

2355

CHARTER FOR THE CITY OF CROOKSTON PROPOSED
BY THE CHARTER COMMISSION

1906

CHAPTER I. CITY LIMITS.

Sec. 1. The district of country constituting the city of Crookston shall include sections thirty (30) and thirty one (31) in township one hundred and fifty (150) north, of range forty-six (46), west of the fifth (5) Principal Meridian; also sections twenty-five and lots one (1), eight (8), and so much of lots two (2) and seven (7) as are situate east of the main line of the St. Paul, Minneapolis & Manitoba Railway, all in section thirty-six (36), in township one hundred and fifty (150), north of range forty seven (47), west of the fifth (5th) principal meridian; the north half (1-2) of section six (6), township one hundred and forty nine (149), range forty-six (46); the north half (1-2) of section one (1), township one hundred and forty nine (149), range forty seven (47), and all that part of the southeast quarter (1-4) of sec. thirty six (36) township one hundred and fifty (150), range forty-seven (47), lying east of the center line of the right of way of the St. Paul, Minneapolis & Manitoba Railway and south of the center line of the Red Lake River.

FIRST WARD.

Sec. 2. All that part of the city described as follows: Commencing at the intersection of the center line of the right of way of the Great Northern Railway and the center line of the Red Lake River; thence westerly and down stream on the center line of said Red Lake River to the center line of Second street, if the same were extended northwesterly; thence southeasterly along the center line of Second street and the extension of the same, to the center line of Broadway street; thence southwesterly along the center line of said Broadway street to the center line of Houston avenue; thence northwesterly along the center line of said Houston avenue to the center line of the Red Lake River; thence northwesterly (and down stream) on the center line of the Red Lake River to place of beginning, shall constitute the First (1st) Ward of the City of Crookston.

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SECOND WARD.

Sec. 3. All that part of the city described as follows:

Beginning at the intersection of the center line of Broadway street and the center line of Second street; thence northwesterly along the center line of Second street to the center line of the Red Lake River; thence northerly and down stream on the center line of the Red Lake River to the south line of section twenty-five (25) township one hundred fifty (150) north, range forty-seven (47), west of the fifth (5th) principal meridian; thence westerly along the south line of said section twenty-five (25) to the southwest corner thereof; thence northerly along the west line of said section twenty-five (25) to the northwesterly corner thereof; thence easterly along the north line of said section twenty-five to the northeast corner thereof; thence easterly along the north line of section thirty (30) township one hundred and fifty (150) north, of range forty-six, west of the fifth (5th) principal meridian to the north one quarter section corner said section thirty; thence southerly along the north and south center line said section thirty (30) to the center line of Broadway street as laid out in the Original Townsite of Crookston, if the same were extended northeasterly; thence southwesterly along the center line of said Broadway street (and the extension of the same), to the place of beginning, shall constitute the Second Ward of the City of Crookston.

THIRD WARD.

Sec. 4. All that part of the city described as follows:

Beginning at the intersection of the center line of Broadway street and the center line of Second street; thence southeasterly along the center line of Second street to the center line of North Ash street; thence northeasterly along the center line of North Ash street to the center line of Third street; thence southeasterly along the center line of Third street to the center line of the right-of-way of the Northern Pacific Railway; thence northeasterly along the said center line of said right-of-way to the north line of section thirty-one, township one hundred and fifty (150) north, of range forty-six (46), west of the fifth (5th) principal meridian; thence easterly along said north line section thirty-one (31) to the center line of the Red Lake River; thence northeasterly and up stream on the center line of the Red Lake River to the east line said section thirty-one (31); thence northerly along the east line of said section thirty-one to the north-east corner thereof; thence northerly along the east line of section thirty (30),

township one hundred and fifty (150) north, range (46) forty-six, west of the fifth (5th) principal meridian, to the north-east corner thereof; thence westerly along the north line said section thirty (30) to the north one quarter section corner thereof; thence southerly along the north and south center line said section thirty (30) to the center line of Broadway street as laid out in the original townsite, if the same were extended northeasterly; thence southwesterly along the center line of Broadway street and the extension of the same to the place of beginning, shall constitute the Third Ward of the City of Crookston.

FOURTH WARD.

Sec. 5. All that part of the city described as follows:

Beginning at the intersection of the center line of Broadway street and the center line of Robert street; thence southwesterly along the center line of Broadway street to the center line of Houston avenue; thence southeasterly along the center line of Houston avenue to the center line of Cowing street; thence southerly along the center line of Cowing street to the center line of the Red Lake River; thence easterly (and up stream) on the center line of the Red Lake River to the center line of Robert street; thence northwesterly along the center line of Robert street to the place of beginning, shall constitute the Fourth Ward of the City of Crookston.

FIFTH WARD.

Sec. 6. All that part of the city described as follows:

Beginning at the northeast corner of section six (6), township one hundred and forty-nine (149), range forty-six (46), west of the 5th principal meridian; thence west along the north line of said section six (6) to the northwest corner thereof; thence northerly along the east line of section thirty-six (36) township one hundred and fifty (150) north, range forty-seven, west of the Fifth (5th) principal meridian to the center line of the Red Lake River; thence northwesterly and northerly and down stream along the center line of said Red Lake River to the east and west center line of said section thirty six (36); thence westerly along said east and west center line of section thirty-six (36) to the center line of the right-of-way of the Great Northern Railway; thence southwesterly along the center line of the right-of-way of the Great Northern Railway to the north line of section one (1) township one hundred and forty-nine (149), range forty-seven (47), west of the fifth (5th) principal meridian; thence westerly along the north line of said sec-

tion one (1) to the northwest corner thereof; thence southerly along the west line said section one (1) to the west one quarter (1-4) section corner thereof; thence easterly along the east and west center line said section one (1) to the east one quarter section corner thereof; thence easterly along the east and west center line said section six (6), township one hundred and forty nine (149), range forty-six (46) to east 1-4 section corner thereof; thence northerly along the east line thereof to place of beginning, shall constitute the Fifth Ward of the City of Crookston.

SIXTH WARD.

Sec. 7. All that part of the city described as follows:

Beginning at the intersection of the center line of the right-of-way of the Great Northern Railway and the east and west center line of section thirty-six (36), township one hundred and fifty (150) north, range forty-seven, west of the fifth (5th) principal meridian; thence northeasterly along the center line of said right-of-way of the Great Northern Railway to the center line of the Red Lake River; thence easterly (and up stream) on the center line of said Red Lake River to the center line of Houston Avenue if the same were extended northwesterly; thence southeasterly along the center line of Houston Avenue and the extension of the same, to the center line of Cowing street; thence southerly along the center line of Cowing street to the center line of the Red Lake River; thence westerly (and down stream) on the center line of said Red Lake River to the east and west center line of said section thirty-six (36) township one hundred and fifty (150) north, range forty seven west; thence westerly to the place of beginning, shall constitute the Sixth (6th) Ward of the City of Crookston.

SEVENTH WARD.

Sec. 8. Beginning at the intersection of the center line of Second street if the same were extended northwesterly and the center line of the Red Lake River; thence northerly (and down stream) on the center line of the Red Lake River to the south line of section twenty-five (25), township one hundred and fifty (150) north, range forty-seven (47) west; thence easterly on the south line of said section twenty five to the center line of the Red Lake River; thence northeasterly (and down stream) on the center line of the Red Lake River to place of beginning, meaning and intending to include government lot four (4) in section thirty (30), township one hundred and fifty (150) north, range forty-six, west of the

5th principal meridian and government lots six (6) and seven (7) in section twenty-five (25), township one hundred and fifty (150) north, range forty-seven (47), west of the 5th principal meridian, shall constitute the Seventh Ward of the City of Crookston.

EIGHTH WARD.

Sec. 9. All that part of the city described as follows:

Beginning at the intersection of the center line of Robert street and the center line of Broadway street; thence northeasterly along the center line of Broadway street to the center line of Second street; thence southeasterly along the center line of Second street to the center line of North Ash street; thence northeasterly along the center line of north Ash street to the center line of Third street; thence southeasterly along the center line of Third street to the center line of the right-of-way of the Northern Pacific Railway; thence northeasterly along the center line of said right-of-way to the north line of section thirty-one (31), township one hundred and fifty (150) north, range forty-six (46), west of the fifth (5th) principal meridian; thence easterly along said north line of section thirty one (31) to the center line of the Red Lake River; thence northeasterly (and up stream) on the center line of the Red Lake River to the east line of said section thirty-one (31); thence southerly on said east line said section thirty-one (31), to the southeast corner thereof; thence westerly along the south line of said section thirty-one (31) to the southwest corner thereof; thence northerly along the west line of said section thirty-one (31) to the center line of the Red Lake River; thence easterly (and up stream) on the center line of the Red Lake River to the center line of Robert street; thence northerly along the center line of Robert street to the place of beginning, shall constitute the Eighth Ward of the City of Crookston.

Sec. 10. Any additional territory which may hereafter be annexed to the city shall be immediately, by the city council, attached to the ward or wards adjacent thereto, so as to best suit the convenience of the inhabitants of such annexed territory.

CHAPTER II.

OFFICERS AND ELECTIONS—

Sec. 11. The elective officers of the city shall be a mayor, city clerk, treasurer, assessor, one alderman from each ward of said city, one alderman at large, two justices of the peace

and two constables, all of whom shall be residents and qualified voters of the city. All aldermen shall be residents of the ward which they are elected to represent. The mayor, city clerk, treasurer, assessor, justices of the peace and constables shall hold office for the term of two years and until their successors are elected and qualified. The aldermen shall hold office for the term of four years (except the alderman at large, who shall hold office for the term of two years) and until their successors are elected and qualified, unless sooner removed in accordance with the provisions of this charter. The terms of all officers elected under the provisions of this charter shall, except when chosen to fill vacancy, commence on the first Monday of January of the even numbered year next succeeding their election. All other officers necessary for the proper management of the affairs of the city shall be appointed by the mayor, at the regular meeting in January next succeeding his election, and all such appointments shall be confirmed by the city council by ballot at a regular meeting thereof. It shall require a majority vote of all the members of the city council to confirm such appointments. The term of all appointive officers shall begin on their confirmation by the city council and shall continue until the regular meeting of the city council in January of the even numbered year next succeeding their appointment, and until their successors are appointed, confirmed and qualified, except as otherwise provided in this charter. Within thirty days after this charter shall become operative the city council shall call a special election, at which shall be chosen all elective officers provided for in this charter, who shall hold their office until the first Monday in January 1908, and until their successors are elected and qualified, unless sooner removed as provided in this charter.

At the regular meeting of the city council next succeeding the foregoing special election the mayor shall appoint all the appointive officers provided by this charter who, on being confirmed by the city council and qualifying, shall hold their office until their successors are appointed, confirmed and qualified as provided in this charter.

Sec. 12. The election for city officers and the aldermen for said city shall be held on the first Tuesday after the first Monday of November of each odd numbered year, in each ward of said city, at such places as may be fixed by the city council of said city. The city council at its regular meeting in October next preceding such election shall appoint three electors in each ward who shall be judges at such election. At the election held

on the first Tuesday after the first Monday in November 1907 one alderman shall be elected from each odd numbered ward for the term of two years, and one alderman shall be elected from each even numbered ward for the term of four years. All elections shall be governed by the general election laws of the State of Minnesota.

Sec. 13. All persons entitled to vote for state and county officers under the general election laws of this state shall be entitled to vote for any officer, or to be elected to any office hereby created, excepting as herein otherwise provided.

Sec. 14. When an election for alderman or city officers shall be closed, the judges shall make return thereof to the city clerk within twenty-four hours after such election in the same manner as provided by law for the return of elections of state and county officers to the county auditor, and within one week after such election the city council shall meet and canvass the returns thereof, and declare the result as appears from such returns, and the city clerk shall forthwith give notice to the persons elected of their respective election.

All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more persons shall receive an equal number of votes, the election shall be determined by the casting of lots, in the presence of the city council, at such time, and in such manner as said council shall direct.

Sec. 15. Any alderman or officer removing from the city or ward for which he was elected or appointed, or any person who shall refuse or neglect for ten days after notice of his election or appointment, to qualify and enter upon the duties of his office, shall be deemed to have vacated the office. Any officer having entered upon the duties of his office may resign by giving notice thereof to the city council. Upon the happening of either of the contingencies hereinbefore expressed it shall be the duty of the city council to declare the office vacant and the same shall be filled as in this charter provided.

Sec. 16. Whenever any vacancy shall occur in the office of mayor, such vacancy shall be filled by a special election to be held within thirty days after such vacancy occurs. All other vacancies in any of the elective offices of the city shall be filled by appointment by the council; and all vacancies in any of the appointive offices shall be filled as herein provided for the appointment of such officers. Any person elected or appointed to fill any vacancy shall hold office for the unexpired portion of the term, and until the qualification of his successor.

Sec. 17. No person shall be eligible to or shall be elect-

ed or appointed to any office in the city who is in any manner either directly or indirectly interested in any contract for local improvements with the city, regardless as to whether said contract was made with the city council or any officer of said city for the benefit of said city; and all such contracts made by the said city council, or any officer or board of said city for the benefit of said city with any officer thereof, or any firm or corporation of which he may be a member shall be wholly void.

Sec. 18. Every person elected or appointed to any office under the provisions of this charter shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city clerk. And the treasurer, clerk and such other officers as the city council shall require, shall severally, before they enter upon the duties of their respective offices, execute to the City of Crookston, surety bonds in such amounts as the city council shall prescribe, conditioned for the faithful performance of the duties of their respective offices. The premium for said bonds shall be paid by the city. All such bonds shall be approved by the city council and recorded in full by the city clerk and thereafter kept on file in his office; provided, that in case any bonding company shall become bankrupt, or for any cause cancel any bond so furnished, then and in that event, the assured shall upon reasonable notice be required to furnish a new bond.

Sec. 19. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of any elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least forty per centum of the entire vote for all candidates for the office cast at the last preceding city election, demanding an election of a successor of the person sought to be removed, the incumbent of which is sought to be removed, shall be filed with the city clerk; provided, that the petition sent to the city council shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths, that the statements made therein are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed and that each signer thereof is a qualified

elector entitled to vote for the successor of said officer. Within ten days from the date of filing such petition the city clerk shall examine and from the poll lists ascertain whether or not said petition is signed by the requisite number of qualified electors and if necessary the city council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the city council without delay. If the petition shall be found to be sufficient, the city council shall order, and fix a date for holding the said election, not less than 30 days nor more than 40 days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests in writing to the contrary, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receive the highest number of votes the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who received the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

CHAPTER III.

THE DUTIES OF OFFICERS:—

Sec. 20. The Mayor shall be the chief executive officer of the city, and may receive such compensation as the city council shall by resolution determine, not exceeding four hundred dollars in any one year. He shall take care that the

laws of the state and the ordinances of the city are duly observed and enforced, and that all other officers of the city shall discharge their respective duties: He shall from time to time give to the city council such information and recommend such measures as he may deem of advantage to the city. All ordinances and resolutions shall, before they take effect, be presented by the the city clerk within forty-eight hours after their passage to the mayor for his approval, and if he approves the same he shall endorse his approval upon and sign the same. Such as he shall not approve he shall return to the city council with his objections thereto, by depositing the same with the city clerk to be presented to the city council at its next regular meeting. And upon the return of any ordinance or resolution without the approval of the mayor, to the city council, the vote by which the same was passed shall be reconsidered; and if after reconsideration it shall be passed by a vote of three-fourths of all the members of said city council it shall have the same effect as if approved by the mayor. Any ordinance or resolution not returned by the mayor within five days after it shall have been presented to him, shall have the same effect as if approved by him; Provided, that no ordinance or resolution of the city council shall be approved or signed by the mayor within forty-eight hours after its passage.

Sec. 21. At the regular meeting of the city council in January, they shall proceed to elect by ballot from their number a president and vice president. The president shall preside over the meeting of the city council, and in the absence of the mayor from the city or inability from any cause to discharge the duties of his office, or in case of a vacancy in the office of the mayor, the president shall exercise all the powers and discharge all the duties of the mayor. The vice-president shall perform all the duties of the president in his absence or in case of his inability to act from any reason. The president or vice president, while performing the duties of the mayor, shall be styled acting mayor, and acts performed by either of them while acting in the capacity of mayor shall have the same force and validity as if performed by the mayor.

Sec. 22. The city clerk shall keep the corporate seal of the city and all papers and records of the city, and shall keep a report of all proceedings of the city council, which meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from the records of his office duly certified by him under the corporate seal of the city, shall be evidence in all courts of this state, the same as if the original were produced. He shall draw and sign all orders on the

treasurer, and keep a full account thereof in a book provided for that purpose. He shall countersign all contracts made in behalf of the city. He shall keep regular books of account in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city, the amounts of bonds, orders and other evidence of indebtedness issued by the city council, the amounts of all bonds, orders and other evidence of indebtedness which have been redeemed, and the amount of each outstanding. He shall countersign all bonds, orders and other evidence of indebtedness of the city and keep an exact account thereof, stating to whom and for what purposes issued. He shall keep an account with all the disbursing officers of the city, showing the amounts they have received from all the different sources of revenue, and the amount they have disbursed under the direction of the city council. He shall open and keep a separate account with every fund created by this charter, and for every special assessment for local improvements ordered by the council. He shall audit and adjust all claims and accounts against the city that are presented to the city council, and in so auditing and adjusting such accounts, he shall designate and specify upon each claim, demand or account so audited or adjusted by him the precise fund out of which the same shall be paid. No claim, demand or account shall be by him audited, adjusted or reported to the city council unless there shall be sufficient funds to the credit of that particular fund, out of which the same is payable, to pay the same as well as all other claims before that time audited and allowed against such fund. He shall keep a record of all claims, accounts or demands against the city audited by him, and shall keep a book wherein he shall copy at length all contracts, and index the same, which record shall be open to the inspection of the public. All contracts made in violation of the foregoing provisions, or any of them, shall be absolutely void. The city clerk may appoint a deputy, for whose acts he shall be responsible.

Sec. 23. The Mayor shall appoint, to be confirmed by the city council, at its regular meeting in January of each even numbered year, an attorney for the city, whose compensation shall be fixed by the city council; who shall perform all professional services incident to the office, and when required, shall furnish opinions upon any subject submitted to him by the city council or any officer or committee thereof. He shall advise with the council or the officers of the city in regard to their official duties, and attend all meetings of the city council and of such committees as may require his assistance.

Sec. 24. The city treasurer shall receive all moneys belonging to the city, including all license money, fines and other revenues of the city, and keep an accurate and detailed account thereof in such manner as to show the exact financial condition of the city. He shall exhibit to the city council at its regular meeting in October of each year, and as often as the city council may require, a full and detailed account of all receipts and expenditures since the date of his last annual report, or for any required period, which annual and other exhibits shall be filed with the city clerk. He shall open and keep accurate accounts with each fund created by this charter, and shall open and keep a separate account with each special assessment ordered by the city council, corresponding with the similar account thereof kept by the city clerk. He shall issue duplicate receipts for all moneys received by him, one of which he shall forthwith file in the office of the city clerk, and shall also immediately upon its receipt file in the office of the city clerk a copy of each settlement made with the county treasurer. No money of the city shall be loaned by the treasurer to any city officer or to any other person or otherwise disposed of except in accordance with law. Any violation of this provision shall be a misdemeanor and punishable by imprisonment in the county jail for a period not exceeding one year, or by a fine not exceeding one thousand dollars, or both, in the discretion of the court.

Sec. 25. The assessor shall have like powers and duties as such officer in townships under the laws of this state. The mayor may, when deemed necessary by the city council, appoint a deputy assessor, who shall be confirmed by the city council, and who shall have like powers and duties as the assessor, excepting that he shall act under the direction of the city assessor, and in case of a difference of opinion between the assessor and his deputy, the opinion of the assessor shall prevail.

Sec. 26. At the regular meeting in January of each even numbered year there shall be appointed by the mayor of the city, a city engineer, who shall be a practical surveyor and civil engineer, and who shall be confirmed by the city council. He shall devote his entire time to the service of the city. The city engineer shall furnish a surety bond in the sum of three thousand dollars, to be approved by the city council and recorded and filed by the clerk, conditioned to indemnify the city against any and all loss or damage suffered by reason of any negligence in the discharge of his duties.

He may, by and with the consent of the city council, employ such assistants as may be necessary. He shall keep his

office in some suitable place in the said city, and the city council shall prescribe his duties. He shall have supervision and general charge of all work done for the city, and of all work on any street, highway, alley, or sewer of said city; may direct the manner of performing such work and the construction of all sidewalks, streets, crossings, bridges, gutters, sewers, or other structures in, along or upon any of the streets, parks, or public grounds of said city; may suspend any such work or construction as shall not conform to his instructions or those of the city council, and take care that all contracts for any work or construction in behalf of the city are strictly complied with. It shall be his duty, when requested, to furnish to any property owner within the city, the boundaries of his lots, and set stakes showing the same, and also to set stakes showing the grade of streets along said property. For such services, such charges shall be made, as the city council shall determine from time to time, and all moneys collected for such work shall belong to the city and be paid into the general fund.

All surveys, profiles, plats and estimates made by him or any of his assistants for the city shall be the property of the city, and shall be carefully preserved by him in his office, and shall be open to inspection of all parties desiring the same.

Sec. 27. The mayor shall at the regular meeting in January of each even numbered year appoint one street commissioner for the city, to be confirmed by the city council; the said street commissioner shall also act as health inspector of said city, and shall have the same authority as police have in enforcing the ordinances of the city for the security of the public health, and shall act under the direction of the health officer and board of health of said city. The street commissioner shall furnish a surety bond in the sum of five hundred dollars, to be approved by the city council and filed and recorded with the city clerk, conditioned for the faithful performance of his duties, and to indemnify the city against any and all loss or damage suffered by reason of any negligence in the discharge of his duties, or failure to perform the same. All work done by the street commissioner as such, shall be subject to the approval of the city engineer. It shall be the duty of such street commissioner to see that all streets and sidewalks under his charge, which have been graded and opened for travel, are kept clear from obstructions and in such repair as to be safe and passable; also to superintend, subject to the direction of the city engineer, the grading of the streets and the laying of the sidewalks, and to carry into effect all orders of the city council. The said street commissioner shall not do any work upon the streets except such as

is necessary to keep traveled streets and improved sidewalks in repair and passable condition, unless such work is specially ordered by the city council. The street commissioner shall keep accurate account of all his work and expenditures and make detailed and itemized reports thereof, including all sidewalk repairs and a description of the property to which they are adjacent, to the city council at least once in every month, and, oftener if ordered by the city council; and no bill for compensation to such street commissioner shall be allowed unless the same shall be accompanied or preceded with a full and itemized report of all his work and expenditures up to the time of the rendition of such bill. The street commissioner shall not be interested, directly or indirectly, in any contract for any work to be done under his charge, nor be allowed any compensation for any use of teams owned by himself, or in which he shall have any interest, nor in any material or labor furnished by him, excepting his personal services; nor shall he receive, directly or indirectly, any commission, gratuity, money, or valuable thing from any person doing work or furnishing material for any work or construction under the charge of such street commissioner or the city engineer of the city.

Sec. 28. If the city engineer, street commissioner, or any other officer of the city shall have any interest in any contract, work or construction done pursuant to this charter, all such contracts shall be void, and all such work done, material furnished or applied for the use of the city shall be forfeited; and every such engineer, street commissioner or any other officer who shall accept any gift or gratuity or any commission from any person having contracted with said city, or furnished material or performed labor, under the provisions of this charter, which contract, material or labor shall be under the charge or superintendance of such city engineer, street commissioner or other officer, or subject to acceptance by them or either of them, shall be punished in the same manner as provided by law for the acceptance of bribes by public officers.

Sec. 29. The justices of the peace and constables of said city shall possess all the authority, rights and powers, and be liable to all the duties of and receive like compensation as justices of the peace and constables under the general laws of the state; and in addition thereto, the justices of the peace for said city shall have exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising within the city cognizable before a justice of the peace, and all suits, prosecutions and proceedings for the recovery of any fine, forfeiture or penalty under

any ordinance of the city. All prosecutions for assaults, batteries, affrays, not indictable, committed within the city limits, and for a breach or violation of any ordinance of said city, shall be commenced in the name of the City of Crookston, and the same proceedings shall be had as are required by law of this state in criminal cases triable in justice courts; provided, that in the cases above mentioned no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, shall not exceed ten dollars. In all cases of conviction for assault, batteries or affrays, breaches of the peace, disorderly conduct, keeping houses of ill fame, or frequenting the same, and of keeping disorderly houses in said city, the said justices of the peace shall have power, in addition thereto, to compel such offenders to give security for their good behavior and to keep the peace for a term of not exceeding six months, in any sum not exceeding five hundred dollars. All fines and penalties imposed by said justices of the peace for offences committed within the limits of said city shall belong to and be a part of the general revenue of the city. The justices shall also have power when punishment is by imprisonment, or by imprisonment in default of payment of fine, to sentence the offender to hard labor in any workhouse established by the city for that purpose, or, in case of male offenders, to sentence them to hard labor on any public work or improvement. The said justices shall quarterly report to the city council a list of all proceedings instituted before them in behalf of the city, and the disposition thereof, and shall at the same time account for and pay over to the city treasurer the amount of all penalties and costs which may by law accrue to the city.

Sec. 30. The salary of the city clerk is fixed at the sum of twelve hundred dollars (\$1200) per annum which shall be full compensation for all services performed by him for the city. Provided, that whenever in consequence of additional duties imposed, or of increasing business and labor in connection with the office, it may become necessary for the city clerk to employ assistance, either temporarily or permanently, the city council may in its discretion provide compensation therefor. The city council shall have the power by resolution when the same is not herein fixed to fix the compensation of any and all officers created by this charter.

Sec. 31. The city council shall have the power at any time to require other or further duties to be performed by any officer whose duties are not prescribed nor inconsistent with this charter.

Sec. 32. The mayor, aldermen and all other city officers employed in the several departments of the city, while hold-

ing such or engaged in such service for the city, shall be exempt from serving as jurors in any court of this state.

Sec. 33. Each alderman shall receive as full compensation for his services the sum of two dollars for each regular, or adjourned regular meeting, except when acting as a member of the board of tax review, as provided in this charter.

Sec. 34. If any person having been an officer of said city shall not, within ten (10) days after notification and request of his successor in office, deliver to such successor all property, books, papers and effects of every description belonging to the city, he shall forfeit and pay to the city the sum of five hundred dollars (\$500) to be recovered of him or his official sureties in a civil action, brought in the name of the city upon his official bond, or by action against him personally, or both.

CHAPTER IV.

PARK COMMISSION:—

Sec. 35. There shall be appointed by the mayor and confirmed by the city council three park commissioners, to be known as the Park Board of Crookston, who shall serve without compensation, and who shall have control and supervision of all parks, parkways and boulevards within the corporate limits of said city, and also of such streets or portions of streets and other public grounds as the city council shall by proper resolution designate. Said commissioners shall hold office for six years and until their successors have been appointed and qualified, provided, that the first commissioners shall be appointed for two, four and six years respectively.

Sec. 36. Said board shall have power and it shall be their duty to enforce such laws of the state and such ordinances of the city as they may deem necessary for the proper performance of their duties in such department.

Sec. 37. Said board shall have charge of the park fund, which shall be turned over to it by the city council from time to time as it is received into the city treasury, and out of said park fund said board shall have power to expend such moneys as they may see fit in improving and beautifying such parks, highways, boulevards and public grounds.

Sec. 38. The city clerk shall be the clerk of said board, and shall have charge of the books, which shall contain a full statement of the park fund, of all moneys received and paid out by order of said board, and all debts due, and an accurate account of all expenses of said board. He shall keep the record of all board meetings, make out all bills, and perform such other duties as said board may prescribe, and on

the first day of December of each year the said clerk shall make out and transmit to the city council a complete and itemized financial statement of the operations and expenditures of said board during each year.

Sec. 39. The city treasurer shall be ex-officio treasurer of said board. He shall keep separate all moneys received into the park fund, and shall pay them out only on orders countersigned by both the city clerk and the chairman of the park board.

CHAPTER V.

THE CITY COUNCIL—ITS POWERS AND DUTIES:—

Sec. 40. The aldermen shall constitute the city council and the style of all ordinances shall be "The City Council of the City of Crookston do Ordain." A majority of the aldermen shall constitute a quorum, but a less number may meet at the time of any regular meeting and adjourn, and all business transacted at such adjourned meeting shall have the same validity as if done at a regular meeting.

Sec. 41. The city council shall hold regular meetings on the second Tuesday of each month, at such hour as they may designate by resolution, and the mayor may call special meetings of the city council by notice to each of the members, to be delivered personally or left at their usual place of abode not less than twenty-four hours previous to time of meeting, which notice shall contain a statement of the business for which said meeting is called, and no other business shall be transacted at such special meeting except such as is designated in such notice.

Sec. 42. The city council shall be the judge of the election and qualification of its members, and in such cases shall have power to send for persons and papers and to administer oaths. It shall determine the rules and regulations of its own proceedings, and have power to compel the attendance of absent members.

Sec. 43. The city council shall have power to remove from office any officer of said city, whether appointed or elected by the people; but no officer shall be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have had reasonable opportunity to be heard in his own defense. Continued absence from the meetings of the council in case of aldermen, and neglect of duty in case of other officers, unless for good reason, or being in any way interested in any contract with the city, shall be deemed good cause for removal. The city council shall fix a time and place for the trial of any officer against whom charges may be preferred, of which not less than ten days

notice shall be given to the accused, and shall have power to send for persons and papers, and shall have power to compel the attendance of witnesses and to hear and determine the case; and if such officer shall refuse or neglect to appear and defend, the city council shall declare the office vacant.

Sec. 44. The city council shall have the management and control of the finances (subject to the provisions of this charter) and all property of the city, and shall likewise, in addition to the power herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances and rules for the government of the city and to promote the good order of the same, for the suppression of vice and intemperance, and for the prevention of crime, as it shall deem expedient. It shall have power to establish and maintain a city prison and workhouse for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense against any ordinance of the city or laws of the state cognizable before the justices of the peace of the city; to make rules and regulations for the government and management of such city prison and workhouse, and to appoint keepers and other officers of the same, and to prescribe their duties and fix their compensation. The keepers of said prisons and workhouse shall possess all powers and authority of jailers at common law or by the laws of this state. The city council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same, against any person or persons who may violate any of the provisions of any ordinance or rule passed and ordained by it. And all such ordinances and rules are hereby declared to be and have the force of law; and for these purposes said city council shall have authority by ordinance or resolution.

First: To license and regulate the exhibition of common showmen, and shows of all kinds, the exhibitions of caravans, circuses, concerts, theatrical performances; and also to license and regulate all auctioneers, billiard tables, pigeon hole tables, pool tables, nine or ten pin alleys, bowling alleys, merry-go-rounds, shooting galleries, and other similar places, butcher shops and butcher stalls, and venders of butchered meats, pawnbrokers, insurance offices and insurance agencies, taverns, lager beer saloons, theatres, skating rinks, victualing houses, and all places of public amusements, and all persons vending or dealing in spirituous, vinous, fermented or malt liquors, and all dealers in second hand goods, junk dealers, and all keepers of intelligence and employment offices, all draymen, hackmen, pedlars, and persons selling goods at retail by sample; provided, that all licenses,

except for exhibitions, caravans, circuses, menageries, concerts, theatrical performances and sale of liquors, shall extend to and expire on the Third Monday of January next following the issue thereof. And provided further, that the power to regulate above given shall extend to and be construed to include, among other powers, the power to define who shall be considered pawnbrokers, auctioneers, dealers in second hand goods, junk dealers and pedlars.

Second:—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing cards, dice, or other games of chance for the purpose of gambling, within the city, and to restrain from vending in spirituous, vinous, fermented or malt liquors, unless duly licensed by the city council; provided, that no license shall be granted to any person to deal in or vend within the city limits any spirituous, vinous, fermented, or malt liquors, for a shorter term than one year, which license shall not be transferable.

Third:—To prevent any noise, riot, disturbance, and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who may be guilty of the same; to suppress disorderly houses and provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments and apparatus used for the purpose of gambling.

Fourth:—To compel the owner or occupant of any cellar, tallow-chandlers shop, soap factory, tannery, hide warehouse, stable, barn, privy, sewer, or other unwholesome nuisance, house or place, to cleanse, remove or abate the same from time to time as often as may be necessary for the health, comfort and convenience of the inhabitants of the city.

Fifth:—To direct the location and management of stock yards, slaughter houses, markets, breweries, distilleries, soap factories, glue factories, and bone boiling establishments, and to establish rates for and license venders of gun powder and other explosives, and to regulate the storage, keeping and conveyance of gunpowder, dynamite, or other explosives or combustible material, and to regulate the use thereof in the city.

Sixth:—To prevent the encumbering of streets, alleys, sidewalks, lanes and public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, signs, or any other material whatever.

Seventh:—To regulate the movements and speed of railroad locomotives and cars; to require the maintenance of flagmen, or the construction and maintenance of gates at the crossings of railway tracks over such streets and aven-

ues of the city as the council shall deem necessary; to prevent and punish immoderate driving or riding in the streets, including the use of automobiles and bicycles; to compel persons to fasten their horses or other animals attached to vehicles, or otherwise, while standing on the streets and to regulate places of bathing and swimming in the waters within the city limits.

Eighth:—To restrain the running at large of horses, mules, cattle, swine, sheep and poultry, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for a violation of the ordinance.

Ninth:—To prevent the running at large of dogs, and to require for keeping the same, and to provide for and authorize the destruction in a summary manner, of all dogs when at large contrary to this charter.

Tenth:—To prevent any person from bringing, depositing or leaving within said city any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, fish, hides, or skins of any kind and, in default, to authorize the removal thereof by some competent officer at the expense of such person or persons, and to make the expenses of such removal a lien upon the premises from which such substances are removed.

Eleventh:—To make and establish public pounds, pumps, wells, cisterns, hydrants, reservoirs; and to erect, suspend or place lamps, to provide for the lighting of the city, to contract for the erection of gas works, for lighting the streets, public grounds and public buildings, or for the erection and maintenance of any and all systems of electric lights or other lighting for like purposes; to create, extend, and alter lamp districts, or to contract with other parties to furnish gas or electric light for such purposes.

Twelfth:—To establish and regulate boards of health, provide hospitals, and hospital grounds, and for the registration of births and deaths, and the return of lists of mortality, and to regulate and prevent the burial of the dead within the city limits.

Thirteenth:—To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread offered contrary thereto.

Fourteenth:—To prevent any person from riding or driving any ox, horse, mule, cattle or other animals upon the sidewalks and boulevards of the city, or in any way doing damage to such sidewalks, or boulevards.

Fifteenth:—To prevent the shooting of firearms or

firecrackers, and to prevent any exhibitions of firearms or fireworks or any noisy or dangerous explosives in any situation which may be considered by the city council dangerous to the city or any property therein, or annoying to the citizens thereof.

Sixteenth:—To prevent open or notorious drunkenness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all persons guilty thereof.

Seventeenth:—To restrain and regulate porters, hackmen, expressmen, and also runners, agents, solicitors for stages, cars, public houses or other establishments.

Eighteenth:—To establish public markets, scales and public buildings; to make rules and regulations for the government and management thereof; to appoint suitable officers for the management thereof, and to provide for the enforcement of all rules and regulations in regard to the same.

Nineteenth:—To license and regulate butcher stalls, shops and stands for the sale of game and fish, poultry, butter, butcher meats and provisions; and also to license and regulate all peddlers and persons selling goods at retail by sample within the city.

Twentieth:—To regulate the place and manner of weighing and selling hay and straw and the measuring and selling of firewood, coal and lime, and to provide appliances and appoint suitable persons to superintend and conduct the same.

Twenty-first:—To compel the owners or occupants of buildings or grounds to remove snow, dirt, and rubbish from the sidewalks opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances injurious to the public health as the board of health shall direct, and, in his default, to authorize the removal or destruction thereof by some officer at the expense of the owner or occupant; also to compel the owners of low grounds, where water is liable to collect and become stagnant, to fill or drain such low places, and, in their default, to authorize such filling or draining at the expense of such owners, and to provide that such expense shall become a lien upon the lots or property so drained or filled.

Twenty-second:—To regulate and prevent the landing of persons from boats, vessels, or other conveyances infected with contagious or infectious diseases or disorders, and to make such disposition of such person as may be necessary to preserve the health of the city.

Twenty-third:—To regulate the time, manner and place

of holding public auctions or vendues.

Twenty-fourth:—To provide for watchmen, and to prescribe their number and duties and to regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers.

Twenty-fifth:—To regulate the inspection of wood, hay, grain, flour, pork, beef, mutton, veal, and all kinds of meats, poultry, game, fish, salt, whiskey, and other liquors and food-stuffs, and to authorize the seizure and destruction of any impure or adulterated article sold that is dangerous to the public health, and to provide for the punishment of the use of false weights and measures.

Twenty-sixth:—To appoint inspectors, weighers and gaugers, and to regulate their duties and to prescribe their compensation.

Twenty-seventh:—To purchase or acquire by gift or devise, lands within the city limits and to take and hold by lease such lands, for the purpose of parks or public grounds.

Twenty-eighth:—To remove and abate any nuisance injurious to adjacent property, the public health or morals, and to provide for the punishment of all persons who may erect or maintain such nuisances.

Twenty-ninth:—To remove and abate any nuisance, obstruction or encroachment on any of the streets, alleys, or public grounds and highways of the city.

Thirtieth:—To do all acts and make all regulations which may be necessary and expedient to preserve the health of the inhabitants of the city, and suppression of disease; to prevent the introduction of contagious diseases into the city, to make quarantine laws and enforce the same within the city.

Thirty-first:—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Thirty-second:—To license and regulate draymen, hackmen, expressmen, and other persons engaged in the carrying of passengers, baggage, or freight and to regulate their charges therefor, and to authorize the mayor and chief of police of said city to regulate and direct the location of vehicles standing upon the streets and public grounds in said city.

Thirty-third:—To regulate the construction of all buildings of more than two stories in height, and to prescribe fire limits in said city, and to prohibit the erection of wooden buildings or of placing wooden sidewalks within said limits.

Thirty-fourth:—To provide for and regulate the erection of hitching posts or rings for the fastening of horses or other animals or to prohibit the same in any portion of the city.

Thirty-fifth:—To regulate the opening of hatchways and cellarways upon the streets or sidewalks of the city and to compel proper guards about the same.

Thirty-sixth:—To regulate the numbering of houses and lots and to compel owners of houses or other buildings to have such numbers designated thereon.

Thirty-seventh:—To require the owner or lessee of any building or structure now or hereafter erected in said city to place thereon such fire escapes and such appliances for the protection against or extinguishment of fires as it may direct, and to do each and every other act which it may think necessary or advisable to lessen the danger to human life in case of fire or accident.

Thirty-eighth:—To regulate and control the quality and measurement of gas; to prescribe and enforce rules and regulations for the manufacture and sale of gas; to provide for the inspection of gas, water, electric and other meters, and appoint an inspector and prescribe his duties.

Thirty-ninth:—To regulate and prohibit the location and size and construction of steam boilers, as it may designate as being dangerous to life and property in the city, and to prohibit the location of such boilers at any place which the city council may deem dangerous to life or property.

Fortieth:—To regulate and control or prohibit the placing of poles therein or the suspending electric light or other wires along or across any of the streets of said city, and to require any already placed or suspended, either in limited districts or throughout the entire city, to be removed or placed beneath the streets and sidewalks of the city, and to compel the proper insulation of all electric light wires and other wires in use within the city.

Forty-first:—To regulate the penning, herding and treatment of all animals within the city.

Forty-second:—To restrain, regulate and control the cutting of ice in the Red Lake River, or elsewhere within the limits of the city.

Forty-third:—To license and regulate plumbers and plumbing establishments, and to specify the manner in which plumbing may be done, the material to be used, and regulate charges therefor.

Forty-fourth:—To prescribe and regulate the manner in which excavations may be made in the streets and alleys for the purpose of repairing or placing of sewers, or water or heating pipes, or in which any other excavation may be made in said streets or alleys.

Forty-fifth:—To prevent or regulate the moving of traction engines over or upon paved streets or bridges of the city.

Forty-sixth:—To construct, regulate, maintain, extend, improve and operate, waterworks and light plants or either of them, and for that purpose, in the discretion of the city council, to acquire by purchase or otherwise any existing water power, waterworks, or light system, and to sell any surplus power, electricity and heat after supplying the aforesaid plants.

Forty-seventh:—To appoint a commissioner of the poor, to prescribe his duties and provide for his compensation.

Sec. 45. All ordinances, regulations and resolutions shall be passed by an affirmative vote of a majority of all members of the city council, except as otherwise provided in this charter. The vote shall be taken by a call of the ayes and noes and entered in the minutes of the council. Every ordinance and resolution of the council shall be approved by the mayor and published and recorded by the city clerk before it shall take effect. No ordinance shall be introduced at an adjourned regular meeting or special meeting of the council, nor any ordinance be put upon its final passage until the next regular meeting of the city council after its introduction.

Sec. 46. A copy of the record of any ordinance heretofore passed and recorded, or which shall hereafter be passed, certified by the city clerk and attested by the seal of the city, and any copy thereof published in the official paper of the city, or compilation of the ordinances made and published under the direction of the council shall be prima facie evidence of the contents of such ordinance and of the regularity of all proceedings relating to the adoption and approval thereof, and shall be admitted as evidence in any court of this state without further proof. In all actions or prosecutions and proceedings of every kind before either of the city justices, such courts shall take judicial notice of all ordinances of the city, and it shall not be necessary to plead or prove such ordinances in said justice court.

Sec. 47. No appropriation shall be made without a two-thirds vote of all the members of the city council in its favor, which shall be taken by ayes and noes, and entered among the proceedings of the council.

Sec. 48. The powers conferred upon the city council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or other proceedings, according to law.

Sec. 49. The city council shall examine, audit and adjust the accounts of the clerk, treasurer and all other officers of the city at such times as it may deem proper, and also at the end of each year, and before their term of office shall expire; and if any officer shall refuse to exhibit his books, accounts

and vouchers for examination and settlement, or shall refuse to comply with the orders of said council in the discharge of his duties, in pursuance of this charter, such refusal shall be sufficient reason for his removal from office, and the city council shall order suits and proceedings at law against any officer or agent of the city who may be found delinquent or defaulting in his accounts or the discharge of his official duties, and shall make a full record of all settlements and adjustments.

Sec. 50. The city council shall have the management of and control of the finances, and all property of the city, except as herein otherwise provided, and may by resolution passed by an affirmative vote of three fourths of the whole council sell and convey any personal property of the city, which is not used or needed for city purposes, at a price not less than that named in such resolution, and upon such terms and security as specified in said resolution, and the moneys and securities realized from any such sale shall be turned into and become a part of the permanent improvement fund of the city, except as otherwise provided in this charter. Provided, that the city council shall never sell any real estate electric light plant, water plant, or telephone system, without first being authorized so to do by a vote of seventy-five per cent of the legal voters of said city voting at an election held for that purpose.

Sec. 51. The city council shall have the power to acquire by purchase, rent or condemnation such private property as may be necessary for sites for public buildings for the use of the city or any department thereof, and for all streets, alleys, parks and public squares in the said city, and to ascertain and determine the value of such private property taken for such uses, and the amount of damages occasioned to any such property by reason of any public works or structures, in the manner hereinafter provided.

Sec. 52. Any license issued by authority of the city council may be revoked by the mayor or city council at any time; and upon conviction before any court of any person holding a license for a violation of any provision of any ordinance relating to the exercise of any right granted by such license, the court may, and upon a second conviction shall, revoke such license in addition to the penalties provided by law or ordinance for any such violation.

Sec. 53. No license shall be issued or granted to any person to sell or deal in any spirituous, vinous, fermented or malt liquors within three hundred feet of any public school grounds within the city; provided, that nothing contained herein shall be considered as giving authority to

issue any license to any person to sell, vend, or deal in any spirituous, vinous, fermented or malted liquors in any place in said city of Crookston except within the following described territory, namely: beginning at a point in the center line of Loring street midway between Broadway and Ash streets, thence running in a northeasterly direction in a straight line parallel with the center line of Broadway street, to the center line of Fifth street, thence in a northwesterly direction along the center line of Fifth street to the center line of the main track of the Great Northern Railway, thence in a southwesterly direction along the center line of the main track of said railway to the center line of Loring street, thence extending southeasterly along the center line of Loring street to the place of beginning. And no license shall be issued to any person to deal in, sell or vend spirituous, vinous, fermented or malted liquors in any part of the city of Crookston, except within the territory above described; and even within said territory no license shall be granted to any person to deal in, sell, vend or dispose of any spirituous, vinous, fermented or malted liquors within three hundred feet of any school grounds of any public school in said city.

The reason for establishing such limits within which licenses may be granted for the sale or disposing of spirituous vinous, fermented or malted liquors, is that said limits are embraced within and close to the business center of said city, and may be more easily policed and controlled than other sections of the city. And all licenses issued or attempted to be issued by the city council of the city of Crookston or by the city for the sale or vending of spirituous, vinous, fermented or malted liquors at any place except within the territory above described, shall be absolutely void and without authority of law.

CHAPTER VI.

FINANCE:—

Sec. 54. The fiscal year of the city shall begin on the first day of January in each year.

Sec. 55. The city shall not directly or indirectly loan its credit, become a stockholder, make any contributions or donations to any person, company or corporation whatsoever.

Sec. 56. The city council is hereby authorized to provide by taxation for the payment of interest and for a sinking fund for the purpose of paying the bonds of the city whether heretofore or hereafter issued.

Sec. 57. All moneys and other property belonging to the city, except as otherwise provided by this charter, shall be under the management and control of the city council, and mon-

ey shall be paid out only upon warrants of the mayor, countersigned by the clerk, after having been duly authorized by resolution of the council passed by an affirmative vote of two thirds of the whole number thereof upon the call of the ayes and noes; provided, that the salaries of all regular officers shall be fixed by resolution at the commencement of their term of office and not raised during said term; and such resolution shall require a majority vote to pass the council and may authorize the issuance of warrants in payment thereof by the clerk in monthly installments as the same may become due, but this provision shall not be construed to include wages of officers and employes of the city specially or temporarily employed.

The resolution providing for the issuing of a warrant shall state the fund upon which said warrant shall be drawn and every warrant shall designate the specific purpose for which it is issued and the specific fund upon which it is drawn, and shall be payable out of none other. Each warrant shall be payable to the order of the person in whose favor it is drawn. No warrant on any fund shall be drawn or issued until there is money in the treasury to the credit of such fund sufficient to pay the same, together with all other warrants previously drawn upon such fund that may be then outstanding. The city council is hereby prohibited from authorizing the issuance of or ordering paid any such warrants until there is sufficient money as aforesaid in the treasury applicable thereto to pay such warrant together with all other warrants which may be outstanding against said fund.

No officer or official body of the city shall have any power to contract or create any indebtedness against the city except in accordance with the provisions of this charter, or to create any liability against the city by issuing any warrant contrary to the provisions of this charter, and any warrant issued contrary thereto shall be wholly void as against the city, but the same shall constitute a personal claim against the officer or officers issuing the same, and any member of the city council voting to authorize the issuance of the same, or attempting to create such indebtedness, shall be personally liable therefor.

Sec. 58. The county treasurer shall pay over all taxes collected for the city, together with all interest and penalties which shall be collected on account of the same, when collected to the treasurer of said city in the several settlements of the funds to be so paid over as provided by general law. Said county treasurer shall account for and pay over to the city treasurer such portions of the interest paid by banks with

whom funds of said county are deposited as they accrue upon funds arising from said taxes and assessments therefor which have been made by said city, so deposited with such county funds or parts thereof. Whenever, previous to any settlements provided for by law, there shall be a lack of money in any of the regular city funds, and there shall be funds in the county treasury which shall have been collected on account of such fund or funds, the county treasurer shall, upon the application of the city treasurer, advance and pay over such sums as shall be estimated to be the amount collected on account of such city taxes and assessments, and such advances shall be accounted for and adjusted at the next regular settlement, and the city treasurer shall also forthwith after such settlements adjust and apportion all moneys so advanced among the several funds of the city.

Sec. 59. There shall be maintained in the treasury the following funds: a sinking fund, an interest fund, a permanent improvement fund, a poor fund, a library fund, a park fund, a general fund, a ward fund for each ward in the city, and a fire department fund.

Sec. 60. The sinking fund is created for the purpose of accumulating money to pay the principal of the bonded indebtedness of the city, and for the maintenance of this fund there shall be levied an annual tax of three mills on the dollar of the assessed valuation of all taxable property in the city as appears from the assessment roll for the preceding year. There shall be paid into the sinking fund all taxes collected to pay interest, in excess of the amount required to pay such interest, and all moneys received by the city from the sale of property acquired by the city from a bond issue, when said bonds are still unpaid.

Sec. 61. The city council shall provide for and appoint a board of sinking fund commissioners, consisting of three resident freeholders, each of whom shall have lived in the city at least three years prior to his appointment; one of whom shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, and on the expiration of said terms his successor shall be appointed for a term of six years. Said commissioners shall have charge of the sinking fund and shall invest the same in bonds of the city of Crookston which shall have been lawfully issued, or in such other bonds as are permitted by law for the investment of the public school funds of the state of Minnesota, or in any county or school bonds of this state. In case of investment in bonds of the city, the same shall not be cancelled, but shall be held in the sinking fund, and the interest thereon shall be paid over and applied to such sinking fund. When-

ever any bonds of the city shall become due, the said commissioners shall dispose of such bonds then in said fund as with the money on hand belonging to the same shall be necessary to pay such maturing bonds. The said commissioners may dispose of any of the bonds in said fund at such other times as said commissioners may deem for the best interest of said fund.

Whenever the amount of such sinking fund together with the interest and revenue thereof computed to the time of maturity of said bonds is sufficient to pay all of said bonds, the levy of three mills hereinbefore provided for may be omitted, but in case of decrease of interest, or for any other cause, said funds shall in the judgment of the commission be insufficient to pay said bonds of the city at maturity, such tax shall be resumed. Said commissioners shall make detailed report to the council at the regular meeting in August in each year, and at such other times as the council may require, and said report shall show the condition of said sinking fund, the nature and value of each of the securities thereto belonging, with a full description of such securities.

Any tax payer of the city or any of the owners of the bonds of the city shall have the right to maintain in a court of competent jurisdiction, any proper action or proceeding to enforce upon the part of the council or said commissioners compliance with the provisions of this chapter.

Sec. 62. The interest fund is created to provide moneys for the prompt payment of interest to become due during the next fiscal year upon the outstanding bonds of the city. It shall be maintained by an annual tax levy as otherwise provided in this charter in such an amount as shall be sufficient to pay such interest.

Sec. 63. The permanent improvement fund is created for the purpose of paying the purchase price of all real property including parks, which the city may have to acquire for its various purposes, and also for the purpose of paying for such proportion of the expense of local improvements, not otherwise provided for, as shall devolve upon the city, and also for the original cost of bridges, buildings, waterworks, and other permanent improvements not otherwise specifically provided for by law.

Whenever fifty per cent or more of any special assessment ordered by the council for local improvements shall have been collected and shall be in the hands of the city treasurer, the city council may in its discretion advance from the permanent improvement fund an amount which with the taxes so collected shall be sufficient to complete such local improvements, but neither the city council nor any officer thereof

shall ever authorize, enter into or execute any contract for any local improvement on behalf of said city until there shall have been collected at least fifty per cent of the special assessment levied for the performance of said work; provided that no advancement shall be made out of said permanent improvement fund for the purpose above mentioned, unless in addition to such advancement there shall be in such permanent improvement fund sufficient moneys to pay the city's portion of the cost of making such improvements, and in addition thereto sufficient moneys to pay the city's portion of all permanent improvements theretofore ordered by the city council.

There shall be paid into this fund all moneys received from the sale of all property of the city, the proceeds whereof are not otherwise disposed of under the provisions of this charter and all unexpended balances of special assessments for local improvement after payment for the same.

It shall also be maintained by a tax levy when necessary.

Sec. 64. The poor fund is created for the purpose of providing moneys to be paid out in taking care of the poor of the city. This fund shall be supported by taxation.

Sec. 65. The library fund is created for the purpose of maintaining a public library in the city and shall be supported by taxation.

Sec. 66. The park fund is created to provide for the support and maintenance of any park or parks which may be acquired by the city. It shall be maintained by a tax levy when necessary.

Sec. 67. The several ward funds are created to provide moneys for the building and maintenance of all street crossings, culverts, all intersections of sidewalks, and for the removal of snow from sidewalks and crossings, and for the repairs made upon the streets and sidewalks in the respective wards. It shall be maintained by a tax levy.

Sec. 68. The general fund is created to provide moneys for the payment of all other legal obligations of the city. It shall be maintained by a tax levy, and there shall be paid into it all moneys belonging to the city not specifically designated as belonging to any fund.

Sec. 69. The fire department fund is created to provide moneys for the maintenance and equipment of the fire department, for the purchase of fire department supplies, and for all expenses in connection with the fire protection of the city. It shall be maintained by a tax levy.

Sec. 70. The income and revenue of the city paid into the treasury shall at once by the treasurer be apportioned and kept in the several funds established by this charter, and

he shall without delay transmit to the city clerk a statement of all moneys received and placed in the several funds, stating the amount in each. He shall also make a report in writing on the second Monday in each month, showing the balance in the city treasury on that day to the credit of each fund and forthwith file said report with the city clerk.

It shall be unlawful to transfer moneys from one fund to another, or to divert money from the fund to which it belongs, except that when there shall be a surplus of cash to the credit of any fund the council may, by resolution passed by a three fourths vote in all its members, authorize such surplus cash to be paid into the sinking fund or interest fund, except balances from special assessments.

Sec. 71. None of the departments of the city, nor any officer of any department or of the city, shall have power or authority to make any contract or renew any contract now in existence, or create any debt against the city, until the city council shall have authorized the same by a two-thirds vote of all the members thereof; and no committee of the council or officer thereof shall allow or approve any claim in favor of any person, firm or corporation for any purpose whatever attempted to be created as aforesaid, unless the creating of such claim or the incurring of such indebtedness shall have been previously authorized by a two thirds vote of all the members of the council. Every requisition from any officer, department or commission to purchase supplies or create any indebtedness against the city shall be itemized.

Sec. 72. Within thirty days after the adoption of this charter the clerk and treasurer shall apportion the moneys then in the city treasury among the several funds herein provided for, which apportionment shall give to each fund all moneys collected from levies made for corresponding purposes under the old charter, and shall in addition apportion to the improvement fund any moneys in the different funds from special assessments where the improvements have been completed and paid for.

Sec. 73. The city may issue bonds, in the manner hereinafter provided:

1. Under the provisions of Chapter 10 of the Revised Laws of Minnesota for the year 1905 for the purchase or construction of public water works or for the enlargement, protection or distribution of the water supply; for the establishment of public lighting, heating or power plants.

2. For the purpose of paying, funding or refunding any bonded indebtedness of the city existing at the time this charter goes into effect or created at any time in any manner by said charter authorized.

3. For the purpose of making any public improvement within the power of the city.

Sec. 74. The city council by a majority vote of all of the members thereof may from time to time as the occasion may arise issue bonds of the city without a vote of the people authorizing the same, for the purpose of paying, funding or refunding any bonded indebtedness of the city existing at the time this charter goes into effect or created at any subsequent time in any manner by said charter authorized.

2. Excepting as last above specified no bonds of the city shall ever be issued unless authorized by a two-thirds affirmative vote of all the members of the council, and unless the proposition to issue said bonds shall be first submitted to the legal voters of the city at a general or special election and approved by a majority of such voters voting on such proposition at such election.

3. No bonds of the city shall hereafter be issued nor any indebtedness incurred which will make the aggregate outstanding indebtedness of the city exceed ten per cent of the assessed valuation of all the taxable property of the city as shown by the last preceding assessment for the purposes of taxation, excepting for the purposes specified in section 73 of this charter.

4. The manner of issuing bonds of the city, the conditions to be contained therein or matters pertaining to the manner or form of submitting the propositions for bonding to the voters of the city shall be regulated and prescribed by the city council at the time of such issue.

Sec. 75. Bonds of the city authorized by this charter shall run for no longer a period than twenty years (20) and in no event shall they bear a greater rate of interest than five (5) per cent per annum.

Sec. 76. Any bank in the city of Crookston with a capital stock equal to or exceeding twenty-five thousand dollars (\$25,000), which desires to receive on deposit as provided in this charter, a portion of the funds in the hands of the city treasurer for said city, shall, prior to the first day of April in each even numbered year, file with the city clerk of said city an application for such deposits, stating that it will furnish a good and sufficient bond payable to the city of Crookston for double the amount to be received, and conditioned for the safe-keeping and payment of the funds so deposited and interest thereon, and that it will pay interest on such deposits as provided by this chapter. The application so filed shall be presented to the city council, which shall determine the amount of bonds which shall be required of such bank and the clerk shall notify the bank thereof. The bank shall then ex-

ecute such bond with three or more sureties who shall justify in the aggregate in the amount of the penal sum of said bonds and present it to the city council for approval. All banks which shall furnish bonds which shall be approved by the city council, shall be designated by said council as depositories for the funds in the city treasury. After such designation shall have been made all funds then in the hands of the city treasurer or thereafter received by him shall be deposited in the banks so designated, in the name of the city of Crookston, subject to the order of the city treasurer, and the funds so deposited shall be distributed as nearly as may be in proportion to the paid up capital of said banks. The banks receiving such deposits shall pay interest on the same at the rate of three per cent per annum on daily balances, which interest shall be computed at the end of each calendar month and placed to the credit of said city at that time; provided, that the total amount deposited in any bank shall not exceed at any time two thirds of the amount of the bond of said bank to the city, and the city treasurer shall make monthly reports of the amounts thus deposited to the city clerk, who shall present the same to the city council at its next regular meeting and furnish a copy of the same to any newspaper of said city applying therefor for publication free of charge.

Sec. 77. When the funds in the hands of the city treasurer shall have been deposited as hereinbefore provided, such treasurer and his bondsmen shall be exempt from all liability therefor by reason of the loss of any such deposited funds from failure or bankruptcy or any other acts of such bank or banks, to the extent and amount of such funds in the hands of such bank at the time of failure or bankruptcy.

CHAPTER VII.

TAXATION—

Sec. 78. All property within the city, except such as may be exempt by laws of this state, shall be subject to taxation for the costs of the city government and the payment of its debts and liabilities, and all taxes shall be assessed and collected in the manner provided by the general laws of this state, except as hereinafter expressly provided. Provided, that nothing herein shall be construed as limiting the levying and collection of special assessments as provided for in this charter, and provided further, that the fifth ward of this city shall not be taxed for the purpose of paying indebtedness of the city from payment of which it was exempted by the act of the legislature annexing said fifth ward to the city of Crookston.

Sec. 79. All taxes shall be levied by resolution of the city council on or before the first day of October in each year. All taxes shall be levied in specific amounts, and based upon an estimate of the city expenses for the ensuing year.

Sec. 80. On or before the first Monday in August in each year, the several heads of departments, officers, boards, committees of the city council and commissions shall furnish to the city council, by filing the same with the city clerk, an estimate in writing of the amount of expenses, specifying in detail, the amount required for their respective departments, offices, boards, committees and commissions during the next fiscal year.

Sec. 81. At the regular meeting in September in each year the city clerk shall prepare and transmit to the city council an estimate of the probable expenses of the city for the next fiscal year, giving the amounts required to meet the interest and sinking fund, for outstanding bonded indebtedness, together with the amounts needed for salaries and the wants of all the departments of the municipal government in detail, showing specifically the amount to be appropriated to each fund. The estimate shall also show what amount of income and revenue is likely to be collected from fines, licenses and other sources of revenue, exclusive of taxes upon property, and shall set forth the probable amount that will be required to be levied and raised by taxes upon all property in the city to meet the requirements of such fiscal year.

Sec. 82. The city council shall between their first meeting in September and the first day of October in each year, and by a majority vote of all the members thereof, make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city for the next fiscal year. The budget shall be prepared in such detail as to show the aggregate sum and the items thereof allowed to each department, office, board, committee, or commission as the city council may determine, and shall be recorded upon the minutes at length.

Sec. 83. The budget shall, when completed by the city council, be delivered to the mayor, who may within five days after such delivery veto any item in said budget in whole or in part, and it shall require the vote of at least three-fourths of the city council to overcome such veto. After the final estimate is made it shall be signed by the mayor and city clerk, and the several sums shall then be appropriated for the fiscal year to the several purposes and departments therein named. The estimate shall thereupon be filed in the office of the city clerk.

Sec. 84. The city council shall annually levy taxes upon

the taxable property of the city as shown by the assessment roll for the previous year as follows:

1. Not to exceed eight mills on the dollar for the general fund.

2. Not to exceed one and one half mills on the dollar for the library fund.

3. Not to exceed two mills on the dollar for the permanent improvement fund; provided, however, that where three-fourths of the property owners along any street or streets shall have petitioned the city council to cause said street or streets to be paved, and the city council does by resolution order said street or streets to be paved, it may, for the purpose of meeting the city's share of said improvements, levy a tax for that year only for the maintenance of this fund not to exceed seven mills on the dollar.

4. Not to exceed one mill on the dollar for the park fund.

5. Not to exceed two mills on the dollar for the poor fund.

6. Not to exceed four mills on the dollar for each of the several ward funds.

7. Not to exceed three mills on the dollar for the fire department fund.

Sec. 85. The city clerk shall transmit to the county auditor of Polk county on or before the 10th day of October in each year a statement of all taxes levied by the city council, as by this charter provided, and also all special assessments levied upon any lots, blocks, or other portions of the city, and such taxes shall be levied and collected and the payment thereof enforced in like manner as state, county and other taxes are collected, and the county treasurer shall pay such collected taxes, together with any amounts collected as interest or penalties upon delinquent taxes, to the city treasurer at such time and in such manner as is provided by the general laws of this state; provided, that said county auditor shall never extend any taxes on the tax lists for collection in excess of the amounts authorized by this charter.

Sec. 86. The finance committee of the city council shall constitute a board of review and shall meet at the council room of said city, as boards of review are required to meet, as provided by the general laws of this state, for the purpose of reviewing and equalizing the assessments of property in said city and for the purpose of examining the assessment roll as made by the assessor of said city; and when so sitting as a board of equalization and review shall possess all the powers and perform like duties as township boards of equalization under the general laws of this state. It shall immed-

ately proceed to examine, ascertain and see that all taxable property of said city has been properly placed upon the list and assessment roll and truly valued by the assessor, and in case any property, real or personal, including franchises and other public privileges and utilities have been omitted, it shall be the duty of said board to place the same upon the list and assessment roll with the true value thereof and proceed to correct the assessment so that each tract or lot of real property, and each article, parcel or class of personal property shall be entered on the assessment list at the true and full value thereof. It shall have power and it shall be its duty to revise, alter and equalize the assessment on the roll of the assessor, as it deems just and proper, and the said assessment so revised and equalized shall be final, subject only to the revision of the state board of equalization; provided, however, that the assessment of no person shall be increased, above the amount fixed by the assessor, without notice to such person and opportunity given to be heard before said board of review. It shall be the duty of the assessor and of the city clerk to be present at the meetings of said board of review, and said clerk shall act as clerk of said board, and the assessor shall present before the board all the facts relating to the assessment. Such board of equalization and review shall possess and be vested with all the powers which are or may be vested with such boards of review under the general laws of the state.

Sec. 87. Whenever required by said board of review, the city attorney shall attend the sessions of said board as its legal adviser, and shall also represent and defend the interests of the city, and whenever it shall appear to him that any parcel or kind of property in the city is assessed at less than its proper valuation he shall in behalf of the city apply to the said board to have such valuation rectified; and upon all applications for abatement he shall appear and represent the city; and any person deeming himself aggrieved by any assessment may appear before the board in person or by counsel and present his grievance, and the board shall review such assessment and, if it finds the complaint well founded, shall so correct said assessment as shall appear just.

Sec. 88. Such board of review may sit from day to day or from time to time as it shall deem proper, until it shall have revised or equalized said assessments. Whenever it appears upon a hearing or otherwise that any property is listed or assessed at less than its true value, said board shall immediately proceed to correct such undervaluation, upon notice to the owner as hereinbefore provided, and whenever it appears to the satisfaction of the board that property which

ought to be listed has been omitted by the assessor, the board shall immediately proceed to list and place such property upon the tax roll with the true valuation thereof.

Sec. 89. Each member of said board of review serving thereon shall be entitled to receive from said city in payment of such services three dollars per day for each day of eight hours actually spent as a member of said board; provided, that no such member shall receive pay for more than ten days in any one year.

Sec. 90. As soon as the tax-lists shall have been completed in each year, the county auditor of Polk county shall make out and transmit to the city clerk a statement showing the exact amount of taxes levied on account of the several funds of the city, each ward thereof, and each special assessment, according to the tax lists made out by said auditor; and at the same time shall make out and transmit to the city clerk a statement of all abatements, collections or additions to said tax lists, and of all amounts of taxes cancelled or uncollectable within the year next preceding such statement, and the several amounts of such changes affecting each of the several funds and special assessments. He shall also, at the time of making such regular settlement with the county treasurer required by law, furnish the city clerk with a certified statement in detail of the several amounts collected by the said county treasurer on account of the several funds and special assessments as shown by said settlement.

CHAPTER VIII.

SPECIAL ASSESSMENTS—

Sec. 91. In addition to the rights and powers granted by this charter to the city council of said city, which rights and powers shall not be abridged by anything in this chapter contained, the city council shall have the power, and is hereby authorized, to levy assessments for local improvements, upon the property fronting upon such improvements, or upon the property to be benefitted by such improvements, or both, without regard to the cash valuation thereof. Such assessments may be made for the cost of filling, grading, levelling, paving, macadamizing or otherwise improving or repairing any street or alley, and for constructing, laying, relaying or repairing any gutters, sewers or drains of said city, including the cost of publication, advertising and all other expenses in connection therewith. Provided, the expense of improvements hereby authorized on street intersections shall be paid out of the permanent improvement fund.

Sec. 92. Whenever the city council of said city shall receive a petition signed by the owners of more than half of the

frontage of property abutting on such improvements mentioned in section ninety one of this charter, said council shall cause plans and specifications for such work or improvement to be made and filed in the office of the city clerk, and shall, when such plans and specifications are so filed, give notice, signed by the city clerk, of the time and place when and where the city council will meet and hear reasons for and against such improvements, which notice shall be published at least once in the official paper of the city; the last publication shall be at least ten days prior to the time of such hearing. Said notice shall contain a brief description of the improvement and of the several tracts of land to be affected thereby. At the time of giving such notice, or at any time before the hearing of said petition, the city council may in its discretion, appoint a committee of its own members to view the premises involved in the improvement prayed for in the petition and investigate and report to the council.

Sec. 93. At the time and place named in said notice, or at any subsequent time to which the hearing of such petition may be adjourned, the parties interested may be heard with reference to the making of such proposed improvement, its nature, character, and extent and the council may decide by a majority vote of the entire council not to undertake such improvement, or may order the same in whole or in part to be made, and may cause the same in whole or in part to be made by the street commissioner, or may cause the same to be done under a contract to be let to the lowest responsible bidder.

Sec. 94. An appeal from the action of said city council ordering or refusing to order any such improvement may be taken by any person aggrieved thereby to the district court of Polk county in the manner hereinafter provided in section one hundred seventy one of this charter.

Sec. 95. At the first regular meeting of the city council occurring more than ten days after the passage of the order of the city council directing any such improvement, unless an appeal from such action of the council shall have been perfected, the city council shall give notice of a time and place, not less than twenty days after the date of said notice, when and where it will meet and make assessments upon the property fronting upon such improvement, or the property to be benefitted by such improvement, or both, for the cost of making such improvement and for hearing all persons interested or whose property may be affected. Notice of said hearing shall be given by the publication thereof in the official paper of the city at least once, and the last publication shall be at least ten days before such meeting. The city council may appoint a committee of its own members to view

the premises and investigate and make report to the council of any matters pertaining to such assessment.

Sec. 96. At the time and place named in said notice, or at any subsequent time and place to which said hearing may be postponed, the city council shall meet and hear all the evidence offered by any party interested. After such hearing the city council shall, by resolution or otherwise, levy upon each piece or parcel of property fronting upon such improvement or upon the property to be benefitted by such improvement without regard to the cash value thereof, the proportion of the cost of making such improvement which in the judgment of said city council should be levied against said property, and a full and complete record of such levy shall be made and kept by the city clerk in a book made for that purpose, which record shall contain a description of the property assessed and charged with the construction of such improvement and the amount levied against each lot or parcel of property, with the name of the owner thereof. Should the aggregate amount so determined or assessed be less than the total cost of such improvement, the deficiency shall be paid out of the permanent improvement fund, which may, at the discretion of the city council, be reimbursed by a reassessment therefor. Any person deeming himself aggrieved by such assessment or determination of the city council, may appeal to the district court of Polk county in the manner hereinafter provided in section one hundred seventy-one of this charter, but no such appeal shall prevent the construction of the improvement so ordered, but on such appeal only the amount of the assessment or damages shall be reviewed. In determining the amount of assessment to be levied, the city council shall take into consideration the benefit or damage to each piece of property, and in case the damage exceed the benefit, the same shall be allowed and paid to the owner and added to the total cost of the improvement.

Sec. 97. A certified copy of such assessment shall be delivered by the city clerk to the auditor of Polk county on or before the 10th day of October in each year, and shall be by said auditor levied and collected in like manner as other city taxes are collected, and when so collected shall be paid by the county treasurer to the treasurer of said city, and by him placed in the proper fund.

Sec. 98. Proof of all publications required to be made under the provisions of this chapter shall be made by the affidavit of the foreman, editor, or publisher of such paper, showing the time of publishing the same, and such affidavit shall be attached to the notice published and shall be filed

in the office of the city clerk, and publication of such notice in the manner herein provided shall be deemed sufficient service thereof upon the persons whose property may be affected by the proposed improvement and sufficient notice to them thereof, and shall be sufficient notice to give the city council jurisdiction to make such improvement and levy such assessment therefor.

Sec. 99. No omission, informality or irregularity in, or preliminary to, the making of any special assessment for any of said improvements shall affect the validity of such assessment, unless objection specifying the ground thereof shall have been made in writing and duly filed with the city clerk on or before the date of such assessment.

Sec. 100. Each assessment made in the manner hereinbefore provided, together with all penalties and accrued interest thereon, shall constitute a special fund, and when collected and paid into the city treasury shall become a special fund for the purpose of, and shall be used only in, payment of the improvements for which it is assessed; provided, that if said improvements shall have been paid for out of the permanent improvement fund prior to the collection of said assessments, then the amounts so advanced by said permanent improvement fund, together with all penalties and interest collected, shall be repaid out of such assessment when collected.

Sec. 101. All assessments made under the provisions of this chapter shall be by resolution, and shall state in detail a full description of each lot or parcel of land against which assessment is made, and the amount of the same, and the name of the owner in each case when the same is known. Said resolution shall also state specifically the purpose for which the said assessment is made.

CHAPTER IX.

STREETS, SIDEWALKS AND BRIDGES—

Sec. 102. The city council shall have the care, supervision and control of all highways, streets, alleys, public squares and grounds within the limits of the city, except as such power shall have been delegated to the park board by chapter IV. hereof, and may lay out any new streets and alleys and extend, widen and straighten the same and may build, maintain and repair bridges across streams or railway tracks, and may provide for the grading and paving of gutters or the road beds of any street or alleys.

Sec. 103. The city council shall have power to establish the grade of any street, when such grade has not been established, and may by a vote of three fourths of all members

of the council change the grade of any street after such grade has been established. Provided, that before any such change shall be made, due notice of intention to make such change shall be given by publication once in the official paper of the city at least ten days prior thereto, and that all parties interested will be heard in regard to the same at such time and place, and upon request therefor by such interested parties, a board of viewing commissioners shall be appointed by the council, according to the provisions therefor in section one hundred twenty one of this charter. It shall cause accurate profiles of grades of all streets to be made and kept in the office of the city engineer.

Sec. 104. The city council may, after notice given to parties interested, by publication in the official paper for not less than one week, the last publication of which shall not be less than ten days before any regular meeting of said council, determine by a vote of three fourths of its members to vacate any highway, street, lane or alley, or portion of either; and such power of vacating highways, streets, lanes and alleys within the city of Crookston is vested in said city council, subject only to an appeal to the district court of Polk county by any person aggrieved by the decision of the council in said proceedings, to be taken in the manner provided in section 171 of this charter.

Sec. 105. The city council shall have power to designate districts of portions of highways, streets, alleys, public squares and grounds of the city for the purpose of sprinkling and cleaning the same, and may provide for the sprinkling and cleaning of such districts on such terms and in such manner as shall be deemed advisable.

Sec. 106. All work done or constructions made pursuant to the provisions of this chapter, shall so far as practicable be done by contract, and of all contracts calling for the expenditure of one hundred (100) dollars or more, public notice shall be given and proposals invited for the same, in such manner as the council may direct.

Sec. 107. It is hereby made the duty of all owners of land adjoining any street, lane or alley in said city, to construct and reconstruct such sidewalks, including the preparation of the grade therefor, under the direction of the city engineer, along the side of the street, lane or alley next to the land of such owners, respectively, as may have been heretofore constructed or as shall hereafter be constructed or directed by the city council to be built.

Whenever the city council shall deem it necessary that any sidewalk in the city of Crookston shall be constructed or reconstructed, it shall by resolution direct such con-

struction or reconstruction, specifying the width thereof and the material of which the same is to be constructed.

The publication of such resolution once in the official paper of the city, shall be sufficient notice to the owners of the land along which such sidewalk is to be built, to construct the same, and unless such owners shall each along his respective land, construct and fully complete such sidewalks within thirty (30) days after the publication of such resolution, as aforesaid, the city council shall forthwith proceed to ascertain the expense of constructing the same, and assess and levy such expenses upon and against each lot and parcel of land upon which such sidewalk shall front. Such assessment shall be collected in the same way in all things as is provided for the collection of special assessments under the provisions of chapter eight of this charter, and the city council may, before or after making such assessment, cause such portion of such sidewalks as have not been built by the owners of such land, fronting on the same, to be built by the street commissioner or upon contract, or by any person as the council may determine, and may advance the cost thereof out of the permanent improvement fund pending the collection of the assessment; and provided, that interest at the rate of six per cent per annum shall be added to such assessment where the work is performed prior to the return thereof to the auditor of Polk county.

In case any sidewalk shall become so out of repair as to become dangerous, and cannot be made safe without being rebuilt, and there are no funds to defray the expense of such rebuilding, it shall be the duty of the street commissioner to remove the same entirely; and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed, and collected with the assessment for such reconstruction...

Sec. 108. All persons who shall by means of any excavation in, or obstructions upon, any street of said city, not authorized by law or the ordinances of said city, render such streets unsafe for travel, or who shall, by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured to whomsoever resulting by reason of such obstruction or negligence; and no action shall be maintained against said city for such damage, unless such person or persons shall be joined as parties defendant; and in case of judgment against the defendants in such action, execution shall at first issue against the defendant causing such in-

sufficiency, and the city shall not be required to take steps to pay such judgment, unless such execution shall be returned unsatisfied, and if the city shall pay such judgment, it shall become the owner of the same, and may enforce payment of the same from the other defendant, and shall be entitled to execution therein against him and to take such other proceedings as judgment creditors are entitled to take.

Sec. 109. Whenever any party is joined with said city as codefendant in an action for the insufficiency of any street or sidewalk, and such party is not a resident of and cannot be found within the city, service of summons in such action may be made upon such defendant upon like evidence and in the same manner as prescribed by the general law of the state for service by publication in other actions.

Sec. 110. No action shall be maintained against the city of Crookston, on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such action shall be commenced within one year from the happening of the injury, nor unless notice shall have first been given in writing to the mayor of said city, or the city clerk thereof, within thirty (30) days of the happening of the injury or damage, stating the place where and the time when such injury was received, and that the person injured will claim damages of the city for such injuries; but the notice shall not be required when the person injured shall, in consequence thereof be bereft of reason. Nor shall any such action be maintained for any defect in any street unless the same shall have been graded, nor for any insufficiency of ground where sidewalks are usually constructed when no sidewalk has in fact been built.

Sec. 111. Railway companies or street railway companies shall not have any right, in clearing their tracks through any part of the city, or otherwise, to pile up snow or other material and leave the same piled on any portion of any street in said city.

Any such company shall be liable to any person who shall be injured by means of any such obstruction caused by such company or its servants, for all damages sustained, and in case any damages shall be recovered against the city, for injuries caused by such obstruction, the city shall have the right to recover the same from the company by whom the same was caused.

Sec. 112. The acceptance of plats of additions of any grounds either within or outside the limits of said city, shall not make the city liable to grade the streets therein designated, nor responsible for any insufficiency of any street, until after

the city council shall cause the same to be graded and opened for travel.

CHAPTER X.

SEWERS—

Sec. 113. The city council shall have power to maintain the sewers now established in said city and to enlarge, extend, relay and improve the same.

Sec. 114. Whenever in the enlargement or extension of sewers it shall, in the judgment of the city council, be necessary to take any private property, the city council shall have power to take and acquire the same by purchase or by condemnation in the manner provided for in chapter eleven of this charter, and in cases of condemnation, title in fee to the property acquired shall vest in the city.

Sec. 115. The city council shall, when it deems it necessary to lay, relay, or extend any sewer through any street or alley, levy and assess and collect the cost thereof, not exceeding the estimated cost of sewers two feet in diameter, including all necessary catch basins, manholes, dumpholes and flushing valves, by a special assessment upon the property, upon both sides of the street, abutting upon such improvements, for an equal sum per front foot.

A sewer of two feet in diameter is hereby declared to be an ordinary sewer, within the meaning of this charter for draining of abutting property.

Sec. 116. The cost not provided for by such assessment, including the cost of larger or main sewer and constructing the same across streets and against property by law exempt from taxation, shall be paid out of the permanent improvement fund.

Sec. 117. The city council may at any time regulate and control the time and manner of laying and constructing by private parties branch pipes and sewers leading from main lines of the water mains and sewers, and of making connections with main lines and branch lines, both private and public. The city council may, whenever it shall deem it necessary to lay or construct branch pipes or sewers, in order in future to prevent tearing up streets, or for any other reason, determine in the case of each main line or of any specified portion of a main line, the location, manner and construction of such branch line, providing in its discretion one or more for each lot or parcel of land or one (1) for two (2) or more, adjoining lots or parcels of land; may require the city engineer to make surveys, plat and profile showing the same, which when approved and adopted, shall thereafter be preserved in the office of the city engineer, and may thereupon whether such main line has been constructed, or is in process

of construction, forthwith lay and construct all such branch pipes and sewers not already constructed by private parties interested, from a connection with the main lines to the line of the street, and whenever the city council constructs such branch pipes and sewers it shall assess the whole cost of each upon the lot or parcel of land to which it runs regardless of the valuation or frontage.

But in case one branch is to serve two or more lots or parcels of land, then it shall assess the whole cost of the same, upon all the lots or parcels of land to be served, at an equal sum per front foot without regard to the value thereof.

The cost of such branches shall be assessed and collected in advance of their construction as in case of other improvement, and the costs shall be estimated and fixed in manner substantially like the way pointed out in chapter eight of this charter for improvements therein specified.

The city council may however in case it constructs any branch at the same time that it constructs a main line, assess in the manner above indicated the whole cost thereof and add the same to and include it with the assessment for the main line.

The city council may, subject to such terms and under such regulations as it may fix, require of all persons using an area or any space within the line of any street to permit to be laid, within such area, all necessary branch pipes for both water and gas and back sewers to a connection with other branches, and also to be laid therein enclosed tubes or otherwise sufficiently protected any and all electric wires or other wires at any time required to be laid beneath the surface of the street, and no permits for excavation or use of any area or space within the lines of streets shall be given except upon condition that it may be used by others in the manner and for the purposes above named.

Sec. 118. The city council shall in case where any lot fronting on two streets has been previously assessed and the assessment paid for laying sewer pipes or water mains upon a different street from the one through which the proposed improvement is to be extended, deduct from the assessment against such lot such portion thereof as shall equal the amount paid upon the former assessment, and shall levy such assessment for the difference only, if any there be. Whenever a sewer shall be ordered along both sides of a corner lot and an assessment levied therefor as one improvement, such assessment shall be levied only for the difference between the total frontage and that of the shorter side; provided, however that no such assessment shall be credited with a larger reduction than fifty feet of the frontage of said lot.

CHAPTER XI.

CONDEMNATION OF PRIVATE PROPERTY FOR PUBLIC USE:—

Sec. 119. Whenever the city council shall consider it necessary to procure grounds or other private property for public streets or alleys, or for extending or widening any public street or alley or for any public building, public grounds, engine house, markets or for waterworks, or any water power for waterworks or for any other public purpose, for the use of the city, the city council shall appoint a committee of not less than three of its own members, no two of whom shall reside in the same ward, who together with the city engineer shall make examination and report in writing to the city council a description of the lands or other property which they believe to be suitable and necessary for such public use as the same is proposed to be taken for, and shall accompany such report with a plat showing the location and description of the lands or other property so proposed to be taken, together with the names of the owners and parties interested in said lands or other property, so far as the same appears from the public records or is otherwise known, and specify the purpose and object of such taking, and may report more than one plat or location.

Sec. 120. Such committee shall file its report with the city clerk, who shall give notice by publication once in the official paper of the city that such report is on file for the inspection of all persons interested, and that the same will be presented to the city council for action thereon at a time to be specified in such notice, which time shall be at a regular meeting of said council, occurring more than one week and less than six weeks after the publication of said notice. At the meeting named in such notice the city clerk shall, next after reading of the minutes of the previous meeting, present such report, and the matter may be acted upon by the council at the same, or any subsequent meeting to which it may then be referred. The council may under such rules as it may prescribe, hear any person interested in the matter.

Sec. 121. Whenever the city council shall determine to take such land or other property, or any part thereof, for public use, it shall proceed by resolution to appropriate said lands or other property and shall describe the lands or other property so proposed to be taken with reasonable accuracy, and shall cause such further plat, survey or description of such land or other property to be made and filed with the city clerk as may be necessary to describe or show the property so proposed to be taken, and shall in said resolution specify the object and pur-

pose of taking such land; and the city council shall then within three months appoint three commissioners, who shall be freeholders of said city, who shall not be interested in the property to be taken or in any improvement to be made, no two of whom shall reside in the same ward, to view the lands, water power or other property to be taken, or appropriated, and ascertain and award the amount of damages or compensation to be paid to the owners of the property so to be taken or appropriated. Two or more of such commissioners shall constitute a quorum and be competent to do any act required of such commissioners. They shall be notified by the city clerk by notice served on them severally, either personally or through the mail, to attend at his office on or before a day fixed by him not less than two days after the service or mailing of such notice, to qualify and enter upon their duties; and if any commissioner shall refuse or neglect to attend as aforesaid, he shall forfeit and pay to the city of Crookston the sum of ten dollars, to be recovered to the use of said city in a civil action; and in case a quorum of such commissioners shall not attend at the time and place designated in such notice, the mayor or acting mayor of said city may in writing appoint one or more commissioners to act in place of such absentees. The commissioners shall be sworn by the clerk, or some officer authorized to administer oaths, to discharge their duties as commissioners with fidelity and impartiality and make due return of their action to the council. They shall give notice, by two publications in the official paper of the city, that they will on the day designated in such notice (which shall be at least ten days after the last publication of said notice) meet at a place designated in such notice, on or near the premises or other property proposed to be taken and appropriated, and ascertain and award therefor compensation and damages; and that they will then and there hear such allegations and proofs as interested persons may offer. Such notice shall also contain a reasonably definite description of the property so proposed to be taken, and shall contain the names of the owners and persons interested therein, the same being such names of owners and persons interested as shall have been filed with the city clerk under the provisions of section 119 of this charter. Such commissioners shall meet and view the premises or other property pursuant to such notice, and may adjourn from time to time, and after having viewed the premises, may for the purpose of hearing evidence or preparing the award, adjourn, or go to any other convenient place in said city; and such commissioners shall make a fair and impartial appraisal and award of compensation and damage, to be paid each person whose

property is taken or injuriously affected, and report the same to the city council; and such award shall lie over to the next regular meeting of said city council, which shall occur more than one week after such report is filed, at which or at any subsequent time, to which it may then be referred, the council may act on any such award and hear any objections thereto, or may refer the said report to a committee to hear and report such objections to the city council. The council may affirm or annul such award, or any part thereof, and send the same back to the commissioners for further action thereon, and such commissioners may upon one weeks notice, by publication in the official paper once, meet at a time and place named in such notice, and hear any further evidence that may be adduced by any interested party, and may adjourn from time to time for such purpose, and may correct mistakes in such award, and revise and alter the same as may be just, and report the same again to the city council, who may confirm or annul the same. When any such award shall have been confirmed by the city council, the same shall be final and conclusive upon all parties interested except, that an appeal may be taken to the district court of Polk county as hereinafter provided. For such services, such commissioners shall receive compensation at the rate of three dollars per day.

Sec. 122. Whenever the lands or property proposed to be taken or appropriated by condemnation proceeding, shall be for the purpose of laying out a new street or alley, or for widening or extending a street or alley, or for a sewer, drain or ditch, the amount to be paid for compensation for said property or any part thereof may be levied and assessed against the property to be benefitted by the construction, widening or extending of such street or alley, sewer, ditch or drain. And the commissioners appointed by the city council under the provisions of this charter to view the land or other property and assess damages or compensation, shall, when viewing and examining the land or other property proposed to be taken or condemned, examine, determine and ascertain the benefits conferred on the different lots and parcels of property which may be benefitted by such proposed improvement, and shall assess the amounts of such benefits against the several lots or parcels of land so to be benefitted in proportion to such benefits.

Sec. 123. Said commissioners in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owners from such improvements in respect to the remainder of such property, and only award them the excess, if any, as com-

penation or damages. The commissioners shall then assess the amount of such compensation and damages so awarded, or such part thereof as they may deem proper, against the land and property benefitted by such improvement, in proportion to such benefits, but in no case shall the amount so assessed exceed the actual benefits to the lot or parcel of land so assessed, deducting therefrom the damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the city council their appraisal and award, and if, in the judgment of such commissioners, the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report and shall state the amount of such excess. Said commissioners shall also report to the city council an assessment list containing their assessment of such compensation, damages and expense of such improvement, or so much thereof as shall not exceed the actual benefit to the property so assessed, the name of the owners thereof, if known, and the amount assessed as such compensation, damages and costs of such improvements aforesaid, which they shall return as unassessed. The city council shall proceed to consider, confirm or annul or recommit such reports as are provided for in section 122 of this charter. Whenever the city council shall confirm any such award and assessment such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as herein provided; and the city council shall proceed to levy such assessment upon the several parcels of land described in said assessment list, reported by said commissioners in accordance with the assessment so confirmed, which said assessment shall become a lien upon such parcels of land.

Sec. 124. Whenever an award of compensation and damages shall be confirmed by the city council, and not appealed from, and whenever the same shall constitute a lawful and sufficient condemnation and appropriation to the public use of the land and property rights in the property for which compensation or damages are awarded, the city council shall thereupon cause to be paid from the permanent improvement fund of said city, or from such other fund to which the same may be properly chargeable, to the owners of such property, the amount awarded to each severally; but before the payment of such award, the owner of such property shall furnish evidences of his title to such property showing himself entitled to the compensation of damages claimed. In case such payment is not made within eighteen

months after the confirmation of such award or determination of appeal thereupon, the proceedings shall be deemed to be abandoned. In case of neglect to furnish evidence of title, as aforesaid, or when there shall be any doubts as to who is entitled to such compensation or damages, or any part of the same, the amount so awarded shall be appropriated and set apart in the city treasury for whoever shall be entitled thereto, and paid over whenever any person shall show clear title to the property and right to receive the same. Upon payment or tender of said award the city shall become vested with the title to the property so taken or condemned absolutely, for all purposes for which the city shall or may ever have occasion to use the same, and may forthwith enter upon the use of the same. This section shall apply to all cases of appropriation of private property for public use provided in this charter.

Sec. 125. On or before the 10th day of October following the making said assessment, the city clerk shall deliver a certified copy thereof to the auditor of Polk county, and such assessment shall be levied and collected in like manner as other city taxes are collected, and when so collected shall be paid by the county treasurer to the treasurer of said city and by him placed in the proper fund.

Sec. 126. An appeal may be taken to the district court by any person aggrieved by the action of the city council, in appropriating or failing to appropriate any lands or other property, in proceedings authorized by this chapter, or from any action of the council making or levying any assessment in payment for lands or other property so taken or any award for damages made by said council; provided that on appeals from assessments or awards of damages, only the question of sufficiency or insufficiency of such assessments or awards shall be tried in the district court. Said appeals shall be taken within the time and in the manner provided in section 171 of this charter.

CHAPTER XII.

POLICE—

Sec. 127. The police force of the city shall consist of the mayor, who shall be the chief executive officer of the city, and who shall at all times have control and supervision of the police of the city, and such other police officers and watchmen as he shall, by and with the consent of the city council, appoint. He shall have the power to remove or discharge any police officer or watchman summarily, whenever in his opinion the welfare of the city may demand it, either for the appointment of other officers in their places or for the reduction of the police force. At the regular meeting of

the city council in January of each even numbered year the policemen shall be appointed by the mayor. Additions to the regular force may be made at any time.

Sec. 128. The mayor may likewise at the request of any person, firm, society or organization, appoint policemen or watchmen who shall serve without expense to the city and have police powers to preserve the peace and protect the property within such limits and at such places as may be designated in such appointment, and such limited policemen shall not exercise any police authority nor wear any official badge outside of the limits named in such appointment. The person, firm, society, or organization requesting such appointment, shall be responsible for the acts of such policemen.

Sec. 129. The mayor shall in case of riot or large public gathering or disturbance appoint such number of special policemen or temporary police officers as he may deem necessary, but such temporary appointments shall not continue more than one week without the consent of the city council.

Sec. 130. The mayor shall in his appointments designate one officer to be chief of police, and such other officers for special duties and with such control over other officers or watchmen as he may deem necessary, and he may designate the rank of such police officer by such proper title as he may select.

Sec. 131. All police officers and watchmen of the city shall possess powers of constables at common law and under the laws of the state, and in addition thereto shall have the power and it shall be their duty to serve and execute all warrants, processes, commitments and any writs whatsoever, issued by the city justices, and they shall have power, with the consent of or by the direction of the mayor, to pursue and arrest any person fleeing from justice in any part of the state.

When they pursue criminals out of the city and such criminals are charged with offences against any state law, they shall be entitled to receive for their own use all fees for such pursuit and rewards offered for the apprehension of such criminals.

Sec. 132. The mayor shall, with the consent and approval of the city council, from time to time make such regulations for the control of the police force and the powers and duties of the several officers thereof, as he may deem necessary. Such regulations may designate uniforms, badges, arms, discipline and drill exercise of the police force as well as the conduct of officers and men when on duty and off duty, and all other matters deemed necessary to promote the efficiency of the force.

Sec. 133. If any person shall, without authority, assume to act as policeman or pretend to have such power or wear a badge of a policeman within the city, he shall be guilty of a misdemeanor, and upon conviction before a city justice shall be fined in any sum not exceeding one hundred dollars or imprisonment in the county jail not exceeding thirty days at the discretion of the court.

Sec. 134. Each member of the police department shall give a bond to the city conditioned for the faithful performance of his duties as follows: The Chief of Police in the sum of Five Hundred Dollars (\$500.00); the Captain of Police in the sum of Three Hundred dollars (\$300.00); and each other member of the police force shall give the bond required of constables under the laws of this state. All such bonds shall be signed by at least two sureties who are freeholders of the city, and each of whom shall justify in an amount equal to double the amount of such bond. Said bonds shall be subject to the approval of the city council, and when so approved shall be filed and recorded in the office of the city clerk.

CHAPTER XIII.

FIRE DEPARTMENT—

Sec. 135. The city council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden building or buildings of all other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire proof materials, or of such materials and with such precautions against fire as the city council shall by ordinance prescribe, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits when the same shall be damaged to the extent of fifty per cent or more of the value thereof, and to prescribe the manner of obtaining the consent to make repairs in such fire limits, and of ascertaining the extent of damages.

Sec. 136. The city council shall have the power to prescribe in what manner and of what material and height chimneys shall be constructed, and to prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, and apparatus used in and about any building, and cause the same to be removed or placed in secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places and the throwing of ashes in the streets and highways, to compel the use of spark arresters in all smoke stacks connected with apparatus where light fuel is consumed, to regulate and prevent the carrying

on of manufactories dangerous in causing or promoting fires, and the storing of inflammable or explosive materials, and the use of fireworks and firearms; to regulate and prevent the sale or keeping for sale or use of any fire-works, chinese crackers, rockets, torpedoes, or other explosive contrivances, and to provide for the seizure and destruction of the same. Also to compel owners of buildings to have scuttles in roofs and stores and ladders to the same, and to compel owners of buildings of three or more stories in height to maintain ladders or fire escapes, and to regulate the number and location thereof; to regulate the location and construction of smoke houses, and prohibit them where they shall be deemed dangerous to other buildings, and to make any other provision to guard against fire or to prevent the spreading of fire which the city council may deem proper.

Sec. 137. The city council shall have power to purchase keep and maintain fire engines and other fire apparatus and to build and maintain engine houses, hose houses, and other buildings as may be necessary or convenient; also to erect and maintain fire alarms, telegraphs and boxes and every other means for giving notice of fires.

Sec. 138. The city council shall have power and authority to make by ordinance all needful rules for the government of the fire department, and for the protection and use of all engine houses, telegraph lines and other property and apparatus pertaining thereto, and of the water works, mains and pipes, cisterns and hydrants in said city, as used in connection with said department, and by such ordinances provide for the punishment of persons injuring or interfering with such property or any portion thereof, and may also by such ordinance make provision to keep away from the vicinity of any fire, all idlers and suspected persons; and to compel all bystanders to aid in the preservation of property exposed to damage by such fire.

Sec. 139. The city council shall annually appoint a chief engineer of the fire department, and provide by ordinance for such other officers and men as may be deemed necessary for such department, and define the respective ranks and duties of said chief engineer and other officers and men and their compensation.

Sec. 140. The city council may designate such person as it may select to act as fire marshal of the city, to see that the ordinances of the city relating to the building and care of chimneys, and respecting all other precautions against dangers from fires are not violated, and who shall have power and be fully authorized to enter any dwelling house or other buildings at all hours between eight o'clock in the morn-

ing and five o'clock in the evening and examine all chimneys, stoves, furnaces, pipes and other parts of such buildings, and see that the ordinances of the city respecting the same are enforced. It shall further be the duty of such fire marshall to examine particularly into the cause of every fire which shall happen within the city, and to make and keep a brief record of the same and make report thereof to the council at the regular meeting in every month.

Sec. 141. If any person shall at any fire refuse to obey the orders of the chief engineer of the fire department, or other officer vested with authority at such fire, such person may be arrested by the direction of the officer whose orders are so disobeyed, and upon complaint made before a justice of said city, shall be punished on conviction by a fine not exceeding fifty (50) dollars and costs of prosecution and imprisonment until such fine and costs are paid, not exceeding sixty days.

Sec. 142. All expenses of the fire department and all amounts paid for the purchase of fire apparatus or any property for the use of the fire department, or the erection of any telegraph in connection therewith, shall be paid out of the fire department fund, and in event of the sale of any of said property for any reason, the proceeds of such sale shall be paid into the fire department fund, when not otherwise provided by this charter.

Sec. 143. The city council shall have power to prohibit the construction of wooden sidewalks within any portion of the city, whenever it shall deem the safety of the city to require it.

CHAPTER XIV.

FRANCHISES—POWER TO GRANT—

Sec. 144. The city council of said city shall have, and hereby is granted, subject to the provisions and limitations herein stated, the power to grant and provide for regulating and controlling the exercise by any person, company or corporation of any public franchise or privilege in any of the streets or public places in said city, whether said franchises or privileges have been granted by said city or the State of Minnesota, or any other authority, but no perpetual franchise or privilege shall ever be granted, nor shall any exclusive franchise or privilege be granted to any person, company or corporation at any time for any term whatever; provided, that every franchise or privilege granted under the provisions hereof shall, where no term is expressed in such grant, expire in twenty years.

Sec. 145. The person, firm or corporation desiring any franchise, right or privilege, shall make written application

therefor, and file such application together with the form of franchise, right or privilege desired with the city clerk. And such person, firm or corporation shall at the same time deposit with the city clerk the sum of fifty dollars to cover the cost of publication of such application and form of franchise, right or privilege, and notice. On such application and form being so filed and such \$50 deposited, the city clerk shall cause said application and form to be published twice in the official paper of the city, together with a notice that the same will be submitted to the city council of said city at a regular meeting of said council to be held not less than ten days after the second publication thereof; which time and place shall be stated in such notice. The cost of such publication shall be paid from the said money deposited and the balance, if any, returned to said applicant. At the regular meeting of said city council stated in such notice, such application shall be submitted to the city council of said city.

NOT TO BE GRANTED AT FIRST MEETING.

Sec. 146. No public franchise or privilege shall be granted to any person, company or corporation at the first meeting at which the application for the same is made, nor until the same shall have laid over for at least two regular meetings after the formal application for such franchise or privilege shall have been presented, nor unless such application is granted by a vote of at least three fourths of all the members of the council; and in case the granting of such franchise or privilege is vetoed by the mayor, in the exercise of the veto power vested in him, the same shall not be passed over such veto unless four fifths of all the councilmen vote in favor of the same upon the vote to pass the same over such veto.

LICENSE FEE.

Sec. 147. All public franchises and privileges granted to any person, company or corporation in any of the streets or public places in said city, shall be subject to and conditional upon the payment of an annual license fee to the city of Crookston, as a consideration for the granting of such franchise or privilege, upon the gross earnings of such person, company or corporation obtaining such franchise or privilege at the following rates, viz:

Whenever in any one year the gross earnings of such person, company or corporation holding such franchise or privilege amounts to \$25,000 or less, one per cent on the entire gross earnings.

Whenever in any one year such gross earnings amount to \$25,000 and do not exceed \$50,000, one and one half per

LIMITATIONS AND RESTRICTIONS

Sec. 154. In granting any franchise or privilege, the council shall impose such limitations and restrictions not herein specifically mentioned as the nature of the business and best interests of the public may require.

TERM "FRANCHISE" DEFINED.

Sec. 155. The term 'Franchise' whenever the same is used or employed in this charter shall mean special privileges conferred by the city upon an individual, company or corporation, which do not belong to the citizens of the country generally of the common right.

CHAPTER XV.

MISCELLANEOUS PROVISIONS—

Sec. 156. The city council may from time to time provide for the compilation and publication of the ordinances of the city and such resolutions as may be designated, and for the distribution or sale of copies of said compilation, in its discretion, and may also provide for exchange of such printed copies with other cities.

Sec. 157. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which said city is a party interested.

Sec. 158. The said city may lease, purchase and hold real estate, sufficient for the convenience of its business, and may sell and convey the same or any other property and franchises belonging to the said city, and the same shall be exempt from taxation while so held by the city.

Sec. 159. No law of the state contravening the provisions of this charter shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such act.

Sec. 160. When any suit or action shall be commenced against the city, service thereof may be made by leaving a copy of the process with the mayor or city clerk, and it shall be the duty of the mayor or city clerk to forthwith inform the city council and the city attorney thereof, or to take such other proceedings as the council may direct.

Sec. 161. All actions brought to recover any penalty or forfeiture, under this charter or the ordinances of the city or police or health regulations of the city, shall be brought in the corporate name of the city.

Sec. 162. In all prosecutions for any violation of this charter, or of any ordinance of the city of Crookston, the first process shall be by warrant; provided, that no warrant

shall be necessary in case of arrest of any person while in the act of violating any of the ordinances of the city of Crookston, but the person arrested may be proceeded against, tried, convicted, punished or discharged as if arrested by warrant. And in all cases of penalty of fine, or the rendering of judgment, by a city justice, pursuant to any statute of the state of Minnesota, or the ordinances of the city of Crookston, as a punishment for the violation of such statute or ordinance, said offender shall be forthwith committed to the city prison, or if there be no city prison suitable, then to the common jail of Polk county for a term not exceeding three (3) months unless such fine be sooner paid; and from the time of the arrest of such person and until the trial of such person arrested he may be imprisoned in said city prison, or if there shall be no suitable city prison, then in the common jail of said Polk county.

Sec. 163. The city of Crookston shall not be liable in any case for the board or jail fees of any person who may be committed to the jail of said Polk county under the laws of the state.

Sec. 164. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a vote of two thirds of all the members of said city council.

Sec. 165. No obligation or indebtedness of any person or corporation to the city shall be compromised or settled without the payment of the amount claimed in full, excepting that the same may be settled or compromised by a two thirds vote of all the members of the city council.

Sec. 166. No city officer or employee of the city shall sell, dispose of or convert to his own use, any city property in his charge without special authority from the city council; and the said city council shall by ordinance cause all officers having under their control any tools, or other city property, to make out a list of such tools or city property and file the same with the city clerk, and account for such property from time to time, as it in its discretion may think proper.

Sec. 167. The city council shall, at its regular meeting in January of each year, cause the city clerk to advertise in the official paper of the city for proposals for publishing in some daily or weekly newspaper of said city, qualified under the laws of this state to print legal advertisements, to print and publish in the English language the whole, or such portion of the proceedings of the city council as such council shall elect to publish, and all other matters required by the charter or ordinances of the city. Such proposals shall state the price per inch and the size of type to be used, and set solid, or measur-

ed on the basis of solid set type for the first and each additional insertion of all matters so published, and at the next regular meeting the said city council shall open said bids and award the contract to the lowest bidder, which said paper shall be designated the official paper of said city for the ensuing year; provided, the proprietor or proprietors of such paper shall enter into a written contract for the performance of the duties required and give bond in the sum of three hundred dollars (\$300), with two sufficient sureties to be approved by said city council, conditioned for the faithful performance of said contract. The newspaper so designated shall continue to be the official paper of said city, and the contract and bond remain in full force, until the city council shall designate another paper to be the official paper of said city.

Provided, that in the acceptance of bids and awarding of contracts for city printing, the city council, to secure the publishing of official publications in a daily newspaper published within the city of Crookston, may give preference to daily newspapers over weekly newspapers; but when such preference is given, no bids shall be accepted or contract awarded at a rate to exceed sixty-five per cent of the highest legal rate fixed by the general statutes of the state of Minnesota.

Sec. 168. The publisher or publishers of said official paper, immediately after the publication of any notice, ordinance or resolution, which by this charter is required to be published, shall file with the city clerk a copy of said publication with his or their affidavit, or the affidavit of his or their foreman, giving the date of the first publication and last publication and length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

Sec. 169. The mayor, sheriff of Polk county, each and every alderman, justices of the peace, policemen and constables shall be officers of the peace and command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may call to their assistance all bystanders, and if any person so called shall refuse to assist in maintaining the peace, he shall upon conviction thereof be liable to a fine of not less than twenty five dollars, nor more than fifty dollars.

Sec. 170. The city council may provide for the examination from time to time of each cancelled order and also of cancelled bonds or other obligations in the hands of the city treasurer, and for their destruction, preserving such record or voucher thereof as the council shall determine.

Sec. 171. All appeals to the district court of Polk

county from the action of the city council, provided for in this charter, shall be perfected in the manner following, to-wit:—

1st Within ten days after the action of the city council, from which an appeal is given, the person or persons appealing shall file with the city clerk a notice of the appeal, specifying the action of the council from which the appeal is taken, signed by the person so appealing or his attorney.

2nd. At the time of filing such notice of appeal, the person appealing shall also file a bond in the sum of one hundred (100) dollars with sufficient surety, approved by the judge of the district court of Polk county, conditioned that he will pay all costs of the appeal in case the action of the council appealed from shall be affirmed, or the appeal dismissed.

3rd. Upon the filing of the aforesaid notice of appeal and bond on appeal with the city clerk, the district court of Polk county shall acquire jurisdiction, and within ten days after the filing of such notice of appeal and bond, the city clerk shall transmit to the clerk of the district court of Polk county a certified copy of the notice of appeal and bond on appeal, of the action of the city council from which the appeal is taken, together with certified copies of all papers in connection therewith. All such appeals shall be tried de novo in the district court, except as otherwise provided in this charter. On the trial of such appeal no pleadings shall be required unless ordered by the court.

Sec. 172. Any tax payer in the city of Crookston who shall be affected by any tax levied by said city, or any special assessment ordered and assessed for any local improvement for said city, may at any time after the levying of such tax or assessment by the city council and at any time before December 31st of the same year, begin and maintain an action in the district court of Polk county for the purpose of testing the validity of such tax or assessment; and if upon the trial of said cause, judgment shall be rendered in favor of the plaintiff and said tax or assessment shall be adjudged void, upon the filing with him of a certified copy of the judgment rendered in said action, the county auditor, or if the tax list shall have been delivered to the county treasurer, that officer shall immediately note upon his books, the fact of such tax or assessment being declared void, and thereupon the collection of any such tax or assessment shall be at once discontinued, against all property in the city.

Sec. 173. No limitation or restriction herein shall be construed to prohibit the levying of taxes to pay any judgment that may at any time be recovered against the city, but in case of such judgment, the city council, at the time of levying the first annual tax after the rendition of such judgment, shall levy and assess a special tax upon all the property of the city for the payment of such judgment, sufficient to pay such judgment. If by failure to collect taxes, or other cause, such levy shall prove insufficient to pay such judgment, new taxes shall be levied until the whole of such judgment shall be paid. Any excess of the amount so levied and collected over the payment of such judgment shall be credited to the general fund of the city. No execution shall be issued on any judgment against the city, nor shall any of the property of the city be liable for the payment thereof.

Sec. 174. Before the plat of any addition to the city of Crookston shall be accepted or approved by the city council, or be entitled to record in the office of the Register of Deeds of Polk county, the proprietor or proprietors thereof shall furnish to the city council an abstract of the title to the property included in such plat, showing good and perfect title to the property so platted in the proprietor or proprietors thereof, that the same is free from all incumbrances, and that all taxes thereon have been paid, which said abstract of title shall have attached to it the opinion in writing of the city attorney of the city of Crookston that the proprietor or proprietors of said plat are the owners in fee of the property platted, free and clear of all incumbrances, and that the taxes thereon have been all paid.

Sec. 175. Before the plat of any addition to the city of Crookston shall be accepted by the city council, the proprietor or proprietors thereof shall furnish to said city a copy of said plat for the files of said city in the office of the city engineer.

Sec. 176. The general laws of the state with respect to the establishment and maintenance of public libraries are hereby made a part of this charter.

Sec. 177. This charter shall be a public act and need not be pleaded or proved in any cause or action or proceeding in any of the courts of this state.

The foregoing is a draft of the proposed charter of the City of Crookston, Polk County, Minnesota, framed and adopted by the commission, appointed by the Judges of the District Court of the 14th Judicial District of the State of Minnesota, under and pursuant to section thirty-six (36), article four (4) of the constitution of the State of Minnesota, as amended by that certain amendment proposed by the Legisla-

ture of the State of Minnesota in an act of said Legislature known as Chapter Two Hundred and Eighty (280) of the General Laws of Minnesota for 1897 and duly adopted at the general election of said state in the year 1898, and sections 748 to 758, both inclusive, of the Revised Laws of Minnesota for the year 1905, and chapter 253 of the General Laws of Minnesota for the year 1905, and said draft of said proposed charter of the City of Crookston is hereby returned to the Honorable G. S. Chesterman, Mayor of said City of Crookston to be submitted according to law, signed by the undersigned majority of said commission.

Dated this 25th day of June, 1906.

JOHN CROMB, PRESIDENT.

M. R. BROWN	J. E. MORRISSEY
E. D. CHILDS	J. E. O'BRIEN
L. ELLINGTON	P. M. RINGDAL
C. A. HITCHCOCK	E. STEENERSON
W. A. LANCTOT	N. P. STONE
A. A. MILLER	E. M. WALSH
R. J. MONTAGUE	J. W. WHEELER

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