General Provisions

CHAPTER 465

GENERAL PROVISIONS

465.01 RIGHT OF EMINENT DOMAIN.

HISTORY. 1883 c. 73 ss. 23 to 28; 1885 c. 145 ss. 23 to 28; G.S. 1878 Vol. 2 (1888 Supp.) c. 10 ss. 226 to 231; 1889 c. 123 s. 1; 1891 c. 146 sc. 8 s. 1; G.S. 1894 ss. 1240 to 1245, 1322; 1895 c. 8 ss. 128, 214, 225; 1903 c. 388; R.L. 1905 s. 766; G.S. 1913 s. 1784; G.S. 1923 s. 1829; M.S. 1927 s. 1829.

In proceedings by municipal authorities to condemn land for a public street, the burden of proof upon the question as to the propriety and necessity of the proposed street is upon the municipality. Where the proposed street extends over and across a railroad right of way or depot grounds, the burden to show that, if so extended, it will essentially impair and destroy the use of such right of way for railway purposes is upon the railway company. M. & St. L. Ry. Co. v Village of Hartland, 85 M 76, 88 NW 423.

Authority on the part of a municipality to extend a public street or highway over and across a railroad right of way is implied from the general grant of power to lay out and establish streets and highways. Such authority is not implied, nor does it exist, when the use of the right of way for railway purposes will be thereby essentially impaired or destroyed, in which event express legislative authority to extend a street is necessary. M. & St. L. Ry. Co. v Village of Hartland, 85 M 76, 88 NW 423.

The determination of the municipal authorities in proceedings to lay out and open a street over and across the right of way of a railway company, or the determination of a jury, on appeal therefrom, that such street is a public necessity, and when so laid out and opened, will not essentially impair the use of such right of way for railway purposes, will be set aside only on its appearing that the evidence is conclusive against it. Fohl v Village of Sleepy Eye, 80 M 67, 82 NW 1097; M. & St. L. Ry. Co. v Village of Hartland, 85 M 76, 88 NW 423.

Notwithstanding Special Laws 1881, Chapter 410, the city of White Bear, under its home rule charter, could condemn Goose Lake, outside its corporate limits, as a sewage disposal plant. City of White Bear Lake v Leuthold, 172 M 255, 214 NW 930.

A village may exercise the power of eminent domain for the purpose of erecting a liquor store within the village. There need not be a vote of the electorate. Under certain circumstances purchase of land, and erection or repair of store may be contracted for by payments from the liquor store. If bonds are issued there must be a vote. 1942 OAG 174, April 8, 1942 (218R).

465.013 PROPERTY OR EASEMENTS NOT ACQUIRED BY PRESCRIPTION.

HISTORY. 1943 c. 582 ss. 1, 2.

465.02 LANDS DEEDED TO STATE; MODIFICATION OF CONDITIONS.

HISTORY. 1911 c. 182 s. 1; G.S. 1913 s. 1843; G.S. 1923 s. 1930; M.S. 1927 s. 1930.

465.03 GIFTS TO MUNICIPALITIES.

HISTORY. 1903 c. 22; R.L. 1905 s. 767; 1913 c. 319 s. 1; G.S. 1913 s. 1785; G.S. 1923 s. 1830; M.S. 1927 s. 1830.

A village may accept the grant of an abandoned right of way and sell the same. *Jenkins v Hanson*, 101 M 298, 112 NW 216.

A person not a pauper conveyed land to a city, upon the city's promise to furnish him suport during his natural life and burial upon his death. The city fully performed. It is not important whether the obligation assumed could have been enforced against the city so long as it remained executory. The city had power to acquire land such as this for municipal purposes. The contract having been fully executed on both sides, and the grantor having received his full consideration for the grant, neither he nor his heirs can recall the title to the land conveyed. Hjelm v City of St. Cloud, 134 M 343, 159 NW 833.

Under the city charter of Eveleth, the council had no authority to pay claims against a hockey rink, which was to be transferred to the city for no other consideration than the payment of such claims. Burns v Essling, 156 M 171, 194 NW 404.

The village council of the village of Butterfield may accept 240 acres as a gift. 1942 OAG 256, Dec. 22, 1942 (476B-10).

465.04 ACCEPTANCE OF GIFTS.

HISTORY. 1923 c. 395 s. 1; G.S. 1923 s. 1663; M.S. 1927 s. 1663.

465.05 TAX LEVY TO PAY INTEREST.

HISTORY. 1923 c. 395 s. 2; G.S. 1923 s. 1664; M.S. 1927 s. 1664.

465.06 CERTAIN CITIES MAY EXTEND, EXECUTE, OR RENEW MORTGAGES.

HISTORY. 1939 c. 190 s. 1; M. Supp. s. 1762-1.

465.07 MORTGAGES MAY BE FORECLOSED.

HISTORY. 1939 c. 190 s. 2; M. Supp. s. 1762-2.

465.08 TO SUPERSEDE OTHER LAWS.

HISTORY. 1889 c. 65 ss. 1, 2; 1939 c. 190 s. 3; M. Supp. s. 1762-3.

465.09 DAMAGES; NOTICE OF CLAIM; LIMITATION.

HISTORY. 1897 c. 248 s. 1; R.L. 1905 s. 768; 1913 c. 391 s. 1; G.S. 1913 s. 1786; G.S. 1923 s. 1831; M.S. 1927 s. 1831.

1. Constitutionality
2. When applicable
3. When not applicable
4. Effect on charter provisions
5. Notice of claim
6. Limitation

1. Constitutionality

The liability of a municipal corporation for injuries caused by defects in streets is such as the legislature may choose to impose. A provision in the charter that no action for such injury shall be maintained against the corporation, unless, within 30 days after the injury, notice, specifying the time and place of the injury, and that the person will claim damages, is given, nor unless the action be commenced within a year, is valid. Such a provision in the charter of Minneapolis applies as well to injuries to property as to injuries to persons. Nichols v City of Minneapolis, 30 M 545, 16 NW 410.

The title of Laws 1897, Chapter 248, requiring notice to cities and villages of the injury for which damages are claimed, is sufficient under the Constitution, Ar-

ticle 4, Section 27; and the act does not contravene the Constitution, Article 4, Section 33. Bauscher v City of St. Paul, 72 M 539, 75 NW 745.

Laws 1897, Chapter 248, relating to actions against municipalities for damages to persons injured on streets and public grounds, is constitutional in so far as it requires notice to be given of an injury sustained by any defect in any of the public places or works therein mentioned, as a condition precedent to an action therefor, but that the act, in so far as it requires such notice in actions for injuries due to the negligence of the officers or employees of a municipality, which is in no manner connected with such public places, is invalid. Winters v City of Duluth, 82 M 127, 84 NW 788.

The legislature may legally provide that ten days' written notice to the city, prior to the accident, of the existence of a defect in a street or sidewalk, shall be a condition precedent to liability for damages caused thereby to individuals. Schigley v City of Waseca, 106 M 94, 118 NW 259.

In construing Laws 1897, Chapter 248 (the original of Revised Laws 1905, Section 768), the court held in effect that the clause "or by reason of the negligence of its officers, agents or servants" was not germane to the title of the act; hence no effect was given to it prior to the revision of 1905. This clause, as it appears in section 768 of the revision, is valid. This section is a part of the revision, which became effective March 1, 1906, and was duly passed under an appropriate general title; hence the whole section is valid from that date. State v Barnes, 108 M 230, 122 NW 11; Mitchell v Village of Chisholm, 116 M 323, 324, 133 NW 804.

2. When applicable

Laws 1897, Chapter 248, requiring notice to cities and villages of the injury for which damages are claimed, is mandatory, and is a condition precedent to a right to maintain an action for such damages. Bauscher v City of St. Paul, 72 M 539, 75 NW 745; Engstrom v City of Minneapolis, 78 M 200, 80 NW 962.

Laws 1897, Chapter 248, imposes a uniform condition precedent to liability, and applies to all of the municipalities of the state. Doyle v City of Duluth, 74 M 157, 76 NW 1029.

A pumphouse is included in the term "public works". Winters v City of Duluth, 82 M 127, 84 NW 788.

The rule that where the title to a statute is restrictive, legislation under such title must be confined within the same limits, applied to Laws 1897, Chapter 248; held that the act applies only to actions to recover damages for injuries to the person. Megins v City of Duluth, 97 M 23, 106 NW 89.

Plaintiff, while lawfully on private property, was injured by being struck by a piece of rock hurled by the blasting, in a negligent manner, of rocks and boulders by the defendant in one of its streets. He brought action to recover damages for his injuries, but did not give the notice provided for by Revised Laws 1905, Section 768. The action is within the statute and the complaint does not state a cause of action. Mitchell v Village of Chisholm, 116 M 323, 133 NW 804.

Service of the written notice prescribed by General Statutes 1913, Section 1786, is a condition precedent to the maintenance of a suit to recover damages from a city on account of an illness contracted from the use of contaminated water supplied from the waterworks owned and operated by the city. Frasch v City of New Ulm, 130 M 41, 153 NW 121.

A municipality owes a duty to exercise due care toward children using its streets for recreation or play; and if the municipal officers are chargeable with notice that children habitually play around open flares used to protect traffic against excavations, a jury is justified in finding that men of ordinary prudence should anticipate injury to some of them. Schmit v Village of Cold Spring, 216 M 465, 13 NW(2d) 382.

An unobjected to charge permitting a finding that the village might be found guilty of negligence in not maintaining a warning device, barrier, or barricade to warn travelers of termination of street, if existing conditions created the appearance that the street projected beyond its terminus, and if the presence of the ditch adjacent to the street constituted a danger to the public, determined

for the purpose of the case that there was a duty on part of the village to protect the public against danger mentioned. Christenson v Village of Hibbing, 219 M 141, 16 NW(2d) 881.

3. When not applicable

The provisions of Laws 1897, Chapter 248, requiring notice to be given to a municipality of injury caused by defects in its streets as a condition precedent to the maintaining of an action therefor, do not apply to an action by the personal representatives of a deceased person, whose death was caused by such defects. Maylone v City of St. Paul, 40 M 406, 42 NW 88; Orth v Village of Belgrade, 87 M 237, 91 NW 843.

Laws 1897, Chapter 248, requiring 30 days' notice to be given to a municipality of claims for injuries received from defects in its streets, sidewalks, or its public works, before action therefore, does not apply where an employee or servant asks for redress for injuries from the negligence of a city in failing to provide a reasonably safe place for its servants to work, or other absolute duties of the master. Kelly v City of Faribault, 95 M 293, 104 NW 231; Pesek v City of New Prague 97 M 171, 106 NW 305.

Neither the charter of the city of West St. Paul nor Revised Laws 1905, Section 768, limiting the time within which certain actions may be commenced against municipalities, refers to or include actions for death by wrongful act. Senecal v City of West St. Paul, 111 M 253, 126 NW 826.

This section is not applicable to a claim of liability for loss sustained by one furnishing labor or material to a contractor with a municipal corporation by reason of failure to take from the contractor the bond required by statute. McMullin Lbr. Co. v Village of Pine Island, 119 M 60, 137 NW 192.

City charter of St. Paul, section 690, which is substantially identical with Revised Laws, Section 768, does not require such notice as a condition precedent to the right of an employee of the city to sue for injuries caused by the city's failure to provide such employee with a safe place in which to work, or by the city's violation of any of the absolute duties of a master to the servant. Gaughan v City of St. Paul, 119 M 63, 137 NW 199.

In an action brought against a municipality to recover damages for personal injuries received by a person while in its employ as a servant, and by reason of its negligent failure to discharge the duties of a master, Revised Laws 1905, Section 768, does not apply as to the service of written notice. Quackenbush v Village of Slayton, 120 M 373, 139 NW 716.

Under Revised Laws 1905, Section 768, and city charter of St. Paul, section 690, prior to the enactment of Laws 1913, Chapter 391, effective July 1, 1913, the limitation of one year after injury in which to bring suit did not apply when the claim was based upon a negligent failure of the city to observe a duty imposed upon it by law as an employer. Schultz v City of St. Paul, 124 M 257, 144 NW 955.

When the main purpose of the suit is to enjoin a city or village from maintaining a private nuisance, the written notice prescribed by General Statutes 1913, Section 1786, need not be served before suit. Joyce v Village of Janesville, 132 M 121, 155 NW 1067.

The provisions of Laws 1913, Chapter 391, do not apply to a cause of action for damages to real property growing out of the reestablishment of a grade line of a street, and the filling up to such new grade line, and in such case no written notice to the city is required. Johnson v City of Duluth, 133 M 405, 158 NW 616.

General Statutes 1913, Section 1786, does not apply to an action brought to recover damages and enjoin the continuance of a nuisance caused by a village permitting sewage to be deposited on defendant's land. Nienow v Village of Mapleton, 144 M 60, 174 NW 517.

This section does not give rise to a cause of action for negligence arising out of the operation of instrumentalities for diversion or exercise in a public park without charge. Emmons v City of Virginia, 152 M 295, 188 NW 561.

This section is not applicable to an action for damages from flooding. Bohrer v Village of Inver Grove, 166 M 336, 207 NW 721.

This section does not apply to an action to enjoin, or to recover damages for, an invasion upon private property by casting sewage thereon and creating a nuisance. Huges v Village of Nashwauk, 177 M 547, 225 NW 898.

4. Effect on charter provisions

Even if a subsequent statute, containing no repealing clause, be not repugnant in its provisions to a prior statute, yet, if the subsequent statute was clearly intended to prescribe the only rule which should govern in the case provided for, it repeals the original act by implication. Laws 1897, Chapter 248, supersedes and repeals the charter provisions of the city of St. Paul (Special Laws 1885, Chapter 7, Section 19), as to giving notice of personal injuries. Nicol v City of St. Paul, 80 M 415, 83 NW 375; Neissen v City of St. Paul, 80 M 414, 83 NW 376; Weiser v City of St. Paul, 86 M 26, 90 NW 8.

The requirement of the constitutional amendment authorizing cities to frame their own charters, that such charters shall be in harmony with and subject to the constitution and laws of the state, does not forbid the adoption of charter provisions as to any subject appropriate to the orderly conduct of municipal affairs, although they may differ in details with those of existing general laws. Grant v Berrisford, 94 M 45, 101 NW 940, 1113.

Action to recover damages for personal injuries sustained by reason of an excavation in a street of defendant. The notice of claim of damages complied with the provisions of defendant's home rule charter, but not with the general law as to such notices (Laws 1897, Chapter 248) enacted before the adoption of its charter by the city. It was not essential that the notice should comply with the general law; it being in accordance with the provisions of the charter on the subject adopted after the general law was enacted. Peterson v City of Red Wing, 101 M 62, 111 NW 840.

The condition upon which a municipality shall be liable for damages to individuals caused by the defective condition of a street or sidewalk is a matter which belongs properly to the government of municipalities, and may be determined and regulated in a home rule charter. Schigley v City of Waseca, 106 M 94, 118 NW 259.

Notice of personal injuries from a defective sidewalk, given under the provisions of Revised Laws 1905, Section 768, sufficiently states the place and nature of the defect and there was no substantial departure therefrom in the complaint. Kandelin v City of Ely, 110 M 55, 124 NW 449; Larkin v City of Minneapolis, 112 M 311, 127 NW 1129; Kennedy v City of Montgomery, 111 M 544, 127 NW 1134.

Laws 1913, Chapter 391 (General Statutes 1913, Section 1786), relating to actions against municipalities for damages and providing for service of written notice in such cases was intended to prescribe the only rule which should govern as to the subject matter of the act. The home rule charter of Duluth, section 103, which covers the same subject matter, is superseded by Laws 1913, Chapter 391. Johnson v City of Duluth, 133 M 405, 158 NW 616.

5. Notice of claim

By the heading of a notice that injuries have been received, required by the terms of Special Laws 1885, Chapter 7, Section 19, it was addressed to the mayor and common council of the city, but was delivered to the city clerk, and thence took its regular course. The error in address, if there was one, was unimportant. Johnson v City of St. Paul, 52 M 364, 54 NW 735.

The statute provides that the notice shall state "the amount of compensation or the nature of the relief demanded from the city". The clause "nature of the relief demanded" applies only to cases where some other relief than money compensation is demanded. Bauscher v City of St. Paul, 72 M 539, 541, 75 NW 745.

It is not sufficient to give such notice to the mayor, but it must be given to the council or other governing body of the municipality, and must state the amount of compensation claimed for the injury. Doyle v City of Duluth, 74 M 157, 76 NW 1029.

Precise and absolute certainty is not required in the description of the place where a party is injured in his notice to the council of a municipal corporation required by Laws 1897, Chapter 248. The notice is sufficient in this respect if the

place of the accident is so described therein that the proper municipal officers may, by reasonable diligence, identify it. Lyons v City of Red Wing, 76 M 20, 78 NW 868.

Where the notice is presented to, and left with, the clerk having charge of the records and files of the council, at a meeting thereof, and is by him then presented and read to the council, the notice is properly served on, and presented to, the council. Lyons v City of Red Wing, 76 M 20, 78 NW 868.

It is sufficient service of the notice required by Laws 1897, Chapter 248, if the notice is directed to the common council, and delivered, for filing, to the recorder or other officer having the custody of the records and files of the council, within the time limited by the statute. Roberts v Village of St. James, 76 M 456, 79 NW 519.

The notice of injury required to be given to the mayor or city clerk, under the charter provisions (Special Laws 1881, Chapter 76, Subchapter 8, Section 20) of the city of Minneapolis, before an action can be maintained on account of such injury, can properly be given and served upon the assistant city clerk. The like notice and claim to compensation required to be given and presented to the council, under the provisions of Laws 1897, Chapter 248, Section 1, may be given and delivered to the assistant city clerk, he being one of the officers having the custody of the records and files of the council. Kelly v City of Minneapolis, 77 M 76, 79 NW 653.

Notice is properly given, and the claim is properly presented, under either Special Laws 1881, Chapter 76, Subchapter 8, Section 20, or Laws 1897, Chapter 248, Section 1, by delivering to the proper official a copy or copies of the original written notice and claim to compensation; the notice and claim being duly addressed to the officials designated in such laws, and for whose information they are intended. Kelly v City of Minneapolis, 77 M 76, 79 NW 653.

In an action for damages caused by a defective sidewalk, it appeared from the allegations of the complaint that plaintiff signed the notice and statement of her claim with the initials of her husband's name, instead of her own. The notice was prima facie sufficient. Terryll v City of Faribault, 81 M 519, 84 NW 458.

To be effectual as a notice to the common council of an incorporated village, the notice of claim for damages required to be given by Laws 1897, Chapter 248, where served upon the village recorder, as custodian of the records and files of the council, must be served upon that officer at his office or place of transacting the official business pertaining to his office. Peterson v Village of Cokato, 84 M 205, 87 NW 615.

In an action against a city or village for damages for injuries caused by a defective street, the injured party is not limited in his recovery to the amount claimed in his notice, given pursuant to Laws 1897, Chapter 248. The injured party is not concluded by the amount stated therein but may recover the amount of his damages. Terryll v City of Faribault, 84 M 341, 87 NW 917.

It appears from the allegations of the complaint that the place of plaintiff's injury was in a public street of the defendant. The defendant is liable to persons injured by the negligence of its park board in the care of such street, although the control of the street is not vested in the city council, but in the park board. It was not necessary in this case to serve the notice of injury on such board, but the service thereof on the city council was sufficient. Kleopfert v City of Minneapolis, 90 M 158, 95 NW 908.

The notice provided for in the Citizens' Charter of St. Paul of 1900, chapter 23, section 9, of injuries sustained by a traveler on a street or walk through defective conditions therein, is to be construed with liberality, but must be sufficiently definite and circumstantial to direct attention to the substantial defects and injuries for which recovery is demanded. Olcott v City of St. Paul, 91 M 207, 97 NW 879.

A notice is sufficient which points out the defect, and the location thereof, and answers every purpose of the statute. Ferguson v Trovatten, 116 M 19, 133 NW 73.

While the essential requirements of the statute must be complied with, it has been determined that a claimant is not barred from maintaining his action because his notice was informal, or not technically accurate, if the information required by the statute could, in substance, be ascertained therefrom. Ackert v City of Minneapolis, 129 M 190, 196, 151 NW 976.

A misstatement of one day in the date given in the notice to the city of the time of the accident is not fatal upon demurrer. Murphy v City of St. Paul, 130 M 410, 153 NW 619.

In an action against a city for injuries alleged to have been suffered in consequence of the diversion of the natural flow of surface waters by the negligent construction of certain street improvements, it is held, that the preliminary notice to the city sufficiently pointed out the acts complained of and that there was no material departure therefrom in the complaint. Weber v City of Minneapolis, 132 M 170, 156 NW 287.

A notice of claim under General Statutes 1913, Section 1786, for loss or injury sustained on account of a defect in a public street, sidewalk, or public grounds of a city, sufficiently states the circumstances, if the defect causing the injury is pointed out so that a full investigation may be had. It need not be as specific as the complaint in an action to enforce the claim, but must assign the same defect as the cause of the injury. Under this rule, a "patch of ice" given in the notice as the cause of plaintiff's injury is a sufficient designation of the circumstances to admit proof of "an uneven ridge of ice", the defect alleged in the complaint. Anderson v City of Minneapolis, 138 M 350, 165 NW 134.

Notice of injury from electrical burns, describing them, and claiming that they were caused "as the natural consequence of * * * some defect in the wiring system and equipment" of the electric plant belonging to defendant village, and that the injuries were the result of the negligence of the village, its officers and employees, is a sufficient compliance with the statute (General Statutes 1913, Section 1786). Goar v Village of Stephen, 157 M 228, 196 NW 171.

The notice of injury described the place where the plaintiff fell with sufficient definiteness and certainty. McClain v City of Duluth, 163 M 198, 203 NW 776; Hebert v Village of Hibbing, 170 M 211, 212 NW 186; Moran v Village of Hibbing, 173 M 458, 217 NW 495.

A defective description of place in husband's notice of wife's injury was cured by wife's notice. Boyd v City of Duluth, 164 M 63, 204 NW 562.

Where a carbon duplicate of a typewritten notice is signed at the same time as the original (the paper receiving the first impression), and the one who prepared the instruments testified that he presented the original to the village council, in open meeting, and retained the carbon duplicate, such duplicate is properly admissible in evidence without first showing a demand on the village to produce the original; the statute not requiring the notice to be filed or kept by the village recorder. Piscor v Village of Hibbing, 169 M 478, 211 NW 952.

A notice stating that the accident happened on the sidewalk in front of No. 2127 on First Avenue, was sufficient although it misstated the distance from a cross street. Niemi v Village of Hibbing, 175 M 366, 221 NW 241.

Service upon mayor of city of St. Paul of a claim against the city for damages for injuries sustained because of an alleged defective sidewalk held not legal service. Aronson v City of St. Paul, 193 M 34, 257 NW 662.

A notice of claim against a city for damages on account of personal injuries sustained as the result of claimed negligence which omits to state the amount of compensation demanded, is void, as failing in a statutory requisite. Olson v City of Virginia, 211 M 64, 300 NW 42.

The statute relating to the method of presenting claims against municipalities was intended to establish a uniform rule which should apply to all municipalities, to avoid confusion arising out of many dissimilar provisions contained in their various charters. Notice of claim against the city which failed to state the amount demanded was insufficient because it failed to comply with mandatory provisions of the statute. Freeman v City of Minneapolis, 219 M 202, 17 NW(2d) 364.

6. Limitation

In an action brought against a municipality to recover damages for personal injuries received by a person while in its employ as a servant and by reason of its negligent failure to discharge the duties of a master, Revised Laws 1905, Section 768, does not apply as to the limitation of one year within which the action must be brought. Quackenbush v Village of Slayton, 120 M 373, 139 NW 716.

Under Revised Laws 1905, Section 768, and the charter of the city of St. Paul, section 690, prior to the enactment of Laws 1913, Chapter 391 (General Statutes 1913, Sections 1786 to 1789) effective July 1, 1913, the limitation of one year after injury in which to bring suit did not apply when the claim was based upon a negligent failure of the city to observe a duty imposed upon it by law as an employer. Schultz v City of St. Paul, 124 M 257, 144 NW 955.

Action for death must be commenced within one year from the occurrence of the loss or injury. Kuhlman v City of Fergus Falls, 178 M 489, 227 NW 653.

465.091 TIME FOR COMMENCING CERTAIN ACTIONS EXTENDED.

HISTORY. 1943 c. 525 s. 1.

465.10 CLAIMS BASED ON RELATION OF MASTER AND SERVANT.

HISTORY. 1913 c. 391 s. 2; G.S. 1913 s. 1787; G.S. 1923 s. 1835; M.S. 1927 s. 1835.

465.11 CLAIMS FOR DEATH; NOTICE.

HISTORY. 1913 c. 391 s. 3; G.S. 1913 s. 1788; G.S. 1923 s. 1832; MS. 1927 s. 1832.

465.12 TO WHAT CITIES AND VILLAGES APPLICABLE.

HISTORY. 1913 c. 391 s. 5; G.S. 1913 s. 1789; G.S. 1923 s. 1833; M.S. 1927 s. 1833.

465.13 JUDGMENT AGAINST MUNICIPALITY; PAYMENT.

HISTORY. 1883 c. 73 s. 39; 1885 c. 145 s. 39; 1885 s. 196 s. 1; G.S. 1878 Vol. 2 (1888 Supp.) c. 10 s. 314; G.S. 1894 ss. 1257, 1499; 1895 c. 8 s. 352; 1903 c. 123 s. 1; R.L. 1905 s. 769; G.S. 1913 s. 1790; G.S. 1923 s. 1834; M.S. 1927 s. 1834.

Payments need not be authorized by the mayor or by the council. OAG Nov. 29, 1935 (63b-10).

Attorney fees, witness fees, and other court expenses incurred may be paid out of the "judgment fund" or out of the general fund. OAG April 5, 1938 (476a-4).

465.14 TAX LEVY; EXECUTION.

HISTORY. 1885 c. 154 ss. 1, 2; 1885 c. 196 ss. 2, 3; G.S. 1878 Vol. 2 (1888 Supp.) c. 10 ss. 315, 316, 318, 319; G.S. 1894 ss. 1500, 1501, 1503, 1504; 1903 c. 123 s. 2; R.L. 1905 s. 770; G.S. 1913 s. 1791; G.S. 1923 s. 1836; M.S. 1927 s. 1836.

Village may not levy in excess of per capita limitation for the purpose of paying outstanding judgments. OAG Sept. 13, 1932; OAG Sept. 23, 1932.

As affecting the levy of a tax to pay a judgment against a village, it is immaterial whether the judgment is entered after the litigation of the issues or pursuant to a stipulation entered into in good faith. OAG Sept. 13, 1932.

A municipality may make a levy to pay judgments in addition to the maximum amount permitted by statute. OAG Oct. 12, 1934 (519i).

Money collected from taxes levied to pay certain judgments cannot be used to pay other judgments. OAG Oct. 4, 1935 (519q).

465.15 CITIES MAY ACQUIRE EXEMPT PROPERTY.

HISTORY. 1931 c. 385 s. 1; M. Supp. s. 1541-1.

465.16 RIGHT OF EMINENT DOMAIN.

HISTORY. 1889 c. 65 s. 2; 1895 c. 8 s. 225; 1931 c. 385 s. 2; M. Supp. s. 1541-2.

465.17 MAY ISSUE BONDS.

HISTORY. 1931 c. 385 s. 3; M. Supp. s. 1541-3.

465.18 STATE'S OWNERSHIP OF BED OF NAVIGABLE RIVER.

HISTORY. 1911 c. 291 s. 1; G.S. 1913 s. 1413; G.S. 1923 s. 1349; M.S. 1927 s. 1349.

The State of Minnesota holds title to navigable streams, not in any private or proprietary right, but in its sovereign capacity, as trustee for the people, for public use. Pike Rapids Power Co. v Minnesota, (CCA8) 99 F(2d) 902.

The title of a riparian owner extends to low-water mark, but as to the space between that and high-water mark his title is qualified by the right of the public to use the same for the purpose of navigation or other public purpose. Pike Rapids Power Co. v Minnesota, (CCA8) 99 F(2d) 902.

A meander line is not a boundary, but water is true boundary, whether meander line in fact coincides with the shore or not. Schaller v Town of Florence, 193 M 604, 259 NW 529, 826.

Title to the bed of a stream, navigable but not meandered, is not conveyed to a private grantee by a government patent which describes the subdivisions through which such stream flows. County of Becker v Shevlin Land Co. 186 M 401, 243 NW 433.

Otter Tail river is navigable. County of Becker v Shevlin Land Co. 186 M 401, 243 NW 433.

What can a riparian proprietor do? 21 MLR 512.

465.19 CHANGE OF CHANNEL WITHIN AND AT COST OF CITY; CITY'S OWNERSHIP.

HISTORY. 1911 c. 291 s. 2; G.S. 1913 s. 1414; G.S. 1923 s. 1350; M.S. 1927 s. 1350.

465.20 TO WHAT CITIES APPLICABLE.

HISTORY. 1911 c. 291 s. 3; G.S. 1913 s. 1415; G.S. 1923 s. 1351; M.S. 1927 s. 1351.

465.21 CITY TO GIVE NOTICE OF INTENT.

HISTORY. 1895 c. 8 s. 225; 1929 c. 383 s. 1; M. Supp. s. 1630-2½a.

465.22 WHO SERVED.

HISTORY. 1929 c. 383 s. 2; M. Supp. s. 1630-2½b.

465.23 FORM OF NOTICE.

HISTORY. 1929 c. 383 s. 3; M. Supp. s. 1630-2½c.

465.24 APPLICATION.

HISTORY. 1929 c. 383 s. 4; M. Supp. s. 1630-2½d.

465.25 ACT PARAMOUNT.

HISTORY. 1929 c. 383 s. 5; M. Supp. s. 1630-2½e.

465.26 DIVERSION OF UNNAVIGABLE STREAMS; RAISING WATERS OF LAKES.

HISTORY. 1905 c. 18 s. 1; G.S. 1913 s. 1523; G.S. 1923 s. 1509; M.S. 1927 s. 1509.

465.27 ORDINANCE; SURVEY AND MAP.

HISTORY. 1905 c. 18 s. 2; G.S. 1913 s. 1524; G.S. 1923 s. 1510; M.S. 1927 s. 1510.

465.28 LANDS; HOW ACQUIRED.

HISTORY. 1905 c. 18 s. 3; G.S. 1913 s. 1525; G.S. 1923 s. 1511; M.S. 1927 s. 1511.

465.29 CONDEMNATION; SPECIAL ASSESSMENTS.

HISTORY. 1895 c. 8 ss. 214, 225; 1905 c. 18 s. 4; G.S. 1913 s. 1526; G.S. 1923 s. 1512; M.S. 1927 s. 1512.

465.30 ORDINANCE; APPRAISERS.

HISTORY. 1895 c. 8 ss. 215, 216, 226; 1905 c. 18 s. 5; G.S. 1913 s. 1527; G.S. 1923 s. 1513; M.S. 1927 s. 1513.

465.31 OATH.

HISTORY. 1905 c. 18 s. 6; G.S. 1913 s. 1528; G.S. 1923 s. 1514; M.S. 1927 s. 1514.

465.32 NOTICE OF MEETING.

HISTORY. 1895 c. 8 ss. 217, 218; 1905 c. 18 s. 7; G.S. 1913 s. 1529; G.S. 1923 s. 1515; M.S. 1927 s. 1515.

465.33 MAILING NOTICES.

HISTORY. 1905 c. 18 s. 8; G.S. 1913 s. 1530; G.S. 1923 s. 1516; M.S. 1927 s. 1516.

465.34 MEETING OF APPRAISERS; DAMAGES AND BENEFITS.

HISTORY. 1895 c. 8 ss. 219, 220, 227; 1905 c. 18 s. 9; G.S. 1913 s. 1531; G.S. 1923 s. 1517; M.S. 1927 s. 1517.

465.35 BUILDINGS.

HISTORY. 1905 c. 18 s. 10; G.S. 1913 s. 1532; G.S. 1923 s. 1518; M.S. 1927 s. 1518.

465.36 DIFFERENT OWNERS OR INTERESTS.

HISTORY. 1905 c. 18 s. 11; G.S. 1913 s. 1533; G.S. 1923 s. 1519; M.S. 1927 s. 1519.

465.37 REPORT.

HISTORY. 1895 c. 8 ss. 221, 227; 1905 c. 18 s. 12; G.S. 1913 s. 1534; G.S. 1923 s. 1520; M.S. 1927 s. 1520.

465.38 NOTICE OF APPRAISEMENT; CONFIRMATION OR ANNULLMENT.

HISTORY. 1895 c. 8 ss. 222 to 224; 228 to 230; 1905 c. 18 s. 13; G.S. 1913 s. 1535; G.S. 1923 s. 1521; M.S. 1927 s. 1521.

465.39 AWARD; APPEAL.

HISTORY. 1895 c. 8 s. 231; 1905 c. 18 s. 14; G.S. 1913 s. 1536; G.S. 1923 s. 1522; M.S. 1927 s. 1522.

465.40 TITLE VESTS, WHEN.

HISTORY. 1905 c. 18 s. 15; G.S. 1913 s. 1537; G.S. 1923 s. 1523; M.S. 1927 s. 1523.

465.41 REMOVAL OF BUILDINGS.

HISTORY. 1905 c. 18 s. 16; G.S. 1913 s. 1538; G.S. 1923 s. 1524; M.S. 1927 s. 1524.

465.42 APPEAL; OBJECTIONS; NOTICE; RECORD.

HISTORY. 1895 c. 8 ss. 231, 232; 1905 c. 18 s. 17; G.S. 1913 s. 1539; G.S. 1923 s. 1525; M.S. 1927 s. 1525.

465.43 HEARING; APPRAISERS; AWARD; APPEAL TO SUPREME COURT.

HISTORY. 1895 c. 8 ss. 233 to 235; 1905 c. 18 s. 18; G.S. 1913 s. 1540; G.S. 1923 s. 1526; M.S. 1927 s. 1526.

465.44 TIME OF PAYMENT.

HISTORY. 1895 c. 8 s. 237; 1905 c. 18 s. 19; G.S. 1913 s. 1541; G.S. 1923 s. 1527; M.S. 1927 s. 1527.

465.45 NOTICE OF PENDENCY; PERSONS AFFECTED.

HISTORY. 1905 c. 18 s. 20; G.S. 1913 s. 1542; G.S. 1923 s. 1528; M.S. 1927 s. 1528.

465.46 AWARD AND ASSESSMENT, HOW CERTIFIED; ASSESSMENT, HOW ENFORCED.

HISTORY. 1895 c. 8 ss. 237 to 239; 1905 c. 18 s. 21; G.S. 1913 s. 1543; G.S. 1923 s. 1529; M.S. 1927 s. 1529.

465.47 DUTY OF CITY.

HISTORY. 1905 c. 18 s. 22; G.S. 1913 s. 1544; G.S. 1923 s. 1530; M.S. 1927 s. 1530.

465.48 POWERS AND DUTIES OF COUNCIL; PENALTIES.

HISTORY. 1905 c. 18 s. 23; G.S. 1913 s. 1545; G.S. 1923 s. 1531; M.S. 1927 s. 1531.

465.49 PARKING LAKE SHORES; DONATIONS; CONTRACTS FOR WATER AND ICE.

HISTORY. 1913 c. 331 s. 1; G.S. 1913 s. 1754; G.S. 1923 s. 1746; M.S. 1927 s. 1746.

City may improve shores of lake lying partially or wholly within the corporate limits, and may acquire an easement outside the city to turn waters of irrigation or drainage system into lake, and creation of state park or part of city lying on lake does not change the boundary of the city so as to prevent the improvements. OAG Nov. 26, 1934 (330c-5).

465.50 OBSERVANCE OF MEMORIAL DAY.

HISTORY. 1909 c. 365 s. 1; G.S. 1913 s. 1382; 1923 c. 375; G.S. 1923 s. 1318; M.S. 1927 s. 1318.

465.51 DECORATION OF SOLDIERS' GRAVES ON MEMORIAL DAY BY CITIES, VILLAGES AND TOWNS; DUTY OF CLERKS OR RECORDERS.

HISTORY. 1915 c. 280 s. 1; M.S. 1927 s. 1933-1; 1943 c. 44 s. 1.

465.52 PAYMENT OF EXPENSE OF.

HISTORY. 1915 c. 280 s. 2; M.S. 1927 s. 1933-2.

465.53 MAY ESTABLISH BUREAU OF INFORMATION AND PUBLICITY.

HISTORY. 1933 c. 60 s. 3; M. Supp. s. 1192-3.

Village of Hibbing may establish and maintain a bureau of information in the offices and in conjunction with the local chamber of commerce using the same secretary and stenographer, providing it does not pay such employees for their services performed for the chamber of commerce.

A village information bureau has no authority to give the money to the Minnesota Arrowhead Association, a semi-public association disseminating news and information pertaining to the arrowhead country of which the village is a part. OAG July 28, 1934 (476b-2).

465.54 MAY PAY EXPENSES FROM GENERAL FUND OF VILLAGE.

HISTORY. 1933 c. 60 ss. 4, 5; M. Supp. ss. 1192-4, 1192-5.

465.55 EXPENDITURE FOR PUBLICITY; PUBLICITY BOARD.

HISTORY. 1911 c. 111 ss. 1, 2; G.S. 1913 ss. 1638, 1639; G.S. 1923 ss. 1612, 1613; M.S. 1927 ss. 1612, 1613.

465.56 CITIES, VILLAGES, AND BOROUGHS MAY LEVY TAXES FOR ADVERTISING PURPOSES.

HISTORY. 1929 c. 276 s. 1; M. Supp. s. 1933-46.

The statute does not authorize the city to take out a membership in a "businessmen's association." OAG May 11, 1944 (59a-3).

465.57 TO BE VOTED ON.

HISTORY. 1929 c. 276 s. 2; M. Supp. s. 1933-47.

465.58 CITIES, VILLAGES, OR BOROUGHS MAY PAY DUES TO LEAGUE OF MINNESOTA MUNICIPALITIES.

HISTORY. 1923 c. 211 s. 1; M.S. 1927 s. 1933-4.

Under the provisions of section 465.58 the village council may reimburse the assessor for his attendance at the school for assessors at the university. 1942 OAG 187, Nov. 13, 1941 (12B-1).