PROPOSED CHARTER

of the

CITY OF BENDIX.

CHAPTER I.

MAPS, POWERS AND BOUNDARIES.

MAPS AND POWERS.

Section 1. All that district of country in the county of Belmont and State of Minnesota, contained within the limits and boundaries hereinafter described, and all the people and inhabitants, and those who shall hereafter inhabit said district, shall be a municipal corporation by the name of the "City of Bendix", and by that name may sue and be sued, plead and be impleaded in any court or tribunal; have perpetual succession, make and use a common seal, and alter or renew the same at pleasure; take, hold, purchase, lease and convey all such real, personal and mixed property, within or without the limits of said district, as may be necessary to the enjoyment and due exercise of its powers, or the accomplishment of objects in view; and may receive bequests and gifts for the benefit of the poor, the sick, or for cemetery purposes, or for the benefit of the public library or the parks of the city, or for any other purpose connected with the powers and duties of the city government, subject to the limitations and restrictions of this charter.

WARD BOUNDARIES.

Section 2. The division of the city into wards shall remain as at present, until changed by ordinance. The boundaries of the several wards of the city of Bendix shall be as follows, to-wit: All of territory embraced within the limits of the city of Bendix as now established and bounded, and not embraced within the boundaries of the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth wards, as hereinafter described, shall constitute the fifth ward.

(20), all of section seventeen (17), and the north half of section eighteen (18), in township one hundred forty-six (146), north of range thirty-three (33) west, of the fifth Principal Meridian.

WARD BOUNDARIES.

Section 3. The first ward of the City of Bendji shall comprise all the following bounded lands and territory: All of section four (4), and that part of section nine (9), in said township one hundred forty-six (146), run e thirty-three (33), bounded on the south by the center line of Fourth Street, extended east to the east line of said section, and on the west by the center line of Bellwood Avenue, extended north to the north line of said section.

Section 4. The second ward of the City of Bendji shall comprise all the following bounded lands and territory: All that part of section nine (9), in said township one hundred forty-six (146) range thirty-three (33), bounded on the south by the center line of Fourth Street, and on the east by the center line of Bellwood Avenue, extended north to the north line of said section nine (9).

Section 5. The third ward of the city of Bendji shall comprise all the following described lands and territory: All of sections five (5), six (6), seven (7), eight (8), seventeen (17), and the north half of section eighteen (18), in said township one-hundred forty-six (146), range thirty-three (33).

Section 6. The fourth ward of the city of Bendji shall comprise all the following described lands and territory: All of sections one (1), two (2), ten (10), eleven (11), twelve (12), the north half of sections fifteen (15) and sixteen (16), in said township one-hundred forty-six (146) range thirty-three (33), and all that part of section nine (9), in said township and range lying north of the center line of Fourth Street, extended east to the east line of said section nine (9).

CHAPTER II.

ELECTIONS AND GENERAL PROVISIONS.

ELECTIVE OFFICERS.

Section 1. The elective officers of said city shall be a mayor, clerk, treasurer, assessor, and until a municipal court shall be established in said city, two justices of the peace, who shall be elected at large, and who shall be styled city justices; also two members of the council from each ward, and one member of the council from the city at large, who shall be known as aldermen.

APPOINTIVE OFFICERS.

Section 2. Except as in this charter otherwise specifically provided, all other officers provided for in this charter shall be appointed by the council at a regular meeting thereof, to be held on the first Monday in March, of each year; provided that at the first regular meeting of the city council after the adoption of this charter, said council shall appoint all of said appointive officers for term expiring on the first Monday in March, 1907.

The appointment of such officers shall be determined by ballot, and it shall require the affirmative vote of a majority of all the members of the city council to appoint such officers.

TERMS OF OFFICE.

Section 3. The term of the office of mayor, clerk, treasurer and assessor shall be two years. The term of the office of all other elective officers shall be two years; provided, however, that at the first general election under this charter, one member of the council from each ward shall be elected for a term expiring on the first Monday in March, 1907, and one member from each ward for a term expiring on the first Monday in March, 1908; the member in each ward receiving the highest number of votes shall be elected for the longer term, and in case any candidate for such office vote shall be elected for the shorter term. The mayor, the town

the mayor, clerk, treasurer and alderman at large shall be elected for a term expiring on the first Monday in March, 1907

[illegible] shall be void unless [illegible] shall be [illegible] year.

Except as to [illegible] assessment work, the year of [illegible] shall be [illegible] year.

The [illegible] of [illegible] of [illegible] shall [illegible] year, except as to [illegible] commencement.

All [illegible] shall [illegible] be [illegible] on [illegible] day [illegible] year, [illegible] year [illegible] commencement.

TIME OF OPENING.

Section 4. All [illegible], whether elected or appointed, shall [illegible] office until [illegible] and [illegible] or [illegible] shall [illegible] or [illegible] to [illegible] vote, [illegible] shall [illegible] to [illegible] vote.

TIME OF MEETINGS.

Section 5. The [illegible] shall be [illegible] from [illegible] to and [illegible] on the 7th day of November 1905, and [illegible] a [illegible] [illegible] day [illegible] shall be [illegible] day [illegible] January in [illegible] year, excepting the year 1906

At [illegible] annual [illegible] election [illegible], [illegible] shall [illegible], [illegible] [illegible], [illegible], [illegible], [illegible] of [illegible], [illegible] [illegible] [illegible]

of officers elected at said first election, shall be construed to begin with on the 14th day of said November 1905.

ELECTION LAWS:

Section 6. All general laws of the State of Minnesota, relating to elections and to preliminaries thereto, shall, so far as applicable, apply to and govern all elections under this charter, and are hereby adopted as a part of this charter, the same as if herein specifically re-enacted.

The returns shall be made to the clerk, and within one week after any election under this charter, the council shall meet and canvass the returns thereof, and declare the result, as appears from such returns, and the clerk shall forthwith give notice in writing to the officers elected, of their respective elections; provided, however, that the election provided for in this charter, to be held on the 7th day of November 1905, shall be called, conducted, and the votes canvassed the same as in village elections, by the village council.

SPECIAL ELECTIONS.

Section 7. The mayor, or in case of his refusal, the council may, by affirmative vote of a majority of all its members, call a special election at the voters of the city, and provide for holding the same; the purpose of such election shall be clearly stated in the call, and no other matter shall be submitted thereat.

REGULATION OF ELECTIONS BY COUNCIL.

Section 8. The city council may pass ordinances not inconsistent with the general laws of the state and the provisions of this charter, for conducting and regulating city elections and the preliminaries thereto, and the canvassing of votes cast thereat.

PLURALITY AND EQUALITY OF VOTES.

Section 9. A plurality of votes for elective offices shall constitute an election. When two or more persons shall receive an equal number of votes for the same elective office, the election shall be determined by the casting of lots in the presence of the city council, at such time and place, and in such manner as it may direct.

RESIGNATION AND ABANDONMENT.

Section 10. Any elective or appointive officer provided for by this charter, having entered upon the duties of his office, may resign his same by and with the consent of the council; provided, that any member of a board may resign, with the consent of such board. Any elective or appointive officer, excepting who would vacate the city, or any electors from the ward from which he was elected or appointed, and any such officer who shall refuse, or without cause, neglect to enter upon the discharge of the duties of his office, for ten days after the beginning of the term for which he was elected or appointed to fill, and ten days after being notified by the clerk of his election or appointment, shall be deemed to have vacated and abandoned such office.

VACANCIES.

Section 11. Whenever a vacancy shall occur in the office of mayor, the member of the city council from the city at large shall become mayor for the unexpired term. Whenever a vacancy shall occur in any other elective or in any appointive office provided for by this charter, by reason of death, resignation, change of residence, refusal or neglect of an officer to enter upon the discharge of his office, or any other cause, such vacancy shall be filled for the unexpired term by appointment of the council, except where other provision is made herein for such emergency.

REMOVALS.

Section 13. Any elective or appointive officer provided for by this charter, may be removed from office by the affirmative vote of two-thirds of all the members of the council; but no such officer shall be removed except for cause, nor unless he has first been furnished with a copy of the charge against him, and [illegible] reasonable opportunity to be heard, in person, or by counsel, in his own defense. The council shall have power to fix the time and place of trial of such officer, who shall be given at least ten days' notice thereof, to summon the case of trial, to compel attendance of witnesses and the production of papers and records, to administer oaths, and to hear proofs and arguments.

QUALIFICATIONS.

Section 14. No person shall be eligible to any office under this charter, who is not, at the time of his election or appointment, an elector of the city of Raleigh, or who is at such time interested in any contract with the city of Raleigh, in which he is a party [illegible] individually or as a member of a firm, or as an officer or director of a corporation. The term "contract" as used in this section, shall be construed to include any transaction of sale, barter or exchange by which any property is transferred or acquired by the city, or labor or services are performed for said city.

PENALTIES FOR MALFEASANCE.

Section 14. Any officer or employe of the city who shall wilfully or negligently violate any of the provisions of this charter, or commit any fraud upon the city, or convert any of the property of the said city to his own use, or knowingly permit any such fraud or conversion, shall be guilty of a misdemeanor; and when punishment therefor is not otherwise provided by law, shall be subject to the penalties prescribed for a misdemeanor by the

criminal laws of the state. In addition to such penalties, any such act shall constitute a forfeiture of office, and shall be cause for the removal of such officer or employe.

Any officer or employe convicted of a misdemeanor, or removed from office under this section, shall be thereafter forever excluded from receiving or holding any office or employment under this charter.

REPORTS, TRANSFERS OF PROPERTY.

Section 17. Every elective or appointive officer, except members of the council, and all boards provided for in this charter, shall annually, or on before the first Tuesday in February, make and transmit to the council full and detailed reports, properly verified by affidavits, of the business of such office or department, for the current fiscal year, together with a full and true inventory of all money, property and other effects of the city in the possession of such officer or board, and under his or its control. Such officers and boards shall likewise make to the council similar reports, and exhibit all their books of account, papers and other records kept by them, whenever requested by the council so to do. Every elective or appointive officer and board, and member thereof, provided for by this charter, shall, at the expiration of his term of office, in whatever way terminated, turn over to the city, or to his successor in office, all the books, papers, files, records, money and other property and things appertaining to his office, which may be in his possession, or under his control.

OATH.

Section 18. Every person elected or appointed to any office under this charter, shall, before he enters upon the duties of such office, take and subscribe an oath of office, and file the same

with the clerk.

SALARIES.

Section 17. In cases where the salaries of officers are fixed by the council, they shall be fixed by resolution at the first regular meeting in January of each year, for the succeeding year.

CHAPTER III.

OFFICERS, - POWERS AND DUTIES.

MAYOR.

Duties.

Section 1. The mayor shall be the chief magistrate of the city, and shall be vested with and authorized to exercise all powers which may be conferred upon him by the laws of the state, or by this charter. He shall take care that the laws of the state, the provisions of this charter and the ordinances of the city are duly observed and enforced within the city, and that all other officers of the city discharge their respective duties, and to that end may maintain any appropriate action or proceeding against any delinquent officer, or other person. He shall from time to time give the city council such information, and recommend such measures as he shall deem advantageous to the city.

VETO POWER.

Section 2. Every ordinance or resolution of the city council shall, before it takes effect, be presented to the mayor for approval. If he approve it, he shall sign the same, but if he disapprove it, he shall return it to the city council with his objections thereto, by depositing the same with the city clerk, to be presented to the city council at the next regular meeting thereafter, or at a special meeting called for that purpose.

Upon the return of any ordinance or resolution by the mayor,

the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same, notwithstanding the objections of the mayor; and if, upon such submission, the city council shall pass the same by a vote of two-thirds of all its members, it shall have the same effect as if approved by the mayor; and in such case the vote shall be by yeas and nays, which shall be entered of record by the city clerk. Provided that in all cases where the original motion of the city council requires more than a majority vote, the veto of the mayor shall not be overruled, except by a vote of four-fifths of all the members of the city council.

TIME OF APPROVAL.

Section 3. No ordinance or resolution of the city council shall be signed by the mayor within four days after the same is presented to him, and if the same shall not be returned by him on or before the seventh day (Sunday excepted) after it shall have been presented to him, it shall have the same force and effect as if approved by him.

SPECIAL POWERS AND DUTIES.

Section 4. The mayor shall, unless in this charter otherwise provided, sign all warrants drawn on the city treasurer, and all bonds, obligations and contracts of the city (except interest coupons on bonds), and the same shall not be valid unless so signed.

He shall, upon service of a notice, answer or process upon him in any action or proceeding against the city, forthwith inform the city attorney and city council thereof.

He shall have authority to direct the city attorney to commence and prosecute all actions and proceedings which he may deem necessary for the protection of the interests of the city and the enforcement of its rights.

He shall have authority to expend the money appropriated by the city council for his contingent expenses in such manner as he may deem for the best interests of the city.

ACTING MAYOR.

Section 5. During the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the alderman at large shall for the time being exercise all the powers and discharge all the duties of the mayor.

Said alderman at large, while performing the duties of the mayor, shall be styled "acting mayor", and the acts of such acting mayor, so far as authorized herein, shall have the same force and validity as if performed by the mayor.

CITY CLERK.

Duties.

Section 6. The clerk shall keep the corporate seal of the city, and all papers and records thereof, except as herein otherwise provided; shall attend all meetings of the council and keep a record of all proceedings thereof. He shall draw and sign all orders on the treasurer as directed by the council, and he shall keep a full and accurate account of the orders so drawn by him, in books provided for that purpose, and said books shall ever be open for that purpose to which they are drawn. He shall attend the signature of the mayor to all contracts, and affix the seal of the city thereto and deliver the same to the proper officer or party. He shall keep regular books of account, which shall, at all times, show the precise financial condition of the city, a record of all bonds, orders, warrants, or other evidence of indebtedness issued, a record of all orders, bonds, warrants or other evidence of indebtedness which have been redeemed, and the amount of each outstanding.

Said book shall contain separate accounts with the different

city officers and the various funds of the city, and the amount, date and purpose of each appropriation made by the city council, and all payments made on account of the same. He shall endorse upon each ordinance and resolution the date when the same was delivered to him by the mayor, and the time when it was returned to him by the mayor. He shall, upon request, furnish certified copies of papers and records in his possession, and when so certified to by him, under the corporate seal of the city, they shall be received in evidence in any and all courts, the same as if the ordinals thereof were produced by proper clerk in such court, and he shall be entitled to collect and receive for such services such fees as are allowed to the clerk of the district court of Baltrand County for similar services. He shall record at length, in a book provided by the city for that purpose, all corporate and other bonds running to the city of Bendd, excepting only the bonds of the clerk and the treasurer, which shall be recorded in the office of the Register of deeds of Baltrand County, and all bonds shall be filed and preserved by the clerk.

He shall be entitled to receive from the officers on all such bonds, or the person presenting the same for record, such compensation as is allowed for similar services to the register of deeds of Baltrand County. He shall file in his office all chattel mortgages, contracts and other instruments by which personal property is transferred or encumbered, presented to him for filing, and which are permitted to be filed by the laws of the state relating to chattel mortgages, and shall receive as compensation therefor, such fees as are allowed by the general law. He shall, in addition to the duties herein prescribed, perform such other duties as may be required of him by the general laws, or by the city council.

EXAMINATIONS AND REPORTS.

Section 7. The clerk shall check up the books of the treas-

ever at least once in three months, count the cash and verify the bank balances, and forthwith report to the council the condition of the moneys of the city and the several funds at the time of his examination. He shall also report to the council as to the correctness of each statement made by the treasurer to the council, and as to whether the moneys reported by the treasurer are actually in his hands, or on deposit, as set forth in the treasurer's statement. He shall also, at least once in every three months, check up the books and accounts of the water and light department, and of all other accounting and disbursing officers, boards and departments of the city, and shall certify to the correctness or incorrectness of such books and accounts and of the reports submitted by said officers to the council. Upon the discovery of any inaccuracy or deficiency in the accounts or reports of any of said officers, he shall forthwith notify the mayor and council thereof.

For the purpose of making any examination provided for in this section, the clerk shall have power to summon before him, and examine under oath, any officer or employe of the city, or any other person, and require the production of the city, or the accounts of any officers, boards, department or employe thereof, and to compel the production of any books, accounts or other papers pertaining to such examination or account; and he shall, on or before the 10th day of the month following, make detailed report of such examination to the city council, and such report shall give the financial condition of the city as the close of the three months reported.

CLAIMS AGAINST THE CITY.

Section 8. All claims or demands against the city, or any board or department thereof, shall, before they are allowed by the council, be audited and adjusted by the clerk, ~~who shall report~~ to the council.

ESTIMATES AND TAX LEVY.

Section 9. On small annually, on or before the first day of January, unless by the council an ordinance of the city for the following fiscal year, the moneys necessary to be raised thereby.

DISTRIBUTION OF FUNDS.

Section 10. It shall be the duty, immediately upon the receipt of any taxes by the city from the county treasurer, or upon receipt of statements or moneys from any other source, to make the proper distribution of such moneys to the several funds.

PURCHASING AGENT.

Section 11. The city shall be the purchasing agent for the city. In all cases where bids are not required by law to be advertised for, supplies for the public works and purposes of the city shall be purchased on orders. The purchasing committee of the council, or such officer or board as by it shall be designated for that purpose, shall make an estimate of the necessary supplies and draw a requisition upon the clerk therefor, who shall make a full record of the same, and upon which he shall, under the direction of the purchasing committee, after being authorized by the council, purchase such supplies for the account of the city; provided there be money in the particular fund from which payment therefore may be made to meet the same.

OFFICIAL POWERS.

Section 12. The clerk shall have the supervision of all printing, and all publications ordered by the council, and he shall cause to be published, in the official paper, the minutes of all proceedings of the council, as soon after each session as

and also caused to be published in such proper all ordinances as soon as practicable

practicable after their final passage.

POWERS.

Section 13. The clerk shall have the power to administer oaths and affirmations, and to take and certify acknowledgments of deeds and other instruments, in all cases in which the same are required or authorized by law. He shall have power to appoint, subject to the approval of the council, a deputy clerk, who shall hold the office at the pleasure of the clerk or council, and shall have authority, under the direction of the clerk, to perform all the duties of that office.

The salary of the deputy shall be paid by the clerk.

FEES.

Section 14. All fees paid to the clerk for filing and recording papers and other services, by the public at large, may be retained by him as additional compensation to the salary paid to him by the city.

He shall keep an accurate account of all fees so received by him, and report to the council annually the amount thereof, at the January regular meeting.

BOND.

Section 15. Before entering upon the duties of his office, the clerk shall give a bond, with sufficient surety, in such sum as the council may direct, conditioned for the faithful performance of the duties of his office.

TREASURER.

Duties.

Section 16. The treasurer shall receive and safely keep all the moneys belonging to or coming to the city, including license money and fines, and shall keep accurate and detailed account

thereof, and he shall be entitled to, and shall demand and receive of, the treasurer of said county, at the time provided by law, all moneys due the city for taxes and assessments, including interest and penalties thereon, on account of all levies or assessments made by the city or its predecessors.

He shall be the custodian of all bonds, certificates of indebtedness or other securities held by the city, or in the sinking fund of the city. Upon the receipt of any money by him, he shall forth ith credit the same to the separate funds to which the same respectively belongs, or for which it has been levied, and shall report the same daily, to the comptroller of the city, so that the order of the treasurer, in such denominations as shall have been designated by the council thereof.

SELECTION OF DEPOSITORIES.

Section 17. The city council shall, at the beginning of each calendar year, designate, and by from time to time redesignate the banks, banking houses or other depositories in which the treasurer shall deposit and keep the funds of the city, designating in each case the maximum amount which may at any time be kept in any one of such depositories, which maximum amount shall in no case exceed 35% per centum of the paid up capital and surplus of such depository.

The city council shall, at all times, designate depositories in the city of Bemidji, or elsewhere in the state of Minnesota, sufficient for the deposit of all funds which are, or are likely to be in the hands of the city treasurer at any one time, and shall, so far as is consistent with the best interests of the city, designate such depositories in the city of Bemidji.

Said city council shall exercise all possible care to secure safe depositories for the city funds, and to obtain the highest rate of interest possible, consistent with safety, for such money.

all bid made received in any way for the use or keeping of the city money, or on account of same, shall be the property of the city, and shall be credited to the appropriate fund.

All funds of the city on deposit shall be at all times held subject to payment on demand, and said city council shall, at the time of designating a depository, or at any time thereafter, exact from such depository such security for moneys on deposit as in the judgment of said city council is necessary.

TREASURER NOT LIABLE, - WHEN.

Section 18. The treasurer shall keep the funds of the city so far as possible in the depositories so designated by the city council, and the treasurer, and his sureties on his official bond, shall be exempt from all liability for the loss of any such funds deposited as in this charter provided, if such loss is caused by the failure, bankruptcy, or other act of default of such depository; provided that the failure of the city council to designate such depositories shall not exempt or relieve the city treasurer or the sureties on his official bond from any liability.

DEPOSITS - HOW DRAWN.

Section 19. The treasurer shall pay no money out of the treasury, except in the following manner: Upon an order or warrant drawn and properly countersigned, which has first been duly authorized by the city council, and which shall specify the purpose for which it is drawn, and the fund out of which, and the person to whom it is payable, and upon the payment and receipt by him of any such order or warrant, the treasurer shall cancel and file the same, and it shall not be again issued, and he shall keep separate, orders drawn on each particular fund. All warrants so cancelled by him, as aforesaid, shall be turned over to the clerk by said treasurer quarterly, along with his report, hereinafter referred to.

In case said warrants are issued for the payment of the bonds of the city, or interest coupons thereon, then such bonds or coupons shall be canceled by the treasurer and returned by him with said warrant to the clerk.

MISUSE OF CITY MONEY.

Section 71. No check of the city shall be issued by the treasurer to any city officer or any other person, or otherwise disposed of, except in accordance with the law. Any violation of any of the provisions of this section shall, unless otherwise punishable by the ordinary laws of the state, be punished by a fine in a sum not exceeding one thousand dollars, or by imprisonment in the county jail of Natrona county, not exceeding one year. The treasurer is prohibited from paying any warrant which, upon its face, shows that it is drawn in violation of this charter or the laws of the state, and in case of any such payment, the treasurer and the sureties upon his bond shall be liable to the city for the amount of such warrant.

QUARTERLY STATEMENT.

Section 72. The treasurer shall, on the first day of January, February, May, August and November, file a statement in the city council of the amount of his receipts and disbursements on account of each fund, and a statement of the amount of money in his hands in the various funds, deposited with each depositary, and the total amount of the city's funds, and where placed and deposited.

He shall, whenever notified so to do by the council, withdraw all funds from any depositary so designated, and notify the council thereof, and shall deposit no more therein until authorized so to do by the council.

BOND.

Section 73. The city treasurer shall give to the city a bond,

with proper, personal or business burglar or all money, and other property of the city, which may come into his possession or control, and for the faithful performance of all his duties. The bond and oath of said bond shall be filed by the city council in a sum not exceeding the amount of all moneys likely to be in his possession, or under his control at any time, and not less than $10,000., and such bond may be filed by the city council each time that a city treasurer's bond is required or given.

Individuals, or property interested money, bank or insurance companies, may be accepted as sureties on such bond, and in any case, the bond may be so drawn that an individual or company shall be liable only for a stated amount or proportion of the penal sum of the bond. Individuals must justify in double the amount for which they become liable on such bond.

Every such bond must be approved by the city council before the city treasurer will enter upon the performance of any of his duties.

ASSESSOR.

Duties.

Section 24. The assessor or his deputies, hereinafter mentioned, shall qualify in the manner and form prescribed by the general law, and shall perform all of the duties required by the general laws of the state, and by the ordinances, rules and privileges allowed by the rule governing the listing of property for taxation, and notice and hearing thereon, and other acts, relating and to the duties of such office, done by such deputy assessor in the name of the assessor. Said assessor shall attend the sessions and meeting of the Board of Equalization, provided for in this Charter, and give information when desired. He shall revise his assessment rolls in accordance with the deci-

dent of said Board, and after the said have been certified by said Board, he shall transmit to the County Auditor said revised assessment rolls, not later than the 15th day of July, in each year.

ELIGIBILITY - APPOINTMENT OF MAYOR.

Section 35. The mayor must be a freeholder of the city and for two years a resident and elector thereof. He shall, with the consent of the council, appoint such deputies as may be required to enable him to properly perform the duties of his office, and may discharge such deputies at will. He shall present his name for such position to the council for its approval at the regular meeting in April.

COMPENSATION - BOND.

Section 36. The city council shall fix the salary of the mayor. The salaries of all deputies shall be paid by the mayor.

The mayor shall, before entering upon his duties, execute and file with the clerk, a bond, with sufficient surety, conditioned for the faithful performance of his duties, in the sum of one thousand dollars.

CITY JUSTICES.

Section 37. The justices of the Peace, provided for in this charter, shall have and possess all the authority, powers, rights and jurisdiction that justices of the peace have, or may hereafter possess, who are elected under the general laws of the state of Minnesota, and be subject to all the penalties under such laws. They shall, in addition thereto, have authority and jurisdiction to hear, try and determine all complaints for the violation of any of the provisions of this charter, or of any ordinance, resolution, by-law, rule or regulation made or adopted under or by virtue there-

of, and of all cases cognizable by a justice of the peace, in which the city is a party, and of all suits, proceedings, &c. proceedings for the recovery of a fine, forfeiture, or any penalty under any ordinance, resolution, by-law or regulation of the city, or for the recovery.

In all prosecutions for the violation of any provision of this charter, or any ordinance, resolution, by-law or regulation, adopted under or by virtue thereof, said justices of the peace may proceed to the trial and determination thereof, in a summary manner, without the aid of a jury. In all proceedings before the justices of the peace, authorized by this charter, and in all civil proceedings before such justices, the same form and proceedings shall be had and used, where not otherwise directed, as are established and required to be had and used in criminal and civil action, by the general laws of this state, before justices of the peace; and appeals from the judgment and decision of said justices of the peace of the city, shall be allowed and taken in all respects as provided by law for appeals from justices of the peace under the state laws.

SECURITY FOR GOOD BEHAVIOR.

Section 80. In all cases of conviction, either under the state law, or ordinance of the city, for assault, battery or affray, breach of the peace, disorderly conduct, keeping or frequenting houses of ill fame, or keep or maintaining disorderly or ill-governed houses, said justices shall have the power, in addition to the fine or penalty imposed, to compel the offender to give security in a sum not exceeding five hundred dollars, for their good behavior, and to keep the peace, for a period not exceeding six months.

DISPOSITION OF FINES.

Section 81. All fines and forfeitures imposed by the justices

of the peace of this city, for the violation of this charter, or any ordinance, resolution, by-law or regulation thereof, shall belong to and be turned into the treasury of this city.

REPORTS - FEES.

Section 20. The justices of the peace shall, each month, or oftener, if required by the council, report to it all proceedings instituted before them, in which the city is interested, and shall, at the same time, account for and pay over to the treasurer all fines collected or received by them, belonging to the city, and said justices of the peace shall be entitled to receive from the county of Bolter-Lamoure, in criminal cases, where the city is a party, as are allowed by statute to other justices of the peace for similar services, and they shall be entitled to receive from the city of Rockyl, such fees, in cases where the city is a party, as justices of the peace are entitled by law to tax up and receive from said county in similar cases.

STREET COMMISSIONER.

Appointment - Duties.

Section 21. The city council shall appoint a street commissioner, whose duty it shall be to see that all streets and sidewalks where the fence shall have been graded and opened for travel, and kept clear from obstruction, and in such repair as to be safe and passable; also to superintend, subject to the direction of the city engineer, the grading of streets and laying of sidewalks, and to carry into effect all orders of the city council.

The street commissioner shall do no 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 specifically ordered by the city council.

The street Commissioner shall keep account be cause of all

his exp. and expenditures, and make detailed and itemized reports in proof to the city council at least once in every two months, and oftener, if ordered by the city council; and no bill for compensation of such street commissioner shall be allowed unless his name shall be accompanied or recorded with full and itemized reports of his work and expenditures up to the time of the rendition of such bill.

BOND.

Section 32. The street commissioner shall, before entering upon his office, take his oath and file his bond, with sufficient sureties, conditioned for the faithful performance of his duties; said bond to be filed with the clerk, and in such amount as the city council shall direct.

ATTORNEY.

Section 33. APPOINTMENT, DUTIES and COMPENSATION.

Section 33. The city council shall appoint a city attorney, who shall be a person admitted to practice in all courts of this state, at least three years prior to his appointment, and shall be the legal adviser of all officers of said city, upon all subjects arising by virtue of this charter and ordinances adopted in accordance therewith. He shall attend and prosecute, or defend, all suits, actions or proceedings, either civil or criminal, for and on behalf of said city, or in which the city may be a party. He shall, when required, furnish a written opinion upon any subject arising by virtue thereof, submitted to him by the city council, or any of its committees, or by the mayor, attend the meetings of the city council when requested, draw all contracts between said city and other parties, or such other legal instruments and papers as may be required in connection with the administration of city affairs, and perform such other professional services as shall

properly pertain to his office.

When from absence, sickness, or other cause, he shall be unable to attend to any of his official duties, he may designate some one to act in his stead for the time being, but at his own expense. His compensation shall be fixed by the city council; provided, that the city council may, in its discretion, employ additional council when emergencies exist, at a compensation to be fixed at the time of such employment.

ENGINEER.

Appointment - Duties.

Section 34. The city council may, when necessary and second on requirion, appoint a civil engineer of at least three years' practical experience as such, who shall hold his office at the pleasure of the council, and receive such compensation for his services as may be determined by said council. He shall have the supervision and general charge of all the work done for the city and all work done on any street, highway or alley in the city; he shall, under the direction of the council, establish all official lines, elevations and grades; he shall keep a full official record of all the work done in his office, or under his supervision; he shall direct the manner of performing all engineering work of the city, and the manner of the construction of all sidewalks, crossings, bridges, pavements, sewers or other structures in or upon any street or public grounds; he may suspend such work when the construction thereof shall not conform to contract, and he shall take care that the terms of all contracts for any work or construction on behalf of the city are fully complied with.

SURVEYS - BONDS.

Section 35. All surveys, profiles, plans and estimates made by him or his assistants for said city, and his official records

shall be the property of said city, and the original plats, profiles, plans, etc. of all surveys and public improvements shall be carefully indexed and preserved in a fireproof safe or vault in the office of the clerk, and be public records of the city. He shall possess the same power in the city in relation to surveys, plats and certificates, as to or may fees as may be given by the general laws to county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of county surveyors.

Before entering upon the discharge of his duties, the engineer shall execute and deliver to the city his bond in such sum as the city council may direct.

CHAPTER IV.

THE COUNCIL.

POWERS - QUORUM - PRESIDING OFFICER.

Section 1. The legislative power of the city shall be vested in a council, which shall be composed of the aldermen.

A majority of all the members of the council shall constitute a quorum.

The aldermen at large shall be the presiding officer.

PRESIDENT PRO TEMPORE.

Section 2. At their first regular meeting, and thereafter at their regular meeting, on the first Monday in March of each year, the council shall elect by ballot from their number, a President pro tempore, who shall, in the absence of the alderman at large, or his inability, from any cause, to act, or in the event said alderman at large succeeds to the office of mayor, in case of a vacancy in the latter office, or in discharging the duties of

mayor, in accordance with the provisions of Section 5 of Chapter III. of this charter, succeed, either temporarily or permanently, as the occasion may require, to all the rights, privileges and duties of an alderman at large, as the same are prescribed in this charter.

MEETINGS.

Section 3. The first regular meeting of the city council shall be held at eight o'clock in the evening on the 14th day of November, 1908, after the first election under this charter, and thereafter, said city council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the aldermen, to be delivered personally, or left at their usual places of abode. At such special meeting, no business shall be transacted other than that as is designated in the call.

In case of the attendance of less than a quorum at any stated meeting, the members present may adjourn to any special time they may designate and all business transacted at such adjourned meeting shall have the same validity as if done at a stated meeting.

All adjourned meetings of any special or stated meeting shall be a part of the session adjourned, but the first and subsequent meetings of any stated or special meeting, so adjourned, shall be designated as "sessions" of said meeting.

JUDGE OF ELECTION OF OWN MEMBERS.

Section 4. The city council shall be the judge of the election of its members, and in such cases shall have the power to send for persons and papers. It shall determine the rules of its own proceedings, and have power to compel the attendance of absent members, and may provide for the punishment of such absent members.

GENERAL AND SPECIFIC POWERS.

Section 5. The city council, except in those charter objections provided, shall have the general management and control of the finances, and of all the property of the city, together with the power of purchase and sale, and shall also have full power and authority to make, amend and repeal all such ordinances and resolutions as it shall deem expedient for the government and good order of the city, for the protection of the public and of the public health, comfort and safety, for the suppression of vice and intemperance, and for the prevention of crime. It shall have power and authority to designate and impose penalties and punishments for the violation of ordinances and resolutions, and to enforce the same against any person or persons who may violate the same, and all such ordinances and resolutions are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution or the laws of the United States, or of the state, or to the provisions of this charter. For these purposes, the city council shall have specific authority by ordinance not repugnant to said constitution, laws or provisions.

First. To regulate the use of and prevent any person encroachments into, upon or over streets, alleys, avenues, public grounds, public places, public streams and waters, and to prevent injury thereto and prohibit the improper use thereof.

Second. To regulate and prevent the throwing or depositing of ashes, trash, refuse, offal, dirt, carbage, or any offensive matter or obstruction in or upon any street, alley, public ground, place or public stream or water.

Third. To require the owner or occupant of any premises to keep the sidewalks along or in front of the same free from obstructions, and to provide for the removal of the same & the expense of such owner or occupant.

Fourth. To regulate the making and maintaining of openings

and construction instructs, alleys and public grounds and public places for the laying of gas and water mains and pipes, electric conductors, sub-ways and conduits, and for other purposes, and to regulate the building and maintaining of sewers, tunnels and drains, and the construction and use of all structures and vaults of every kind underneath the streets, alleys, sidewalks, public squares and places of the city, and to regulate, and if it deem necessary, to prohibit the construction and maintenance of coal holes, manholes, hatchways and other openings in sidewalks, streets and alleys and sunderings coverings and guards therefor.

Fifth. To require throughout the city, or in such district or districts as the city council may designate, the owner or occupant of any premises to collect, remove and dispose of ashes, offal, refuse, garbage, manure, dead animals, night soil, and other vile, unhealthy and offensive matter, to regulate and provide for the collection, removal and disposition of the same throughout the city, or in such district or districts as the city council may designate, and to prescribe and direct such collection, removal and disposition, either at the expense of the city, or of such owner or occupant.

Sixth. To provide for and to regulate the use of pavements, sidewalks, cross walks, curbs and gutters.

Seventh. To regulate and prevent the use of streets, alleys, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telegraph, telephone and electric poles, horse troughs, racks and other obstructions, the posting and distributing of hand bills and advertisements; to remove and abate any nuisance, obstruction or encroachment upon the sidewalk, streets, alleys and public grounds, and to regulate and prevent the encumbering of the same with vehicles, boxes, lumber or other things; to provide for and regulate the erection of hitching posts, and rings for fasten-

ing horses, and to prohibit the same in any portion of the city, and the council shall prohibit the riding of same, or other encroachment upon any street or alley or public place, by persons driving or operating any street railway along or across the same.

Eighth. To regulate and prohibit the placing of poles, and the suspending of wires along and across all streets, alleys and public places.

Ninth. To regulate and prohibit the exhibition or carrying or distribution, or throwing of banners, placards, advertisements and handbills, or other articles in or upon the streets, alleys, sidewalks and public places.

Tenth. To regulate and prevent the flying of flags, banners and signs across the streets, alleys and public places, and to regulate, license or prohibit the construction and use of bill boards and signs adjacent to or near the streets, alleys and public places, or upon any vacant lot or other property.

Eleventh. To regulate and prohibit traffic and sales upon the streets, side walks or public places.

Twelfth. To regulate the speed of horses and other animals, bicycles, cars and locomotives, and other vehicles within the limits of the city, and to compel persons to secure fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets, alleys or public places.

Thirteenth. To regulate and prescribe the width of tires on the wheels of vehicles used in the city, and the maximum weight of a load to be drawn over any street in the city, and to direct upon what streets heavily loaded vehicles may be drawn, and from what streets, alleys and public places the same may be excluded, and to license vehicles of every description.

Fourteenth. To name and change the names of streets, alleys and other public places.

Fifteenth. To regulate and prohibit the use of all bridges, viaducts, tunnels, drains, sewers, culverts or conduits within the city, and in such portions of the city as it may designate, and to compel sewer connections in such portions, and to make the same, and to assess the cost thereof on the property so connected.

Sixteenth. To require the numbering of houses, buildings and lots, and to compel the owners of houses and other buildings to have the numbers of such houses and buildings shown conspicuously thereon or adjacent thereto.

Seventeenth. To regulate and prohibit the locating, constructing, maintaining and laying of street railway tracks in, under or over any street, alley or public place.

Eighteenth. To provide for and change the location, grade and elevation of any railroad, and to compel railroad companies to lower and bridge over, or raise their tracks and pay all damages caused thereby, and to fence their respective rights of way, or any portion of the same, and to construct cattle guards and keep the same in repair within the limits of the city.

Nineteenth. To require railroad companies to keep flag men and erect and maintain gates at railroad crossings of streets, or public places, and to regulate and prohibit the obstruction of streets, alleys or other public places by railroad trains, cars or engines.

Twentieth. To regulate and prohibit the ringing of bells and whistling of locomotives, and the discharge of steam, cinders, sparks and dense smoke therefrom, and to designate the kind of coal any yard or switch engine may consume while operated within the limits of the city.

Twenty-first. To compel railroad companies to raise or lower their tracks to conform with any grade which has been or may hereafter be established in said city, and to keep such tracks on

a level with the street surface, and to compel the planking or paving of such bridge by such railroad company, so that they may be crossed at any place on said street, alley or public place.

Twenty-second. To permit railroad Companies to make and keep open and in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filth or stagnant water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property through such ditches shall not be impaired.

Twenty-third. To prevent the pollution of the water of any creek, river, pond, lake or water course within or adjacent to the city; to prevent the dumping of refuse or other matter therein, and to provide for the cleansing and purification of water, water-courses and canals, and the drainage or filling of ponds or pools on private property whenever necessary to prevent or abate nuisances, and to compel the owner or occupant of any building or premises to remove from the premises owned or occupied by him all such offensive matter as the city council or commissioner of health may direct, and, upon his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Twenty-fourth. To compel the owner of low ground where water is liable to collect on his premises, to fill or drain such low places, and upon his default, to authorize such drainage or filling, and to assess the cost thereof upon such ground.

Twenty-fifth. To regulate the use and maintain general supervision and control of navigable waters within, upon and adjacent to the city limits; to regulate the use of public and private docks, landings, wharves and levees in said city, to establish, alter and maintain docks, dock lines, landings and levees, to regulate and control the anchorage, moorage and landing of all water craft and their cargoes within the city; to license and regulate

class boats, tugs and other boats used about the harbors, or within the jurisdiction of the city, and to fix the rates of wharfage and dockage from all boats, rafts and other crafts landing at or using any public landing place, wharf, dock or levee within the city; to regulate and prevent the cutting up and so as reborn in or adjacent to the city.

Twenty-sixth. To make regulations in regard to the use of steamers, towing of vessels, speeding and landing of bridges, and to prevent and prohibit the removal of sand and other material from or near any levee, embankment or boundary line of public ground.

Twenty-seventh. To fix the amount, terms and manner of issuing licenses not inconsistent with law, and subject to the provisions of this charter; provided that no license shall be issued for a longer time than one year.

Twenty-eighth. To license, regulate or prohibit billiards, pool and pigeon-hole tables, ten alleys, bowling alleys, shooting galleries, lodging houses, restaurants and hotels.

Twenty-ninth. To license and regulate gift, fire, auction or bankrupt sales, and to license and regulate itinerant merchants and transient vendors of merchandise, runners, agents and solicitors for stages, cars, vessels or public houses.

Thirtieth. To license, regulate or prohibit by ordinance or theaters and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concert halls, dance halls, theatrical performances, shooting galleries and all places of amusements and museums.

Thirty-first. To license and regulate auctioneers, pawnbrokers, secondhand dealers and junk dealers, and to compel all such persons to keep such records of their transactions as it may direct, and make report thereof.

Thirty-second. To license and regulate keepers of intelli-

cause to employment either, to call persons using the business of hacking employment to cease, and to compel such persons to keep such record as it may direct, and also reports thereof, and to punish unfair dealing by said persons in their said business.

Thirty-third. To license and regulate ferryboys, boat hands, ferry tollers, sightseeing, astrologers, and masseur doctors.

Thirty-fourth. To license and regulate hackmen, draymen, expressmen, porters and all other persons or corporations, including street railway companies, engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to prescribe standing places or stations, within the streets or near railway stations, where the same may remain while waiting for business, or to prohibit the same from standing or waiting for business at any other places than the places so prescribed.

Thirty-fifth. To license and regulate all peddlers, book agents, canvassers, street hawkers, chimney sweeps, vendors and public criers, doing business in the city.

Thirty-sixth. To license and regulate distilleries and breweries.

Thirty-seventh. To license and regulate butchers stalls and shops, and stands for the sale of fish, poultry, meat, fish, fruit and perishable provisions, and all persons who may deal in the same, whether at wholesale or retail.

Thirty-eighth. To license and regulate plumbers, and to regulate sewer, water and street connections of all kinds.

Thirty-ninth. To license, regulate and prohibit the carrying of concealed weapons, and to provide for the confiscation of the same.

Fortieth. To license and regulate the keeping of cows, and to prevent the same from running at large, and to authorize the

conbustion thereof in a sanary manner.

Forty-first. To license, regulate and prohibit the storage and use of gunpowder, dry pitch, resin, coal oil, benzine, naptha, gasoline, turpentine, gun cotton, nitro-glycerine and any explosive substance within the city, or within one mile from the limits thereof, and of lights in stables, shops and other places, and the buildings of non fire; and to regulate and prohibit the use of fireworks, torpedoes, Roman candles, sky rockets, and other fire works.

Forty-second. To prevent and suppress plots, riots, affrays, disturbances, disorderly assemblies, mock fights, day fights, sparring matches, and all brutal or depraved exhibitions or sports.

Forty-third. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to regulate hotels, and saloons in cafes within the city limits, and to prevent and punish drunkenness, fighting, assaults, batteries and disorderly conduct, and obscenity in the city; and to prohibit within the city the circulation, sale or exhibition of libelous, obscene and immoral publications, prints, pictures, advertisements, illustrations, and any printed or pictured matter tending to provoke a breach of the peace, or injure the morals of the community.

Forty-fourth. To suppress heavy and disorderly loaded and horses of ill fame, and assignation within the limits of the city.

Forty-fifth. To prohibit lotteries, and to prevent all description of gambling and playing cards, dice, hazard, roulette or other games of chance; the use of blackboards, lists, tickets, tickets or fictitious price quotations for the purpose of betting or gambling; all pool rooms, bucket shops and betting rooms, and the selling of pools and making of books on horseracing or other contests, real or fictitious; to suppress and prohibit all mechan-

ious, and devices used for cooking or bottling; to prohibit all fraudulent practices in the use of fraudulent devices, and to authorize the destruction of all instruments used for the purpose of cooking, bottling or other unlawful purpose.

Forty-sixth. To establish ponds and pound districts, which shall be under the supervision and control of a public pound master, to restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese and other animals, and to authorize the impounding and sale of the same.

Forty-seventh. To establish, license and regulate cartmen and carts hackmen.

Forty-eighth. To provide for the inspection of and regulate the making and sale of bread and prescribe the weight and quality of the bread in the loaf, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Forty-ninth. To provide for and regulate the inspection by the ~~undertaker~~ Health officer of hides, poultry, fish, game, butter, cheese, lard, eggs, vegetables, flour, coal, milk, fruits and other food products, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled or unwholesome; and to prohibit and prevent the bringing into the city and the having or keeping of such unsound, spoiled or unwholesome products.

Fiftieth. To provide for and regulate the place and manner of weighing hay and straw and selling the same, and measuring and selling firewood, coal and lime.

Fifty-first. To provide for the inspection and sealing of all weights and measures, and to enforce the keeping and use by vendors of proper weights and measures duly tested and sealed.

Fifty-second. To regulate the height, construction and materials of all buildings, chimneys, stacks and other structures;

to prevent the erection and maintenance of insecure or unsafe buildings, walls, stacks, chimneys or other structures, and provide for their summary abatement or destruction; to prescribe the depth of cellars and basements, the material and methods of construction of foundations and foundation walls, the mode of construction and location of drain and sewer pipes, the thickness, construction and material of party walls, partition and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimney flues and heating apparatus; to regulate the construction of bath rooms and water closets, privies and vaults in buildings; to prohibit the construction of buildings and structures not conforming to such regulations, and to direct the suspension at any time of the erection of any such building or part thereof not conform to such regulation.

Fifty-third. To prescribe fire limits, within which wooden buildings or structures shall not be erected, placed or repaired, and to direct that any building within such fire limits, when damaged by fire, decay or otherwise, to the extent of fifty per cent of its value, shall be torn down or removed, and to prescribe the manner of ascertaining such percentage, and to provide for punishing the owners of buildings or other structures, which have been destroyed, or have become dangerous by fire or otherwise, to the extent of fifty per cent thereof ~~upon the land upon which said buildings or structures stands~~ down, &c. In case the owner shall refuse to take the same down when ordered by the council, then to cause the same to be torn down at the expense of the owner, and to assess the cost thereof upon the land upon which such building or structure stands.

Fifty-fourth. To require the owners or lessees of buildings or structures to place thereon such fire escapes or appliances for protection against or extinguishment of fires as it may direct.

Also to regulate and prohibit smoking in theatres, churches, public halls and places of entertainment and amusement. Also to regulate the usage or leasing of hotels and buildings used for theatrical purposes and places of public entertainment and amusement to place and regulate, and to define the doors during which the same shall be kept running, to fix seatways, fire escapes and other places of exit. Also to prohibit the placing of chairs and other obstructions in halls and places of entertainment and amusement.

Fifty-fifth. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, ovens, stoves, pipes, ovens, boilers and apparatus used in or about any building or structure; to regulate the carrying on of manufacturing liable to cause fires; to prevent the depositing of ashes or the accumulation of shavings, rubbish or other combustible material in unsafe places, and to make provisions to guard against fire.

Fifty-sixth. To regulate the operation of blasting and blasting, and the construction, location and operation of derricks, windlasses, hoists and pneumatic elevators and other structures, apparatus and operations hazardous to life or property.

Fifty-seventh. To declare the existence of opens, cisterns, sewers or dumps that are unsanitary, stanks, receptacles and other sources within the limits of the city, a nuisance, and to prohibit such existence in any portion of the city.

Fifty-eighth. To declare what shall constitute a nuisance, and to abate the same, and to impose fines upon persons who may create, continue or suffer nuisances to exist.

Fifty-ninth. To provide for and compel the reporting and recording of all births and deaths within the city.

Sixtieth. To regulate and prevent the burial of the dead within the city, and to regulate and determine the manner in which bodies which have been placed in a vault or tomb, or other place,

for the purpose of burial, may be removed, and to regulate and control the location of cemeteries and crematories, and to cause the removal of bodies interred contrary to law, and to vacate or discontinue any cemetery, and cause the removal of any bodies interred therein.

Sixty-first. To regulate the location, construction and management of stock yards, slaughter houses, packing houses, rendering establishments, tallow chandleries storing places for hides, bone and glue factories, gas works, soap factories, dye houses, tanneries, sewage manufactories and other noisome businesses within the limits of the city, or within a distance of one mile outside of the limits thereof.

Sixty-second. To regulate the location, construction and use of breweries, stables, livery stables, blacksmith shops and foundries within the limits of the city.

Sixty-third. To prohibit offensive or unwholesome businesses or establishments within the city, or within one mile of the limits thereof.

Sixty-fourth. To compel the abatement of any soap or tallow chandlery, sewage manufactory, pig sty, privy, or unwholesome or noxious noise or place, to cleanse, clean or remove the same.

Sixty-fifth. To regulate the location of lumber yards and places for piling timber, coal or other combustible material, and the manner of piling the same, and to require any person maintaining any lumber, shingle or lath mill or millwood yards in the city, to remove the same when they become dangerous to buildings, structures or other property.

Sixty-sixth. To establish and enforce rules for the use and regulation of all buildings maintained by the city.

Sixty-seventh. To regulate and prevent the playing of games

or any other encroachments on the streets, alleys, sidewalks or public places, and to regulate the use of bicycles and other vehicles thereon.

Sixty-eighth. To regulate and prevent the riding of horses or animals, the driving of vehicles, and the making of other noises.

Sixty-ninth. To establish and regulate city hospitals and pest houses, and to make all/regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious, infectious or other diseases into the city, and to make quarantine laws, and to enforce the same within the city, and to regulate, control and prevent the landing of persons, baggage, merchandise or other property from boats, vessels, cars or other conveyances infected with contagious diseases, and to make such disposition of such persons or property as to preserve the health of said city, and to prevent infected boats, vessels, cars or other conveyances from coming within or near the limits of the city.

Seventieth. To establish and regulate public wells, cisterns, hydrants, reservoirs, fountains and watering troughs.

Seventy-first. To regulate and control the quality and measurement of gas, and to prescribe and enforce rules and regulations for the manufacture and distribution of gas, and to provide for the inspection of gas and gas meters, and to regulate and control the measurement and use of electricity and electrical apparatus, and other means and agents for furnishing light, heat and power in the city, and to regulate and control the management and use of telephone lines and telephone service in said city.

Seventy-second. To regulate lodging, tenement and apartment houses, and to prevent the over-crowding of the same, and to require the same to be put and kept in proper sanitary condition.

Seventy-third. To prohibit and punish cruelty to animals, and to require that the places where animals are kept, to be maintained in healthful condition.

Seventy-fourth. To inspect and regulate dairies and dairy products, and the sale of milk within the city, and fix to license persons engaged in the sale thereof.

Seventy-fifth. To license, regulate and prevent the employment and occupation of minors in the public streets and public places.

Seventy-sixth. To compel the owners or owners of vacant property within the city limits, to keep the same clear of any brush or other material or substances liable to communicate fire to adjoining property.

Seventy-seventh. To punish injuries to, or interference with, the ornamental trees or shrubbery in the streets and public places of the city.

Seventy-eighth. To provide for the revocation of licenses.

Seventy-ninth. To regulate and require licenses to be obtained for the pursuit and prosecution of such occupations or kinds of business not in this chapter expressly referred to and provided for, as in the opinion of the city council may require regulation; and, in general, to adopt all such measures and establish all such regulations in cases for which no express provision is in this chapter made, as the city council may from time to time deem necessary for the promotion of health, comfort and safety of the inhabitants, the preservation of peace and good order, the suppression of vice, and the enhancement of the public welfare in said city.

Eightieth. To establish and maintain city prisons, workhouses, and other places of confinement, for the imprisonment, punishment and safe keeping of all persons arrested for, charged

rict or convicted of any offense; to make rules and regulations for the government or management of such prison, workhouse or other places of confinement, and to prescribe the duties of the keepers and officers of the same, which keepers shall have all the powers or authority of jailers at common law, or under the laws of this state.

Eighty-first. To provide for the lighting of the city.

Eighty-second. To require the owner or occupant of any premises throughout the city, or in such district or districts thereof as the city council shall direct, to remove mud, ice, dirt or rubbish from the sidewalk opposite to such premises, and to authorize the removal thereof at the expense of such owner or occupant, and to assess the cost of such removal against said premises.

Eighty-third. To provide for and regulate the construction and use of bicycle paths for the exclusive use of bicycles upon any street, alley or public place in said city, and to license the use of bicycles thereon, and appropriate the proceeds of such license to the construction and repair of such paths.

Eighty-fourth. To establish and maintain a municipal employment office, under suitable rules and regulations.

Eighty-fifth. To provide for the investigation of the origin and cause of fires, and to compel the attendance of witnesses and the production and giving of evidence upon such investigation.

Eighty-sixth. To regulate and control, in a manner not contrary to any specific provisions on the subject contained in this charter, the granting, by any person or corporation, of any public franchise or privilege in any of the streets or public places in the city, whether such franchise or privilege has been granted by said city or by or under the state of Minnesota, or any other authority.

Eighty-seventh. To provide for and regulate the payment, by

officers and employes of the city, of their just debts incurred while in the employ of the city, out of the salary or wages due them from the city; and for that purpose, to provide, among other methods, that the city shall be subject to garnishment in regard to such salary or wages, for such debts.

Eighty-eighth. To restrain any person from vending or dealing in spirituous, vinous, fermented or malt liquors, unless duly licensed by the city council; and to license and regulate the sale of spirituous, vinous, fermented or malt liquors, and all persons vending, dealing in or disposing of the same.

Eighty-ninth. To provide for the levy, collection and expenditure of a poll tax within said city.

PENALTIES.

Section 6. The city council shall also have the power to prescribe, in any ordinance enacted by it, the punishment for the violation of such ordinance, by subjecting the offender to pay a fine not to exceed one hundred dollars, or to be confined and kept at hard labor in the workhouse of the city, upon the public works of the city, or in the county jail, or in any place of confinement maintained by the city, for a period not to exceed ninety days.

STYLE OF ORDINANCES.

Section 7. The style of ordinances shall be: "The city council of the city (or) ordain, as follows:" No ordinance shall embrace more than one subject, which shall be clearly stated in its title.

INTRODUCTION, ETC., OF ORDINANCES.

Section 8. No ordinance shall be introduced except at a regular meeting, at which meeting it shall have its first reading. Its second reading shall be at some subsequent regular or adjourned meeting, which shall occur not less than one week after its first reading. Such ordinance shall not be amended after the meeting at

which the second reading is had. The third reading shall be had, and it shall be passed only at a regular or adjourned regular meeting, occurring at least one week subsequent to the time at which the second reading was had. No ordinance shall be passed until it has had three readings, as in this section provided.

No ordinance, or proposed ordinance shall be reconsidered except at the first regular meeting after its adoption or rejection; nor at such meeting, unless there are then present as many members of the city council as were present when said ordinance was adopted or rejected.

PASSAGE, ETC., OF ORDINANCES.

Section 9. In order to enact any ordinance or resolution, it shall require an affirmative vote of at least a majority of all the members of the city council, which shall be taken by yeas and nays, and may be entered upon the journal. Such ordinance or resolution shall then forthwith be presented by the city clerk to the mayor for his approval, as in this charter provided, and when approved, it shall be recorded by city clerk in the books provided for that purpose, and before it shall be in force, it shall be published in the official paper of the city.

CODIFICATION AND CODING AS EVIDENCE.

Section 10. The city council may, from time to time, provide for the compilation and publication, in book or pamphlet form, of the charter, ordinances of the city, rules of the council and any of the departments of the city, and such statutes of the state as it may designate, and may provide for the distribution, by sale or otherwise, of copies of such compilation or publication. Such books or pamphlets, so issued, purporting on the title page to be published by authority of the city council, and to contain the charter and ordinances of the city, or other matter in this section

above mentioned, shall be prima facie evidence of their regularity in all courts of this state, and all provisions of the charter, and all such ordinances, rules, resolutions and resolutions found thereon shall be presumed to have been duly and legally passed, approved, adopted and promulgated.

All justices of the peace, and other courts which may hereafter be established in this city, shall take judicial notice of this charter and its provisions, and all ordinances and resolutions duly passed by the council of the city.

NUISANCES.

Section 11. The powers conferred upon the city to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the court, according to law.

Depots, houses or buildings of any kind within the limits of the city, wherein more than fifty pounds of gunpowder, or more than ten barrels (of fifty-five gallons each) of petroleum or other inflammable or explosive oils or substances are deposited or kept at one time, enabling houses, houses of ill fame, disorderly houses, ordinaries or places where intoxicating liquors are sold without a license, within the city, are hereby declared and shall be deemed to be public or common nuisances.

DEATH AMONG ACCOUNTS.

Section 12. The city council shall have the power to examine, audit and adjust the accounts of the city clerk and city treasurer, and all other officers or agents of the city, at such times as the council deems proper; and it shall be the duty of said city council to examine at least once during the months of January and February of each year, the accounts of all the city officers, and the accounts of the various departments and boards of the city, and to that end, said council shall require each and every officer and

agent to exhibit his books, accounts and vouchers for such examination, or if any officer or agent shall refuse to comply with the order of the city council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or produce his books or vouchers to the city council or a committee thereof, it shall be the duty of the city council to declare the office of such person vacant, and the city council shall order suits and proceedings to be instituted any officer or agent of said city who may be found delinquent or defrauding in his accounts, or the discharge of his official duties.

RIGHT TO ACQUIRE REAL ESTATE, - EMINENT DOMAIN.

Section 13. The city council shall have the power to acquire by purchase or condemnation, such private property as may be necessary for sites for public buildings for the use of the city or all departments thereof; for all approaches connected with any department of the city, and for all streets, alleys and public squares of the city, and to ascertain and determine the value of all such private property, taken for such uses, and the amount of all damages occasioned to any private property by reason of any public works or structures, and the said purposes may appoint commissioners to appraise such values or damages, or acquire information thereof in any other manner it shall deem advisable.

REVOCATION OF LICENSES.

Section 14. Any license issued by authority of the city council may be revoked by the mayor or the city council at any time; and upon conviction before any court of this city of Bemidji, of any person holding a license, for the violation of any of the provisions of the any ordinance relating to the exercise of any right granted by such license, the said court may, and, upon a second conviction, shall revoke such license, in addition to the

penalties provided by law or by ordinance for any such violation.

CERTAIN EXPENSES.

Section 15. The city council is hereby authorized and empowered to expend for purposes not in this charter otherwise authorized during the fiscal year, moneys out of the general fund of said city, not exceeding in the aggregate the sum of five hundred dollars ($500.00); provided that no part of such sum shall be expended except by a resolution adopted by an affirmative vote of at least three-fourths (3/4) of the members of the city council.

The city council shall appropriate a similar sum, not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200.00) as a contingent fund for the use of the mayor.

ASSESSMENTS.

Section 16. Whenever it shall be necessary for the city council, in exercising any of the powers conferred upon it by section five (5) of this chapter to assess any amount of money against any specific property, the city council shall require the city clerk to give notice by publication in the official newspaper of the city at least once a week for two successive weeks, of its intentions to make such assessment upon such property at a meeting of the city council to be specified in said notice, and at said meeting, or at any subsequent meeting, to which said matter may be adjourned, the city council shall hear all interested parties who shall then, or at any subsequent meeting, proceed to make an assessment against such property, and to adopt a proper assessment roll of the same, which shall be certified and returned to the county auditor by the city clerk, and thereupon the county auditor shall extend and levy such assessment in the same manner as other

city assessments are extended and levied. The city council shall adopt any appropriate proceeding provided for in the chapter on local improvements, and assessment of this charter, for the purpose of making such assessments.

PENALTIES.

Section 17. The city council shall have no power or authority to relieve any person or corporation from the payment of any lawful taxes, assessments, fines or license, nor to exempt any person or corporation from any burden imposed upon him or it by law or ordinance, nor to authorize the payment of any demand not established and audited according to this charter; provided, however, that any penalty or judgment recovered in favor of the city may be remitted or discharged by a resolution passed by an affirmative vote of two-thirds of the members of the city council.

APPROPRIATIONS - SALE OF REAL ESTATE.

Section 18. No appropriation of money shall be made without the vote of the majority of all the members of the city council in its favor, which shall be taken by ayes and nays, and entered among the proceedings of the city council.

No real estate belonging to the city shall be sold unless so ordered by a vote of two-thirds of all the members of the city council.

INTOXICATING LIQUORS.

Section 19. All General laws of the state of Minnesota, pertaining in any manner to intoxicating liquors, shall, so far as applicable, be in force in, and apply to the city of Bemidji.

NEW OFFICES NOT TO BE CREATED.

Section 20. The city council shall have no power or authority to create any new salaried office not provided for by this charter, but nothing herein contained shall prevent the city and its officers

from employing such services or agents from day to day and month to month, as may be authorized by the council by resolution.

MANAGER NOT INTERESTED.

Section 31. The city council shall not have the power to authorize the payment of any claims created for illegal imposition on persons or property, except by resolution adopted by a vote of three-fourths thereof.

OFFICIAL NEWSPAPER.

Section 32. The city council, at its first meeting on the first Monday in April, in each year, or as soon thereafter as may be, shall cause the city clerk to advertise in the official paper of the city for one week, for sealed proposals for publishing in such newspaper, which shall have been printed, published and of general circulation in said city, at least one year prior to the advertising of such proposals, the ordinances, financial statement, resolutions and all such official proceedings of the council, and other matters required by the charter, or the ordinances or resolutions of the city, to be published in a legal newspaper, such proposals to state the rates per legal folio of 250 ems nonpareil, as defined by the statute of the state, for the first insertion, and for each additional insertion, of all matter to be published; said proposals to be termed "Proposals for publishing", and addressed to the "city council", which proposals shall be opened at the next meeting of the council, and a contract for such publishing awarded to such newspaper binding the lowest bidder, which paper shall be designated the official paper of the city.

The proprietor or proprietors of such paper shall enter into a written contract for the performance of the duties required of such proprietor or publisher, and give bond in the sum of one thousand dollars ($1000.), with two sufficient sureties, or in

required by the council, conditioned for the faithful performance of such contract.

The treasurer so selected shall be and remain the official payee of the city, and the contract and bond aforesaid shall remain in force for the term fixed unless the city council shall designate another payee as official payee of the city.

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

CHAPTER V.

CONSTABLE AND BOARDS

POLICE DEPARTMENT

HEAD - APPOINTMENTS.

Section 1. There shall be a police department in the city of Denio, of which the mayor shall have control and supervision. The head of this department shall be known as the chief of police.

The members of the department shall be appointed by the mayor, and the mayor may, at his pleasure, remove any member of the department. Any police or police officer so discharged is entitled after the council a hearing, if requested by such officer.

In case of disability, incapacity or absence from the city of the chief of police, the mayor shall appoint from the other members of said police force of the city an acting chief of police, who shall serve in such without extra compensation, during the return to duty of the chief of police, or the appointment of his

vacancy.

In case of the removal of the chief of police, if his appointment was made from the force of the police department, he shall be permitted to return to hold prior to his appointment as chief, unless the grounds for such removal is such as to unfit or disqualify him for a position on the force, in which case such removal shall operate as a discharge from the force

LIMIT OF EXPENSE.

Section 2. The total expense of the police department, including contingent salaries, shall not in any fiscal year exceed the amount of the appropriation for said department for that year.

QUALIFICATIONS.

Section 3. No person shall be eligible for appointment to any position provided in section 1 of this chapter, who is not a citizen of the United States, can not read and write the English language understandingly; nor shall any person be eligible to appointment in the department who has not been a resident of the city for at least one year immediately preceding his appointment, or who, at the time of his appointment, is less than twenty-five years of age.

TEMPORARY APPOINTMENTS.

Section 4. The mayor may, in case of large public gatherings, or other unusual occasions requiring additional police force, appoint such number of temporary police officers at a compensation not exceeding two dollars ($2.00) a day as he may deem necessary, but such temporary appointments shall not continue in force for more than one week without the consent of the city council.

SPECIAL POLICE.

Section 5. The mayor may likewise, at the request of persons,

firm, corporation, organization or organizations employing special police protection, appoint special policemen, who shall serve without expense to the city, and persons police powers to preserve the peace, protect property and arrest persons for crime at such places, and within such limits as may be designated by the mayor; but such special policemen shall not exercise any official authority not true any badge of office outside of the limits so designated, except that, in the event of an arrest made by such special policemen, he may then such badge while beside the person so arrested to the police station.

APPOINTMENT OF COURT OFFICER.

Section 6. In the event a municipal court is established in said city, the mayor shall, at the request of the judge of said court, detail such police officer for attendance upon such court as may be necessary to preserve order and execute the process of said municipal court.

POWERS OF POLICE OFFICERS.

Section 7. The chief of police, and all regular and temporary police officers shall possess the power of constables at common law, and under the statute of this state, and in addition thereto, shall have the power to serve and execute any warrant, mandate, commitment, writ, subpoena or process issued out of a municipal or justice court of the city, and shall have authority to preserve and arrest in the city any person charged with, or who has committed any violation of any provision of this charter, or of any ordinance of the city, or any other offense or crime within the limits of the city; provided, that no such officer shall have the power to arrest without a warrant, except in cases in which arrests without a warrant are authorized by the general statutes of the state, or by this charter; and the violation of any of the provisions of this charter, or of any city ordinance shall be deemed a public

offense.

RULES AND REGULATIONS.

Section 9. The mayor and chief of police are authorized and required to make all needful rules and regulations, not inconsistent with the laws of the state or ordinances of the city, for the government and control of the police department, and each & every officer and department, and all officers, employes and agents appointed under it, efficient, vigilant, prompt and zealous in the discharge of all duties, and shall be in writing, signed by the respective officers, and shall be filed in the office of the city clerk, and shall be binding upon all persons connected with the department. Such rules and regulations as it be published in convenient form, and copies thereof shall be delivered to each member of the department.

MAINTAINING OF THE PEACE.

Section 9. The mayor, or acting mayor, the chief of police, the sheriff of Deltrent county and all police officers shall be conservators of the peace, and any person who shall be present in a tumultuous manner all riots or disorderly behavior or proceedings within the city; and in suppressing any riots and disorderly behavior or proceedings, the highest authority to command and direct shall be vested in and exercised by the senior or superior officer present, in the order before mentioned in this section.

DUTIES OF CITIZENS.

Section 10. If any by-stander or citizen shall refuse to aid in preserving the peace, or in suppressing riots or disorderly behavior or proceedings, when thereto requested, as provided in the last preceding section, he shall be guilty of a misdemeanor, and shall be punished as prescribed in the ordinances of the city, or in case the offense is not punishable under the ordinances of

the city, then no misdemeanors are punishable under the ordinances of the state.

UNLAWFUL ASSUMPTION OF AUTHORITY.

Section 11. If any person shall, without lawful authority, assume to act as police officer, patrolman, detective, or other employe of the police department of the city, or pretend to be authorized so to act, or wear a badge of a police officer within the city, he shall be deemed guilty of a misdemeanor, and shall be punished as prescribed in the ordinances of the city, or in case the offense is not punishable under the ordinances of the city, then as misdemeanors are punished under the ordinances of the state.

FEASANCE.

Section 12. If any person shall wilfully refuse or neglect to assist the chief of police, or any police officer of said city, in making a lawful arrest, when required by such chief of police or police officer so to do, or shall wilfully resist, delay or obstruct such chief of police, or police officer in making or attempting to make a lawful arrest, or in the performance of any other official duty, such person so offending shall be deemed guilty of a misdemeanor, and shall be punished as prescribed in the ordinances of the city, or, in case the offense is not punishable under the ordinances of the city, then as misdemeanors are punished under the ordinances of the state.

COMPENSATION.

Section 13. The compensation of the chief of police, the assistants or other members or employes of the police department, shall be fixed by the city council.

FIRE DEPARTMENT.

ORGANIZATION.

Section 14. There shall be a fire department, of which the mayor shall have general supervision. The fire department shall consist of a board of engineers, composed of a chief, two or more assistant engineers, one or more driving companies, and one or more hook and ladder companies. The engineers shall have and exercise all the powers and be subject to all the directions prescribed by the ordinances of the city, and the laws of the state. They may have such regulations for their own government as they may think proper, subject to the approval of the city council. Said department shall be either volunteer, part paid or paid, but a part paid or paid fire department shall not be established except by an ordinance passed by an affirmative vote of three-fourths of all the members of the city council.

ELECTION OF OFFICERS.

Section 15. If the city maintain a paid fire department, the mayor shall nominate, and the council shall elect the chief and such other officers and members of the department as may be deemed expedient.

If a volunteer fire department is maintained, the members thereof shall elect their own chief, assistant chief and other officers, subject to the confirmation and approval of the city council.

Such volunteer department may adopt a constitution and by-laws not inconsistent with the laws of this state, and subject to the approval and confirmation of the city council.

Such department is also authorized and required to make and submit to the council a draft of all needful rules and regulations, not inconsistent with the laws of this state, or the ordinances of the city, for the government and control of such department, and the prevention and extinguishment of fires. Thereupon the council may consider the same and formulate and adopt such rules and regula-

tions as shall govern and control the said department in all its operations.

POWERS AND DUTIES OF CHIEF.

Section 16. The chief of the fire department, under the direction of the mayor and council, shall have the general superintendence of the department, and the custody of all engines, hooks and ladders, hoses, horses, carts and other property, used and intended for the purposes of said department. He shall see that the laws be kept in proper order, and that all the rules and regulations and all provisions of this charter, relative to the fire department, and to the prevention and extinguishment of fires, are duly executed. He shall superintend the preservation of all property endangered by fire, and shall have control and direction, in case of fire, of all persons, organizations or associations engaged in protecting such property. In case of the absence or disability of the chief from any cause, the assistant chief shall exercise all the powers, and perform all the duties, and be subject to all the responsibilities of the chief.

AUTHORITY AT FIRES.

Section 17. The council may, by ordinance, provide for the removing and keeping away of any and all persons from fires, and may confer powers for that purpose upon the mayor, the chief, assistant chief and other officers of the fire department, and the police officers of the city; and for such purpose the chief or assistants chief shall be vested with police powers. The mayor shall have authority, under such provisions as the council may enact, to call fire engines and other apparatus of the department, with a competent force of employes, to the aid of any other community, or for the preservation of any property endangered by fire outside of the limits of the city.

FIRE ALARM AND OTHER PROPERTY.

Section 10. The council may provide for the establishment and maintenance of an efficient fire alarm telegraph or telephone system for the purpose of the fire department, and shall provide for the purchase or lease of such fire engines and other apparatus for fire protection, as may be necessary to secure the highest efficiency of the fire department.

The council shall also provide for the sale or disposal of any property no longer necessary for the use of the department, and may provide for a new one to be bought or made in place thereof. The council shall also have power to provide for the erection of fire stations or engine houses, and the purchase of necessary sites therefor.

The powers in this section granted are subject to the general restrictions contained in this charter.

INSPECTION OF BUILDINGS.

Section 11. Whenever any building in the city shall be or shall, in the judgment of the mayor and the chief of the fire department be or become unsafe or dangerous in the destruction and removal thereof, and to endanger, pull down and remove such building, or any other building in the vicinity, or any part thereof, that may become dangerous, or likely to communicate fire, and no action shall be maintained against any person, or said city therefor, or on account thereof.

PENALTIES.

Section 12. If any person shall, at any time, refuse to obey orders of the chief of the fire department, or other officer having like authority at such fire, such person shall be guilty of a misdemeanor, and shall be punished as prescribed by the ordinances of the city, or, in case the offense is not punishable under the ordinances of the city, then as misdemeanors are punished

under the laws of the state.

WATER AND LIGHT DEPARTMENT.

POWERS OF CITY.

Section 1. The city council may construct or purchase its water and electric light, power and heating plant, or either of them, and dispose of the same at will. The city by ordinance, enlarge, extend, repair and operate the same. It may furnish water, heat and power for all municipal purposes, and may supply the same to the inhabitants of the city, and to such others as it may deem expedient.

CONTRACTS.

Section 2. The control, management and operation of all such water, light, heat and power plants shall vest in the city council, or in the discretion of the council, may be committed to a board, to be known as the "water and light commission".

ELIGIBILITY AND APPOINTMENT.

Section 3. Said board shall consist of three members, all of whom shall be residents and electors of the city, and at least two of whom shall be freeholders and residents of the city for two years prior to the time of their appointment. They shall be appointed by the District Court of the Fifteen Judicial District of Minnesota, within thirty days after the adoption of this charter, as follows: One member for one year, one member for two years, and one member for three years; said terms to begin on the fifteenth day of December, 1906, and annually thereafter, one member shall be appointed by the district court, as aforesaid. Each commissioners, before entering upon the duties of their office, shall qualify and give bond in the sum of at least twenty-five hundred dollars, conditioned for the faithful performance of their duties.

The members of such board shall be paid a salary of one dollar a year, each, the same to be paid out of the water and light fund,

and form a part of the operating expenses of the plant.

ORGANIZATION - POWERS.

Section 24. Said Board shall organize by electing one of its own number president and another secretary, and such secretary shall be the clerk and bookkeeper of the water and light department. Said board shall employ a superintendent, an engineer and such other necessary help as will enable it to properly perform its duties under this charter, and may discharge such employes at will. Said board shall prescribe the duties of all such employes and shall fix their compensation. Said board and its employes may enter upon any premises for the purpose of examining the same and making surveys, and it may prosecute any suit in the name of the city, against any person for the improper use of water, light, heat and power, or for any injury to any of the property or plant entrusted to its care.

Said board may receive from the persons employed by it, bonds for the faithful performance of their duties. The amount of such bonds shall be fixed by the board.

BY-LAWS - RULES.

Section 25. Said board is hereby vested with full power to make and enforce such by-laws, rules and regulations as may be necessary to carry into effect the object and intent of this chapter, and to amend all such by-laws, rules and regulations to be entered in a book kept for that purpose and signed by the president and secretary, which, when so entered and signed, shall be open at all times for inspection, and shall be evidence in any court of justice. Said board shall fix and maintain the rates and rates for water, light, heat and power furnished by it, so that the water and light fund of the city shall, in each fiscal year, be at least sufficient to defray the cost of the operation, maintenance and extension of the water, light, heat and power system of the city, and to pay the interest on all bonds of the city, designated under this charter,

which may be issued on account of the reconstruction of the water, light, heat and power plant, or to maintain a sinking fund of five percent of the bonds so authorized for replacement.

REGULATION - PENALTY.

Section 20. Said board shall regulate the distribution and use of water, light, heat and power in all places and for all purposes where the same shall be required, either for public or private use, and shall fix the price and rates thereof; provided, that in case of byelaws and ordinances of Ripon, and rescinding and restoring bonds, the lights and lamps for the streets, public buildings and other places, said board shall fix and locate the same as the council shall direct. Provided, that said board shall not charge the city for such water, light or heat at a higher rate than is charged to private parties, nor the price to be charged per year shall not exceed forty dollars for each hydrant. The city shall pay, out of the general fund, to the account of the board, or to the water and light fund, at the rate or price as fixed by the board, for all water, light and heat, furnished to the city for public purposes.

Said board is hereby authorized and required to restrain and prevent any and all waste of water, light, heat and power, and may, when in the judgment thereof necessary, shut off the water, light, heat or power, or take such other action as in its judgment may be proper.

PAYMENT IN ADVANCE REQUIRED.

Section 37. The board shall have full power and authority to require payment in advance for the use of water, light, heat or power furnished by it in or upon any building, place or premises, and in case prompt payment for the same shall not be made, then it and said board shall not agree to supply said building, place or premises with water shall shut off such water, light or heat or power until all arrears, with interest thereon, together with the cost and expense of turning said water, light, heat or power off and on, shall have been fully

pair.

LIABILITY OF OWNER OF PROPERTY.

Section 28. The owner of any private property which has upon it pipes connected with the city water works to convey water thereto, or wires and lamps connected with the city light plant, to convey light, heat or power thereto, shall, as well as the lessee or occupant of such premises, if any, be liable to the city for the rents or water fees all water from such pipes or wires, and all light, heat and power from such plant, upon such premises, and such rents or fees may be recovered in an action against such owner, lessee or occupant, or against any one or more of them.

SUPPLIES.

Section 29. All supplies for the water or light plants, or either of them, shall be purchased as follows: An itemized list of such supplies shall be made by said board and delivered to the clerk, who shall present the same, submit it with his report thereon to the council, and if approved by the council, said bill of supplies shall be purchased under the provisions of Chapter III of this charter, by the board, under the direction of the council. Provided, that the council may authorize the purchase of supplies for amounts up to the sum of two hundred dollars in open market, without inviting proposals therefor, provided, further, that the council, by a two-thirds vote, may authorize an order for light supplies to contract for services or supplies, not to exceed fifty dollars in any one month, which may be absolutely necessary for the operation of the water or light plant, but in the event of any extraordinary or sudden injury to said plant, whereby great damage might ensue by reason of delay, the board shall make its requisition for supplies to the clerk, who, by and with the consent of the mayor, shall purchase supplies on account of the city, without an order from the council therefor, and said board shall cause

the charge of heat to be supplied in such manner as may down here for the interest of the city. Provided, however, that if any revocation of said heat for any sudden shall be refused by the council for any reason, said board may at any time application to the district court of Holbrook county for an appropriate writ to compel the council to furnish supplies, and the court shall, forthwith, hear and determine said matter upon such days' notice to the city by the petitioner upon the mayor thereof. And, during the pendency of such proceedings, if it shall any time be found to contract for the purchase such supplies as the board may be compelled to furnish, all such supplies, as provided by the contract, may be purchased by the board, and the order of the court, should be paid for by the city, by order of the council, as other supplies are paid for.

DUTIES OF COLLECTOR AND TREASURER.

Section 30. It shall be the duty of the person designated as collector, under the direction of the board, to collect and pay forthwith into the treasury, all moneys due on account of the operation of the water, light, heat and power plants, and all the money which may come into his hands belonging to the city. In case any water, light, heat or power rate or any part of service shall not be paid for ten days after the same fall due, said collector shall give to the owner of such premises notice in writing of such default, and that the city will hold no credit for such bill contracted by such tenant. Such notice shall be served as follows: If the owner is a resident of the city, then in the manner provided by law for the service of a summons in district court; if a non-resident, having an agent in the city, then upon the agent; if a non-resident without a resident agent, then by publishing said notice in the issue of the official paper next following the expiration of said ten days. The secretary shall keep a set of books in his office, which shall contain a full and complete statement of the condition and operation of the plant,

all moneys received by the board and pass over to the treasurer, and all warrants made on account of water, light, heat and power plant, and all notes and bills of the board for any other purpose, together with an accurate account of all expenses of the board. At the beginning of every month, the secretary shall present to the overall, upon carefully prepared vouchers, all the bills for labor and material previously obtained or approved by the board as herein provided, which, after being examined and certified to by the clerk, shall be presented to the overall at its next meeting for allowance and payment.

PERMITTED BY OVERALL.

Section 31. Extension of the water pipes of the city, and electric light lines, and the poles or lines, shall not be made except when ordered by said board and approved by the overall.

PENALTIES FOR INJURIES TO WORKS.

Section 32. Any person who shall wilfully or without authority from said board, break, injure or in any manner damage any of the pipes, mains, boxes, hydrants, machinery, poles, wires, transformers or other property or any description belonging to or in any manner connected with said water, light, heat or power plants, or either of them, shall, on conviction thereof, be punished by imprisonment in the county jail for a term not exceeding five years, or in the county jail or house of correction for a term not exceeding two years, or by a fine not exceeding one thousand dollars, or by both fine and imprisonment.

UNAUTHORIZED USE OF WATER.

Section 33. Any person who shall, without authority from the board, tap or tamper with any main or service pipe, or take water therefrom, or open or shut any service cock or fire hydrant, or unscrew wholly or partially the top from such hydrant, or turn

water mark into any body of fresh water or flowing stream for the purpose of boyle [illegible] or mine, or who, being authorized by the board to take water from any lake or permitted stream, shall permit any other person to use said water, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail of Beltrami county for not exceeding ninety days.

INTERFERING WITH WATER.

Section 34. If any person shall maliciously or wilfully divert the water, or any portion thereof, from such lake or stream, or shall corrupt or render the same impure, or shall interfere with, destroy or injure any dike, conduit, machinery or other property used or entitled for preserving or distributing water, such person shall be guilty, as to the property in which action, treble the sums of damages ascertained by them, besides costs, ~~and shall~~ pay, and shall also be severally declared to be misdemeanors, and may be punished as provided for in section 33 of this chapter.

OBSTRUCTING WATER WAYS.

Section 35. It is hereby declared to be punishable by a fine not exceeding five hundred dollars, or by imprisonment in the county jail of Beltrami county for not more than one year, or by both fine and imprisonment, in the discretion of the court, for any person or all persons to neglect or refuse to restore the water to its right controls, or without authority of law or written consent of the owner, to any person or corporation, or to discriminate in favor of or against any individual in regard thereto.

HEALTH DEPARTMENT.

Appointment - Qualifications.

Section 36. The health department shall consist of three members, one of whom shall be a physician, duly licensed to practice medicine within the state of Minnesota, of good standing in

his successor, who shall hold and be entitled for at least three years. He shall be styled Health Officer.

Each member of such department shall be a resident and elector of the city at the time of his appointment. They shall be appointed as other officers by the city council, for a term of one year.

GENERAL POWERS - DUTIES.

Section 37. Except as otherwise provided in this charter, the council in said department shall have and exercise all the authority and powers, and shall perform all the duties provided to be exercised by boards of health by the general laws of the state of Minnesota; and all powers of said boards conferred upon said board shall, so far as applicable, apply to and be in force in the city.

SPECIAL POWERS AND DUTIES.

Section 38. The said department, in addition to the powers and duties conferred in section 37 of this chapter, shall have the following additional powers:

To enforce the laws of the state and the ordinances of the city, and the regulations of the board relative to public health; and for the enforcement of all such laws, provisions of this charter and ordinances, and rules of said board, and to punish violations of the powers of public officers of the city. This health officer will, in addition to other powers in this charter provided for, be required of him, be required:

PROFESSIONAL ADVICE.

Section 39. The health officer shall give the mayor or other city authorities all such professional advice and information as they may require, with a view to the preservation of the public health; and whenever he shall hear of the existence of any malignant, contagious or pestilential disease, he shall investigate the same, and adopt measures to arrest its progress.

TO MAKE A CIRCUIT OF OBSERVATION.

Section 40. It shall be the duty of the health officer to make a circuit of observation to every part of the city and environs, from time to time, and in likewise wherever he may discover the existence of any agent, the presence of which will prove dangerous to the health of the city, and there is no ordinance competent for the correction of the evil, he shall immediately report the same to the city council, accompanied by his written opinion of the necessity of extraordinary or particular action.

TO SELECT SITES FOR QUARANTINE STATIONS.

Section 41. The health officer, by and with the approval of the city council, may select such sites, places and boundaries for quarantine stations and purposes, as may be necessary.

RIGHT TO ENTER BUILDINGS.

Section 42. For the purpose of carrying out the foregoing requirements, he shall be permitted at all times, from the rising to the setting of the sun, to enter any house, store, stable or other building, and to cause the rooms to be raised, if he shall deem it necessary, in order to make a thorough examination of cellars, vaults, sinks or drains, and to cause all privies to be cleaned and kept in good condition, and to cause all dead animals and other nuisances or unwholesome things to be burned or removed, and disposed of as he may direct.

TO SERVE NOTICE TO ABATE NUISANCES.

Section 43. To serve notice in writing upon the owner, occupant or agent of any lot, building or premises, in or upon which any nuisance may be found, or upon any person who shall have caused such nuisance, requiring him to abate the same within a reasonable time, and such notice may be given or served by an officer who may be directed to give the same.

TO PROVIDE BOOKS FOR KEEPING A RECORD.

Section 44. It shall be the duty of the health officer,

to provide, at the expense of the city, the necessary books for keeping a record of all transactions of the health department, including a proper registration of births and deaths, and such other statistical information necessary for such official work of said department.

TO VISIT AND EXAMINE THE SICK.

Section 45. It shall be the further duty of the health officer to visit and examine, or cause to be visited or examined all sick persons who shall be reported to him as suffering from any infectious or contagious disease, and to cause such person to be removed to the hospital, or such other place as he may think proper, and cause him to be provided with suitable nurses and attendants, at his own expense, if he able to pay the same, but if not, then at the expense of the city.

TO PROVIDE EQUIPMENT AND MEDICINE.

Section 46. To provide, under the direction of the council, furniture, fuel, food, medicine and other such articles as may be necessary for the outfitment and maintenance of any hospital for the prevention and control of infectious or contagious diseases among men or animals. To control all such hospitals, and to secure the decent and prompt burial of bodies of all persons dying at such hospital.

He shall, when directed by the poor committee of the council, or the board of health, attend any indigent sick person in the city, and furnish medicine for such person at the latter's expense.

PENALTIES.

Section 47. Any person who, without a permit from the health officer, shall bury or remove the body of any dead person, or shall leave unburied any such dead body longer than four days, or who shall fail to bury the body of any person dying of an infectious

or contagious disease within twenty-four hours after death, when so ordered by such health officer to do so, or who shall refuse or neglect to abate any nuisance for the existence of which, an owner, occupant or agent of the place, upon which nuisance exists, he is responsible, after having received a notice from the health officer to do, or who shall neglect to report the occurrence or existence of any birth, death, or case of infectious or contagious disease as provided for in this charter, the ordinances of the city or the laws of the state; or who shall import or bring into the limits of the city, knowingly, any person or animal sick of contagious or infectious disease, or who shall remove, or cause to be removed, without permission of the health officer, any placard announcing any contagious or infectious disease, attached to any house or building, or inclosure, by the said health officer or his subordinates; or who shall refuse to be vaccinated, or to secure the vaccination of any minor child for whom he may be responsible; or who shall disobey or willfully avoid quarantine regulations imposed by the health officer, or who shall interfere with the health officer or his subordinates; ~~xxxxxxxx~~ in the exercise of his or their duties; or who shall violate any of the provisions of this charter or the laws of the state, or the ordinances of the city relating to the public health, shall, upon conviction, be guilty of a misdemeanor, and punished as prescribed by the ordinances of the city, or in case the offense is not punishable under the ordinances of the city, then as misdemeanors under the criminal laws of the state.

LIBRARY BOARD.

POWERS OF CITY.

Section 48. The city of Denigi shall have the power to establish and maintain in said city public libraries and reading rooms, galleries of art and museums for the use and benefit of the inhabitants of said city, and for such purposes, it shall have

the power of acquiring and taking by gift, grant, purchase, devise, bequest or otherwise, any real or personal property, and of using, selling, controlling, managing and enjoying the same, and may hire, erect and maintain buildings suitable for the purpose contemplated by this charter, but no building shall ever be erected upon land to which the city has not the title in fee simple.

BOARD - HOW CONSTITUTED.

Section 48. The care, control, management and supervision of all public libraries, reading rooms, galleries of art and museums belonging to said city shall be committed to a board, to be known as the "Library Board". Said board shall consist of the mayor of the city of Vonadji, the principal of the public schools of said city, who shall respectively be members ex officio, and three other members, two of whom may be women, and who shall be appointed by the mayor as follows: One member for one year, one member for two years, one member for three years; said terms commencing on beginning on January 1st, 1906, and annually thereafter one member shall be appointed by the mayor as aforesaid.

ORGANIZATION OF BOARD

POWERS.

Section 50. Said board shall organize by electing one of its number president, and another secretary, who shall be the clerk and bookkeeper of said board. It may employ a librarian and such other necessary help as will enable it to properly perform its duties under this charter, and may discharge such employes at will. Said board shall have the full power to make and publish from time to time, by-laws for its own guidance, and rules and regulations for the government of its agents, servants and employes, and for the government and regulation of the libraries, reading rooms, galleries of art, museums and other collections under its control, and shall, in addition, to the herein enumerated powers,

to full power and authority to undertake and perform every act necessary or proper to carry out the spirit and intent of this chapter.

PURCHASE OF BOOKS, ETC.

Section 51. All books, furniture and fixtures and supplies of every description for said libraries, reading rooms, galleries of art and museums, shall be purchased as follows: An itemized list of the same shall be made by said board, and delivered to the city clerk, who shall tabulate the same, and submit it with a report to the city council, and, if approved by the city council, said bill shall be purchased under the provisions of section VI of chapter III of this charter by the clerk, under the direction of the city council. Provided, that the council may, by a two-thirds vote, authorize such purchases to an amount not exceeding one hundred dollars in any one month to be made by said board.

MONTHLY REPORT.

Section 52. It shall be the duty of the secretary, under the direction of said board, to make and present to the council at the beginning of every month, a complete and itemized report of the expenses incurred by said board for the preceding current month, and of the purchases made by said board; provided, that books purchased need not be enumerated, and that the total sum may alone be given insofar as ~~reasonable rules and regulations as shall be necessary for such~~ explanations that said board may consider necessary, and also any information of value regarding the present needs of the property under its control.

report. Such report shall also contain any recommendations or

Said secretary shall, at the time of presenting such report, present upon carefully prepared vouchers all the bills for salaries of employes and for purchases made by said board for the preceding month, which said vouchers, after being examined and certified to by the clerk, shall be presented to the council at its next meeting, for allowance and payment.

LIBRARIES, ETC., FREE TO THE PUBLIC.

Section 53. All libraries, reading rooms, galleries of art or museums established under this chapter, and all collections in any manner under the charge of said library board shall be forever free to the inhabitants of the city of Bemidji, always subject, however, to such reasonable rules and regulations as shall be necessary for their effective administration.

CHAPTER VI.

FINANCE AND TAXATION.

FISCAL YEAR.

Section 1. The fiscal year of the city shall begin on the first day of February.

DEBT NOT TO BE INCREASED.

Section 2. The debt of the city shall not be increased, nor shall any new bond or warrant of the city be issued except as herein provided; nor shall the city loan its credit, become a stockholder, or make any contribution or donation to any person, company or corporation.

PROVISION TO PAY INDEBTEDNESS.

Section 3. The council is hereby authorized to provide by taxation for the prompt payment of interest, and for a sinking fund for the purpose of paying the bonds of the city, whether heretofore or hereafter issued.

WARRANTS.

Section 4. All money and other property belonging to the city, except as otherwise provided in this charter, shall be under the management and control of the council, and money shall be paid out upon the warrant of the mayor, countersigned by the clerk, after having been duly authorized by resolution of the council, passed by the affirmative vote of the majority of the whole number

hereof, provided, that the salaries of all regular officers and employes of the city may be paid upon motion of the council duly passed by a majority vote, but this proviso shall not be construed to include the wages of officers and employes of the city, specially or temporarily employed. The resolution providing for the issue of a warrant shall state the fund on which such 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 specific fund shall be drawn or issued until there is sufficient money in the treasury to the credit of such fund to pay the same, together with all other warrants issued since the adoption of this charter, that may then be outstanding against such fund, and the council is hereby prohibited from authorizing the issue or ordering paid any such warrant, until there is sufficient money, as aforesaid, in the treasury, applicable thereto, to meet 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, and any warrant issued contrary thereto shall be wholly void as to the city, but the same shall constitute a personal claim against the officer or officers issuing the same, and any member of the council voting to authorize the issuance of the same, or attempting to create such indebtedness.

FUNDS.

Section 5. There shall be maintained in the treasury the following funds: A sinking fund, a permanent improvement fund, a permanent improvement revolving fund, an interest fund, a water and light fund, a poor fund, a library fund, a general fund, and such

other funds as the council may, by resolution or ordinance, direct.

1. 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; there shall also be assigned and placed in the sinking fund twenty-five per cent of all license fees collected by the city, and twenty-five per cent of all fines paid into the treasury, and the treasurer shall keep a separate account with the city depositories of all moneys belonging to the sinking fund, and the treasurer is hereby forbidden to place any money, hereby appropriated to the sinking fund, in any other fund.

There shall also be paid into the sinking fund all taxes collected to pay interest in excess of the amount required to pay such interest.

SINKING FUND COMMISSIONERS.

The mayor, treasurer and attorney shall constitute a board of sinking fund commissioners, and the council may, by resolution, define such duties for said board as are not herein provided. Said commissioners shall have charge of the sinking fund, and shall, by and with the consent of the council, invest the same in bonds, or other obligations of the city, issued pursuant to this charter, or in such other bonds as are permitted by law for the investment of public school funds in the state of Minnesota, or in any county or school bonds of this state. In case of investment in the bonds or other obligations 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. Whenever any bonds of the city shall become due, the said commissioners shall, by and with the consent of the council, 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. And said commissioners, by and with consent of the council, may dispose of any of the bonds in said fund at such other time as said commissioners and council may deem for the best interest of said fund. Whenever the amount of said sinking fund, together with the interest and revenue therefrom, computed to the time of the maturity of the city bonds, is sufficient to pay all of said bonds, the levy of three mills hereinbefore provided for, may be omitted, and the moneys otherwise devoted to this fund may be diverted to other funds; but, in case of a decrease of interest, or for any other cause, said fund shall, in the judgment of the council, be insufficient to pay said bonds of the city at maturity, such tax shall be resumed.

Said commissioners shall make a detailed report to the council at its meeting on the first Monday in March, 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 thereunto belonging, with the full description of said 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 section. Whenever, at the maturity of any of the bonds of the city, said sinking fund shall not have money in it sufficient to pay the bonds so maturing, and whenever the council shall deem it advisable and for the best interests of the city, to take up any outstanding bonds not due, the council may issue other bonds of the city to run not exceeding twenty years, on such terms as to rate, the times of payment and rate of interest as may be deemed advisable, and in such amount as may be necessary to meet

such deficiency, and to take up and refund such bonds if not due; provided, that refunding bonds shall in no case draw a higher rate of interest than the bonds taken up.

5. The permanent improvement fund is created for the purpose of paying the cost of all real property and all rights therein, and all improvements thereon, which the city may own or acquire for its various purposes, payment for which is not otherwise provided for out of other funds, and also for the purpose of paying such portions of the expense of local improvements as shall devolve upon the city.

There shall be paid into this fund all moneys received from the sale of any permanent improvement, or property of the city, the proceeds thereof are not otherwise disposed of under this charter, and also such amount as may, from time to time be realized from the sale of bonds issued on account of this fund, and the principal sum of all excess of assessments for sewers, paving, gutter or curbs and gutter. It shall be further maintained by an annual tax, which shall be levied by the council as a part of the annual tax levy.

6. The permanent improvement revolving fund is created for the purpose of providing money for paying for that portion of local improvements, under the provisions of this charter, for which assessments may be levied. It shall not be supported by taxation. There shall be paid into it all moneys received from all assessments levied under this charter for local improvements, and also such amounts as may be realized from the sale of bonds or certificates authorized therefor in this charter.

7. The interest fund is created for the purpose of providing money for the 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, made by the council, upon all taxable property of the city, of such an amount as will be suffi-

cient to pay such interest.

5. The water and light fund is created to provide for the support and maintenance of any plants owned or operated by the city for furnishing to the city or its inhabitants, water or light, and of paying the cost of the purchase, construction, extension, operation, maintenance and repair of the city water or light plant, and the interest on all bonds and outstanding obligations issued on account of said water or light plant.

The fund shall not be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or used in connection with the water or light plant of the city; also the proceeds of all special assessments levied on account of or in connection with such water or light plant; also such amounts to pay from time to time be realized from the sale of bonds issued on account of said plants, and also all money received from the operation of said plants, including water or light rates, rentals and penalties.

Should there be any accumulation of money in this fund beyond the needs thereof, the council may, by resolution passed by a two-thirds vote, direct such accumulation, or any part thereof, to be paid and transferred to the sinking fund.

6. The poor fund is created for the purpose of providing m moneys to be paid out in taking care of the poor of the city. This fund shall be supported by taxation, but no larger amount shall be levied therefor in any one year than one and one-half (1½) mills on the dollar of the assessed valuation of the taxable property of the city.

7. The library fund is created for the purpose of providing moneys for the establishment, support and maintenance of public libraries and reading rooms, galleries of art and museums. All moneys derived from the sale of any property acquired for or used in connection with said institutions, and all moneys derived, either

by gift, bequest, devise, or otherwise, for the benefit of such institution, shall be paid into this fund. This fund shall be supported by taxation, but no larger amount shall be levied therefor in any one year than one mill on the dollar of the assessed valuation of the taxable property of the city.

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

APPORTIONMENT OF MONEYS.

Section 6. The income and revenue of the city paid into the treasury shall, at once, by the treasurer, under the direction of the clerk, be apportioned to and kept in separate funds, established by this charter and by the council, and it shall be unlawful to transfer moneys from one fund to another, or to divert money from the fund to which it belongs, except as hereinbefore provided and except that, when there shall be a surplus of cash to the credit of any such fund, the council may, by resolution, passed by a three-fourths vote of all its members, authorize the said surplus cash to be placed in the sinking fund, or the interest fund; provided, that the money shall never be transferred to any other fund from the sinking fund until the several purposes for which said fund has been established and maintained, shall have been fully accomplished.

NO ONE ENABLED WITH AUTHORITY OF THE COUNCIL.

Section 7. None of the departments, respectively, of the city, or any officer of such department shall have power or authority to make any contract or to create any debt against the city before the council shall have authorized the same by a two-thirds vote of the members thereof; except as provided in section 29 of chapter V, of this charter, 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 claims or the incurring of such indebtedness shall have been previously authorized by the council. Every requisition from any officer, department or commission to purchase supplies or create indebtedness against the city, shall be itemized.

MONEY IN TREASURY.

Section 8. Within thirty days after it has been declared that this charter has been adopted, it shall be the duty of the council, with the assistance of the clerk and treasurer, to apportion the money now in the city treasury, among the several funds herein provided for.

POWER TO BORROW MONEY OR INCUR DEBT.

Section 9. The city of Bemidji may issue bonds by ordinance as follows:

1. For the purpose of constructing, regulating, maintaining, extending, enlarging or improving suitable water, light, heat or power plants, or either of them, or for the purpose of acquiring or paying for any real estate or other property needed in connection with such plant.

2. For the purpose of raising not to exceed twenty thousand dollars, for a permanent improvement revolving fund, provided for in this charter, in order to provide money for any contemplated local improvement, and such bonds shall constitute a first lien upon all such local improvements, and upon the property benefitted thereby and to be assessed therefor.

3. For the purpose of paying, funding or refunding any indebtedness of the city or the interest thereon, existing at the time this charter goes into effect, or created at any time in any manner by this charter authorized. The city of Bemidji, by ordinance

may issue its certificates or other evidences of indebtedness, in anticipation of any taxes or assessments levied upon any portion of the taxable property of the city, as provided for herein. Such ordinance for the issuance of bonds or certificates may provide that the same shall be general obligations, but shall be payable out of any assessed taxes, assessments, funds or liens held by the city, or may limit the city's liability thereon in any other manner, or shall guarantee that the city shall pay for the same, provided, that the bonds so issued under subdivision 2, above mentioned, shall always be general obligations of the city; provided, further, that the city council may for the purpose of constructing a sewer system, authorize/ by resolution the issuance of certificates of indebtedness in anticipation of a bond issue for that purpose; said certificates to be redeemed by the proceeds of said bond issue.

The city shall have authority to protect itself by acquiring title to any property subject to special assessment for local improvements, and shall have authority, by ordinance, to assign and convey any property so acquired, whether proceedings to acquire such title have been had prior to the time of the going into effect of this charter, or in addition, and shall have the power in like manner to assign any lien or right of action, held by the city on account or arising out of any such assessment, as security for the payment of any bonds, certificates or indebtedness, or other evidences of indebtedness mentioned in this section, or to provide that such bonds, certificates or other evidence of indebtedness mentioned herein, may be collected out of such property, liens or rights of action.

Whenever the council shall pass any ordinance to issue bonds pursuant to the provisions of this section, such ordinance shall provide for the submission to the legal voters of the city, at some general or special election, to be called by the council for that purpose, the proposition for issuing said bonds, to an amount

deemed by said council advisable. Such election, whether general or special, shall be conducted in the same manner, with the same formalities as special and general elections are conducted under the general laws of this state.

The ballot to be voted at such election shall read substantially as follows: "Shall bonds be issued by the city of Bemidji under the provisions of section 9, chapter VI of the charter of said city, to the amount of _____ dollars, for the purpose of _____", and no such bonds shall be issued until such proposition has been approved by a majority of the legal voters voting at such election.

The debt of the city shall not be increased by bonds or otherwise, beyond five percent of the total value of the taxable property of the city, according to the last preceding assessment for the purpose of taxation; provided, that bonds may be issued as above provided in sub-divisions 1 and 2, but the total amount of such bonds, when added to the other indebtedness of the city, shall not exceed ten per cent of its taxable property, as above defined; and be provided, further, that bonds may be issued as above provided for during the city's bonded indebtedness whenever required, and provided, further, that certificates of indebtedness against benefited and assessed may be issued as hereinafter provided.

Bonds, certificates and other evidence of indebtedness and obligations of the city, authorized by this section, shall, in no event, bear a greater rate of interest than six per cent per annum, and if they run for more than five years, shall not bear a greater rate of interest than five per cent per annum, and shall, in no event, be sold for less than the par value thereof, and shall be sold in accordance with the provisions of chapter 355 of the laws of the state of Minnesota for the year 1897; secs. 1 and 2 and acts amendatory thereof. Except as provided for in this charter, no warrants, bonds or other evidence of indebtedness shall be issued

by the city or any one in its behalf.

BOARD OF TAX LEVY.

Section 10. There shall be a board of tax levy, which shall consist of the mayor, clerk, and the chairman of the finance committee of the council. Said board shall meet at the office of the clerk on the second Monday in September, each year, and may adjourn from time to time, as may be necessary by the duties hereby required of it, but not later than the 30th of September. Said board shall consider, determine and fix a maximum rate of taxation for the various purposes for which the council is authorized to levy taxes for such year, and it shall be the duty of said board to reduce the maximum rate of taxation for such purposes, to the lowest practical limit, and the clerk shall, on or before the first day of October, certify to the council such maximum rate, and the council shall thereupon make such levy as it shall deem necessary.

BOARD OF EQUALIZATION.

Section 11. The mayor, who shall be the chairman, and one member of the council from each ward, appointed by it for that purpose, shall constitute the board of equalization. The members thereof shall be sworn according to law, as such, and shall meet at the council chamber on the first Monday in June, at ten o'clock in the forenoon, and from day to day thereafter, by adjournment, until their work is completed. Said board shall cause notice of its meetings to be published at least ten days prior to the first day of meeting, in the official paper of the city. Said board shall elect one of its members secretary, who shall keep a record of the proceedings and perform such other duties as may be herein provided. The powers and duties of such board of equilization shall be the same as that prescribed by the general laws for township boards of review and county boards of equilization, so far as relates to property within the city, and the mode of procedure shall be the same as that prescribed by the general laws for the conduct of the proceedings of such boards.

board

and after the same shall have been certified by the mayor and secretary of said board, he shall transmit to the county auditor such revised assessment rolls not later than the ~~third~~ Second Tuesday in ~~August~~ July in each year.

TAX CERTIFICATES.

Section 10. At any time after the annual tax levy has been certified to the county auditor, and not earlier than October the 10th in any year, the council may, by ordinance, passed by three-fourths majority of all the members thereof, issue and sell, or cause to be issued and sold from time to time as many as needed certificates of indebtedness in anticipation of the collection of the taxes, so levied as aforesaid, for any special fund named in said tax estimate for the purpose of raising money for such special fund, but no power shall exist to issue certificates for any of said separate funds exceeding fifty per cent of the amount named in said tax estimate, to be collected for the use and benefit of said fund, but no certificate shall be issued to become due and payable later than December 31st of the year succeeding the year in which said tax estimate, certified to the auditor as aforesaid, was made, and such certificate shall not be sold for less than par and accrued interest, and shall not bear a greater rate of interest than six per cent per annum, which certificates shall upon their face for which of said separate funds the proceeds of said certificate shall be used, and the whole amount aforesaid in said tax estimate for that particular purpose. They shall be numbered consecutively, and be in denominations of fifty dollars, or a multiple thereof, and may have interest coupons attached, and shall be otherwise of such form and terms and with the coupons be made payable at such place as will best aid in their negotiation, and the proceeds of the tax assessed and collected as aforesaid on account of said fund, and the faith and credit of the city are irrevocably pledged for the redemption of the certificates so

loaned.

PENALTIES.

Section 13. Any willful neglect or refusal on the part of the treasurer or clerk to perform the duties required in this chapter, or by the charter of the city, or any vote or act of the mayor or any member of the council, or of any officers or other agents of the city, made or done with the willful intent to evade the provisions of this chapter or the charter, or to divert the funds trained by taxation or pledged by ordinance to any specified purpose, is hereby declared to be misfeasance in office, and upon conviction thereof, such officer shall be removed from office, and shall, in addition thereto, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the Deltroit county jail not exceeding one year, and any occurrence of any neglect, refusal, vote or act, as aforesaid, shallbe prima facie evidence that the same was done with such willful intent.

POLL TAX.

Section 14. Every male inhabitant of the city, between the ages of twenty-one and fifty years, when not exempt by law, shall annually pay a poll tax of not less than one day, nor more than three days' work upon the streets, highways or public improvements of the city, within the ward in which he is a resident, and such number of days shall be fixed and levied by the council by resolution, at the regular meeting in March in each year.

All persons liable to pay such poll tax may, in lieu of work, pay to the treasurer in cash one dollar and fifty cents ($1.50) for each day so fixed by the council. The clerk shall, not later than the first day in May in each year, prepare a full and complete list in triplicate, of all residents in the city who are liable to pay poll tax; said list shall be compiled from the last voter's list used at any municipal or general election, as the case may be,

held in the city, and it shall be his duty to add thereto the names of all other persons liable to pay said poll tax who have been omitted from said poll list, or who have become residents since the same was prepared. The list shall, after the name of each person thereon, contain a check mark in the pro or column to indicate the ward in which a person resided at the time such poll tax list was prepared, and if exempt, the cause thereof, and if such person has died or removed from the city, the fact shall be indicated on poll list. The list, when completed, shall be submitted to the council for approval, and when corrected and approved, one copy thereof shall remain in the office of the clerk, and be at all times open for inspection, one copy shall be delivered by him to the treasurer, and the third shall be delivered to the street commissioner, and shall be prima facie evidence of the liability vel non of the person named therein to payment of poll tax.

The clerk shall, not later than the 10th day of May, in each year, notify each person in the city, who is liable to poll tax, by postal card, of the amount of said tax, and that it may be commuted at the rate of one dollar and fifty cents per day, by payment at said rate to the treasurer, who shall receive all such payments and place them in the general fund, and shall make each month a detailed report thereof to the council, at its regular meeting. Said report shall give the name and ward of each person who has made payment of said poll tax to him during the preceding month.

All of said poll tax, which shall not have been commuted, shall be worked out in person, in the manner provided by the laws of the state for the collection of highway labor in towns, except that the same shall be worked out under the supervision and direction of the street commissioner.

Said street commissioner shall make report in writing to the council monthly, at its regular meeting, which report shall be in detail, and give the name and residence by wards, of all persons

who have worked their said poll tax under his direction, and the date and place thereof, and shall show the names of all persons who have not worked or commuted their said poll tax.

It shall also be the duty of the said street commissioner to call to the said list the names of all persons legally liable to the tax, who may have been omitted from said poll tax list, and to report the same to the council, and to compel all such persons to work or commute said poll tax.

Failure on the part of said street commissioner to make said reports, or any of them, or to add the names of all such persons liable to poll tax to said list, and to require them to pay or commute the same, and promptly report to the council all such persons who fail, refuse or neglect to pay or commute said poll tax, shall be ground for removal from office, and he shall thereafter be disqualified for appointment as a street commissioner.

This provision shall not be construed to be a bar to any prosecution of said street commissioner for any neglect of duty or other wrongdoing.

Every person, resident of the city, liable to poll tax, who has been duly notified, and does not commute, and who refuses or neglects to appear in person at the time and place and work his poll tax, when required, and as directed by said street commissioner, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in the manner provided in the general laws of Minnesota, relating to misdemeanors and penalties for misdemeanor and duty, shall be liable to a fine not exceeding one hundred dollars, or by imprisonment in the county jail of Dakota county for not exceeding three months.

CHAPTER VII.

EIGHTH DOMAIN - LOCAL IMPROVEMENTS AND ASSESSMENTS.

POWER TO ACQUIRE PROPERTY.

Section 1. The city of Hastings is hereby empowered to acquire,

by purchase, condemnation, proceeding or otherwise, any property, corporeal or incorporeal to recover situated, either within or without the limits of the city, which may be needed by the city, or any board or department thereof, for any public purpose whatever.

And the fact that the property so needed has been obtained by the owner under eminent domain, or is already devoted to a public use, will not prevent its acquisition by the city.

Where nothing is specified to the contrary, the city, in any acquisition of property, shall be deemed to have acquired the fee title and absolute ownership of such property, except in cases of streets and alleys.

The city of Meridji is hereby empowered, except as hereinafter specified, to levy assessments upon any property, benefitted by any improvement which may be made by the council under the provisions of this chapter, to the extent of such benefits, without regard to valuation.

APPOINTMENT OF COMMITTEE.

Section 5. Whenever the city council shall consider it necessary to procure real estate, or any rights in real estate or any other property, for any public grounds, engine houses, markets, or for any public building, or for water works, whether the same be water or land, the city council shall appoint a committee of not less than three of its members, who shall make examination and propose to the city council a location and description of land suitable for such public grounds, engine houses, market or other public building, or for water works, as the case may be, and present to the city council a plat of the real land proposed to be taken, and in the report shall show, so far as the committee shall deem necessary, what buildings or structures can be used in the appropriation and any other matter which the committee shall deem proper for the information of the city council; and such committee may present, for the consideration of the city council, more than one

location and plat.

NOTICE OF REPORT.

Section 3. Such committee shall file their report with the city clerk of said city, who shall give notice by publication, twice in the official paper of said city, that such report is on file in his office for the inspection of all persons interested, and that the same will be presented to the city council for action thereon, at a meeting of the city council, to be named in such notice, which shall be the regular meeting of the city council which shall occur next after one week from the second publication of such notice.

At the meeting named in said notice, the city clerk shall, next after the reading of the minutes of the previous meetings, present such report, and the matter may be acted upon by the city council at the time or any subsequent meeting.

The city council, under such rules as it may prescribe, may hear any person interested in the matter, or refer the matter to a committee to hear such persons and report.

CONDEMNATION PROCEEDINGS.

Section 4. Whenever the city council shall determine upon the lands and other property to be taken and appropriated, it shall designate the same, as nearly as may be convenient, and shall cause such plat, or survey, as may be necessary to show or explain the same, to be made and filed with the city clerk; and the city council shall then, or afterwards, appoint five commissioners, who shall be free holders of the city, and no more than two of whom shall reside in the same ward, to view the lands, or other premises to be taken and appropriated, and ascertain and award the amount of damage or compensation to be paid to the owners of the property so to be taken and appropriated.

Three or more of such commissioners shall constitute a quorum

may be required by such commissioners.

They shall be notified by the city clerk, by notice to be served upon them personally, 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 mailing or service 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 Bardolf, the sum of fifty dollars, to be recovered to the use of the city in a civil action, and in case a quorum of such commissioners shall not so attend at the time and place designated in said notice, the mayor, or acting mayor of said city may, in writing, appoint one or more commissioners in the stead of any such absentees.

The commissioners shall be sworn by the clerk, or any officer authorized to administer oaths, to discharge their duties as such commissioners in the matter with fidelity and impartiality, and make due return of their action to the city council.

They shall give notice, by two publications in the official paper of said city that they will, on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in such notice, on or near the premises proposed to be taken and appropriated, and view the 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 commissioners shall meet and view the premises, pursuant to such notice, and may adjourn from time to time, and after having viewed the premises, may for the hearing of evidence and preparation of their award, adjourn or go to any other convenient place in said city, and such commissioners shall make a true and impartial appraisement and award of the compensation and damage to be paid

to each person whose property is to be taken or appropriated, and report the same to the city council; and such award shall lie over until the next regular meeting of the city council, which shall occur at least one week after the reception of such award, at which, for any subsequent time, the city council may set on such award and hear any objection made thereto, or may refer the matter to a committee to hear such objection and report thereon.

The city council may confirm such award, or annul the same, or send the same back to the same, or other board of condemnors, for further consideration; and such readjustments may in such case, on giving notice published once in the official paper of said city, again meet at a time not less than to be fixed named in said notice, which shall be at least two days after the publication of said notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time and correct any mistake in such award, and revise and alter the same as they may deem just, and again report such award to the city council, who may confirm or annul the same.

When any such award shall be confirmed by the city council, the same shall be final and conclusive upon all parties interested, except as hereinafter provided.

PAYMENT OF AWARDS.

Section 8. Whenever an award of compensation and damages shall be confirmed by the city council, and not appealed from, and whenever the same, if appealed from, shall not be set aside by the court, the same shall constitute a lawful and sufficient consideration and appropriation to the public use of the land and property and rights ~~in~~ property for which compensation and damages are so awarded; and the city council shall thereupon cause to be paid from the permanent improvement fund of said city to the owners of such property, the amount awarded to each.

In case such payment is not made within one year after the

confirmation of the award, or the determination of the appeal thereupon, the proceedings shall be deemed to be abandoned.

Before any payment of such award, or order of the property, or the dismissal of the award, shall invest an estate of title, absolute entitled to all the compensation or damages allowed. In case of neglect to furnish such bond, or where title to any such is to be entitled to such compensation or damage, or any part of the same, the amount awarded shall be by the city council deposited in such part in the city treasury for whoever shall show right to receive the same.

The city council may, in its discretion, require of such claimant a bond, with good and sufficient surety, conditioned to indemnify and save the city harmless against all other claims for such compensation or damages, or for the property for which the same was awarded, and all loss, costs or expenses on account of such claims.

Provided, that whenever the city attorney shall certify in writing to the city council that he is in doubt as to or whom the said award shall be paid, the city council may order a warrant to be drawn for the same, payable to the clerk of the district court of Bottineau county, and the city clerk shall deliver the same to the said clerk of court, and take his receipt for the same, which deposit with said clerk of the court shall have the same effect as if set aside in the city treasury, as hereinbefore provided; and in such case, the parties entitled to the same shall establish their rights to the same by a petition to the said district court, setting up the facts entitling them thereto, and by proving the same to the satisfaction of the court, and when so established, the court shall make an order directing to whom the same shall be paid.

Upon the payment of said award or appropriation, or the setting apart of the money in the city treasury to pay the same, as aforesaid, the city shall become vested with the title to the property taken and condemned absolutely for all purposes for which the city may

or have occasion to use the same, and may forthwith enter upon and use the same.

This section shall apply, as well, to all cases of appropriation of private property for public use provided for in this chapter.

STREETS AND WATER COURSES.

Section 6. Whenever the city council shall vote to lay out or open any new street or alley, or to straighten, widen or extend any street or alley, or to lower, raise, change the course of, or divert the stream of water, or any ditch or drain, which shall make it necessary to take, injure or interfere with private property, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the proposed improvement, and thereupon it shall be the duty of the city engineer, or such engineer as the council may employ, to make and present to the city council a plat and survey of such proposed improvement, showing the character, course and extent of the same, and the property necessary to be taken, or interferred with thereby, with the name of the owner or each parcel of such property, so far as the engineer can readily ascertain the same, and such statement as may in the opinion of the engineer, be proper to explain such plat or survey and the character and extent of the proposed improvements, and his estimate of the cost of such improvement, if it consists in lowering, raising, changing the course of or diverting any stream of water, ditch or drain; and the city council may cause such plat and survey to be modified, amended or changed as it may deem proper, and shall estimate and fix upon the cost of making such improvement, if it consists in lowering, raising, changing the course of, or diverting any stream of water, ditch or drain.

When such plat and survey shall be finally adopted by the city council, it shall be ~~filed with the city clerk, and it shall be~~

filed with the city clerk, and it shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the city council.

Said plat shall also show the amount of land taken from each owner, so far as the owners may be known, and the lands contiguous to such improvement.

The city council shall then or afterwards, appoint five freeholders of said city, no more than two of whom shall reside in the same ward, as commissioners to view the premises, and to ascertain and award the amount of damage and compensation to be paid to the owners of property which is to be taken or injured by such improvement, and to assess the amount of the damage and compensation and the expense of the improvement, where it consists in leveling, raising, changing the course of, or diverting any stream or water, ditch or drain, upon the lands and property to be benefitted by such improvement, and in proportion to the benefits to be received by each parcel, and without regards to a fresh valuation.

Three or one of such commissioners shall constitute a quorum and be competent to perform any duty required of such commissioners; and they shall be notified of their appointment, and vacancies in their number be filled in the same manner, and they shall take the same oath and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way as is provided in the case of commissioners appointed under section 4 of this chapter.

They shall give notice by two publications in the official paper of said city that such survey and plat is on file in the office of the city clerk, for the examination of all persons interested, and that they will, on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in such notice, on or near the proposed improvement, and view the property proposed to be

taken or injured, etc., for the purpose of said improvement, and assess in and award therefor compensation and damages, and view the premises to be benefitted by said improvement, and assess thereon in proportion to benefits, the amount necessary to pay such compensation and damage, and the cost of making the improvement, where it consists in covering, raising or changing the course of, or diverting any stream of water, ditch or drain, and that they file their said views and assessments and proof of interested parties by them.

And such commissioners will not and view the premises pursuant to such notice, and may adjourn from time to time, and , having viewed the premises, may, for the hearing of evidence and preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of the city engineer, and of any other officer of the city.

After viewing the premises and hearing the evidence offered, said commissioners shall prepare and make a true and impartial appraisement and award of the compensation and damages to be paid to each person whose property is to be taken, or injured by the making of such improvement; but if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefitted by such improvement, then the commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, but award him only the excess of the compensation or damages over and above such benefits.

The said commissioners shall then assess the amount of such compensation and damages so awarded, upon the land and property benefitted by such improvements, together with the expense and costs of making the improvements, as fixed by the city council, if such improvements consist in so lowering, raising, changing the course

of, or diverting any stream of water, ditch or drain in said city, and in proportion to such benefits; but in no case shall the amount of said assessment exceed the actual benefit to the lot or parcel of land so assessed, deducting therefrom any damages or injuries to the same parcels which are less than benefits, and assessing only the excess, and they shall prepare and report to the city council their appraisement and award. And if in the judgment of said commissioners the whole amount of such compensation and damages, together with the cost of making said 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 costs, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of property assessed, the name or names of the owners thereof, if known, and the amount assessed against each parcel of property, and the excess of the excess of such compensation, damages and costs aforesaid, which they shall return unassessed.

Such commissioners shall, upon the completion of their said report, file the same with the city clerk for presentation by him to the city council, and thereupon it shall be the duty of said city clerk to give notice to all interested parties by one publication in the official paper of said city, that he will, at the next meeting of the city council, or as soon thereafter as practicable, present such report to the city council for their consideration and action, which said notice shall be published at least five days before the presentation of such report to the city council.

Such published notice shall contain descriptions of the several

lots or parcels of land taken for such proposed improvements, and the amount awarded for the taking of each such lot or parcel, together with the names of the owner or owners of the same, as nearly as they can be readily ascertained.

It shall also contain descriptions of the several lots or parcels of land upon which benefits have been assessed, and the amount assessed against each lot or parcel, together with the names of the owner or owners of the same, as nearly as the same can be readily ascertained.

Such report, after its presentation to the city council, shall lie over until the next regular meeting of the city council, at which time, or at any meeting, the city council may act upon such report and hear any complaint touching such award or assessment, or it may refer the matter to a committee of the council to hear such complaints and report thereon.

The city council may confirm such award or assessment, or either annul the same or send the same back to the same committee for further consideration, and the conclusions may in such case, again, upon giving notice, substantially published once in the official paper of said city, meet at a time and place to be designated in said notice, which time shall be at least two weeks after the publication of said notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in such award and assessment, and alter and revise the same as they shall deem just, and again report the same to the city council, which may thereupon confirm or annul the same.

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 is hereinafter provided, and the city council shall proceed, at the

ame or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by the commissioners, in accordance with the assessment as confirmed, and cause to be made and adopted an assessment roll of the same, which may be in the following form, or in any other form the city council may adopt:

The city council of the city of Beulah doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel: This assessment is made to defray the compensation and damages awarded for the taking of and injury to private property, and estimated cost of improvement in and about the _____ _____, as shown on the plat and survey of the same on file in the office of the city clerk of said city. This levy is made conformably to the report and assessment of commissioners duly appointed to make such assessment, and in proportion to benefit from such improvements to accrue to the parcels and not exceeding the benefits to the parcels so assessed.

Name of Owner, if known.	Description of land.	Lot	Block	Amount Dollars	Amount Cents

Done at a meeting of the city council this _____ day of _____ A. D. 19[illegible]

Attest:

_____ City Clerk.

_____ Chairman of the Council

OBJECTIONS AND APPEALS.

Section 7. Any person whose property is supposed to be taken, but aggrieved with or assessed for benefits under any of the

provisions of this chapter, and who deems that there is any irregularity in the proceedings of the city council, or action of the commissioners, by reason of which the award of the commissioners ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interference with his property, or with the amount of the assessment for benefit to any property affected by such proceedings, may, at any time before such award or assessment shall be confirmed by the city council, file with the city clerk, in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of, and containing a description of the property affected by such proceedings; and if, notwithstanding such objections, the city council shall confirm the award or assessment, such person objecting shall have the right to appeal from such order of confirmation of the city council to the district court of the county of Beltrami, at any time within ten days after such order.

Such appeal shall be made by serving a written notice of such appeal upon the city clerk of said city, which shall specify the property of the appellant affected by such award, and refer to the objection filed as aforesaid, and by also delivering to the said city clerk a bond to the city of Bemidji executed by the appellant, or by some one in his behalf, with two sureties, who shall justify in the penal sum of fifty dollars, conditioned to pay all costs that may be awarded against the appellant.

Thereupon the city clerk shall make out and transmit to the clerk of said district court a copy of the award of said commissioners, as confirmed by the city council, and of the order of the city council confirming the same, and of the objection filed by the appellant as aforesaid, all certified by the city clerk to be true copies, within ten days after making such appeal.

There shall be no pleading on such appeal, but the court shall

determine in the first instance whether there was in the proceedings any such irregularity or omission of duty prejudicial to the appellant and specified in his said written objections that as to him the award or assessment of the commissioners ought not to stand and whether said commissioners had jurisdiction to take action in the premises.

But if more than one appeal be taken from any award, it shall not be necessary that the clerk in appeals subsequent to the first should send up anything except a certified copy of the appellant's objection.

The case may be brought on for hearing on eight days' notice, at any general or special term of court, and shall have precedence of other civil cases, and the judgment of the court shall be either to confirm or annul the proceedings only as the same affects the property of the appellant proposed to be taken, damaged or assessed for benefits and described in said written objection. From such a determination no appeal or writ of error shall lie.

In case the amount of damages awarded or assessment made for benefits is complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, appoint upon such confirmation appoint three disinterested free holders residents of said city, commissioners to re-appraise such damages or benefits. The parties to such appeal shall be heard by said court upon the appointment of such commissioners. They shall be sworn to the faithful performance of their duties as such commissioners and shall proceed to view the premises and to hear the parties interested with their allegations and proofs pertinent to the question of the amount of such damages or assessments.

Such commissioners shall be governed by the same provisions in respect to the method of arriving at the amount of damages and the effect thereto of benefits to other property of the same owners

and in all other material respects as are in this chapter made for the government of commissioners appointed by the city council.

They shall, after such hearing in view of the premises, make report to said court of their appraisal or damages or assessments of the benefits in respect to such appellant.

The award or assessments of such commissioners shall be final unless set aside by the court for good cause shown. In case such report is set aside, the court may in its discretion recommit the same to the same commissioners, or appoint a new board, as it shall deem best; but no appeal or writ of error shall be allowed from any order of the court in the premises.

Said court shall allow a reasonable compensation to such commissioners for their services, and make such award of costs on such appeal, including the compensation of such commissioners, as it shall deem just in the premises.

In case the court shall be of the opinion that such appeal was frivolous or vexatious, it may adjudge double costs against appellant.

ANNULMENT

Section 9. Whenever any portion of any award made by commissioners(and confirmed by the city council under the provisions of section(4) four and six (6) of this chapter) shall be annulled by the court upon appeal, as hereinbefore provided for, the city council may again appoint commissioners to view the property which was affected by such appeal, and appraise and award the acquisition and damages to be paid for the taking or appropriation of the same; and like proceedings shall be had so far as applicable, as are prescribed in sections 4 and 6, except that such commissioners shall make no new assessments of costs and expenses.

They shall, however, in arriving at the compensation and damages to be awarded, take into consideration and offset any benefits which in their judgment, the contemplated improvement will be to

the remainder of the property, part of which may be taken or appropriated, and report their award to the city council, whereupon the same proceedings may be had so far as applicable, as upon an original award.

And if such award shall again, upon appeal, be annulled by the court, still another commission may be appointed, and award made in the same manner, and so on, until a valid award shall be made, but no new assessment for benefits shall be made merely by reason of any change in the amount of the sum awarded for compensation and damages, but any sum which may be looking to pay the awards shall be paid from the permanent improvement fund.

AUTHORITY TO CONSTRUCT IMPROVEMENTS.

Section 10. The city council is hereby authorized, in its discretion, to cause to be paved, repaved or macadamized any street, alley or public place, or any part thereof, in said city, and to cause to be constructed any gutter, or curb and gutter, along any street or alley, or any portion thereof, and also cause to be laid or relaid any water mains or sewer pipes along any of the streets or alleys of the said city, or any portions thereof, and to assess the cost of such improvements upon the lots and parcels of land abutting thereon in the manner hereinafter provided.

PROCEEDINGS.

Section 11. Whenever the city council shall determine to cause to be paved, repaved, or macadamized any street, alley or public place in said city, or to construct any gutter, or curb and gutter along any such street or alley, or to lay, relay or extend any water mains or sewer pipes in or through such streets or alleys, or any portions thereof, it shall designate in a general way, as nearly as may be convenient, the character and extent of the improvements, and the materials to be used therein. Thereupon, it

shall be the duty of the city engineer, or such engineer as the council may for that purpose employ, to prepare and present to the city council an estimate of the cost of such improvements, stating therein the proportions of such estimated cost necessary to construct such improvements in front of abutting lands, which costs shall not, in case of water mains, exceed the cost of a six inch pipe, and in case of sewers, shall not exceed the cost of a sewer two feet in diameter in front of such abutting lands, and the proportions thereof required to construct such improvements across streets and alleys, and in front of lands not subject to assessment, and also the excess of cost in case of water mains and sewers, over and above the cost of such six inch water pipe, or sewer two feet in diameter, and where the cost of excavating is excessive.

A brief minute of the reception of such a report shall be made and published in the proceedings of the city council, which shall be held to be sufficient notice to all persons concerned; and such report shall lie over until the next regular meeting of the city council, which shall occur at least one week after the reception of such report, and the city council, in its discretion, may direct the city engineer, or such engineer as the council may employ, for that purpose, to advertise for, and receive bids for doing the work, and furnishing the material required to construct and complete such improvements and report the same to the city council at the meeting to which such report is laid over or at any subsequent meeting.

The city council may consider such estimates and bids for doing said the work, and any further communications from the city engineer regarding the matter, and under such rules as it may make, shall hear all persons interested in such improvements who may desire to be heard, and the council may adhere to its resolution of making such improvements, or may modify the character of the same or may abandon them in part or in whole.

If the city council shall determine to make any such improvements, it may proceed to contract for the construction thereof, or it may direct the city engineer or the engineer employed by said council, to provide the necessary materials for and construct such improvement by day labor. After the completion of any such improvement, or at any time when the actual cost thereof can be determined, the said engineer shall make and present to the city council assessment rolls for the cost of such improvement, not exceeding in the case of sewers, the cost of a sewer two feet in diameter, when larger sewers are constructed not exceeding one dollar and fifty cents per front foot on each side of any street or alley, where the cost of excavation is excessive, and in case of water mains, not exceeding the cost of laying a six inch pipe where a larger pipe shall be laid, nor exceeding sixty-five cents per front foot on each side of any street or alley where the cost of excavating is excessive, and the city council shall assess and levy such cost, or proportional cost of making such improvement opposite to, or in front of, the lots and parcels of land described in the list so made by said engineer, upon such lots and parcels of land, upon the basis of an equal sum per front foot measuring along the line of such improvements; and the city council shall cause to be made, and shall adopt an assessment roll thereof, which may be in the following or any other form which the city council may deem proper:

The city council of the city of Bemidji does hereby assess and levy upon and against the several lots and parcels of land below described the respective sum of money set opposite each lot or parcel. This assessment is levied to defray the expenses of _____, in the city of Bemidji, along _____, and said lots and parcels of land are assessed upon the basis of an equal sum per front foot along the line of such improvement.

Name of owner if known	Description of Land	Lot	Block	Amount Dollars	Cents

Done at a meeting of the city council this _____ day of _____ A. D. 190_____

Attest:

City Clerk

Chairman of the Council.

COST IN EXCESS OF ASSESSMENT.

Section 12. The cost of laying water mains, not provided for by assessment, including the increased cost of larger mains, and the cost above sixty-five cents per front foot of each side of any street or alley, where the cost of excavation is excessive, and the cost of laying mains upon street crossings, as well as the proportion which would otherwise be assessed against any property which is by law exempt from such assessment, shall be paid out of the water and light fund.

The cost of constructing any crossing, gutter, curb and gutter or sewer not provided for by assessment, including the cost of constructing the same across streets and opposite property which is by law exempt from such assessment, and the cost of sewers exceeding one dollar and fifty cents per front foot on each side of any street or alley where the cost of excavating is excessive, shall be paid out of the permanent improvement fund of said city.

LIMIT OF ASSESSMENTS.

Section 13. The aggregate amount of special assessments which shall be made in any one year for sewers, paving, gutter or curb and gutter as in t is charter provided, shall not exceed the

ant of twenty thousand dollars ($20,000) but such limit shall not prevent the city council from ordering work aggregating in special assessments more than the said sum of twenty thousand dollars ($20,000) in any one year.

Providing that the resulting property owners desiring such improvements to be made may advance and pay into the city treasury of said city the cost of any such improvements over and above the amount of said sum of twenty thousand dollars, and in such case, the entire amount of such assessments shall be prepaid into said city treasury to the credit of the permanent improvement revolving fund.

BRANCH PIPES.

Section 14. The city council may at all times regulate and control the time and manner of laying and constructing, by private parties, branch pipes and severs, leading from main lines of water mains and severs, and of making connections with the main lines and with branch lines, both public and private.

The city council may, whenever it shall deem it necessary to lay or construct branch pipes or severs in order to prevent future tearing up of 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, number and manner of construction of such branch lines, providing, in its discretion one or more for each distinct lot or parcel of land, or one or two or more adjacent lots or parcels of land, may require the proper officer to make surveys, plats and profiles showing the same, which when approved and adopted shall thereafter be preserved in the office of the city clerk, and may thereupon, whether such main line has already been constructed, or is in process of construction, forthwith lay and construct all such branch pipes and severs not already constructed by private parties interested from a connection with the main line to the line of the street.

Whenever the city council constructs one or more such branch pipe or sewers, it shall assess the whole cost of each upon the lot or parcel of land to which it runs, without regard to the valuation or frontage of such lot or parcel of land, but in case the branch is to serve two or more lots or parcels of land, it shall assess the whole cost of the same upon all the lots or parcels of land to be served by it - an equal sum per front foot without regard to valuation.

The cost of such branch may be assessed and collected in advance of their construction, as in case of other improvements, in which case the cost shall be so levied and fixed in a manner substantially as provided in section 11, chapter VII hereof, for the improvements therein specified, with such variances in the matters to be reported, and in the other details, as shall be occasioned by the different characters of the improvements; or such branches may be determined upon and particularly constructed without prior estimate or other proceedings, in which case the actual cost of construction, certified to by the city engineer, or such engineer as the council may employ for said purpose, and approved by the council, shall be assessed, after the completion of the same, against the private property as above specified.

In either case the assessment shall be made and collected substantially as provided in the case of other improvements. The city council may, however, in case it constructs any branch at the time it constructs the main line, assess in the manner above named the whole cost thereof, and add the same to and include it with the assessment for the main line.

PIPES AND AREAS.

Section 15. The city council may, subject to such terms, and under such regulations as it may fix, require all persons using an area or any space within the lines of any street, to permit to

be laid within such area or such all necessary branch pipes, both water and gas, and branch sewers to a connection with other branches, and no permits for the excavation or use of any area or space within the lines of a street shall be given, except upon condition that it may be used by others in the manner and for the purposes above named; and to allow the use of any hydrants or other part of the water works of said city.

DEALING WASTE MATERIALS.

Section 16. Whenever any sewer of said city shall be extended to, or in the vicinity of any tract of wet or marshy land, either within or without the limits of said city, and the city council shall consider that the public health of the city demands the drainage of such wet or marshy lands and the extension of such sewer to or into such lands and beyond the lines of the streets of the city, the city council may, by resolution, direct the commencement of proceedings against the owner or owners of said wet or marshy land, and thereupon said city shall have the right to maintain in the district court of the county of Le Sueur, or in any other court of competent jurisdiction, an action against such owner or owners to compel a contribution from them, to defray the expenses of extending such sewer to or into such lands, and the additional expense, if any such may be caused by the necessity, of enlarging the sewers through the streets of the city from such tract of land to the outlet of such sewer.

In such action, the court shall have power to direct, the joining of other parties to such action as defendants, in such manner as it shall adjudge equitable, and shall make award of such sum or sums of contribution to the expense of such sewer as it shall deem just and in proportion to the benefit of each specific parcel of such wet or marshy land as shall be affected by such sewer, but in no case to exceed the amount of benefit it shall ad-

judge to accrue to each of such specific parcels by reason of such extension or such sewer.

Such award shall stand on the determination of such court, and said city shall, upon the completion of such work, have judgment and execution for the several sums so awarded, which judgment shall be upon the lien against each of the parcels of the land upon which such award shall be made, which lien shall have priority over every lien or charge upon such parcel, and such judgment may be enforced only against such specific property.

If, upon the making of such award by said court, the city council shall consider the whole expense of such improvement above the amount of such award to be an excessive burden on the city, it may abandon the proceedings by paying the taxable costs in such action, or it may determine to proceed with part of such work and abandon the remainder thereof, or it may, in its discretion, delay the performance of the work not exceeding three years.

And whenever the city council shall determine that any wet or swampy district in said city needs to be drained, for the public health of the city, or for other public benefit, then the said city council, may cause to be devised and carried into construction and effect a system of drainage for such wet and swampy districts, by sewers or covered drains, made of wood, stone, brick or other material, or partly of one material and partly of other materials, as the said city council shall determine, or by open ditches or canals, where the same will best effect said drainage; or partly of sewers or covered drains, and partly of open ditches or canals.

And said city council may cause the cause the cost of such system of sewers, covered drains, ditches or canals, to be paid by special assessments to be made upon all the real property within such wet or swampy district, including any high land within or adjoining the same, which shall be benefitted by said system of drainage, on the assessed value of each parcel of real property as

benefitted.

Said system of drainage for any such or marshy district may be constructed at one time, or during one year, or at different times in different years, and in different parts or sections, and in case different parts of any such system of drainage shall be constructed during different years, said city council shall first, as nearly as practicable, cause to be constructed the principal or main sewers, covered drains, ditches or canals, and afterwards branch or lateral sewers, covered drains, ditches or canals, and in levying special assessments for the cost of said system, or any portion thereof, it shall levy the special assessment for the principal or main sewer, covered drains, ditches or canals, and also the cost of the branch or lateral sewers, covered drains, ditches or canals, belonging to the same system of said drainage, upon all the real property so to be benefitted by such system, whether the same be constructed in one year, or whether parts of said system shall be constructed in different years.

RECROSSING LANDS NOT CONDEMNED.

Section 17. Whenever the city council shall have made, or caused to be made, erected, constructed or laid across, through, in or upon any land or real estate to which the said city has not the title, or the right to enter upon the same for the purpose of so making, erecting, constructing or laying any water main, sewer building, structure, intake pipe, dam, improvement, pavement, side-walk, curbstone, gutter or other public work, improvement, structure or street grade, the city shall have the right at any time in any suit in which the title to said real estate or land, or the right of said city to be thereon for said purposes, is called in question, to admit and allege the taking of the claimant's land or other real estate for public purposes, and that no condemnation has been made for such taking, and that said city of Dundee is ready and willing

to pay such compensation on having the same assessed and ascertained in the manner in this chapter provided, provided the claimant on the trial shall establish his right to recover the land or other real estate in question, and in such case the court shall first determine whether the claimant is entitled to recover the land or other real estate in controversy.

Provided, that when it shall appear that the land or other real estate was so taken or appropriated by and with the consent or acquiescence of the owner, such owner shall not be entitled to recover any rents or profits which accrued prior to demand for compensation for such land or other real estate, and he shall be limited to a recovery in such case of compensation for the land taken and damaged.

And the court shall have the power to make all necessary orders and render all necessary judgments to carry out the provisions of this section.

CORNER LOTS.

Section 18. The city council may, in its discretion, in case where any lot fronting on two streets has been previously assessed and the assessment paid for laying any water main or sewer pipe upon a different street from the one ~~which~~ during which such proposed improvement is to be extended, remit from the assessment of such corner lot such portion of such second assessment, not exceeding the amount of assessment for a frontage of twenty-five feet on such lot, as it may deem just under all circumstances of the case; but the discretion of the city council in such matter shall be final, and the refusal or failure of the city council to make such remission shall not be a ground for setting aside such assessment in any court or proceeding.

Section 19. No improvement [illegible] of
in part is to be raised by special assessment, shall be ordered by
the city council in any year later than the first day of August of

such year, nor shall any such improvement be ordered by the city council unless there is sufficient money in the fund, or accruing to the fund from which the cost of such improvement is to be paid, to pay the whole cost of such improvement when the same is due and payable.

Provided, that whenever any person or persons are desirous of having any local improvements constructed, and there shall not be sufficient money in the proper fund to defray the cost of such improvement, such person or persons may pay to the city treasurer, for the credit of the proper fund, the estimated cost of constructing such improvements, whereupon the city council may order such improvement, and resume the immediate construction thereof, and shall, when the special assessments levied to pay the cost of such improvement are collected, return to the person or persons advancing the money for such improvement, the amounts so advanced by them.

PROCEEDINGS WHEN ASSESSMENTS ARE ANNULLED.

Section 80. If any special assessment heretofore or hereafter made by the city council, or under its direction, to defray the expenses of any local improvement has been or shall be, either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the city council shall be satisfied that any such assessment is so irregular and defective that the same cannot be enforced or collected, the city council shall then proceed to cause a new assessment of the cost of such local improvements to be made, either on the property fronting upon such improvements, or on the property benefitted by such improvements, according to the character of the same, following as near as may be the provisions of the city charter in force at the time of making such improvement in determining the property to be assessed and the form and manner of proceeding subsequent to the determination of the cost of the improvement.

And in case such second assessment shall be annulled, the city

council may proceed to make other assessments until a valid reassessment shall be made, but nothing in this section shall authorize any new assessment in cases where such court shall determine that the lots or lands are not subject to assessment.

After such new assessment roll shall have been completed, the city clerk shall note thereon against any piece of land upon which a former assessment for the same improvement has been made paid, the words, "Paid on former assessment", which shall cancel such assessment on that parcel.

COLLECTION OF ASSESSMENT.

Section 8. The city clerk shall make and keep a brief record of all assessment rolls of special assessments, showing the location and character of each improvement and the amount of each assessment roll, and shall, on or before the first day of October of every year, deliver to the county auditor of the county of Bastrop all such assessment rolls not theretofore delivered, taking his receipt or receipts for the same; and the said county auditor shall extend the assessments in proper columns against the property assessed, and such assessment shall be collected and the payment thereof enforced with and in like manner as state, county and other taxes are collected and the payment thereof enforced; and such assessments, when collected, shall be paid over by the county treasurer to the city treasurer of said city, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to the city treasurer.

Provided that the city council may, by resolution, direct the county auditor of Bastrop County to cancel on any record where the same appears, any special assessment theretofore assessed and levied by the city council, either because the same be irregular or erroneous, or because the improvement for the cost of which said special assessment shall have been assessed and levied shall have been constructed by the owner of the property against which said

special assessments shall have been assessed and levied; and in any such case of the cancellation of any such special assessment, the auditor shall make the necessary assessment credits of the amounts of such special assessments so cancelled, on the proper books and to the proper persons.

The city councilmay provide by ordinance or resolution that the certificate of the city engineer, or other proper officer, that any improvement for which any such special assessment shall have been made, has been so constructed by the owner of the property against which any such special assessment shall have been made, when presented to the county auditor, shall be sufficient authority for said auditor to cancel the special assessment so assessed and levied for the cost of such improvement against the property named in said certificate, and for said auditor to so make said proper credit.

The city council may also provide by ordinance that the county treasurer shall receive in lieu of money, in payment and satisfaction of such special assessments said certificates of the city engineer, or other officer named by said ordinance for that purpose, and that any such improvement for which a special assessment has been made, has been so constructed by the owner or other person.

Said city council may also direct by resolution or motion, the county auditor to divide any special assessment and place parts thereof on any part of the real estate against which the same is assessed and levied, and to make the necessary corrections and records thereof.

IRREGULARITIES.

Section 89. No omission, informality or irregularities in proceedings in or preliminary to the making of any special assessment shall affect the validity of the same, where the assessment roll has been adopted by the city council; and the assessment roll, and the record thereof kept by the city clerk shall be competent

an sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted, and that all other proceedings antecedent to the adoption of such assessment roll were duly had, taken and performed, as required by this charter.

And no failure of the city clerk to make a record of the assessment roll, or to deliver the same to the county auditor on or before the time prescribed for such delivery, or to do any act or thing of him required, shall in any way invalidate any assessment; and no variance from the directions herein contained, as to the form or manner of any of the proceedings, shall be material, unless it be clearly shown that the party objecting was actually injured thereby.

NEW ASSESSMENTS.

Section 23. In case any special assessment shall, in any suit where the validity shall be questioned, be adjudged invalid, the city council may, in its discretion, notify the county auditor to cease the collection of the same, if it shall have been transmitted to him for collection, and may proceed anew by proceedings, either as in case of an original special assessment for the same purpose, or by taking up the previous proceedings at any point; and may make and levy a new assessment in the place and stead of the assessment which shall have been adjudged invalid.

And the city clerk, before delivering such new assessment to the county auditor for collection, shall ascertain and note thereon payments which shall have been made on such invalid assessments for the same purpose, which notation shall cancel the assessment as to the parcel and lots on which such payments were made to the extent of the payments. Such new assessments shall be collected in the same manner as original special assessments.

ASSESSMENTS NOT INVALID.

Section 84. No special assessment shall be questioned or held to be invalid because the amount of such special assessment shall be either more or less than the amount of money actually required for the improvement for which such assessment shall be made.

If the amount raised by such special assessment shall be less than the amount required for such improvement, the balance shall be paid from the permanent improvement revolving fund, except that in case of sewers, paving, curb or curb and gutter, such balance shall be paid from the permanent improvement fund, and in case of water mains, from the water and light fund; and if there shall be any surplus from any special assessment, the same shall be carried to the credit of the area fund from which a deficiency would have been supplied, or be otherwise disposed of as the city council shall deem most just towards the persons upon whom such special assessments have been levied.

And upon any assessment rolls or other papers made or used in any of the proceedings, it shall not be necessary that words shall be written out in full, but abbreviations, letters, figures and recognized characters may be used whenever their use shall be convenient, and no error or mistake as to the name of the owner of the property shall be regarded as material in any proceedings under this chapter.

TWO-THIRDS VOTE REQUIRED.

Section 85. It shall require a two-thirds vote of all the members of the city council to determine, in the first instance, to make any improvement for which a special assessment may be levied, except in respect to alley alks, when a majority vote shall suffice; but this restriction shall not apply to any subsequent act of the city council touching such improvement.

ASSESSMENTS PAID TO CITY TREASURER.

Section 26. After any special assessment roll shall have been adopted by the city council, and before the same shall be delivered to the county auditor for collection, any assessment thereon may be paid direct to the city treasurer; and upon the production of the city treasurer's receipt therefor to the city clerk, he shall enter upon such assessment roll, opposite the assessment paid, the words "paid to the city treasurer", which entry shall cancel the assessment so paid.

In case interest shall have been included in such assessment, so much of such interest as shall not have accrued on such assessment at the time of such payment, shall be deducted therefrom.

ANNULLMENT OF ASSESSMENTS PROHIBITED.

Section 27. After any special assessment roll shall have been adopted by the city council and transmitted to the county auditor for collection, the city council shall not have authority to annul such assessment in whole or in part.

PENDING PROCEEDINGS.

Section 28. Nothing herein shall interrupt or interfere with any assessments which have been made heretofore, but the collection thereof shall go on according to the provisions of the law, applicable and in force at the time of making such assessments.

LIENS.

Section 29. No sale under execution, or other proceeding upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment, for any tax or for any improvements, chargeable or assessed against the property under this charter, although the confirmation of such assessment may be subsequent to the liens of such judgment, decree or other lien, or to such transfer or mortgage.

PAYMENT IN INSTALLMENTS.

Section 30. Whenever the city council shall have adopted any assessment roll whereby it shall assess and levy any special assessment against the lots or parcel of land abutting on any street, alley or any other public ground in the city of Bemidji, for the purpose of paying the cost of paving, repairing or macadamizing any street or alley in said city, or of constructing any gutter or gutters along any such street or alley, ~~but not including the sidewalk space on any such street or alley~~, or for the purpose of laying or relaying any curbstone along any such street or alley but not including the sidewalk proper on any such street or alley, or of laying or relaying or extending any sewer pipes in or through any such street or alley, or other public grounds, or any portion thereof; and when said assessment roll shall have been delivered to the county auditor of the county of Beltrami, as required in this chapter, said county auditor shall divide each assessment for any such paving, repairing or macadamizing, or for any such curb or gutter, stone or stones, or for laying, relaying or extending any such sewer pipes or sewers, into five equal parts, as nearly as the same can be divided, and shall, in proper books, to be provided and kept by said auditor of said Beltrami County, extend the same in proper column in such manner that said assessment shall extend over five successive years, succeeding to the year in which the assessment shall have been so entered - that is to say:

Said assessments are to be paid in five equal annual installments, with interest to be paid annually on each one of said installments, after the first installment, at the rate of five per centum per annum, and the owner or owners or other person whose

duty or right it may be to pay such special assessments, shall have the right to either pay the same at any time after the first year's installment becomes due, or they may pay the same in five annual installments, with interest on each of said deferred installments, to be paid annually at the time of paying the installment one each year.

And the auditor of said Bothwell County shall, at the time of so extending said special assessments on the tax list in such parallel columns for each year's installment, add to the amount of one installment for each year after the first interest on each installment remaining unpaid at said rate of five per centum per annum on the whole of such unpaid installments; And said interest on the whole of said installments shall be paid each year at the same time and in the same manner that said installments are to be paid.

Said auditor shall keep said books that the treasurer of said county can, and shall at the time of the proper settlements with said city of Bothwell, or with the city treasurer or other proper officers, report the amount of the interest on said deferred installments separately from the amount of the installments paid in any year.

ASSESSMENT ROLLS.

8 Section 34. The city engineer, or such engineer as the city council shall for that purpose employ, shall prepare all assessment rolls for all improvements for which special assessments are to be levied, which shall contain a list of the several lots and parcels of land fronting upon each of such improvements, with the number of feet front of each, extending along the line of such improvements, and the names of the owners of the several lots and parcels of land, so nearly as the said engineer can ascertain the same.

RECORD OF ASSESSMENTS.

Section 3. The city engineer, or such engineer as the council shall by ordinance appoint, shall prepare and deliver to the city clerk on or before the first day of October in each year, duplicate copies of all assessment rolls for special assessments which have been adopted by the city council during the preceding year, and it shall be the duty of the city clerk to see that all such assessments are properly entered for collection on the books of the county auditor.

The city clerk shall on the first day of January of each year, charge to the treasurer of Holtrand county all assessment rolls transmitted to the county auditor, and not theretofore charged to said treasurer, and he shall credit said treasurer of Holtrand county with all sums collected on such rolls and paid over to the city treasurer. He shall also keep such special assessment accounts as will show at all times the sums assessed for each improvement, amounts collected thereon, the assessments, if any, which have been rebated or cancelled, and the balance uncollected on account of any improvement.

CHAPTER VIII.

PUBLIC HIGHWAYS.

POWERS OF THE CITY COUNCIL.

Section 1. The city council shall have the care, supervision and control of all highways, streets, alleys and public grounds within the limits of the city. Also parks and parkways, and may lay out, open and maintain new streets, alleys and highways, and extend, widen and straighten any that now exist, or which may hereafter exist; and may also for the purpose of drainage, construction of bridges and making other necessary improvements, or for the improvement of the health or sanitary condition of the people of said city, enter upon, lower or raise, change the course

of or divert any stream of water, or any ditch or drain within the limits of said city, and may build, maintain and repair bridges across streams or railway tracks, and may provide for the pavement of gutters, or the roadbed or any street or alley.

STREET GRADES.

Section 7. The city council shall have the power to establish the grade of any street, when such grade has not been established, and may, by the vote of two-thirds of the members of the city council, change the ~~grades~~ grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the city clerk.

Provided, that when the grade of any street has been once established, and the city council shall vote to change the grade of such street, and any owner of property affected by such change of grade, shall consider that his property is damaged thereby, he shall file with the city clerk, within sixty days after the city council shall so vote to change the grade of any such street, notice that he will claim damages by reason of such change in grade in front of his property, giving a description of the land which he claims is damaged, and a description of the buildings, if any, which are located on such land, together with a statement of the amount of damages which, in his judgment, such change of grade will cause to such land and buildings. Such notice shall be sworn to of the value in his judgment of such permanent buildings, and of damages which, in his judgment, such change of grade will cause to said permanent buildings.

After the expiration of sixty days, and within thirty days after the expiration of said sixty days, if the city council shall, from the amount of damages claimed by such notices, deem it unwise to make such change of grade, of such street, it may reconsider the vote by which such change of grade was made, which reconsideration

of such vote shall be by a majority of all the members of the city council.

But if no reconsideration of such vote shall be had within ninety days after the vote of said city council, no changing the grade of said street, where damages are no claimed, or if on such reconsideration two-thirds of the members of the city council shall again vote for such change of grade, then after the expiration of six months after the work of so changing said grade shall have been fully completed, the city council shall appoint five freeholders of said city, no more than two of whom shall reside in the same ward, as commissioners to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of the property damaged by such improvement, who have so filed such sworn notices and certificates, and to assess the amount of such damages and compensation upon the lands to be benefitted by such improvement, and in proportion to the benefit to be received by each parcel, without regard to a cash valuation.

It shall take at least four of said commissioners to make any award of damages, and they shall be notified of their ~~appointment~~ appointment and vacancies in their number be filled in the same manner, and they shall take the same oath and be subject to the same penalties for refusal or neglect to attend, to be collected in the same way as is provided in the case of commissioners appointed under section 4, chapter VII of this charter.

They shall give notice by two publications in the official paper of said city that they will on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in said notice, on or near the property which it is claimed shall have been damaged by such change in the grade of such street, and view the same and ascertain and award therefor compensation and damages, and view the premises to be benefitted by such improvement, and assess and

thereon in proportion to benefits, the amount necessary to pay such compensation and damages; and that they will then and there hear such allegations and proofs as interested persons may offer.

Such commissioners shall meet on view the premises pursuant to such notice, and may adjourn from time to time, after having viewed the premises and may for the hearing of evidence and the preparation of their award, and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of the city engineer and of any other officers of the city.

After viewing the premises and hearing the evidence offered, such commissioners shall prepare and make a true and impartial appraisement and award of the compensation and damages to be paid to each person whose property shall have been damaged by such change of grade in such street, but if the remainder of the property of any claimant, or the remainder of the lot or parcel connected therewith, shall be benefitted by such change of grade of such street, then the commissioners in considering and awarding such compensation of damages, shall also consider estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, and award him only the excess of the compensation for damages over and above such benefits.

The said commissioners shall then assess the amount of such compensation and damages upon so awarded upon the land, and real property benefitted by such change of grade, and in proportion to such benefits, but in no case shall the amount of said assessment exceed the actual benefit to the lot or parcel of land, or other real property assessed, deducting therefrom any 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 appraisement and award; and if, in the judgment of said commissioners, the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the ac-

thel 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 and damages, or so much thereof as shall not exceed the actual benefits to the property assessed, which list shall contain a brief description of each tract or parcel of real property assessed, the name or names of the owner or owners thereof, if known, and the amount assessed as the excess of such compensation and damages, aforesaid, which they shall return unassessed.

Said report shall be presented by said commissioners to the city clerk of said city, who shall give notice in the official paper of said city that said report and assessment list will be presented to the city council for confirmation at the next meeting or session of the city council, occurring at least one week after the last publication of such notice, at which meeting, or at any subsequent meeting or session of the city council, the city council may act upon such report and hear any complaint touching any such award or assessment, or it may refer the matter to a committee of the city council to hear such complaints and reports thereon.

The city council may confirm such award and assessment, or either, or send the same back to the same commission for further consideration; and the commissioners may, in such case, upon giving notice, published once in the official paper of said city again meet at a time and place to be designated in said notice, which time shall be at least two weeks after the publication of said notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in such award and assessments, and alter and revise the same as they shall deem just, and again report the same to the city council, who may thereupon confirm or annul the same.

Or the city council may appoint a new commission, with like

powers, duties and obligations as the first commission, to make such assessment and awards, and to report the same to the city council.

When the report and assessment lists are finally confirmed by the city council, such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as hereinafter provided, and the city council shall proceed, at the same or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by such commissioners, in accordance with the assessments so confirmed, and cause to be made, and adopted, an assessment roll of the same, which may be in the form contained in section 6 of chapter VII of this charter, for opening streets in said city, or any other form which the city council may accept.

The city clerk, under the directions of the city council, shall make and prepare all forms necessary to carry out the provisions of this section.

Provided that no award shall be greater than the amount so claimed in the sworn notice so filed by any person with said city clerk.

And provided, further, that the damages and compensation so to be awarded shall be the damages and compensation which shall be apparent at the end of six months after the final completion of the work of such change of grade of such street.

In case any person who has filed a claim for damages on account of any proposed change of grade, deems that there is any irregularity in the proceedings of the city council, or action of the commissioners, by reason of which the award of the commissioners ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him, or with the amount of the assessment for benefits to any property affected by such proceedings, may at any time before such award or assessment shall be confirmed

by the city council, filed with the city clerk in writing his objections to such confirmation, setting forth therein specifically the particular irregularities complained of, and containing a description of the property affected by such proceedings, and if, notwithstanding such objections, the city council shall confirm the award or assessment, such person so objecting shall have the right to appeal from such order of confirmation of the city council to the district court of the county of Beltrami, at any time within ten days after such order. Service of notice of appeal and all proceedings thereunder, shall be in accordance with the provisions of section 7, chapter VII of this charter.

VACATION OF STREETS.

Section 3. The city council shall have the sole and exclusive power to vacate or discontinue public grounds, str ets, alleys and public places; Also parks and parkways within the city, and also all county, territorial or state roads within the city, whether actually traveled or used at the time of such vacation or not. No such vacation or discontinuance shall be granted or ordered by the city council except upon the written petition of a majority of the owners, residents within the city, of the property abutting on the portion of such streets, alleys or public places, sought to be vacated, and of property within one-fourth mile from each end of such portion, and of property within three hundred feet, on both sides, of such portion, and outside of the lines of such street, alley or public place.

Each petition provided for in this section shall state the facts and reasons for such vacation, and be accompanied by a plat of the ground and the petition shall be verified by the oath of one of the petitioners.

The city council shall first satisfy itself that said petition is signed by the proper number of persons provided for in

this section, and if it shall deem it expedient that the matter be proceeded with, it shall order the petition to be filed of record with the city clerk, who shall give notice by publication in the official newspaper of the city once a week for four successive weeks, stating that such petition has been filed as aforesaid, with a brief statement of its object, and that said petition will be heard and considered by the city council, or a committee by it appointed for that purpose at a certain time and place therein specified, not less than ten days from the expiration of said publication. Said city council, or said committee, shall, at the time and place appointed, investigate and consider said matter and hear the testimony and evidence on the part of the parties interested. The city council shall, upon the conclusion of its hearing, or upon the report of such committee, by resolution passed by a two-thirds vote of all its members, determine whether or not said street, alley or public place shall be vacated. In case the city council determines to vacate the same, it shall thereupon appoint commissioners to award damages and assess benefits for the vacation and discontinuance of such street, alley or public place in the same manner as is provided in this charter for the opening of new streets. Such commissioners, appointed hereunder, shall have the same powers and duties and be subject to the same penalties as are provided in this charter for commissioners in the opening of new streets.

Upon the completion of said proceedings, the city council may, by resolution passed by a majority vote of all its members, vacate such street, alley or public place, such resolution shall not take effect until a transcript thereof and of said plat, duly verified by the city clerk, shall be filed for record and duly recorded in the office of the register of deeds of Beltrami County.

All of the provisions of this charter for the opening of new streets, including the right to appeal to the district court of the county of Beltrami, shall, so far as applicable, apply to the

vacation of streets.

BRIDGES.

Section 4. All bridges in said city, crossing the Mississippi River or any natural stream or water course in said city, tributary to said river, whatever the form or material used in the construction thereof, together with the guards and embankments connected therewith, and the immediate approaches thereto, which shall a necessary part of the same. And also all bridges, crossing railway tracks, canals and the approaches thereto, or any portions thereof, as shall not be chargeable to any railway company, shall be built, maintained and kept in repair by the city, as a general city charge.

OPENING STREETS.

Section 5. Whenever the city council shall determine to lay out or open new streets or alleys in said city, or to widen, straighten or extend any that now exist, or may hereafter exist; or for the purpose of drainage, construction of bridges or making other necessary public improvements, or for the improvement of the health or sanitary condition of said city, shall determine to enter upon any tract of land, and lower, raise, change the course of, or divert any stream of water, or any ditch or drain, within the limits of said city, it may, for such purposes, purchase or condemn any real estate, or interest therein which is private property, and provide for the payment of the value of such property as may be taken for such improvement.

All damages done to any private property by reason of such improvement, where it consists in lowering, raising, diverting or changing the course of any stream of water, ditch or drain, shall be raised by assessing, levying and collecting the whole expense of such improvement, or such parts thereof as may be considered equitable, upon the property to be benefitted by such improvement,

without regard to such valuation.

But no assessment for such improvement shall exceed the actual benefit to the property upon which the same shall be assessed, and in case the whole extent of such improvement shall exceed the benefits accruing thereupon to any specific property, the excess of such expense shall be made a general city charge, and be paid from the permanent improvement fund of the city.

Nothing in this section shall be construed to permit the condemnation of any ground of any cemetery or burial place, and occupied for such purposes, without the consent of the owners of such ground.

CONSTRUCTION OF SIDEWALKS.

Section 8. It is hereby made the duty of all owners of land adjoining any street or alley in said city to construct, reconstruct and maintain in good repair such sidewalks along the side of the street or alley next to the lands 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, and of such material and width, and upon such place and grade as the city council may by ordinance, or otherwise, prescribe.

Whenever the city council shall deem it necessary that any sidewalk in the city of Bemidji shall be constructed or reconstructed, it shall, by resolution, direct such construction 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 such sidewalk is to be built, to construct the same, and unless such owners shall each along his respective lands construct and fully complete such sidewalk within two weeks 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 expense 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 VII of this charter.

And the city council may, either before or after making such assessment, cause such portion of such sidewalkhs have not been built by the owners of such lands fronting on the same, and all street crossings, to be built by the street commissioner, or upon contract by any other person, as the city council may determine.

SIDEWALK REPAIRS.

Section 7. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner to immediately repair the same in a good, substantial and thorough manner, and to report to the city council the cost of such repairs in each case, and a description of the lot or parcel of land abutting/ which such repairs are made, and such report shallbe carefully filed and preserved by the city clerk; and the city council shall, once in each year, at or as near as conveniently it may be the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired by the street commissioner, the cost of making such repairs. In each case such assessments for all such repairs within the year, may be combined in one assessment roll and be collected as provided for in chapter VII of this charter.

In case any such sidewalk shallbecome so out of repair as to be 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 such rebuilding, when the same shall be constructed, and collected with the assessment for such reconstruction.

GRADING OF STREETS.

Section 8. It shall be the duty of the city council, before ordering the construction of any new sidewalk, to cause the ground on which it is built to be properly graded.

STREET SPRINKLING.

Section 9. The city council shall have the power to sprinkle the streets, avenues and public grounds of the said city, or any part thereof, and may make contracts for such so sprinkling the same by such streets, avenues, public grounds or districts of said city as it may deem best, for any time not to exceed three years, on such terms and conditions and for such portions of each year as it may deem best.

Water for such sprinkling shall be furnished from the city water works free of charge; the supply of such water shall be deemed the proportion of the expense for such sprinkling for the street crossings and all parts of such street fronting on land, exempt from assessment.

The whole cost of sprinkling such portion of the street shall be levied and assessed annually upon the lots and lands fronting upon that part of the street so sprinkled, and which are subject to assessment, by an equal rate per front foot on said lots and lands.

LIABILITY FOR STREET OBSTRUCTIONS.

Section 10. All persons who shall, by means of any excavations in or obstructions upon any street of said city not authorized by law, or the ordinance of said city, render such street unsafe for travel, or who shall by negligence in the management of any such excavation or obstruction as shall be authorized, or by a 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 damages unless such person or persons shall be joined as party defendants and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant causing such insufficiency, and the city shall not be required to take steps to pay such judgment until 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.

SERVICE ON NON-RESIDENTS.

Section 11. Whenever any party is joined with said city as co-defendant in any action for the insufficiency of any street, and such party is not a resident of and cannot be found within the state, service of summons in such action may be made upon such defendant upon like evidence and in the same manner as prescribed by general law for service by publication in other actions.

PILING SNOW.

Section 12. No railway company or street railway company shall have any right in clearing their tracks through any part of said city or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in said city, and any such company shallbe 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 shallbe recovered against the city for injuries caused by such obstruction, the city shall have the right to recover the same again

from the company by whom the obstruction was caused.

RAILROAD TRACKS ON STREETS.

Section 13. Whenever the city council shall give permission to any steam railroad to lay a track or tracks in, over or upon any street, alley or public place within the city, it shall be done only upon the condition that such premises shall at all times be kept in repair and condition for travel at the expense of such railway company, and in such manner as the city council may determine, and upon the further condition that any other steam railroad may also use the said track or tracks laid in, over or upon said street, alley or public place, upon paying for the use thereof a reasonable and fair rental to the railroad securing such original right to lay its track or tracks in, over or upon such street, alley or public place.

PLATTING LANDS.

Section 14. Whenever any person shall sub-divide any lot or piece of ground within said city, he shall cause the same to be surveyed and platted in accordance with the provisions of chapter 39, of the General Statutes of the state of Minnesota, for 1894, and when the survey and plat are so completed and acknowledged, they shall be presented to the city council.

All plats presented to said city council for acceptance and approval must be drawn in duplicate, on such material and of such size as the city council may direct by ordinance. The city council may accept or reject said plats, or direct them to be changed or modified in such manner as it shall deem expedient.

Whenever any plat is accepted and approved by the city council, the city clerk shall so certify upon one of said plats, which shall be the original plat to be recorded, and certify the other to be a copy of the one accepted, and approved by the city council. The original plat shall be presented to the register of deeds of

Beltrami County for record, and the copy shallbe filed in the office of the city clerk.

All the provisions of chapter 29 of the General Statutes of the state ofMinnesota for 1894 in respect to the manner of filing town plats, shallbe applicable to said city, but said register of deeds shall, on request, exhibit to any person, free of cost, such original plat.

ACCEPTANCE OF PLATS.

Section 15. The acceptance of such plat, or addition of any ground either within or without the limits of said city shall not make the city liable to grade the streets therein designated, nor responsible for any insufficiency of such street, until the city council shall direct the same to be graded and opened for travel.

CHAPTER IX.

FRANCHISES.

DEFINITION.

Section 1. The word "franchise" as used in this chapter shall be construed to mean any special privilege granted to any person or corporation in, over, upon or under any of the streets, alleys or public places of the city of Bemidji, whether such privilege had been granted by the city of Bemidji, or by or under the state of Minnesota.

ORDINANCES GRANTING FRANCHISES.

Section 2. Every ordinance by which the council shall propose to grant any franchise, shall contain all the terms and conditions of the franchise to be granted, and it shall be a feature of every franchise so granted that the maximum price for the service or charge shall be stated in the grant thereof. Before any such ordinance shall be in force, it shall be adopted by a three-fourths vote of the city council.

REGULATION OF RATES.

Section 3. The city shall have the power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the city for the service rendered by it to the city, or to any of the inhabitants thereof, but such price shall be fair and reasonable to such corporation or person and to the public. The manner in which such rate shall be regulated shallbe fixed by the council by ordinance, and said council shall have the right, and is hereby authorized to prescribe by ordinance for the appointment of commissioners to fully investigate and hear and determine all questions with reference to rates to be charged by any such corporation or person.

LIMITATIONS.

Section 4. No franchise shall be granted for a longer period than twenty-five years, and no exclusive franchises or privileges shall ever be granted. over

CHAPTER X.

MISCELLANEOUS PROVISIONS.

SALARIES AND BONDS.

Section 1. The following officers shall receive salaries, to-wit: clerk, treasurer, assessor, attorney and health officer; said salaries to be fixed by the city council at a regular meeting in January of each year for the succeeding year.

The engineer, street commissioners, members of the board of health, exclusive of the health officer; members of the board of equalization, commissioners appointed pursuant to any of the provisions of chapters VII, VIII or IX of this charter; also all employes of the city, shall, where no other provision is made therefor in this charter, receive such compensation as the council may fix upon and determine.

SALARIES NOT CHANGED.

Section 2. The salaries of the city officers shall not be increased or diminished during the term for which any such officer shall have been elected or appointed, nor during the period intervening between the election or appointment of any such officer, and the commencement of his term of service.

GIFTS.

Section 3. No officer or member of any board, or employe of the city shall directly or indirectly in or about the performance of his office or position, ask, or receive any gift, compensation, gratuity, reward or other valuable thing whatever, excepting the salary or fees prescribed herein.

BONDS.

Section 4. The council may require bonds from any officer or employe of the city in those cases where a bond is not required by the terms of this charter, and may affix the amount of the bond so required by it, and make any regulations it may deem proper in regard to the sureties thereon.

CORPORATE SURETIES.

Section 5. The sureties on all bonds required of officers and employes and others, by the terms of this charter, may be surety corporation authorized under the general laws of the state to do surety bond business, and to give such bonds; but such bond must be approved by the council.

CONTRACTS.

Section 6. All contracts for commodities or service to be furnished or performed for the city or any department thereof, involving an expenditure of more than one hundred dollars, shallbe made as in this ~~chapter~~ provided, and not otherwise.

The words "commodities" and "service", as used in this chapter

shall be construed to include all work, labor, materials, supplies or other property and all lighting and other service and all local or public improvements.

The word "contract" as used in this chapter shall be construed to include every agreement, in writing or otherwise executed or executory, by which any commodities, work or service are to be furnished to or done for the city, and every transaction whereby an expenditure is made or incurred on the part of the city or any department or officer thereof.

All action in this chapter required or authorized to be taken by the council shall be by resolution or ordinance.

ESTIMATES, AMOUNT OF CONTRACT.

Section 7. The council in the first instance shall, on its own motion, or may, on the recommendation orreport of any department or officer of the city, determine in a general way the commodities, work or service to be done or furnished and shall fix the estimated cost thereof, and in order to determine such estimated cost may require estimates from any officer or employe of the city.

In case such estimated cost, as determined by the city council, shall not exceed the sum of one hundred dollars, the council may direct that the commodities,work or service be procured by or through the proper department or officer of the city without public bids.

In all cases where such estimated cost shall exceed the sum of one hundred dollars, said commodities or services shall only be furnished or done upon the public bids, or procured in open market, save and except as otherwise specifically provided for in this charter.

PLANS AND SPECIFICATIONS.

Section 8. ~~After~~ Before advertising

for bids the city council shall cause to be prepared by the proper department or officer of the city, and filed with the clerk, detailed plans and specifications, and the proposed contract for commodities and service.

ADVERTISING.

Section 9. After filing the same, the council shall direct the clerk to advertise for bids for doing or furnishing said commodities or service in accordance with such contract plans or specifications. Such advertisements shall be published in the columns of the official paper, and such other papers, and at such other times, and in such other manner as the council may direct.

All advertisements for bids shall clearly state that such bids are to be received and opened at a public meeting of the council, in the council chamber, upon a certain day and hour.

CERTIFIED CHECKS.

Section 10. In advertising for any bid, the council shall require any bidder to deliver his bid and a certified check upon some reputable bank of this city, payable to the city of Bemidji, for at least ten per cent of the total amount of such bid, with which check and the amount thereof shall be forfeited to the city of Bemidji as liquidated damages, if the bidder, upon the letting of the contract to him, shall fail to enter into the contract so let. All advertisements for bids shall reserve the right to reject any and all bids.

RECEIVING AND OPENING BIDS.

Section 11. At the time and place mentioned in the advertisement for bids, the council shall meet in public session and publicly receive, open and read all bids that may be presented. Before any of said bids are opened they shall be numbered consecutively, and no further bids shall be received after any bid has been opened. The council shall give all persons who desire the same,

an opportunity to inspect all bids when they are opened. No bids shall be considered when not accompanied by the specified check.

ACTION BY COUNCIL.

Section 19. The council shall act upon such bids and determine which ones shall be accepted. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements, and in competition between local and foreign bidders, local bidders shallhave the preference in the awarding of contracts, everything else being equal; provided, that the council may reject any bids which it may deem unreasonable or unreliable, and the council in determining the reliability of the bid shall consider the question of the responsibility of the bidder, and his ability to perform his contract, without any reference to the responsibilities of the sureties on his bond, and any person who shall have defaulted in any contract awarded the city, except as to time, or who shallhave refused to enter into a contract after the same shallhave been awarded to him, shall not be considered a reliable or responsible bidder. In case the lowest responsible bid shall be mx more than the estimated cost of such commodities or service, the council may reject all bids and abandon the proposed contract, or it may require the clerk to readvertise for new bids in the manner hereinbefore provided.

All contracts shall be executed by the bidder within five days after the contract is ready for his signature, and if not executed by him in said time, he shallbe deemed to have abandoned the same.

PERFOAMANCE OF CONTRACTS.

Section 18. After the acceptance by the council of any bid, it shall direct the execution of a contract by the proper officers, in accordance therewith, and also in accordance with said plans, specifications and proposed contract, and such contract shall be carried out by the proper department or officer of the city, as in

this charter provided.

In case the council shall determine that any commodities or services are to be procured in open market, the same shall be procured or done by the proper department or officers, in accordance with ~~said~~ such general directions as the council may give.

BOND.

Section 14. Every person to whom a contract is awarded for an amount exceeding two hundred dollars, shall give bond in such sum as the council may direct, and with such sureties as the mayor may approve, for the faithful performance of such contract.

In the case of all other contracts, the council may require a bond, and in all cases of contracts coming within the purview of chapter 354 of the General Laws of the state of Minnesota for the year 1895, and the amendments thereto, it shall require such bond as is required by such laws.

EXPENDITURES.

Section 15. It shall be the duty of each officer, or head of a department to report to the council, quarterly, the commodities, work and service likely to be needed for the operation of his department or office during the remainder of the then fiscal year, and not theretofore contracted for.

EMERGENCIES.

Section 16. In case of emergency, and when the delays provided for in this chapter will cause great damage to the public interest or endanger public safety, the head of any department, with the written approval of the mayor, may make necessary repairs by day labor, and procure materials therefor in the open market.

CONTRACTS NOT TO BE ASSIGNED.

Section 17. No contract for which a bond or deposit is required, as provided in this charter, shall be assigned or transferred

in any manner, and any assignment or transfer thereof, except by operation of law, and except by consent of the city council expressed by resolution, shall fully end and determine such contract and shall make the same null and void as to any other or further performance thereof by the contractor or his assignee, without any act on the part of the city; and the city, through its proper authorities, may at once proceed to relet such contract, or may at its discretion, proceed to complete the same as the agent and at the expense of such contractor and his sureties.

AFFIDAVITS THAT CLAIMS ARE PAID.

Section 18. Before any contractor or his personal representatives shall receive any estimate on any contract for which a bond or deposit is required, as provided in this chapter, said contractor or his representatives, shall make and file with the clerk an affidavit that all claims for all work and labor to date, on the work for which an estimate is asked, have been fully paid.

PENALTY.

Section 19. Any contract made in violation of the provisions of this chapter shall be absolutely void, and any money paid on account of such contract by the city or any department, or officer thereof, may be recovered by the city, without restitution of the property or the benefits receivedor obtained by the city therefunder.

Any officer of the city violating any of the provisions of this chapter shall thereby forfeit his office, in addition to all other penalties prescribed therefor, and such office may be declared to be vacant by proper proceedings in the courts of the state, or by action of the council, as provided for in this charter.

ACTIONS AND EVIDENCE.

Section 20. No action shall be maintained against the city on account of injuries received in any manner whatever to persons

or property by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless said action be commenced within six months from the receiving or happening of the injury, nor unless notice shall be given in writing to the mayor or to the clerk within thirty days after the receiving or occurrence of said injury, stating the time and the place where the same was received or suffered, and that the person injured will claim damages of the city for such injury; but the notice shall not be required when the person injured shall, in consequence thereof be bereft of reason

ADVERSE POSSESSION.

Section 81. No right, title, estate or easement of the city in or to any property shall be lost by any adverse possession or occupancy, and no statute of limitation shall run or operate as against the city in favor of any person or persons occupying any of the public or platted streets or public or platted grounds, parks, parkways, or boulevards of the city, whether any such streets, or grounds, or any other such property shall be improved or not.

PROCESS AGAINST THE CITY.

Section 23. Service of summons, process or notice in any action or proceeding against the city may be had by leaving a copy thereof with the mayor or clerk.

PERSONAL INTERESTS.

DISQUALIFICATIONS.

Section 23. No judge, justice of the peace or jury, shall be incompetent or disqualified to act as such by reason of his being an inhabitant or tax payor of the city in any action or proceeding in which the city shall be a party in interest.

SURETY - APPEAL.

Section 24. The city shall not be required in taking an appeal, or in suing out any writ or process in or about any action or proceeding, to enter into any bond or undertaking or to give any security whatever. Any stay allowed by law or ordered by the court in favor of the city shall take effect without the giving of any bonds or security.

JUDGMENT AGAINST THE CITY.

Section 25. Whenever any final judgment shall be rendered against the city, said judgment shall be paid or enforced in the manner provided by the general laws of the state for the payment and enforcement of judgments against cities.

with the clerk and until the clerk shall have certified that to the council.

VERIFICATION OF CLAIM.

Section 56. Before any claim, account or demand against the city for any services, property or material for which the city shall be liable, shall be audited or allowed by any board, person or persons authorized by this charter to audit or allow the same the person in whose favor the claim shall be, or his agent having personal knowledge of the facts shall reduce the same to writing in items and shall verify the same as claims are required to be verified by section 667 of the statutes of Minnesota for the year of 1894 except as in this charter otherwise specifically provided; provided that the provisions of this section shall not apply to any claim or demand for the salary of any city official or regular employee under any department of the city government or for any claim or demand of any contractor under any contract secured by bond to the city as provided in this charter.

PENALTIES.

Section 57. Any member of any board or any person or persons authorized by this charter to audit or allow any account, claim or demand against the city or any department thereof who shall audit or allow any such account, claim or demand which does not conform to the requirements of the preceding section, shall be deemed guilty of a misdemeanor and shall be punished by a fine not less than twenty-five dollars nor more that one hundred dollars or by imprisonment in the county jail for a period of not more than ninety days or by both such fine and imprisonment.

TO THE HONORABLE A. E. Henderson
President of the Village Council
of the Village of Bemidji, Minnesota.

We, the undersigned, appointed on the 15th day of November, 1905 by the honorable the District [illegible] of the State of Minnesota

and for the County of Bellevue, as a commission to draft a proposed charter for the City of Bendigo, in accordance with the constitution and laws of the State, relating thereto, do hereby respectfully return and submit to you the herewithin draft of the proposed charter of the City of Bendigo.

Dated Sept 5th, 1855.

E. A. Trask

Wm McEuaig

G. E. Carron

F. W. Rhoda

Porter Nyce

George McTaggart

A. Gilmour

Wm Wright

Matt Thom

STATE OF MINNESOTA)
)ss.
COUNTY OF BELTRAMI)

I, A.E.Henderson,President of the Village of Bemidji,Minnesota,DO HEREBY CERTIFY,That the foregoing and annexed charter was duly adopted and ratified by the electors of said Village of Bemidji,at a special election duly called,noticed and held in said Village for that purpose,on Tuesday the 26th day of September,1905. That the number of votes cast in favor of the adoption thereof was 531 and the number of votes cast against such adoption was 302.

WITNESS MY HAND AND THE CORPORATE SEAL OF SAID VILLAGE,AT BEMIDJI,MINNESOTA,THIS FOURTH DAY OF NOVEMBER,A.D.1905.

A. E. Henderson
President of the Village of
Bemidji,Minnesota.

#2357