General Laws of Minnesota for 1897 be, and the same is hereby amended so as to read as follows:

Section 1. That it shall not be lawful for any person, persons, firm or corporation engaged in the plumbing business in any city or town with a population of ten thousand (10,000) or more, which has a system of sewer or water works, in the State of Minnesota, to employ as journeymen plumbers in said business any person or persons, except those qualified to work as registered plumbers; and it shall not be lawful for any person to work as a plumber in any such city or town for a fee or other reward paid either to himself or to another person for such work or to act as plumbing inspector in any such city or town, unless such person has first made application to and has received from the state board of commissioners of practical plumbing, a certificate of competency and has complied with the provisions of this act; and has also complied with such ordinance or ordinances as may be in force in any city or town, relating to or governing the performance of plumbing and sanitary work.

Provided, nothing in this act contained shall be construed as preventing or prohibiting any person from serving a regular apprenticeship for the purpose of learning the plumbing trade, under employment therefor by any person regularly engaged in the plumbing business, who has complied with the provisions of this act.

Sec. 2. That section two (2) of said act be and the same is hereby amended, so as to read as follows:

Section 2. That if any person or persons, after the passage of this act, shall engage in or work at the plumbing business, or as a journeyman plumber in any city or town with a population of ten thousand (10,000) or more, having a system of sewer or water works in the State of Minnesota, without first complying with the provisions of this act, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars or more than one hundred dollars or be confined not less than one month, nor more than three months in the county jail of the county wherein such conviction shall be had; and all fines received for any violations of this act shall be paid to said state board of commissioners of practical plumbing to defray the expenses accruing or arising under this act. Justices of the peace and the respective municipal courts shall have jurisdiction over violations of this act, and it shall be the duty of the respective county attorneys to prosecute all such violations.

Sec. 3. That section four (4) of said act be, and the same is hereby amended so as to read as follows:

Section 4. That the commissioners appointed under this act shall hold their several offices for the period of two (2) years without compensation, commencing from the first (1st) day of May, next succeeding the date of the passage of this act, and thereafter until their successors have been appointed and qualified; said commissioners shall within thirty (30) days after notification of their appointment, each subscribe to an oath before the clerk of the supreme court of the State of Minnesota, to impartially and faithfully discharge the duties prescribed by this act; a failure to so qualify on the part of any appointee, within the time and manner named, shall create a vacancy which the governor shall immediately proceed to fill by the appointment of some other practical plumber as required by the provisions of this act, as also in cases of death or resignation. The commissioners appointed under this act shall receive out of the funds coming into the possession of said board, under the provisions of this act, their actual necessary expenses and mileage at three cents per mile, for all distance necessarily traveled in going to and coming from meetings of the board, but no part of such expense or mileage of said commissioners or of said board shall ever be paid out of the state treasury.

Sec. 4. All acts and parts of acts that are inconsistent with the provisions of this act are hereby repealed.

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

Approved April 13, 1901.

CHAPTER 357—H. F. NO. 612.

AN ACT to amend section five thousand one hundred and thirty-six (5136) of the General Statutes of Minnesota, for the year eighteen hundred and ninety-four (1894), relating to the time of commencement of actions.

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

Section 1. That section five thousand one hundred and thirty-six (5136) of the General Statutes of 1894, be and the same is hereby amended so as to read as follows:

Section 5136. Within six years: First—An action upon a contract or other obligation, express or implied, excepting those mentioned in the preceding section;

Second—An action upon a liability created by statute, other than those upon a penalty of forfeiture;

Third—An action for trespass upon real property;

Fourth—An action for taking, detaining, and injuring personal property, including actions for the specific recovery thereof;

Fifth—An action for criminal conversation, or for any other injury to the person or rights of another, not arising on obligation, and not hereinafter enumerated;

Sixth—An action for relief, on the ground of fraud, the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud;

Seventh—Actions to enforce a trust or compelling an accounting, where the trustee has neglected to discharge his trust, or has repudiated the trust relation, or has fully performed the same;

Eighth—Actions against a surety, or sureties, upon any official bond of any auditor, register of deeds, clerk of the district court, court commissioner or county attorney, shall be commenced within six (6) years, from the date of the expiration of the term of office of the principal in such bond, for which such bond was given.

Sec. 2. Nothing in this act shall be construed as affecting any action now pending in any court in this state.

Sec. 3. All acts or parts of acts inconsistent herewith are hereby repealed.

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

Approved April 13, 1901.

CHAPTER 358—H. F. NO. 619.

AN ACT to amend section fourteen (14) of chapter one hundred and forty-five (145) of the General Laws of Minnesota, for the year eighteen hundred and eighty-five (1885), the same being section twelve hundred and fourteen (1214) of the General Statutes of the State of Minnesota for the year eighteen hundred and ninety-four (1894).

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

Section 1. That section fourteen (14) of chapter one hundred and forty-five (145) of the General Laws of the State of Minnesota for the year eighteen hundred and eighty-five (1885), the same being section twelve hundred and fourteen (1214) of the General Statutes of the State of Minnesota for the year eighteen hundred and ninety-four (1894) be and the same is hereby amended by adding and appending thereto the following words:

"Provided, that the territory thus attached to a village may include another village, in which case the latter shall then and thereby become dissolved and cease to exist, and the corporate indebtedness of such dissolved village shall be added to and become a part of the indebtedness of the village in which it is included."

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

Approved April 13th, 1901.

CHAPTER 359—H. F. NO. 642.

AN ACT making further appropriation for the support and maintenance of the National Guard, and to increase the efficiency thereof.

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

Section 1. That the additional sum of ten thousand dollars ($10,000) be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the current fiscal year, and annually thereafter, for the purpose of carrying out the provisions of the Military Code and the several amendments thereto. Provided, that the sum mentioned be used for mustering in and maintaining additional companies outside of the counties of Ramsey, Hennepin and St. Louis.

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

Approved April 13, 1901.

CHAPTER 360—H. F. NO. 643.

AN ACT to amend section 2604 of the General Statutes of 1894, relating to the exercise of the right of eminent domain by corporations, as amended by chapter 51 of the Laws of Minnesota for the year 1899, and giving telephone, telegraph, water-power, pneumatic tube and electric companies the right to use public roads and highways under certain restrictions.

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

Section 1. That section 2604 of the General Statutes of the State of Minnesota for 1894, as amended by chapter 51 of the Laws of the State of Minnesota for 1899, be and the same is hereby amended so as to read as follows:

Section 2604. Any corporation organized or reorganized under the provisions of this title, and any corporation organized for the purpose of improving, developing, or using water power or for the purpose of generating, using or transmitting electricity for heat, light or power purposes, may obtain the right of way over, through, under or across any lands needed for the construction and maintenance of any railroad, telegraph, telephone or pneumatic tube line, lines for the transmission of electricity or electrical power for public use and for subway conduits for the use, passage, operation and repair of electric and other lines or pipes, and all necessary sites and grounds for depots, shops and other buildings requisite for the proper carrying on of the business to be transacted; and may obtain the right to overflow, by reason of any dam, locks, sluices or other erection necessary for the convenient prosecution of its enterprise, all and any lands damaged thereby; and may obtain the right to the use of any land for a tow-path, the erection of necessary buildings for the purposes of said business, and the right of way in and over the bed of any river, bay, lake or watercourse, and the banks thereof, together with the right to overflow, injure or destroy any existing dams, mills, or other property, and to canal in and along the valley of any such river, bay, stream, lake or watercourse, and to purchase and erect all necessary buildings for the operation and prosecution of any manufacturing business upon water-power incidentally created by such improvement, by proceeding as in this title provided; and any such telegraph or telephone company organized under the provisions of this title may acquire the right of way to construct its lines over, along and upon the right of way and lands of any railway company within this state, upon making just compensation therefor to such railway company, by proceeding as in this title provided; but the right of any such telegraph or telephone company shall be at all times subject to the right of any such railway company to use its right of way and lands for railway purposes, and the said line of telegraph or telephone shall be so located, constructed and maintained at all times as not to interfere with the usual operation of such railroad.

Any water-power, telephone, telegraph, pneumatic tube, or electric light, heat or power company, shall have and enjoy the right to use the public roads and highways in this state for the purpose of erecting, constructing, using, operating and maintaining lines, subways or conduits for the purposes of their business; provided, that the same shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the said roads or highways; and provided that each and all of such corporations, in the construction and maintenace of any such line, subway or conduit, shall be subject to all reasonable regulations that may be imposed by the supervisors of any township or the council, or other governing body of any village or city wherein said road or highway may be situated; and, provided, that nothing herein contained shall be construed to grant to any person, persons, association or corporation any rights for the maintenance of a telephone, telegraph, pneumatic tube, or electric system within the corporate limits of any city or village in this state until such person, persons, association or corporation shall have obtained the right to maintain such system in such village or city, nor for a period beyond that for which the right to operate such system is granted by such city or village.

Sec. 2. This act shall not apply to or affect any proceeding now pending to condemn lands for right of way for any corporation herein referred to.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1901.

CHAPTER 361—H. F. NO. 631.

AN ACT to amend an act entitled "An act to fix the time for holding regular terms of the district court of the First Judicial District of Kanabec county, for the hearing and trial of all matters, except issues of fact by the jury."

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

Section 1. That chapter 361 of the Laws of 1899, approved January 26th, 1899, be amended so as to read as follows:

A general term of the district court in and for the county of Kanabec, in the First Judicial District, shall be held in and for said county on the first Wednesday following the first Tuesday in May, in each year, for the trial and determination of both criminal and civil business and cases. Provided, that no grand or petit jury shall be drawn or summoned unless the court shall so direct by a written order made and filed with the clerk of said court at least twenty days before the holding of said court.

Sec. 2. Cases on the calendar of said court for trial at such term may by the order of said court be continued to the next general term of said court.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1901.

CHAPTER 362—H. F. NO. 646.

AN ACT authorizing judges of probate in counties having a population of not less than one hundred fifty thousand inhabitants and not over two hundred twenty-five thousand inhabitants in this state to employ a stenographer and fixing the compensation therefor.

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

Section 1. That in all counties of this state having according to the then last completed state or national census, a population of not less than one hundred fifty thousand inhabitants, and not more than two hundred twenty-five thousand inhabitants, it shall be lawful for the judges of probate to employ a stenographer, whose compensation is hereby fixed at the sum of seven hnudred and twenty dollars per annum, the same to be paid monthly by the treasurer of the county upon the warrant of the county auditor.

Sec. 2. Whenever, according to the then last state or national census, the population of any county of this state which now has a population of less than one hundred fifty thousand inhabitants, shall acquire not less than that number, such county at once become subject to the provision of this act, and whenever, according to such census the population of any county shall exceed two hundred twenty-five thousand inhabitants, or fall under one hundred fifty thousand inhabitants the provisions of this act, at the expiration of ninety days from the final filing of the enumeration of such county, shall no longer apply thereto.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1901.

CHAPTER 363—H. F. NO. 649.

AN ACT to amend section nine (9) of chapter one hundred and fifty-seven (157) of the Laws of eighteen hundred and ninety-three (1893), being section seven thousand four hundred and twenty-five (7425) of the General Statutes of eighteen hundred and ninety-four (1894), entitled, "An act to regulate the construction and management of county jails."

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

Section 1. That section nine (9) of chapter one hundred and fifty-seven (157) of the Laws of eighteen hundred and ninety-three (1893), being section seven thousand four hundred and twenty-five (7425) of the General Statutes of eighteen hundred and ninety-four (1894), be and the same is hereby amended to read as follows:

The sheriff of each county maintaining a county jail shall have authority with the consent and approval of the judges of the district court for each county, to appoint a matron, either the wife of the sheriff or jailer or some other discreet and competent woman, who shall have exclusive charge, under direction of the sheriff, of all female prisoners, and shall receive such compensation as the district judge shall from time to time determine, not less than fifty cents for each day when there are female prisoners confined in the jail. He shall have authority, with the consent and approval of the judge of the district court for said county, to appoint a jailer at such compensation as the judge of the district court may from time to time determine, not less than one dollar for each day when there are male prisoners confined in the jail. Whenever the average number of prisoners in any county jail for the six months preceding shall have been ten or more the sheriff shall have authority, with the consent and approval of the judge of the district court, to appoint a night watchman, and whenever the average number of prisoners for the six months preceding shall have been twenty or more, an assistant jailer; such night watchman and assistant jailer to receive such compensation as the judge of the district court may from time to time determine, not less than eighty-three cents each per day; provided, that such night watchman or assistant jailor shall be discharged whenever the average number of prisoners for the preceding six months shall have fallen below the number above prescribed. The said officers shall be sober, responsible persons, able to read and write the English language intelligently, shall hold office subject to the pleasure of the sheriff or the district judge, and their compensation shall be paid monthly out of the county treasury upon the warrant of the county auditor.

"Provided, that in counties having a population of twenty thousand (20,000) or less, the sheriff may perform the duties of jailer by himself, and shall in such case be entitled to such compensation therefor as the judge of the district court for said county may from time to time determine and allow."

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

Approved April 13, 1901.

CHAPTER 364—H. F. NO. 656.

AN ACT entitled "An act authorizing guardians to lease real estate belonging to their wards for terms not exceeding five (5) years.

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

Section 1. That whenever any guardian appointed under the laws of this state of an infant, insane or incompetent person shall deem it for the best interests of his ward to lease the real estate of his ward, or any part thereof, and where said real estate consists wholly or in part of improved agricultural lands, such guardian, upon obtaining from the probate court appointing him an order authorizing such leasing and prescribing the terms and conditions thereof, may lease such agricultural lands or any part thereof, or any buildings or manufacturing plants thereon situated, for a term not exceeding five (5) years, and every lease executed pursuant to such authority of the probate court shall have the same force and effect as if executed by such ward if under no disability; provided, however, that no such lease shall be authorized to extend beyond the time when any such ward shall arrive at legal age. And provided, further, that no such lease shall be made for a term exceeding one year, unless notice of the application of such guardian for an order authorizing such leasing shall be given by publication thereof for three (3) successive weeks, and in such other manner as the court in each case may prescribe, and at the time when such application shall be heard before the court all persons in interest may appear and take part therein, and upon such hearing the court shall authorize such guardian to lease the real estate of his ward for such length of time as shall appear for the best interests of the ward not exceeding five (5) years.

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

Approved April 13, 1901.

CHAPTER 365—H. F. NO. 659.

AN ACT to amend section 185 of chapter 4 of Laws of 1893, being section 190 of General Statutes of 1894, relating to contests in city, county and state elections.

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

Section 1. Amend section 185 of chapter 4 of laws of 1893, being section 190 of the General Statutes of 1894, so as to read as follows:

Sec. 185. Any candidate or elector of the proper city or county may contest the election of any person declared elected by any canvassing board to any city, county or state office, provided that the person so desiring to contest the election of any such officer shall, within ten days after the decision of any such canvassing board, file with the clerk of the district court of the proper county a notice of appeal from such decision of such canvassing board; and if said contest be with reference to a state office, such notice of appeal need only be filed in one district court and may be filed with the clerk of any district court in any county in the state, or a judicial district in which said contest is to be had. The contestant shall within ten days after the filing of such notice of appeal give notice of said contest in writing to the person whose election or right to a seat he intends to contest, which notice shall be served in the same manner provided for the service of a summons in a civil action, and in and by said notice he shall specify the points upon which said contest is based. If the person whose election is contested desires to offer testimony upon points not specified in the notice of contestant he shall within ten days after the service of said notice of contest by said contestant serve upon said contestant or his attorney, an answer specifying such additional points or grounds upon which he so desires to offer evidence. Upon such notices, which are not to be taken as true until proved, and which may be amended in the same manner provided for the amendment of pleadings in civil actions, all testimony shall be taken as in civil actions and all matters relating to said contest shall be heard and tried by the district court wherein said notice of appeal shall have been filed, in the manner that civil actions are tried by the court.

Sec. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1901.

CHAPTER 366—H. F. NO. 668.

AN ACT to amend section five (5) of chapter 106 of the General Laws of Minnesota of one thousand eight hundred and seventy-nine (1879), as amended by chapter forty-eight (48), General Laws of Minnesota of eighteen hundred and ninety-nine (1899), relating to the establishment and maintenance of free public libraries and reading rooms.

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

Section 1. That section five (5) of chapter 106 of the General Laws of one thousand eight hundred and seventy-nine (1879), as amended by chapter forty-eight (48), General Laws of 1899, be and the same is hereby amended by adding at the end thereof the following:

"Said board, with the consent of the common council or other governing body of any such city or village, expressed by resolution or ordinance adopted by said body, in accepting any donation for library purposes, which may be donated, devised or bequeathed by any person, company or corporation, may enter into any agreement with such donor, his or their legal representatives, affecting such donation, bequest or devise as may be proposed or imposed concerning the same, and any such agreement shall have the full and binding effect of a contract between such donor and his or their legal representatives and said city or village."

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

Approved April 13, 1901.

CHAPTER 367—H. F. NO. 676.

AN ACT to amend section two (2) of chapter thirty-four (34) of the General Laws of one thousand eight hundred and ninety-three (1893), being section three thousand seven hundred and forty-nine (3749) of the General Statutes of one thousand eight hundred and ninety-four (1894), relating to teachers' certificates.

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

Section 1. That section two (2) of chapter thirty-four (34) of the General Laws of one thousand eight hundred and ninety-three (1893), being section thirty-seven hundred and forty-nine (3749) of the General Statutes of one thousand eight hundred and ninety-four (1894), relating to teachers' certificates, be and the same is hereby amended so as to read as follows:

Section 3749. Permanent teachers of high character and board scholarship and who have a successful experience, may, upon the examination by the state superintendent or by a committee of three competent teachers appointed by him, receive a professional state certificate, which shall authorize the holder to teach in any public school in the state without further examination; provided, that no life certificate shall be in force after its holder shall permit a space of three years to lapse without following some educational pursuit, unless said certificate be indorsed by the state superintendent; provided further, that graduates of colleges and universities of good standing who have received a certificate of the first grade in this state, and who shall have taught in any public school in the state with ability and success for at least one year, shall be entitled to a professional certificate from the state superintendent without further examination.

There shall be two grades of professional state certificates. All of the subjects mentioned in section three (3) of the General Laws of one thousand eight hundred and ninety-three (1893) shall be required for first grade; and twenty-one (21) of the subjects enumerated in said section three (3) shall be required for second grade, the optional subjects to be arranged by the state superintendent of public instruction or examining board; provided that the state superintendent shall be authorized to issue yearly permits to deserving teachers of successful experience, who lack not more than three (3) subjects, and by the employment of such teachers, state aid shall not be withheld.

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

Approved April 13, 1901.

CHAPTER 368—H. F. NO. 685.

AN ACT to protect species of fish in the waters of Minnesota, known and designated as esox nobilior, commonly called sand lake trout or Saint Lawrence muskellunge.

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

Section 1. Whomsoever shall spear, trap, net, catch or kill in any manner whatsoever, except with a hook and line held in the hand, or who shall pursue with a light or lantern in the night time, any esox nobilior, commonly known and called sand lake trout, or St. Lawrence muskellunge, inhabiting any of the waters of this state, particularly the several lakes and streams at, about, in the neighborhood of, or near Mantrap lake, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for the first offense twenty-five dollars, for the second offense fifty dollars, and for each subsequent offense not less than thirty or more than ninety days' imprisonment in the county jail of the county wherein the misdemeanor was committed. All acts and parts of acts permitting or authorizing the use of spears, nets, trot-lines or traps for the taking, catching, killing or capturing pickerel, whitefish, suckers or catfish shall not be construed to include the species esox nobilior.

All causes arising under the provisions of this act shall be tried and determined as in all like causes under existing laws.

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

Approved April 13, 1901.

CHAPTER 369—H. F. NO. 686.

AN ACT to legalize the execution and record of certain instruments authorizing attorneys to foreclose mortgages by advertisement.

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

Section 1. That all instruments heretofore executed by the attorney in fact of the mortgagee or assignee of record of any mortgage, heretofore filed and recorded in the office of the register of deeds of the county wherein any foreclosure sale has heretofore been made, authorizing any attorney or firm of attorneys to make such foreclosure by advertisement, together with the execution and the recording thereof, be and they are hereby legalized and made valid and effectual as of and from the dates of their execution and filing for record respectively, notwithstanding that the power of such attorney in fact on record in the office of the register of deeds of the county wherein such foreclosure proceedings were had are vague and uncertain as to his authority to execute such instruments or does not specifically grant said attorney in fact such authority; provided, that the mortgagee or assignee of record shall, within three months after the passage of this act, ratify the execution of any such instruments by such attorney in fact by an instrument in writing to be filed in the office of the register of deeds of the county wherein said foreclosure sale was made.

Sec. 2. This act shall not apply to any action now pending wherein any foreclosure sale is brought in question.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1901.

CHAPTER 370—H. F. NO. 690.

AN ACT to legalize mortgage foreclosures by advertisement upon real estate in certain cases.

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

Section 1. All mortgage foreclosures upon real estate situated in this state, heretofore made by advertisement where the notice of sale as published gives the year incorrectly in the dating of such notice, but the sale was duly and regularly made at the time and place specified and appointed in such notice, as shown by the sheriff's certificate of such sale, and the statutory period allowed for redemption from which sale has expired shall be sufficient for all purposes as against such erroneous date and the foreclosure based thereon shall not be affected by reason thereof.

Sec. 2. This act shall not affect nor apply to any action now pending.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1901.

CHAPTER 371—H. F. NO. 691.

AN ACT to amend section three thousand six hundred and seventy-four (3674) of the General Statutes of one thousand eight hundred and ninety-four (1894), as amended by chapter two hundred fifty-one (251) of the General Laws of one thousand eight hundred and ninety-seven (1897), relating to public schools.

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

Section 1. That the first (1st) proviso of section three thousand six hundred and seventy-four (3674) of the General Statutes of one thousand eight hundred and ninety-four (1894) be and the same is hereby amended so as to read as follows:

"Provided, that when the territory of the district or districts to be affected by such formation, alteration, consolidation, or setting off of any freeholder from one district and attaching him to another consists of parts of two or more counties, the petition shall be in duplicate or more as the case may be, and one presented to the commissioners of each of such counties, who shall severally proceed to hear the petition in the manner directed; that to effect the formation, alteration, consolidation or setting off of any freeholder from one district and attaching him to another, in such petition desired, shall require the concurrent action of the commissioners of each of such counties. The determination of the commissioners in each county shall be entered upon their records in the several counties by the several county auditors, who shall file the copies thereof with the clerks of the districts affected thereby in their respective counties in the manner directed, and also with the county auditors in each of the counties petitioned."

Sec. 2. That the third (3rd) proviso of section three thousand six hundred and seventy-four (3674) of the General Statutes of one thousand eight hundred and ninety-four (1894), as amended by chapter two hundred and fifty-one (251) of the General Laws of one thousand eight hundred and ninety-seven (1897), be and the same is hereby amended so as to read as follows:

"Provided, third, that upon the petition of any freeholder to said commissioners, asking to have any land described therein set off from the district in which it is situated and attached to some other district, which petition shall show that the land therein described is owned by said petitioner and that said land joins, or that but one quarter section or vacant and unoccupied land intervenes between the land of the petitioner and the district to which he desires said land to be attached; which petition shall state the reason for such proposed change and shall be verified by the oath of the petitioner to the effect that the same is true to the best of his knowledge and belief. That said commissioners may thereupon, after having given notice as in other cases, change the boundaries of the districts so as to set off the land described in said petition to the district to which he prays to have said land attached whenever they shall deem it just and proper and for the best interest of said petitioner so to do. But in case of any land intervening between that owned by the petitioner and the district to which he desires to become attached not exceeding one quarter section, as above stated, such petition shall not be considered, unless it is made to appear that the land intervening between the land in question and the district to which he desires to become attached is government land or is vacant and unoccupied, or that the owner thereof is unknown, and in such case, if the prayer of such petition is granted, such intervening tract shall be included in the change."

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1901.

CHAPTER 372—H. F. NO. 701.

AN ACT providing for the record of instruments affecting the title to real estate executed in another state, territory or district in accordance with the laws of such other state, territory or district.

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

Section 1. That any instrument affecting the title to real estate in any county in this state, that is executed and acknowledged in any other state, territory or district, which shall have attached, or appended thereto, or indorsed thereon a certificate of the secretary of state of the state, territory or district, or of the clerk or other proper certifying officer of a court of record, in the county, district or place within which such acknowledgment was taken under seal of office, that the person whose name is subscribed to the certificate of acknowledgment was, at the date thereof, such officer as he is therein represented to be, and was authorized to take acknowledgments in said county, district or place, and that such instrument is executed and acknowledged according to the laws of the state, territory or district in which the same was executed, shall be entitled to record in the county in which the land is situated.

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

Approval April 13, 1901.

CHAPTER 373—H. F. NO. 702.

AN ACT to legalize the incorporation of certain villages.

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

Section 1. That all villages heretofore incorporated or whose incorporation has been attempted under and by virtue of the provisions of chapter one hundred forty-five (145) of the General Laws of one thousand eight hundred and eighty-five (1885), and amendments thereto, which are now exercising such corporate powers, are hereby declared to be bodies corporate, provided a majority of the legal voters of the territory included in said village present and voting upon the question of incorporation voted in favor of such incorporation at any special election called for that purpose, and all such villages shall possess and are hereby endowed with all the franchises, rights, powers and privileges, and subject to all the duties conferred or attempted to be conferred upon such corporations under the provisions of said act and the amendments thereto, any defect or irregularity in the proceedings relating to such incorporation to the contrary notwithstanding.

And all officers of any such village, and all persons acting as officers of any such village, shall continue to occupy their respective officers in like manner, as if said village had been duly incorporated according to the laws of this state. And all votes taken by the electors of said villages and all official acts of all persons heretofore acting as officers of any such village, are hereby legalized and declared to be of the same force and validity as if said village had been legally incorporated.

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

Approved April 13, 1901.

CHAPTER 374—H. F. NO. 703.

AN ACT to amend Section 6054 of the General Statutes of Minnesota of 1894 concerning the force and effect of sheriff's certificates of sale under powers in mortgage and limiting the time within which such sheriff sales may be called in question.

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

Section 1. That section 6054 of the General Statutes of Minnesota of 1894 be and the same is hereby amended so as to read as follows:

Section 6054. Sheriff's certificates of sale as evidence Limitation.

That the sheriff's certificate of any sale, heretofore or hereafter made, under a power to sell contained in a mortgage, shall be prima facie evidence that all the requirements of law in that behalf have been duly complied with and prima facie evidence of title in fee thereunder in the purchaser at such sale, his heirs or assigns, after the time for redemption therefrom has expired; and no such sale shall be held invalid or set aside by reason of any defect in the notice thereof or in the publication or posting of such notice, or in the service of such notice on the person or persons in possession of the mortgaged premises, or in the proceedings of the officer making such sale, unless the action in which the validity of such sale shall be called in question be commenced, or the defense alleging its invalidity be interposed within five years after the date of such sale; provided that persons under disability to sue by reason of being minors, insane persons, idiots, persons in captivity or in any country with which the United States are at war when such sale was made may commence such action or interpose such defense at any time within five years after the removal of such disability; provided, further, that such actions shall be commenced with reasonable diligence in all cases.

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

Approved April 13, 1901.

CHAPTER 375—H. F. NO. 704.

AN ACT to amend section one (1) of chapter eighty-one (81) of the General Laws of the State of Minnesota for the year one thousand eight hundred ninety-nine (1899), entitled "An act to fix the amount of money allowed the office of county attorney in all counties of the State of Minnesota having a population of one hundred thousand and not more than one hundred and eighty-five thousand inhabitants for clerk hire and to provide for the appointment of such clerks."

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

Section 1. That section one of chapter eighty-one of the General Laws of the State of Minnesota for the year one thousand eight hundred ninety-nine (1899) be and the same hereby is amended so as to read as follows:

Section 1. In all counties of the State of Minnesota having according to the then last completed state or national census a population of not less than one hundred thousand and not more than one hundred and eighty-five thousand inhabitants, the county attorney in such counties shall be entitled to the sum of fifteen hundred (1,500.00) dollars a year for clerk hire in said county attorney's office, and the county attorney is hereby authorized to appoint a clerk or clerks in said county attorney's office, and said clerk or clerks shall receive as salary or salaries such proportion of the said sum of fifteen hundred ($1500.00) dollars per year as the county attorney shall direct, which salary or salaries shall be payable in equal monthly installments out of the county treasury of such county; provided that the total amount of said salary or salaries shall not exceed fifteen hundred (1,500) dollars for each year.

Sec. 2. Whenever, according to the then last state or national census, the population of any county in this state, which now has a population of less than one hundred thousand inhabitants, shall acquire said population of one hundred thousand inhabitants, such county shall at once become subject to the provisions of this act, and whenever, according to such census, the population of any county shall exceed one hundred and eighty-five thousand inhabitants the provisions of this act shall, at the expiration of ninety days from the final filing of the enumeration of such county, shall no longer apply thereto.

Sec. 3. All acts and parts of acts, whether general or special, inconsistent herewith are hereby repealed.

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

Approved April 13, 1901.

CHAPTER 376—H. F. NO. 736.

AN ACT to provide for clerk hire of county auditors and county treasurers whose salaries are fixed by special law, at thirteen hundred dollars ($1,300) and twelve hundred dollars ($1,200) per annum, respectively, in counties having a population of not less than fifteen thousand and wherein no compensation for clerk hire is allowed or deputies provided for by such special law.

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

Section 1. In all counties, in this state, having a population of fifteen thousand or more, wherein the salary of the county auditor is fixed by special law at thirteen hundred $1,300) dollars, and wherein the salary of the county treasurer is fixed by special law at twelve hundred dollars ($1,200) per annum, and wherein no compensation for clerk hire is allowed, or deputies provided for by such special law, the county auditor shall receive not less than three hundred dollars ($300) nor more than five hundred dollars ($500) per annum, and the county treasurer shall receive not less than three hundred ($300) dollars nor more than five hundred dollars annually, for clerk hire, to be fixed by the board of county commissioners at the regular January session. Provided, that for the year one thousand nine hundred and one (1901), the clerk hire herein allowed shall be fixed by the board of county commissioners at the July session, such allowance for clerk hire to be paid by county auditor's warrant in monthly installments.

Sec. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1901.

CHAPTER 377—S. F. NO. 350.

AN ACT to amend section 106, chapter 11, General Statutes of 1878, as amended by chapter 263, General Laws of 1887, being section 1624 of the General Statutes of 1894, relating to the record of deeds in certain cases.

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

Section 1. That section 106, chapter 11, General Statutes of 1878, as amended by chapter 263, General Laws of 1887, being section 1624 of the General Statutes of 1894, be amended to read as follows:

Section 1624. When any deeds, plat of any townsite, or instrument affecting the same, or any other conveyance of real estate, is presented to the county auditor for transfer, he shall ascertain from the books and records in his office if there be delinquent taxes due upon the land described therein, or if it has been sold for taxes; and if there are delinquent taxes due, he shall certify to the same; and upon the payment of such delinquent or other taxes that may be in the hands of the county treasurer for collection, he shall transfer the same, and note upon every deed of real property so transferred, over his official signature, "taxes paid and transfer entered;" or if the land described has been sold or assigned to an actual purchaser for taxes, "paid by sale of land described within;" and unless such statement is made upon such deed or other instrument, the register of deeds shall refuse to receive or record the same. A violation of the provisions of this section by the register of deeds shall be deemed a misdemeanor, and, upon conviction thereof, he shall be punished by a fine not less than one hundred dollars, nor exceeding one thousand dollars, and he shall be liable to the grantee of any instrument so recorded for the amount of any damages sustained; provided, that sheriffs' or referees' certificates of sales on executions, decrees, or foreclosures of mortgages, may be recorded by the register of deeds without any such certificate from the county auditor. And provided, that the provisions of this section shall not apply to the filing of any town or village plat, for the purpose of incorporation, in so far as the land therein embraced is included in a plat already filed in the office of the register of deeds, or in so far as the description of lands therein is not changed by said plat, nor to the filing of a copy of any town or village plat, in case the original plat of such town or village, filed in the office of the register of deeds, shall have been lost or destroyed; provided, this act shall not apply to Ramsey and Hennepin counties.

And provided, that the provisions of this section shall not apply to the filing and record of any deed or deeds heretofore executed, conveying title to any railroad, or railway company, to any lands in this state, not taxable prior to the year 1900.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved April 13, 1901.

CHAPTER 378—H. F. NO. 222.

AN ACT entitled an act to amend "An act to prohibit certain city and county officers from holding any other office during the term for which they were elected or appointed," and to except from its provisions certain appointive offices.

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

Section 1. That section 1 of chapter 131 of the General Laws of the State of Minnesota for the year 1897, be and the same is hereby amended so as to read as follows:

Section 1. It shall be unlawful for any person hereafter elected to any of the following offices, that is to say, the office of councilman, assemblyman or alderman in any city or in the office of county commissioner in any county in this state to hold any other office in such city or county during the term for which he was elected or appointed, except an office elective by the people in the district wherein he shall have resided thirty days previous to such election, and also except an office to which he may be appointed by the judges of any court of record exclusively, and also except any officer appointed to the board of public works of any city. Provided that nothing in this act shall be construed to apply to city or county officer, who, by virtue of his office as such, holds, occupies or exercises the functions of any other public office.

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

Approved April 13, 1901.

CHAPTER 379—S. F. NO 328.

AN ACT to authorize and empower cities in this state, which now have or hereafter may have no more than fifty thousand and not less than ten thousand inhabitants, to make local improvements and to assess the cost thereof on property benefited thereby.

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

Section 1. That all cities in the State of Minnesota which now have or hereafter may have no more than fifty thousand and not less than ten thousand inhabitants, are hereby authorized and empowered to fill, grade, curb, plank, pave, gravel and macadamize its streets lanes, alleys and highways; to construct, lay, relay, enlarge and repair sidewalks, retaining walls, area walls, gutters, sewers and private drains; to build and place protection fences and railings along streets, alleys and highways for the safety of pedestrians; to plant, maintain and protect shade or ornamental trees along its streets, lanes, alleys and highways; to abate nuisances and to drain swamps, marshes and ponds and to fill the same, in such city; and to sprinkle its streets, lanes, alleys, highways and public grounds, and to levy assessments for the cost of all the improvements mentioned above, upon property to be benefited by such improvements, in the manner and as hereinafter designated.

Sec. 2. The expense of any improvement mentioned in the foregoing section, except as otherwise specially provided in this act, shall be defrayed by an assessment upon the real estate benefited thereby, to be levied, enforced and collected in the manner hereinafter prescribed, except that all or any part of the expense of paving, repaving, gravelling, macadamizing, filling and grading of the space occupied by street intersections may, if the city council of such city deems it expedient, be paid out of the general fund of such city.

Sec. 3. Two or more improvements upon one or more streets, either of paving, curbing, gravelling, macadamizing, planking, grading or filling, or constructing retaining walls, protection fences, area walls, sewers, gutters or drains, or either or any of them, may be done at the same time under one resolution and may be included in one contract if deemed advisable by the city council of such city so to do.

Sec. 4. Prior to the passage of any resolution for the doing of any work or the making of any improvement hereinbefore specified, the expense of which is to be assessed upon property benefited, except as otherwise specially provided in this act for certain designated kinds of improvements, the city council of such city shall cause plans and specifications of such proposed work, together with an estimate of the probable expense thereof, to be made by the city engineer of such city, or by such other person as may be employed by the said city council for that purpose, and presented to said city council for its consideration and approval, and the same shall immediately upon the approval thereof by said council be filed with the city clerk or recorder of such city for the inspection of all parties interested.

The city council shall then designate a time, not less than twenty (20) days distant, and a place at which it will meet and act in relation to the doing of the proposed work and the making of the proposed improvement, and direct that notice be given by the clerk or recorder of such meeting, and the time, place and purpose thereof, and that in the meantime sealed proposals for the doing of such work and the furnishing of all material therefor, if required, will be received by said clerk or recorder, and opened in the presence of such council at such meeting.

In such notice shall be concisely stated, the location of the proposed work, the general nature of the proposed improvement; that the said plans, specifications and estimate therefor have been so filed with the clerk or recorder, and that all persons interested will be heard at such time and place; the said notice shall be given by publication thereof in the official paper of such city, at least once in each week for two successive weeks prior to the time designated as aforesaid by the said city council.

Sec. 5. Whenever the system of sanitary sewerage known as the Shone-Hydro-Pneumatic system, or any system other than a natural gravitation system, shall be adopted and established in and for any such city or for any portion of the same, the city council thereof in each instance, when it proposes to cause such sanitary sewers or system of sewers to be constructed or laid, for the drainage of any given portion of such city, shall first determine and accurately describe, by ordinance, the area of territory to be made tributary to an ejector or pumping station to be constructed for such district, and in each instance such territory, so defined, shall be known as a sewer district in such city and shall be properly designated by number.

After sewers or sewer pipes shall have been constructed or laid in any such district, or any portion thereof, in accordance with plans adopted for such district, the city council of such city shall have no power or authority to change the boundary lines of such district, nor to increase or diminish the extent of territory made tributary to the ejector or pumping station therein; provided, that whenever it shall be found advisable after any such district has been established to make a portion of such district tributary to the pumping station of an adjoining district, for the purpose of obtaining a better and more efficient drainage for such portion, then and in such event, the said council may, by an affirmative vote of two thirds (2-3) of all its members, cause such change to be made, after the city engineer of such city shall have filed his opinion in writing, deeming such change proper and advisable.

Whenever any such sewerage system, other than a natural gravitation system, shall be adopted and established in any such city, the cost and expense of all machinery, ejectors, pumps, air compressors, compressed air storage tanks, and all compressed air pipes and connections, and of erecting and installing all such machinery and appliances and the cost of constructing and laying the final discharge and outlet pipes from the ejector or pumping chamber, in such district to its terminus, shall be paid by the city at large out of the general fund of such city; and no greater amount than the cost of material and labor for and of constructing and laying all sewers and sewer pipes, and the cost and expense of material and labor for, and of constructing and equipping all flush tanks, the ejector or pumping chamber or chambers and attendant manholes and all other manholes in each such district, shall be chargeable to and assessed upon the lots and parcels of land found benefited in any such district.

Whenever only a portion of a sewerage district, established as in this section provided, shall be constructed and only a part of the territory in such district shall be provided with sewers, then and in such event there shall be assessed upon the property benefited thereby, such portion only of the cost of the ejector or pumping chamber and adjoining manhole, if constructed for the ultimate use of the entire district, as said council may deem equitable and just, and the balance of such cost, not so assessed, shall in the first instance be paid out of the general fund of such city, and upon each and every subsequent extension of sewers in such district, such portion of the cost of such ejector or pumping chamber and adjoining manhole, as may be deemed just and equitable by said city council, shall be included in the assessment for the cost of such extension, until such district has been fully completed, and each assessment for such portion of such chamber and manhole shall be returned into said general fund as the same shall be collected from time to time.

Sec. 6. Any contract for the making of any improvement designated in this act may be for the entire improvement complete and include all labor, material, machinery and whatever may be necessary for the full completion thereof, or may be for the doing of the work alone, such city furnishing the necessary material therefor, as the city council of such city may deem to the best interest of such city; and such council may also, at its discretion, cause the making of any such improvement by separate contracts for different portions thereof or by separate contracts for the labor, material and machinery required for the making of such improvement; in each such instance the notice, prescribed by section 4 of this act, shall contain a distinct statement of the nature and extent of such separate contracts, and shall definitely describe such separate portions of such improvement.

Whenever any machinery or mechanical appliances shall form a part of any improvement authorized by this act, the city council of such city may award a contract for the same after taking into consideration the efficiency, duty, cost of operation and maintenance and the construction, workmanship and operation generally of the several machines or appliances designated in the several bids, without regard to the amount of such bids.

Sec. 7. Before any proceedings are had by any such city council for the sprinkling of any of the streets, lanes, alleys or public grounds in any such city, such council shall each year by resolution in writing, determine what territory in such city shall be sprinkled during such year, and may divide such territory into two or more sprinkling districts, describing the boundary lines of each such district; each district so determined shall be designated by number, and thereafter all reference to such district by number in any notice required by this act, or in any other proceeding having reference thereto, shall be deemed a sufficient designation; said resolutions shall designate what officer or officers of said city shall supervise and inspect said work in accordance with the plans and specifications therefor; such resolution shall be published once in the official paper of such city.

The contract price to be paid by said city for the doing of such work shall be upon the basis of sprinkling one hundred (100) square feet per week, during the life of such contract; if in the opinion of said council it is deemed impracticable, at the time of letting any such contract, to designate the exact length of time during which sprinkling is necessary in any or all of the districts designated, during any particular season, said council may let such contract without so designating the beginning and the end of such sprinkling season; and upon the city so letting such contract the city council of such city shall have power to order the beginning of said work upon three (3) days' notice to the contractors therefor, and shall likewise have power to order said work to cease for the season in any or all districts or in any portion of any one district, if in their opinion no necessity therefor exists, and such order and direction shall be final, conclusive and binding upon all parties concerned.

Any number of districts may be included in one contract and any or all action by the city council with reference to sprinkling may be with reference to the entire territory to be sprinkled.

Sec. 8. At the time and place designated in the notice prescribed by section four (4) of this act, an opportunity shall be given by the city council of such city to any and all interested parties to be heard for or against the proposed work designated in such notice, and the clerk or recorder of such city shall, in the presence of the said council, open and read all sealed proposals which may have been received for the doing of such work or the furnishing of material, if any, therefor, or both, as the case may be, and the city council of such city may then, by an affirmative vote of a majority of all its members, by resolution in writing, accept the most favorable proposal (such proposal to be that of the lowest responsible bidder) and by such resolution authorize the doing of the proposed work or any part thereof, by the person or persons whose proposal shall have been accepted, and direct that written contract be made with him or them therefor; or may reject any or all proposals offered and refuse to authorize to do such work or of any particular part thereof; or if it is deemed by said council to be to the best interest of the city, and the estimate of the cities engineer is less than the lowest bid for said work and material, may reject all proposals offered, and authorize the doing of such work under the direction of the city engineer without contract, or may in its discretion, from lack of quorum or any other reasons, postpone the consideration and decision of the whole matter, or any branch thereof to a future definite time, of which postponement all parties interested shall be required and deemed to take notice.

Such resolution, after the same has been duly adopted by the said council, shall be signed by the president of such council and attested by the said recorder or clerk, and on the next day after the adoption thereof the same shall be transmitted by such clerk or recorder, to the mayor of such city for his approval. If the mayor approves the same he shall append his signature, with the date of his approval thereto, and return the same to the clerk or recorder within five (5) days, Sundays excepted, from the date of its transmission to him; and if he declines to approve the same he shall, within said period of five (5) days (Sundays excepted), return the same to the clerk or recorder with a statement of his objections thereto, to be presented to the said council at its next meeting thereafter.

Upon the return of said resolution to the city council, without the mayor's approval, the question shall again be put upon the passage of the same, notwithstanding the objections of the mayor, and if upon such vote, which shall be taken by a call of the ayes and noes, two-thirds (2-3) of all the members of the said council shall vote in favor of the adoption of such resolution, the same shall be declared adopted and shall have the same force and effect as if approved by the mayor.

If such resolution, transmitted to the mayor, shall not be returned by him to the said recorder or clerk within said five days (Sundays excepted), after presentation thereof to him, the same shall be deemed to be approved by him, and he shall deliver the same to the clerk or recorder on demand.

Sec. 9. All contracts authorized by this act for any of the improvements therein designated, shall be executed on behalf of such city by the mayor and attested by the clerk or recorder thereof.

Sec. 10. That each such city is hereby authorized, whenever a contract is let for the paving or macadamizing of any of its streets, to include in such contract, when deemed expedient or necessary, the construction and laying, as far as the property lines, of all lateral sewers and drain connections that may be deemed expedient or necessary, and that the cost of such work shall be assessed by said council upon the real estate benefited thereby, and inforced and collected in the manner and under the regulations provided by this act for other local improvements in such city.

Sec. 11. In making any improvements herein authorized, the said council may select patented appliances and material to enter into such construction, if the cost, maintenance and duty thereof is deemed relatively the lowest or most satisfactory, all things considered, and the decision of said council therein shall be final.

Sec. 12. Each said city is hereby authorized to provide, establish, equip and maintain, and cause to be operated under the supervision of the street commissioner of such city, municipal quarries for the purpose of providing stone, rock and macadam for municipal improvements and uses; and suitable works, apparatus and other facilities for the manufacture, construction and laying of macadam, asphalt, or other kinds of street pavements and sidewalks, as the city council of such city may determine.

Whenever any material is furnished by or obtained from any such municipal quarries, works, apparatus or other facilities, and employed in the construction of making any public improvements provided for in this act, the cost of which is to be assessed upon property benefited thereby, the street commissioner of such city shall immediately upon the completion of said improvement certify the cost of such material so furnished and employed in the making of said improvement, and all work in connection therewith to the city council of such city, and such certificate shall be placed on file with the city recorder for the inspection of all parties interested; the amount so certified shall be deemed a part of the cost of the improvement so to be assessed, and an assessment shall be made therefor, levied and collected in the same manner as though said work had been performed and said material delivered by contract, as hereinbefore provided.

Sec. 13. Whenever the board of health shall report to the city council of any such city that stagnant or impure water stands upon any lot, lots or parcels of land within such city, thereby creating a nuisance injurious to public health, said council shall immediately proceed to investigate the same, and if they shall determine that a nuisance does exist by reason of any stagnant or impure water standing upon any lot, lots or parcel of land, and the same is injurious to public health, they shall instruct the city engineer to prepare and recommend a plan and specifications for the abatement of said nuisance, together with an estimate of the expense, which shall be submitted to said council and filed with the recorder, the same as for other public improvements designated in this act, and if said council deems that sufficient real estate can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby, such council shall order the doing of said work in the manner hereinbefore provided, and the same proceedings shall be had in relation thereto by said council and other city officers as in case of other local improvements provided for in this act, and the cost thereof shall be assessed upon the property benefited as hereinafter provided.

Sec. 14. If the city council of any such city, in carrying out any of the provis[illegible] of this act, should find unforeseen obstacles in grading, excavating, filling, paving or abating nuisances, or in constructing sewers or drains, not provided for, such city council may by resolution order such change or modification in such improvement to meet such unforeseen obstacles, as the said council may deem equitable and just, upon the recommendation of the city's engineer in charge of such work, at any time before or after the letting or making of any contract to do the same, or at any time while the work is in progress, by an affirmative vote of two-thirds (2-3) of all the members of such council; and any additional expense occasioned by such change, addition or modification of the improvement may be included in the assessment therefor upon property benefited by such improvement, but no additional expense shall be incurred other than may be necessary to overcome such unforeseen obstacle; provided, that if the expense required to overcome such unforeseen obstacle will materially increase the cost which would be incurred in the work, if such unforeseen obstacle had not occurred, then the city council of such city shall have power, by resolution in writing, adopted by an affirmative vote of two-thirds (2-3) of all the members of such council, to rescind the contract therefor so far as the uncompleted part of the work is concerned, and may, in their discretion, after such recision, order the work to be relet as other work is let under this act, and the original contractor in such case shall be entitled to be paid for the portion of the work done by him, ratably, according to contract price, as nearly as the same can be ascertained, and no more. No resolution adopted by virtue of the provisions contained in this section shall require the consent or action of the mayor of such city, but shall be in full force and effect when adopted by the city council, as herein designated.

Sec. 15. If, in the opinion of the city council, and its engineer in charge, any work under any contract in such city, authorized by this act, does not proceed each month so as to insure its completion within the time named in the contract, the city's engineer in charge of such work shall have power, when authorized by resolution of such city council, to furnish and use men and materials to complete the work, and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due him or to become due such contractor, or may be collected from him in a suit by said city.

Sec. 16. In all cases where the work for any improvement contemplated by the provisions of this act, shall be suspended before final completion, or the contractor shall abandon his work under his said contract or shall fail to perform the same for any cause, or if at any time the work or any part thereof is unnecessarily delayed, or the contractor is violating any of the conditions of his contract or executing any of the same in bad faith, then at the option of such city, and by an affirmative vote of a majority of all the members of such council, the contractor may be excluded from further control and superintendence of the work required by his said contract, and such city may then assume such control and superintendence and proceed to complete the work or improvement either by authorizing the city engineer in charge to procure and furnish all necessary labor and material and complete the same by day work, or, as the city council may determine, relet the unfinished portion of such work or improvement in the same manner, as nearly as may be, as provided in this act for the letting of contracts in the first instant for such improvements, and in every case of such new contract the work shall be carried to completion and shall be paid for in the same manner as contracts for other like improvements, and any and all damages and increased costs of the work to the city, including both labor and material, will be a charge against the original contractor and shall be deducted from any moneys remaining unpaid him or to become due such contractor, and the balance, if any, may be collected by said city from him and his sureties as provided by law.

Sec. 17. Any contractor or person who accepts a contract authorized by this act, under any such city, shall take the same with the condition that he shall be personally and directly responsible for any and all loss, damage or injury which may arise in any way, directly or indirectly, to be suffered by said city by reason of any occurrence while the work is going on, and before acceptance thereof by such city, caused by any negligence or misconduct on his part or on the part of his servants or employes in doing the same, and every such contractor shall guard all such work by suitable guards by day and with lights at night, so as to prevent any loss, damage or accident.

Sec. 18. Before any contract whatever for the doing of any work or furnishing any skill or material, contemplated in this act, to any such city for the making of any improvement herein authorized shall be valid for any purpose, the contractor therefor shall execute a bond to such city, with two or more sufficient sureties to be approved by the mayor of such city, in such amount as the council of such city may direct, not less than the contract price agreed to be paid for the performance of such contract, and in no event less than one thousand (1,000) dollars, conditioned as provided by the General Laws of this state requiring the giving of bonds by contractors for public works and improvements, and conditioned further that such contractor will indemnify and hold harmless such city against any damage, loss or injury which may arise in any way, directly or indirectly, be suffered by said city by reason of any occurrence while the work is going on and before acceptance thereof by such city, caused by any negligence or misconduct on the part of such contractor, his servants or employes in doing the same.

Such bond shall in all respects be executed as required by such General Laws, and all provisions in such laws contained, shall be applicable, as near as may be, to contracts herein authorized.

Every such bond shall be filed with the contract in the office of the clerk or recorder of such city, the custodian thereof.

Sec. 19. The council of every such city shall have power to require all bids for the doing of all work or the furnishing of all skill or material, authorized by this act, to be accompanied by a bond, on the part of the bidder in such sum and with such sureties as said council may prescribe, or in lieu of such bond a certified check payable to such city, upon a bank located in such city or cash of the same amount, conditioned that he will enter into a contract with such city for the doing of the work or the furnishing of the skill or material for the p[illegible] mentioned in his bid, and according to t[illegible] plans and specifications therefor in case the contract shall be awarded to him; and in case of default on his part to sign and enter into such contract or fail to furnish the required bond therefor, within the time prescribed by such council in and by the specifications therefor, the same shall be deemed forfeited, and if a check or cash be so deposited the same shall be the property of the city absolutely, and in case of a bond the same may be sued and judgment recovered thereon by such city, for the full amount in any court having jurisdiction of the amount.

Sec. 20. It is hereby made the duty of the city council of such city to make without unnecessary delay, at the proper time or times, all assesments for local improvements authorized by this act.

Sec. 21. Upon the completion of any improvement authorized under the provisions of this act, the city council of such city shall proceed without delay to apportion and assess the cost of such improvement, when not herein otherwise provided, upon the real estate by them deemed benefited, to the extent of benefits received, and in proportion, as near as may be, to the benefits resulting thereto from the improvement; and it shall constitute no objection to such assessment that the amount thereof either exceeds or falls short of the original estimate of the cost of the improvement submitted to the city council, or that the said city has not fully adjusted all matters with the contractors for said work, or approved his final estimate therefor, or that the said council has refused at that time to relieve the said contractor from further duties in connection therewith.

In all proceedings and advertisements for the making and collection of any assessment under this act, letters, figures and the usual and customary abbreviations may be used to donate lots, parts of lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts; such assessment shall be in writing, in which shall be given a description of each lot or parcel so assessed, the name of the owner thereof, if known, and the exact amount assessed thereto.

Sec. 22. Upon the completion of any assessment authorized by this act, the said council shall direct that the same be placed on file with the clerk or recorder, and shall appoint a time, not less than ten (10) days distant, and a place when and where it will meet to con-