the name of the party to whom issued. ('05 c. 175 § 3)

[793—]113. **Same—Tax levy.**—The board of county commissioners shall annually after the date of issuance of said bonds, levy

a tax upon the taxable property of said county, in addition to all other taxes levied, sufficient to pay the interest accruing yearly upon the bonds issued in pursuance of this act, and when any of the principal is about to become due, it shall in like manner levy a sufficient amount of taxes to pay such principal when due. ('05 c. 175 § 4)

[793—]114. **Same—Authority to negotiate.**—The board of county commissioners shall have authority to negotiate said bonds, but for not less than their par value. ('05 c. 175 § 5).

[793—]115. **Same—Proceeds, how used.**—The board of county commissioners of any county issuing such bonds shall use the proceeds thereof for the purpose of building a county court house in such county, and for no other purpose. ('05 c. 175 § 6)

[793—]116. **Same—Powers additional.**—The powers by this act conferred are additional to all other powers conferred by law. ('05 c. 175 § 7)

[793—]117. **Certificates of indebtedness for heating plant in court house in certain counties.**—The county board of any county of the state which does not already have a heating plant in its court house, is hereby authorized and empowered to issue certificates of indebtedness of said county in a sum not to exceed two thousand and five hundred dollars for the purpose of installing a heating plant in such court house; provided, that this act shall not apply to counties that are permitted to pay for such heating plant out of the county revenue fund, without exceeding the legal limit of expenditures for the current year. ('07 c. 126 § 1)

Historical.—"An act to authorize the county board of any county which does not already have a heating plant in its court house to issue certificates of indebtedness, and to use the proceeds thereof for the purpose of installing a heating plant in such court house, in certain cases." Approved April 6, 1907.

[793—]118. **Same—Terms.**—The said certificates shall be in such sums and denominations as the county board shall determine, subject to the limitations contained in section 1 [793—117], and shall bear interest at a rate not exceeding 6 per cent per annum, payable annually, such interest to be evidenced by interest coupons attached to such certificates. The principal shall become due and payable at such time or times as the said county board shall, by resolution, determine, not more than six years from date of issue of said certificates, respectively. ('07 c. 126 § 2)

[793—]119. **Same—How executed, etc.—Record.**—The certificates and interest coupons attached shall be signed by the chairman of the county board, and attested by the auditor, and sealed with his official seal, and made payable at such place within the state as the said board may determine. The auditor shall keep a record of all certificates issued under the provisions of this act, which record shall show the date, number and amount of each certificate, the rate of interest, the time when due, the place where payable, and the name of the party to whom issued. ('07 c. 126 § 3)

[793—]120. **Same—Tax levy.**—The county board shall annually after the date of issuance of said certificates levy a tax upon the taxable property of said county, in addition to all other taxes levied, sufficient to pay the interest accruing yearly upon the certificates issued in pursuance of this act, and when any of the principal is about to become due, it shall in like manner levy a sufficient amount of taxes to pay such principal when due. ('07 c. 126 § 4)

[793—]121. **Same—Authority to negotiate.**—The county board shall have authority to negotiate said certificates, but for not less than their par value. ('07 c. 126 § 5)

[793—]122. **Same—Proceeds, how used.**—The county board of any county issuing such certificates shall use the proceeds thereof for the purpose of installing a heating plant in the court house in such county, and for no other purpose. ('07 c. 126 § 6)

[793—]123. **Same—Powers additional.**—The powers by this act conferred are additional to all other powers conferred by law. ('07 c. 126 § 7)

[793—]124. **Certificates of indebtedness for court house, etc., in certain counties.**—That the board of county commissioners of any county in this state having property therein of an assessed valuation of not less than \$200,000,000, and having a bonded indebtedness of not more than \$1,400,000, is hereby authorized and empowered to borrow moneys sufficient in their judgment to complete, erect and furnish a court house, jail and other county buildings previously duly authorized, such sums of money not exceeding \$400,000, as may be sufficient in their judgment, in addition to other moneys available for that purpose to so complete, erect and furnish such building or buildings, or any smaller sum, and for such purpose to issue interest-bearing certificates of indebtedness of said county, pursuant to the provisions of this act. ('09 c. 16 § 1)

Historical.—"An act providing for the issuance of interest-bearing certificates of indebtedness to aid in the erection, construction and furnishing of a court house, county jail and other county buildings, or either or any of them, in counties in this state having property of an assessed valuation of not less than \$200,000,000, and having a bonded indebtedness of not more than \$1,400,000." Approved February 16, 1909.

[793—]125. **Same—Terms, interest, etc.**—Said certificates of indebtedness shall be of such denomination and in such sums as the board of county commissioners shall determine, and shall bear interest at the rate of not exceeding 5 per cent per annum, payable semi-annually. The principal of said certificates of indebtedness shall become due and payable at such time or times as the board of county commissioners shall determine, except that they shall not be issued for a period exceeding ten years; said board of county commissioners may provide that a portion of said certificates shall fall due in each successive year after the date of their issue. ('09 c. 16 § 2)

[793—]126. **Same—How executed, etc.**—The certificates of indebtedness issued under this act shall be signed by the chairman of the board of county commissioners and attested by the county auditor, and sealed with his official seal, and be made payable at such place as the board of county commissioners shall by resolution determine. There shall be attached to each certificate coupons evidencing the semi-annual installments of interest to fall due on the same, and which interest coupons shall be attested by the fac-simile of the signature of the chairman of the board of county commissioners and of the county auditor. ('09 c. 16 § 3)

[793—]127. **Same—Tax levy.**—The board of county commissioners shall annually, after the date of the issuance of said certificates of indebtedness, levy a tax upon the taxable property of the county in addition to all other taxes levied, sufficient to pay the interest annually accruing upon the certificates of indebtedness issued in pursuance of this act, and in advance of the maturity of the principal of any of said certificates shall in like manner levy a tax upon the taxable property of said county, sufficient to pay such principal when due. ('09 c. 16 § 4)

[793—]128. **Same—Certificates, how sold.**—Before any such county shall be authorized to issue any certificates of indebtedness as herein authorized, the county auditor shall give notice by advertisement, published for at least one issue in each of at least two

consecutive weeks in one daily newspaper published in said county, that bids will be received at his office for the sale of such certificates at the time named in such advertisement. The county auditor shall sell such certificate to the highest bidder or bidders, but in no case for less than the par value thereof, after deducting all commissions, if any, that may be necessarily paid upon the sale thereof. ('09 c. 16 § 5)

[793—]129. Bonds for roads and bridges in counties having 275,000 inhabitants.—The board of county commissioners of each and every county in this state, now having or which may hereafter have a population of 275,000 or over, may under this act, issue and sell bonds of such county with interest coupons attached, for the purpose of laying out, grading, building and improving roads and bridges in each county not exceeding the sum of one million dollars. ('09 c. 405 § 1)

Historical.—"An act to authorize and empower the board of county commissioners of counties in this state now having or which may hereafter have a population of 275,000 or over to issue bonds and provide for the payment of such bonds, for the purpose of laying out, grading, building and improving roads and bridges in such county." Approved April 22, 1909.

[793—]130. Same—How issued and sold, etc.—The said bonds shall be issued and sold by the board of county commissioners of such county in such denomination and amounts and at such time or times as said board shall deem advisable and necessary, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually. The principal shall become due and payable at such time or times as the said board may determine, not less than ten years, nor more than thirty years from the date of issuance of said bonds in whole or in part. ('09 c. 405 § 2)

[793—]131. Same—How used.—The money realized from the sale of such bonds shall be used exclusively by said board in laying out, grading, building and improving permanent roads and bridges in such county. ('09 c. 405 § 3)

[793—]132. Same—How executed, etc.—Record.—Said bonds and interest coupons attached, issued under the provisions of this act, shall be signed by the chairman of the board of county commissioners and attested by the auditor of such county and sealed with his official seal and be made payable at a Minnesota state or national bank, to be designated by the board of county commissioners when the bonds are issued. The auditor shall keep a record of all bonds issued under the provisions of this act, which record shall show the date, number and amount of each bond, the rate of interest, the time when due, and the name of the party to whom issued. ('09 c. 405 § 4)

[793—]133. Same—Sinking fund.—In each and every county issuing bonds under this act, there shall be created a sinking fund by a tax levy as hereinafter provided, to provide for the payment of the principal of any such bonds issued, in addition to any annual levy for road maintenance and repair. ('09 c. 405 § 5)

[793—]134. Same—Disposition of sinking fund.—All moneys accumulating in such sinking fund from tax levy, interest or otherwise, shall be in the custody of the county treasurer of such county, who shall invest all such money only in the bonds of the United States or of the state of Minnesota, or bonds issued by any county, municipality, or school district within the state; all such investments shall be approved by the board of county commissioners of such county. ('09 c. 405 § 6)

[793—]135. Same—Amount of sinking fund, etc.—The board of county commissioners shall after the date of issuance of any or all

of said bonds provide for \$2,000.00 for the sinking fund annually for each \$100,000.00 issue or fractional part thereof, and also provide a sum sufficient to pay the interest accruing annually upon the bonds issued in pursuance of this act by levying a tax upon the taxable property of said county, in addition to all other taxes levied. ('09 c. 405 § 7)

[793—]136. Same—Board to negotiate at not less than par value.—The board of county commissioners of such county shall have authority to negotiate said bonds, but for not less than their par value. ('09 c. 405 § 8)

[793—]137. Bonds for floating indebtedness.—The county board of any county in this state may issue and negotiate the bonds of said county to take up the outstanding floating indebtedness thereof now existing. Provided, that the bonds so issued shall be made payable as follows: One-fifteenth on December 1st, 1910; one-fifteenth on December 1st, 1911; one-fifteenth on December 1st, 1912; one-fifteenth on December 1st, 1913; one-fifteenth on December 1st, 1914; one-fifteenth on December 1st, 1915; one-fifteenth on December 1st, 1916; one-fifteenth on December 1st, 1917; one-fifteenth on December 1st, 1918; one-fifteenth on December 1st, 1919; one-fifteenth on December 1st, 1920; one-fifteenth on December 1st, 1921; one-fifteenth on December 1st, 1922; one-fifteenth on December 1st, 1923; one-fifteenth on December 1st, 1924; and shall not bear a higher rate of interest than five per cent and shall not be sold for less than par and accrued interest from date of issue. ('09 c. 245 § 1)

Historical.—“An act to authorize the county commissioners of certain counties to issue and negotiate bonds for the purpose of paying the floating indebtedness of such counties.” Approved April 19, 1909.

[793—]138. Same—Tax levy.—The county board of any county in this state that shall have issued and negotiated the bonds of such county under the provisions of section 1[793—137] of this act, shall levy annually in addition to all other taxes, a tax sufficient to pay the annual interest due on said bonds and to pay the bond maturing on the first day of December of the following year, which taxes shall be collected at the same time and in the same manner as the general taxes are collected. ('09 c. 245 § 2)

[793—]139. Indebtedness for poor house—Curative.—That in all cases where the county commissioners of any county in the State of Minnesota have between Jan. 1st, 1903, and Jan. 1st, 1905, pursuant to chapter 15 of the General Statutes of 1894 and the amendments thereto, erected, constructed and completed a poor house for the use of the county, and which building is used by the county for the purpose for which it was erected, the cost thereof exceeding the sum that could have been raised for that purpose by taxation against the real and personal property of said county for the year in which the contract or contracts for the erection, construction and completion thereof was entered into, or for the year in which the building was erected, without first having submitted to the electors of said county the proposition of voting upon the question of erecting a poor house, or upon the question of bonding the county for the purpose of raising the necessary funds with which to erect, construct and complete a poor house, and for the erection, construction and completion of which warrants or orders have been drawn upon the county treasurer of such county for the entire or any part of the cost of erecting, constructing and completing said poor house, that the action of the board of county commissioners in making and letting the contract or contracts for the erection, construction and completion of said poor house, and all acts or things done by the board of county commissioners in con-

nection with the erection, construction and completion of said poor house are hereby legalized and validated, and all warrants or orders which have heretofore been issued by the board of county commissioners for the entire or any part of the cost of the erection, construction and completion of said poor house are hereby legalized and validated, and are hereby made a lawful indebtedness of said county. ('05 c. 24 § 1)

Historical.—"An act to legalize the acts of county commissioners in creating an indebtedness for the erection of county poor houses in certain cases." Approved March 2, 1905.

POWER OF TOWNS TO ISSUE BONDS FOR CERTAIN PURPOSES.

[793—]140. Bonds for roads, bridges or town halls.—Every organized town in this state is hereby authorized to issue its bonds for the purpose of raising money to be used in building or aiding in building of a town hall, or any road or bridge within such organized town or wholly or partly within any incorporated village situated within such organized town by conforming to the provisions of this act. Provided that any town hall to be erected under authority of this act shall be of such dimensions only as may be reasonably necessary for the use of said town, and shall in no case cost more than three thousand dollars. ('05 c. 11 § 1)

Historical.—"An act to amend chapter thirty-six of the General Laws of 1903, relating to the issuing of bonds by organized towns for the purpose of building or aiding in the building of roads, bridges or town halls." Approved February 17, 1905.

Laws 1903, c. 36, consisting of 10 sections, was repealed by R. L. § 5546. So far as Laws 1905, c. 11, differs from the Revised Laws, it is to be construed, by virtue of section 5504, as amendatory or supplementary. So far as said act relates to roads and bridges, it appears to be superseded by Laws 1905, c. 64. See note under section [793—]142.

[793—]141. Same—When to be issued—Submission to voters.—Whenever the board of supervisors of any organized town shall determine by resolution to raise the amount of money stated therein by issuing the bonds of said town for the purpose of building or aiding in the building of any such roads, bridge or town hall as is described in section 1 [793—140] of this act, giving the location and definitely describing the same and shall file such resolution in the office of the town clerk, or where a petition signed by at least ten legal voters who are freeholders in said town asking that such town shall issue its bonds for the purpose of raising money to build or assist in building any such road, bridge or town hall as is described in section 1 [793—140] of this act, which petition shall give the location of said proposed road, bridge or town hall, and the amount of money it is proposed to spend thereon shall be filed with the town clerk, it shall in either such case be the duty of the town clerk to cause the proposition contained in such resolution or petition to be submitted to the legal voters of such town and if such petition or resolution shall be so filed within thirty days of the date fixed by law for the annual town meeting such proposition shall be submitted to the legal voters of such town at such annual meeting; but if said resolution or petition be filed more than thirty days before the time fixed for the next annual town meeting such proposition shall be submitted to the legal voters of the town at a special town meeting to be called at a date to be fixed by said town clerk not more than twenty days after the filing of such resolution or petition, of which special meeting he shall give not less than ten days' notice by posting such notice the same as in other cases of special town meetings, which notices shall be signed by him and in all cases when such proposition is to be submitted the notice of the

meeting shall state fully the substance of such proposition and the amount of bonds proposed to be issued. ('05 c. 11 § 2)

See note under section next preceding.

[793—]142. Bonds for roads and bridges.—Every organized town of this state is hereby authorized to issue bonds to build roads and bridges within such organized town by conforming to the provisions of this act. ('05 c. 64 § 1)

Historical.—“An act to authorize the issuing of bonds by organized towns for the purpose of building roads and bridges and purchase of material and apparatus therefor.” Approved March 23, 1905.

Section 9 repeals inconsistent acts.

So far as it relates to roads and bridges, Laws 1905, c. 64, appears to have superseded Laws 1905, c. 11. See note under section [793—]140.

[793—]143. Same—When to be issued—Submission to voters—Notice of election.—Whenever the town supervisors of any organized town in this state shall determine by resolution duly passed and recorded, to raise the amount of money stated in such resolution by issuing the bonds of the town to build roads and bridges in said town and for the purchase of material and apparatus therefor or when a petition addressed to the town supervisors of any organized town, and signed by at least ten of the voters and freeholders residing in such town, setting forth in such petition that it is the desire of such petitioners that such town shall issue its bonds for the purpose of building roads and bridges within said town and for the purchase of material and apparatus therefor, the amount of such proposed bond to be named in said petition, it shall be the duty of such town supervisors to cause the proposition expressed in such resolution or petition to be submitted to the electors of such town at the next following annual town meeting to be held therein or at such special election as the said town supervisors shall by resolution designate. Notices of such election shall be posted by the town clerk or deputy town clerk of such town in at least five public places within the said town not less than ten days before such annual or special town meeting is held, the said notices to state definitely the purpose and amount of the proposed bonds. ('05 c. 64 § 2)

[793—]144. Same—Election, how conducted—Ballots.—There shall be provided by the town in case of such election a suitable box in which ballots cast at such election for or against such proposition, shall be deposited. The ballots used at said election on said bonding proposition shall have printed thereon: For road and bridge bonds—“Yes,” for road and bridge bonds—“No,” and each elector voting on said proposition shall place a cross mark, thus (X) in a space to be left opposite, either the word “yes” or the word “no.” The said election shall be conducted and the votes cast thereat shall be canvassed and counted and the result certified in like manner as in the case of an election for town officers. ('05 c. 64 § 3)

[793—]145. Same—Bonds, how issued—Terms—Limit of debt.—If a majority of the votes cast at such election be in favor of such proposition, the said town supervisors may issue and negotiate bonds of such town to the amount stated in the election notice, which bonds shall not be negotiated or sold for less than their par value, and shall be made due and payable within twenty years from the date of issue thereof and shall not bear more than six per cent interest per annum. No town shall issue or sell its bonds to such an amount that the aggregate bonded indebtedness thereof shall at any one time exceed fifteen per cent of the assessed valuation of the taxable property of such town as indicated by the last preceding assessment. ('05 c. 64 § 4)

[793—]146. **Same—Notice of sale—Publication.**—Before any such town shall be authorized to issue its bond as hereinbefore provided, the town supervisors shall give notice by publication for three consecutive weeks in a legal newspaper in the county in which said town is situated, and when the aggregate amount of such bonds shall exceed the sum of five thousand dollars, then additional notice shall be given by a similar publication for the same length of time in a weekly or daily newspaper printed at the capital of the state, all of which said newspapers shall be designated therefore by resolution of such town supervisors, duly made and recorded, that the said supervisors will receive bids for the sale of said bonds at the time and place to be named in such notice. Provided, that in case application is made to the state for the sale of such bonds, notice of the sale of such bonds shall not be necessary. (Laws 1905, c. 64, § 5, as amended by Laws 1907, c. 63, § 1.)

Laws 1907, c. 63, § 2, repeals inconsistent acts.

[793—]147. **Same—Opening bids—Sale.**—At the time and place named in such notice, the said town supervisors shall open and consider said bids, and may thereupon sell said bonds to the person, company or corporation offering the most advantageous terms for the interest of such town; provided, that said town supervisors may reject any and all bids offered for the purchase of such bonds if they deem it necessary for the best interests of the town so to do. ('05 c. 64 § 6)

[793—]148. **Same—Proceeds, how used.**—The money realized upon the sale of such bonds shall be placed in the town treasury, and devoted as far as may be necessary to the purpose named in the aforementioned resolution or petition, and the residue thereof, after the cost and expense of building such roads and bridges shall have been paid and discharged, shall be paid into the road and bridge fund of such town. ('05 c. 64 § 7)

[793—]149. **Same—Tax levy—Sinking fund.**—Said board of supervisors and their successors are hereby authorized, on or before the first day of October next after the date on said bonds, and in each and every year thereafter on or before the first day of October until the payment of said bonds and interests is fully provided for, to levy and in due form certify to the auditor of the county in which such town is situated, a tax upon the taxable property of said town equal to the amount of principal and interest maturing next after such levy, and in the discretion of said board of supervisors such further sum as it shall deem expedient, not exceeding fifteen per cent of such maturing bonds and interest, which taxes shall be payable in money and shall constitute a fund for the payment of said bonds or interest thereon. ('05 c. 64 § 8)

[793—]150. **Bonds for roads, bridges or town halls—Curative.**—That in all cases where the bonds of any organized town in this state have been heretofore issued by such town for the purpose of building roads, bridges or town halls, and the proposition to issue such bonds has in fact been submitted to the electors of said town at any election therein held, and a majority of the votes cast at such election was in favor of such proposition, and the said bonds have been in fact issued and sold for not less than their par value, and the proceeds thereof have been actually paid to such township, and the said bonds upon their face contain a statement in substance that all acts and things required to be done, had or performed in reference to the issuance of such bonds have been done and performed and the said bonds so issued are hereby in all respects legalized and made binding and valid obligation of the town so issuing the same according to the terms in such bonds detailed. Provid-

ed, that nothing in this act shall be held or construed to apply to any bonds issued before the passage of this act, the validity of which is in question in any action now pending in any court of this state or of the United States, nor to any bond which on its face has matured and become payable or any interest coupon of which has matured and become payable, or bond, or any interest coupon whereof the payment of which on its face has been refused or contested by the town issuing the same. ('05 c. 244 § 1)

Historical.—"An act to legalize certain bonds heretofore issued by organized towns for the purpose of building roads, bridges or town halls." Approved April 18, 1905.

[793—]151. **Bonds for roads, bridges, town halls, etc.—Curative.**—That all bonds which, prior to the passage of this act, and subsequent to January 11, 1906, have been issued, or issued and sold by any organized town or township in this state, for the purpose of constructing, altering, or repairing roads, or highways, in said town, or for the purpose of constructing, altering, or repairing roads and bridges in said town, or for the purpose of constructing, altering or repairing a town hall in said town, or any other lawful town improvement, whether purporting to have been issued under authority of chapter sixty-four of the General Laws of nineteen hundred and five, and any acts amendatory thereto, or purporting to have been issued under the authority of any other law or laws, for said purposes, are hereby declared to be in all things confirmed, ratified, legalized and validated, and are hereby declared to be binding, and valid obligations against the town or towns issuing said bonds. Provided, that the proposition to issue such bonds has been submitted, prior to such issue, to the electors of said town, or township, and has been passed by a two-thirds vote of all voters present and voting, at any regular or special meeting, duly called for that purpose; provided, further, that this act shall not apply to any suit or action now pending, relative to the legality of any bonds so issued, or to any bonds where the legality of the same, either as to the principal or interest has been questioned in any action or proceeding in any court. ('07 c. 154 § 1)

Historical.—"An act to confirm, legalize and validate bonds heretofore issued by organized townships in certain cases." Approved April 12, 1907.

[793—]152. **Refunding bonds for certain purposes.**—By conforming to the provisions of this act every organized town of this state is hereby authorized to issue bonds to take up and refund any bonds of such town heretofore issued and sold prior to the year 1903 as road and bridge bonds; whether said bonds or any part of same have been declared illegal by any court in this state. Such refunding bonds when issued in compliance with this act shall be valid and binding obligations against such town. Provided, that such refunding bonds shall in no case be issued for an amount in excess of the face value, without interest or other charge, of the original bond or bonds to refund which the same are issued. ('09 c. 446 § 1)

Historical.—"An act to authorize the issue of refunding bonds by organized towns to take up and refund any bonds heretofore issued and sold by such towns prior to the year 1903, for the purpose of building roads and bridges in such town, whether or not said bonds or any part of the same have been declared illegal by any court in this state." Approved April 22, 1909.

[793—]153. **Same—Submission to voters—Notice of election, etc.**—Whenever the town supervisors of any organized town in this state shall determine by resolution duly passed and recorded, to issue refunding bonds to refund and take up bonds of the kind described in section 1 [793—152] of this act, or when a petition is addressed to the town supervisors of any organized town and signed by at least ten of the voters and freeholders residing in such

town, setting forth in such petition that it is desired by such petitioners that such town shall issue refunding bonds to take up bonds of the kind described in section 1 [793—152] of this act, it shall be the duty of the town supervisors to cause the proposition expressed in such resolution or petition to be submitted to the electors of such town at either the next annual town meeting to be held therein or at such special election as the said town supervisors shall by resolution designate. Notice of such election shall be posted by the town clerk or deputy town clerk of such town in at least five public places within said town, not less than twenty days before such annual or special town meeting is held, the said notice to state definitely the purpose and amount of the proposed bonds. If at the time of the passage of the resolution by the supervisors or at the time of the presentation of the petition above referred to in this section, it shall be more than sixty days prior to the then next regular annual town meeting, then in such case it shall be the duty of the board of supervisors to call a special election to vote upon the proposition expressed in such resolution or petition. ('09 c. 446 § 2)

[793—]154. Same—Ballots—Election, how conducted.—There shall be provided by the town in case of such election a suitable box in which ballots cast at such election for or against such proposition shall be deposited. The ballots used at such election on said bond proposition shall have printed thereon: "For road and bridge refunding bonds—Yes," "for road and bridge refunding bonds—No," and each elector voting on said proposition shall place a cross mark thus (X) in a place to be left opposite either the word "yes" or the word "no." The said election shall be conducted and the votes cast thereat shall be canvassed and counted and the results certified in like manner as in case of an election for town officers. ('09 c. 446 § 3)

[793—]155. Same—Bonds, how issued—Terms—Limit of debt.—If a majority of the votes cast at said election be in favor of such proposition, the said town supervisors shall issue and negotiate such refunding bonds of such town to the amount stated in the election notice, which bonds shall not be negotiated or sold for less than their par value and shall be made due and payable within twenty years from the date of issue thereof and shall not bear more than six per cent interest per annum, payable annually. No town shall issue or sell its refunding bonds under this act to such an amount that the aggregate amount of indebtedness thereof shall at any one time exceed fifteen per cent of the assessed valuation of the taxable property of such town as indicated by the last preceding assessment. ('09 c. 446 § 4)

[793—]156. Same—Notice of sale.—Before any such town shall be authorized to issue its refunding bonds as hereinbefore provided, the town supervisors shall give notice by publication for three consecutive weeks in the official newspaper of the county in which said town is situated and by similar publication for the same length of time in a weekly or daily newspaper printed at the capital of the state, all of which said newspapers shall be designated therefor by resolution of such town supervisors duly made and recorded; that the said supervisors will receive bids for the sale of said bonds at the time and place to be named in such notice. ('09 c. 446 § 5)

[793—]157. Same—Sale of bonds.—At the time and place named in such notice the said town supervisors shall open and consider said bids and may thereupon sell said refunding bonds to the person, company or corporation offering the most advantageous terms for

the interest of such town. Provided, that said town supervisors may reject any of the bids offered for the purchase of such bonds if they deem it necessary for the best interest of the town so to do. ('09 c. 446 § 6)

[793—]158. Same—Disposition of money realized.—The money realized upon the sale of such bonds shall be placed in the town treasury and devoted so far as may be necessary to the payment of the original bonds for the payment of which such refunding bonds were issued, and the residue thereof, if any, after such payment, shall be turned into the road and bridge fund of such town. It shall be the duty of the town treasurer after the sale of said refunding bonds to promptly pay off the original bonds as they are presented to him. Upon such payment he shall mark upon such original bonds and coupons that may be attached thereto, "cancelled and paid." ('09 c. 446 § 7)

[793—]159. Same—Tax levy.—The board of supervisors of any such town and their successors are hereby authorized on or before the 1st day of October next, after the date of said refunding bonds, and in each and every year thereafter on or before the 1st day of October until the payment of said bonds and interest is fully provided for, to levy and in due form certify to the auditor of the county in which said town is situated the taxes upon the taxable property of said town equal to the amount of principal and interest maturing next after such levy, and in the discretion of said board of supervisors such further sum as it shall deem expedient, not exceeding fifteen per cent of such maturing bonds and interest, which taxes shall be payable in money and shall constitute a fund for the payment of said bonds or interest thereon. ('09 c. 446 § 8)

[793—]160. Town and village orders, etc. for drainage—Curative.—That all town or village orders and certificates of indebtedness heretofore issued and all expenditures of moneys heretofore made by town boards or village councils in this state in all cases where such orders and certificates have been issued and moneys expended on account of drainage of wet lands for the benefit of public highways and streets, are hereby legalized and declared to be valid for all intents and purposes. Provided, that nothing in this act contained shall be construed to affect any action now pending in any of the courts of this state. ('09 c. 44 § 1)

Historical.—"An act legalizing town or village orders and certificates of indebtedness heretofore issued and the expenditure of moneys heretofore made on account of drainage of wet lands for the benefit of public highways and streets in the state of Minnesota." Approved March 5, 1909.

POWER OF SCHOOL DISTRICTS TO ISSUE BONDS FOR CERTAIN PURPOSES.

[793—]161. Bonds of district—Amending G. S. 1894, § 3688.—The trustees or board of education of any school district in this state, whether such district be organized by or under any special law of this state, or otherwise, are hereby authorized and fully empowered to issue the orders or bonds of their respective districts, with coupons, in such amounts and at such periods as they may be directed by a vote of a majority in favor thereof of the legal voters present and voting at any annual meeting, or at any special meeting, called for the purpose, of the district; said orders or bonds to be payable in such amounts and at such times, not exceeding fifteen years, as the legal voters thereof at such meeting shall determine, with interest not to exceed seven per cent per annum; which orders or bonds and coupons shall be signed by the directors and countersigned by the clerk of said district, or by the

president of (the) board of education and the clerk of the board of education. (G. S. 1894, § 3688, as amended by Laws 1905, c. 272, § 1.)

Historical.—"An act to amend section thirty-six hundred and eighty-eight of the General Statutes of eighteen hundred and ninety-four, relating to, and regulating, the issuance of bonds by school districts in the state of Minnesota." Approved April 18, 1905.

G. S. 1894, § 3688, was Laws 1877, c. 74, subc. 2, § 8, as amended by Laws 1881, c. 41, § 4, 1885, c. 80, and Laws 1887, c. 21, all of which were repealed by R. L. §§ 5530, 5533, 5536, 5537. So far as Laws 1905, c. 272, is inconsistent with the Revised Laws, it is to be construed, by virtue of section 5504, as amendatory or supplementary.

[793—]162. **Certain school district boundaries and bonds legalized.**—Where steps have heretofore been taken or attempted to be taken under the General Laws to change the boundary or boundaries of any school district heretofore organized, and the proper county board has adopted a resolution making such change, or attempting to make the same, and such school district shall have exercised the powers and franchises of a school district over the territory so added thereto for at least six months continuously before the passage of this act, such change or boundary shall be deemed legal; and where such school district shall have under the provisions of chapter 10 of the Revised Laws of 1905, or under said chapter as amended by chapter 272 of the General Laws of 1905, voted to issue the bonds of the district for the purpose of purchasing a school site or sites, or for building, furnishing or equipping a school house or school houses for said district, or any portion thereof, and said proposition to issue bonds shall have received a majority vote in favor thereof of all votes cast upon said proposition at an election held therein for that purpose, the same are hereby declared to be when issued as provided in said chapter 10, or in said chapter as so amended, the legal and binding obligations of said school district. Provided, that this act shall not apply to any suit or action now pending in which the validity of any such proceedings is called in question. ('09 c. 209 § 1)

Historical.—"An act legalizing the change of boundaries of certain school districts, and bonds authorized by the legal voters of such districts for the purchase of school site or sites, or building, furnishing or equipping one or more schoolhouses therein." Approved April 17, 1909.

CHAPTER 11.

TAXES.

GENERAL PROVISIONS.

794. Property subject to taxation.

Constitutionality.—See *State v. Nelson*, 119 N. W. 1058, cited in note under section 797.

Federal property.—During the time which elapses between the filing of an application for the location of scrip upon certain lands belonging to the United States and the approval of the application by the Commissioner of the General Land Office, the land is not subject to taxation by the state. Where the legal title to lands remains in the United States, the land is subject to taxation by the state only after the full consideration has been paid and a perfect equitable title has vested in the purchaser. *State v. Itasca Lumber Co.*, 100 Minn. 355, 111 N. W. 276.

795. Property exempt.

Subd. 5.—Property set apart for a purely public charity, subject to a charge to secure a conditional annuity, held exempt. *State v. Watkins*, 121 N. W. 390.