

CHAPTER 75.

AN ACT TO AMEND AN ACT TO AUTHORIZE THE CITY OF SAINT PAUL TO PURCHASE THE FRANCHISES AND PROPERTY OF THE SAINT PAUL WATER COMPANY AND CREATING THE BOARD OF WATER COMMISSIONERS, APPROVED FEBRUARY TENTH (10th), A. D. ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881).

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

SECTION 1. That section four (4) of an act to authorize the city of Saint Paul to purchase the franchises and property of the Saint Paul water company and creating the board of water commissioners, approved February tenth (10th), A. D. one thousand eight hundred and eighty-one (1881), be and the same is hereby amended by inserting between the word "designated" and the word "and" in the fourth (4th) line of said section, the words, "and who may sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute to final judgment in any court or elsewhere in the name of said board of water commissioners, to have a common seal, and to alter the same at pleasure."

SEC. 2. That section six (6) of said act, be and the same is hereby amended by striking out the words, "the city of Saint Paul" where they occur in the second line of said section and in lieu thereof inserting the words, "said board."

SEC. 3. That section seven (7) of said act, be and the same is hereby amended by adding thereto the following proviso: *Provided*, however, that the bond of the secretary of said board shall be in a sum of at least ten thousand dollars (\$10,000).

SEC. 4. That section nine (9) of said act be, and the same is hereby amended by striking out the words, "the city of Saint Paul," where they occur in the first (1st) line of said section, and inserting the words, "the said board of water commissioners," and also further amend said section by inserting between the word "works" and the word "it" in the fourth (4th) line thereof the words, "or make new line of works"

SEC. 5. That section ten (10) of said act, be and the same is hereby amended by adding the following words to said section: "which said easement shall include the right of passage without doing unreasonable damage from any public highway to and from the land included or covered by said easement, the damage for said right of passage shall be estimated in apportioning the amount of damage to be paid for such easement."

SEC. 6. That section eleven (11) of said act, be and the same is hereby amended by striking out all after beginning with the word "provided" in the sixty-fourth (64th) line of said section down to and including the words, "operating said works" being the end thereof, and inserting in lieu thereof the following: "And also by filing a bond in the sum of five hundred dollars, (\$500) with at least two (2) sureties to be approved by the court, conditioned for the payment of any costs that may be awarded against appellant."

SEC. 7. That section thirteen (13) of said act, be and the same is hereby amended by striking out the word "city" where it occurs in

the first (1st), fifth (5th) and thirteenth (13th) lines thereof, and inserting in lieu thereof in each of said lines the word "board."

SEC. 8. That section fifteen (15) of said act, be and the same is hereby amended by striking out the word "city" in the second (2d) line thereof, and inserting in lieu thereof the word "board."

SEC. 9. That section eighteen (18) of said act, be and the same is hereby amended by striking out the words and figures, "five (5)," where they occur in the eighth (8th) and sixteenth (16th) lines of said section, and inserting in lieu thereof the words and figures, "six (6)" and further amended by adding to said section eighteen (18) the following words: "All bonds hereafter issued by said city under and by virtue of the provisions of said act for the purchase of the franchises and property of the Saint Paul water company are hereby declared to be legal and valid bonds of the city of Saint Paul."

SEC. 10. That section nineteen (19) of said act, be and the same is hereby amended by striking out all after and beginning with the word, "provided," in the eleventh (11th) line of said section, down to and including the words, "of said city," being the end thereof, and inserting in lieu thereof the following: "That the expenses of all public hydrants and water supplied to any department of the city shall be paid out of the general fund of the city, and charged to the public account of said department, and in case of damage to the pipes or works of the water board caused by a change of grade, or operation of any department of the city, such damage shall be paid out of the general fund of said city, except in cases where an assessment shall be made by the board of public works of said city for a change of grade as now, or as may hereafter be provided by law, in such cases the damage accruing to the board of water commissioners shall be paid out of said assessment."

SEC. 11. That section twenty-four (24) of said act, be and the same is hereby amended by inserting between the word, "the," in the fourteenth (14th) line thereof and the word, "treasury," in the fifteenth (15th) line the word, "city," and also further amend said section by striking out the word, "person," where it occurs in the one hundred and forty-seventh (147th) line thereof, and inserting in lieu thereof the word, "officers."

SEC. 12. Whenever the board shall determine to lay new mains on any of the streets of said city, the engineer of the board shall make application to the city engineer, whose duty it shall be without any unnecessary delay to furnish the engineer of the water commissioners with a profile of the street with the grade line thereon

In the laying of new mains the city engineer shall have the general supervision, in an advisory manner, of laying said mains. Before the board of public works of said city shall report in favor of a change of grade, on any street upon which the mains of said board are laid, they shall notify the board of the contemplated change, and it is hereby made the duty of said board upon being so notified to report to the board of public works the damage, if any, that will be incurred by said board by said change of grade, which damage shall be taken into consideration, as part of the costs of said improvement.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved January 25, 1883.