

#24/25

THE EVELETH NEWS

SUPPLEMENT

VOL. 12. NO. 13.

EVELETH, ST. LOUIS COUNTY, MINNESOTA, THURSDAY, SEPTEMBER 25, 1913

PROPOSED CHARTER

FOR THE

City of Eveleth, Minn.

To be submitted to a vote of the Electors of the City at a Special Election
Tuesday, October 7th

CHAPTER 1.
NAMES, POWERS AND BOUNDARIES.
Name and Powers.
Section 1. All that part of the County of St. Louis in the State of Minnesota, the boundaries described in the annexed map, shall be a City, and the name of said City shall be "City of Eveleth," and by such name shall have perpetual succession; sue, defend, be sued, complain and defend, in any court, or tribunal, make and use its common seal, and alter the same at pleasure; take, hold and purchase, lease and convey any and all such real, personal or mixed property as its purposes may require, whether the same be within or without the corporate limits of the city; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law, as well as all powers herein granted.
City Boundaries.
Section 2. All the territory and land in the County of St. Louis, in the State of Minnesota, embraced within the following described bound-

intersection of the center line of Fayal Road; thence westerly along the center line of Fayal Road to the place of beginning. All that portion of the City lying between the above described lines shall constitute the Second Ward.
Third Ward.
Beginning at the intersection of Jones Street and Grant Avenue, thence in a northerly direction along the center line of Grant Avenue to the intersection of the center line of Hayes Street; thence easterly along the center line of Hayes Street to the intersection of the center line of McKinley Avenue; thence southerly along the center line of McKinley Avenue to the intersection of the center line of Jones Street; thence westerly along the center line of Jones Street to the place of beginning. All that portion of the City lying within the above described lines shall constitute the Third Ward.
Fourth Ward.
Beginning at the intersection of Fayal Road and McKinley Avenue, thence northerly along the center line of McKinley Avenue to the intersection of the center line of Hayes Street; thence easterly along the center line of Hayes Street to the intersection of the North and South Sixteenth line of the North-

City of Eveleth shall be a Mayor and four Councilmen.
Official Year Term.
Section 5. The official year for the City of Eveleth, shall begin on the first Tuesday after the first Monday in January, and the term of office of the Mayor and four councilmen, after the first election as hereinafter provided, shall be two years from and after the first Tuesday after the first Monday in January, next succeeding their election and until their successors shall have been elected and qualified.
Municipal Court.
Section 6. The Municipal Court of the City of Eveleth, shall be governed by Section 124 to 146 inclusive, of the Revised Laws of Minnesota of 1905, and amendments thereto, or the amendments which may hereafter be enacted.
Officers—How Elected.
Section 7. All persons who are electors of the City of Eveleth, shall be eligible to be elected Mayor, Judge and Special Judge of the Municipal Court shall be elected at large from the electors of the City. Only Electors To Hold Office.
Section 8. The Mayor and four Councilmen to any office under this Charter shall be qualified electors of the City of Eveleth.

(\$600.00), payable in equal monthly installments.
Administering Oaths, Subpoenas.
Section 15. Every elective officer shall have the power to administer oaths and affirmations and to issue subpoenas and to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before the Council. If any person so subpoenaed neglects or refuses to appear or to produce books, papers or documents required by such subpoena, or shall refuse to testify before the Council on any question which a majority of the Council shall decide to be proper and pertinent, he shall be deemed in contempt and the Council shall thereupon have power to take such proceedings in the premises as are provided by the General Laws of this State. The Chief of Police must on request of any member of the council detail a police officer or officers to serve such subpoenas.
CHAPTER 3.
ELECTIONS—GENERAL AND SPECIAL.
General Elections—When Held.
Section 16. The General City Elec-

STATE OF MINNESOTA, COUNTY OF ST. LOUIS—ss.
I, _____, being first duly sworn, say, that _____, of the City of Eveleth, County of St. Louis, State of Minnesota; that I am a qualified voter therein; that I am a candidate for nomination to the office of _____ (Name of office) to be voted upon at the primary election to be held on _____ Monday of _____ 19____, and I hereby request my name be printed upon the primary ballot for the nomination of such primary election for said office.
(Signed) _____
Subscribed and sworn to before me this _____ day of _____ (Signed) _____
(Official Title) _____
and shall at the same time file with a petition of at least twenty qualified voters requesting such didacy, which petition shall be verified by one or more persons as to the qualifications, with residence and number of each of the persons signing the petition, and said petition be in substantially the following: "The undersigned, duly qualified electors of the City of Eveleth, residing at the place set opposite

aries, to-wit: Commencing at the Southeast corner of Section Thirty-one, in Township Fifty-eight, North of Range Seventeen west; thence westerly along the township line between townships Fifty-seven and Fifty-eight to the Southwest corner of Section Thirty-one, Township Fifty-eight of Range Seventeen West, said point being the Southwest corner of the City limits of the City of Eveleth; thence in a Northerly direction to the Northwest corner of the Southwest quarter of Section Thirty, Township Fifty-eight, North of Range Seventeen West, said point being the Northwest corner of the city limits of the City of Eveleth; thence in an easterly direction to the Northeast corner of the Southwest quarter of Section Twenty-nine, Township Fifty-eight, North of Range Seventeen west, otherwise known as center of said section, this point being the Northeast corner of the City limits of the City of Eveleth; thence in a Southerly direction to the Southeast corner of the Southwest quarter of Section Thirty-two, Township Fifty-eight, North of Range Seventeen west, said point being the Southeast corner of the City limits of the City of Eveleth; thence West along the Township line between Townships Fifty-seven and Fifty-eight North to the Southeast corner of Section Thirty-one, Township Fifty-eight, North of Range Seventeen West, being the point of beginning.

WARD BOUNDARIES.

First Ward.

Section 3. Commencing at the Southwest corner of Section Thirty-one, Township Fifty-eight, North of Range Seventeen West; thence in a northerly direction along the range line between Ranges Seventeen and Eighteen West, to the West quarter Corner post of said Section Thirty-one; thence easterly along the East and West center line of said Section Thirty-one to the East Sixteenth corner post of said Section Thirty-one; thence in a southerly direction on the North and South Sixteenth line of the Southeast quarter of said Section Thirty-one, to the intersection of the projected center line of Hayes Street; thence easterly along the projected center line of Hayes Street to the center line of Grant Avenue; thence southerly along the center line of Grant Avenue to the intersection of Fayal Road with said Grant Avenue; thence in a westerly direction along the township line between townships Fifty-seven and Fifty-eight North, to the place of beginning. All that portion of the City lying within the above described lines shall constitute the First Ward.

Second Ward.

Commencing at the intersection of Fayal Road and Grant Avenue, thence in a northerly direction along the center line of Grant Avenue to the intersection of the Center line of Jones Street; thence easterly along the center line of Jones Street to the intersection of the Center line of McKinley Avenue; thence southerly along the center line of McKinley Avenue to the

west quarter of Section Thirty-two, Township Fifty-eight, North of Range Seventeen West; thence South Sixty-two and 81-100 feet to the West Sixteenth corner post of said Section Thirty-two; thence easterly along the East and West center line of said Section Thirty-two to the center post of said Section Thirty-two; thence southerly along the North and South center line of said Section Thirty-two to the intersection of Township line between Townships Fifty-seven and Fifty-eight North; thence westerly along the center line of said Township line to the place of beginning. All that portion of the City lying within the above described lines shall constitute the Fourth Ward.

Fifth Ward.

Beginning at the Intersection of Adams Avenue and Hayes street; thence northerly along the West line of Section Thirty-two and Twenty-nine, Township Fifty-eight, North of Range Seventeen West, to the West Quarter corner of said Section Twenty-nine; thence easterly along the east and west center line of said section twenty-nine; thence southerly along the North and South center line of the said Section Twenty-nine and Thirty-two to the center post of said Section Thirty-two; thence westerly along the East and West center line of said Section Thirty-two to the West Sixteenth corner post of said Section Thirty-two; thence northerly along the North and South Sixteenth line of the Northwest quarter of said Section Thirty-two to the Center line of Hayes Street; thence westerly along the center line of Hayes Street to the place of beginning. All that portion of the City lying within the above described lines shall constitute the Fifth Ward.

Sixth Ward.

Beginning at the intersection of Adams avenue and Hayes street, thence northerly along the East line of Section Thirty-one and Thirty, Township Fifty-eight North of Range Seventeen West, and the East Quarter corner post of said Section Thirty; thence westerly along the East and West Center line of said Section Thirty to the West Quarter Corner Post; thence southerly along the Range line between Range Seventeen and Eighteen West to the West quarter corner post of said Section Thirty-one; thence easterly along the East and West center line of said Section Thirty-one to the Sixteenth Corner post of said Section Thirty-one; thence south along the North and South Sixteenth line of the Southeast Quarter of said Section Thirty-one to the intersection of the projected center line of Hayes Street; thence easterly along the center line of Hayes Street to the place of beginning. All that portion of the City lying within the above described lines shall constitute the Sixth Ward.

CHAPTER 2. ELECTIVE OFFICERS AND GENERAL PROVISIONS. Officers To Be Elected.

Section 4. Elective officers of the

Term of Office.

Section 9. Every elective and appointive officer, shall at the expiration of his term of office, in whatsoever way terminated, turn over to his successor in office, or to some other properly authorized officer, on demand, all the books, papers, files, records, moneys and other property and things whatsoever pertaining to his office or received by reason thereof. Failure of Persons Elected or Appointed to Qualify.

Section 10. Any elective or appointive officer removing from the City or who shall refuse or 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, or any elective or appointive officer who shall refuse or neglect to qualify within ten days after being notified, by the City Clerk, of his election, or appointment, shall be deemed to have vacated such office.

Vacancy.

Section 11. If any vacancy occurs in the office of Mayor, or any of the Councilmen, by failure to elect, or for any cause whatsoever, excepting by being recalled, the remaining members of the Council shall appoint a person to fill the vacancy during the remainder of the unexpired term.

Oath of Office.

Section 12. Every person elected or appointed to any office, shall before he enters upon the duties of his office, take and subscribe to an Oath of office and file the same with the City Clerk, except the oath of the City Clerk, which shall be filed in the office of the City Treasurer.

Official Bond.

Section 13. The Mayor, and each Councilman, before entering upon the duties of their respective offices, shall each give Bonds to the City, the Mayor in the penal sum of Two Thousand Dollars (\$2,000.00), and each Councilman in the sum of One Thousand Dollars (\$1,000.00), with a legally authorized Surety Company as surety, conditioned for the faithful performance of their respective official duties. Such Bonds shall be approved by one of the Judges of the District Court of said St. Louis county. The Council shall fix the amount of the Bonds to be required of appointive officers and the methods of their approval. The approval of said Bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds when approved, shall be filed with the City Clerk, except the Bonds of the City Clerk, which shall be filed in the office of the City Treasurer. The provisions of the laws of the State, relating to official bonds, not inconsistent with this Charter, shall be complied with.

Salaries.

Section 14. The Mayor shall receive an annual salary of Seven Hundred Twenty Dollars (\$720.00), payable in equal monthly installments.

Each council man shall receive an annual salary of Six Hundred Dollars

after provided for, shall be held on the first Tuesday after the first Monday in November in the year 1915, and every two years thereafter on the first Tuesday after the first Monday in November.

Election Precincts and Voting Places.

Section 17. The Council may divide any ward of said city into as many election precincts as they may deem proper and necessary, each ward shall constitute an election precinct until so divided and the boundaries of any precinct shall not be changed within twenty days of any election. The Council shall designate the places of holding election in each election precinct at least twenty days prior to such election and the places so designated shall remain the places of holding election until a new designation is made.

Special Election.

Section 18. Whenever necessary the Council may by resolution adopted by the affirmative vote of the majority of its members, order a special election of the voters of the City for any purpose, and appoint judges of election without party lists being filed, designate polling places and provide all necessary arrangements for holding the same.

Notice of Election.

Section 19. The City Clerk, at least Fifteen days before the holding of any general election, and Twenty days before the holding of any Special election, shall give public notice of the time and place of holding such election, and the hours during which the polls will be open, by posting at each of the polling places in said city, a notice containing a list of the officers to be elected, or the substance of the matter to be submitted at such election or both; provided that failure of the Clerk to give such notice shall not invalidate an election.

Candidates At Primary Election.

Section 20. Candidates to be voted for at any general municipal elections in the city, including a Mayor, four Councilmen, Judge and Special Judge of the Municipal Court, shall be nominated by a primary election, and no other names shall be placed upon the general ballot than those selected in the manner hereinafter provided. The primary election for such nomination shall be held on the second Monday preceeding the general Municipal election. The judges of the election appointed for the general municipal election shall be the judges of the primary election, and it shall be held at the same places, so far as possible, and the polls shall be opened and closed at the same hours, with the same clerks as are required for the general municipal election.

Any person desiring to become a candidate for Mayor, Councilman, Judge or Special Judge of the Municipal Court shall, at least Ten days prior to said primary election, file with the City Clerk, a statement of such candidacy in substantially the following form:

I request that the name of _____ (Name of candidate), be placed on ballot as a candidate for nomination for (Name of Office), at the Primary election to be held in the said city on the _____ day of _____, 19____.

We further state that we know him to be a qualified elector of said city, a man of good moral character, qualified, in our judgment, for the duties of said office.

NAME OF QUALIFIED ELECTOR
NUMBER. STREET

No filing fee shall be required of any candidate at any election held under this Charter.

Immediately upon the expiration of the time for filing the statements and petitions for candidates, the City Clerk shall cause to be published in the official newspaper of the City in proper form, the names of the persons as they are to appear upon the primary ballot, and the City Clerk thereupon cause the primary ballot to be printed, authenticated with the simile of his signature.

Primary Ballot—How Arranged.

Section 21. Upon said primary ballot the names of the Candidates for Mayor shall first be placed in square at the right of each name at the right of the square the "vote for one."

Following these names, likewise arranged, shall appear the names of candidates for Councilmen in square at the right of each name at the right of the square the "vote for four."

Following these names shall appear the names of the candidates for Municipal Judge, (if any), with a square at the right of each name and at the right of the square the words "vote for one," and following these names shall appear the name of the candidate for Special Municipal Judge, (if any), with a square at the right of each name, and at the right of each name the words "vote for one."

The ballot shall be printed plain, substantial, white paper headed, "Candidates for the nomination of City Officers of the City of Eveleth, at the primary election, but shall have no party designation mark whatever.

In every case where more than one candidate is to be voted for, for the same office, it shall be the duty of the City Clerk, after having fixed the position which the candidates for different offices are to have upon the ballot, to first make up a form for the names of the candidates for different offices, and then to make up as many other forms alternating the position of the names of all candidates thereon for the office of Mayor; alternating the position of the names of all candidates thereon for the office of Councilmen; alternating the position of the names of all candidates thereon for the office of Municipal Judge, (if any), and alternating the position of the names of all candidates thereon for the office of Special Municipal Judge, (if any), as nearly as possible an equal number

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Subscription \$2 Per Year

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Eveleth, Minnesota

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Administering Oaths, Subpoenas.

Section 15. Every elective officer shall have the power to administer oaths and affirmations and to issue subpoenas and to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before the Council. If any person so subpoenaed neglects or refuses to appear or to produce books, papers or documents required by such subpoena, or shall refuse to testify before the Council as to any question which a majority of the Council shall decide to be proper and pertinent, he shall be deemed in contempt and the Council shall thereupon have power to take such proceedings in the premises as are provided by the General Laws of this State. The Chief of Police must on request of any member of the council detail a police officer or officers to serve such subpoenas.

CHAPTER 3.

ELECTIONS.—GENERAL AND SPECIAL.

General Elections.—When Held.

Section 16. The General City Elec-

STATE OF MINNESOTA, COUNTY of St. Louis—ss.

I, (.....) being first duly sworn, say, that I reside at street, City of Eveleth, County of St. Louis, State of Minnesota; that I am a qualified voter therein; that I am a candidate for nomination to the office of (Name of office) to be voted upon at the primary election to be held on the Monday of 19... and I hereby request that my name be printed upon the official primary ballot for the nomination by such primary election for said office.

(Signed) _____
Subscribed and sworn to before me this _____ day of _____ 19____
(Signed) _____

(Official Title)

and shall at the same time file therewith a petition of at least twenty-five qualified voters requesting such candidacy, which petition shall be verified by one or more persons as to the qualifications, with residence and street number of each of the persons signing the petition, and said petition shall be in substantially the following form.

"The undersigned, duly qualified electors of the City of Eveleth, and residing at the place set opposite our

ballots of each of such forms shall be printed. In making the change of position of the names of candidates from that in the said first form of ballot, the printer shall take a line of type containing the first name in the office of Mayor; the first name in the office of Councilman; the first name in the office of Municipal Judge, (if any), and the first name in the office of Special Municipal Judge, (if any), upon the last previous form arranged by him, and place it at the bottom of the names of the candidates for such office, showing up the column so that the name which was second in the last previous form made up shall be the first after the change, and shall then continue to alternate the positions of the candidates until every candidate in the different offices shall have held alternately different numerical order under each office, as nearly as possible an equal number of times. Judges and Clerks of Election.

Section 22 The council shall, at least twenty-five days before each general municipal election, appoint three qualified voters of each district therein, to be judges of election. The judges so appointed shall also be the judges of the Primary election. The judges of each election district shall appoint two qualified electors of the same district as clerks of election.

duces evidence which satisfies a majority of the Judges that he is entitled to vote at such election, but whose name has been omitted from such register, then the name of such person shall be added to the Register and he shall be allowed to vote.

Canvassing Votes.

Section 28. The Council shall meet and canvass the election returns within three days after any General or Special election, and then and there declare the result. The City Clerk shall thereupon notify all officers elected of the fact of their election.

Elections. Regulation of.

Section 29. When two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the Council, at such time, place and in such manner as it may direct.

Informalities in Election.

Section 30. Any informalities in conducting Municipal Elections shall not invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General Election Regulations.

Section 31. The provisions of the State law relating to the qualification of electors, preparing the ballot, the manner of voting, the duties of

Every elective and ap- shall at the expira- of office, in whatso- ated, turn over to his ce, or to some other ized officer, on de- ocks, papers, files rec- d other property and ver pertaining to his ed by reason thereof. sions Elected or Ap- alify.

Any elective or ap- removing from the hall refuse or neglect the discharge of the office for ten days after of the term for which or appointed, or any imitative officer who shall ct to qualify within ten g notified, by the City election, or appointment, d to have vacated such

If any vacancy occurs f Mayor, or any of the y failure to elect, or for whatsoever, excepting by the remaining members l shall appoint a person ncy during the remain- expired term.

Every person elected to any office, shall be s upon the duties of his and subscribe to an Oath d file the same with the xcept the oath of the City shall be filed in the of- ty Treasurer.

The Mayor, and each before entering upon the eir respective offices, shall onds to the City, the Ma- penal sum of Two Thou- s (\$2,000.00), and each in the sum of One Thou- s (\$1,000.00), with a rized Surety Company as ditioned for the faithful e of their respective offi- Such Bonds shall be ap- e of the Judges of the rt of said St. Louis coun- ouncil shall fix the amount ds to be required of ap- ficers and the methods of oval. The approval of said it be endorsed thereon and the officer or officers ap- e same. All bonds when shall be filed with the City ept the Bonds of the City ch shall be filed in the of- City Treasurer. The pro- of the laws of the State, re- ficial bonds, not inconsis- this Charter, shall be com-

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after provided for, shall be held on the first Tuesday after the first Monday in November in the year 1915, and every two years thereafter on the first Tuesday after the first Monday in November.

Election Precincts and Voting Places.
Section 17. The Council may divide any ward of said city into as many election precincts as they may deem proper and necessary, each ward shall constitute an election precinct until so divided and the boundaries of any precinct shall not be changed within twenty days of any election. The Council shall designate the places of holding election in each election precinct at least twenty days prior to such election and the places so designated shall remain the places of holding election until a new designation is made.

Special Election.
Section 18. Whenever necessary the Council may by resolution adopted by the affirmative vote of the majority of its members, order a special election of the voters of the City for any purpose, and appoint judges of election without party lists being filed, designate polling places and provide all necessary arrangements for holding the same.

Notice of Election.
Section 19. The City Clerk, at least Fifteen days before the holding of any general election, and Twenty days before the holding of any Special election, shall give public notice of the time and place of holding such election, and the hours during which the polls will be open, by posting at each of the polling places in said city, a notice containing a list of the officers to be elected, or the substance of the matter to be submitted at such election or both; provided that failure of the Clerk to give such notice shall not invalidate an election.

Candidates At Primary Election.
Section 20. Candidates to be voted for at any general municipal elections in the city, including a Mayor, four Councilmen, Judge and Special Judge of the Municipal Court, shall be nominated by a primary election, and no other names shall be placed upon the general ballot than those selected in the manner hereinafter provided. The primary election for such nomination shall be held on the second Monday preceding the general Municipal election. The judges of the election appointed for the general municipal election shall be the judges of the primary election, and it shall be held at the same places, so far as possible, and the polls shall be opened and closed at the same hours, with the same clerks as are required for the general municipal election.

Any person desiring to become a candidate for Mayor, Councilman, Judge or Special Judge of the Municipal Court shall, at least Ten days prior to said primary election, file with the City Clerk, a statement of such candidacy in substantially the following form:

request that the name of _____ (Name of candidate), be placed on the ballot as a candidate for nomination for (Name of Office), at the Primary election to be held in the said city on the _____ 19____. We further state that we know him to be a qualified elector of said city and a man of good moral character, and qualified, in our judgment, for the duties of said office.

NAME OF QUALIFIED ELECTORS.
NUMBER. STREET.

No filing fee shall be required of any candidate at any election held under this Charter.

Immediately upon the expiration of the time for filing the statements of and petitions for candidates, the City Clerk shall cause to be published in the official newspaper of the City, in proper form, the names of the persons as they are to appear upon the primary ballot, and the City Clerk shall thereupon cause the primary ballot to be printed, authenticated with the facsimile of his signature.

Primary Ballot—How Arranged. . . .
Section 21. Upon said primary ballot the names of the Candidate for Mayor shall first be placed with a square at the right of each name and at the right of the square the words "vote for one."

Following these names, likewise arranged, shall appear the names of the candidates for Councilmen with a square at the right of each name, and at the right of the square the words "vote for four."

Following these names shall appear the names of the candidates for Municipal Judge, (if any), with a square at the right of each name and at the right of the square the words "vote for one," and following these names shall appear the name of the candidates for Special Municipal Judge, (if any), with a square at the right of each name, and at the right of each square the words "vote for one."

The ballot shall be printed upon plain, substantial, white paper, and headed, "Candidates for the nomination of City Officers of the City of Eveleth, at the primary election," but shall have no party designation or mark whatever.

In every case where more than one candidate is to be voted for, for the same office, it shall be the duty of the City Clerk, after having fixed the position which the candidate for the different offices are to have upon the ballot, to first make up a form with the names of the candidates for the different offices, and then to make up as many other forms alternating the position of the names of all candidates thereon for the offices of Councilmen; alternating the position of the names of all the candidates thereon for the office of Municipal Judge, (if any), and alternating the position of the names of all candidates thereon for the office of Special Municipal Judge, (if any); as nearly as possible an equal number of

They shall be sworn to faithfully discharge their duties as such and shall open the polls by proclamation and keep them open from seven o'clock a. m. until nine o'clock p. m. of said day. If the judges and clerks, or any of them, fail to appear or refuse to serve, the electors present at the hour for opening may supply their places by viva voce vote.

Judges Count Ballots and Make Return to City Clerk.
Section 23 The judges of election shall immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each district for each of the candidates and make return thereof to the city clerk, upon blanks furnished by said city clerk, within 24 hours after the closing of the poles.

Council Canvass Returns and Publish Results.
Section 24. On the day following the filing of the returns of said primary election with the city clerk, the council shall canvass the returns received from all the election districts and publish, in the official newspaper of the city, the results thereof. Said canvass shall be publicly made.

Names on General Municipal Ballot Form.
Section 25. The two candidates receiving the highest number of votes for the office of Mayor, Municipal Judge, (if any), and Special Municipal Judge, (if any), or the one candidate for any of the respective offices if but one candidate has filed, and the eight candidates receiving the highest number of votes for councilmen, or all such candidates if less than eight have filed, shall be the candidates and the only candidates for the respective offices whose names shall be placed upon the ballot at the next succeeding municipal election.

The ballot at the General Municipal Election shall be the same general form as for the Primary Election, so far as applicable, and the names of the candidates for the different offices shall rotate on said ballot the same as on the primary ballot.

Spaces shall be left below the printed names of the candidates for any office, equal in number to the number to be voted for, wherein the voter may write the name of the persons for whom he may wish to vote.

Registration Day.
Section 26. The Judges of Election in their respective election districts in said city shall constitute Boards of Registration, on Tuesdays preceding any general Municipal election, and the day one week preceding each special Municipal election. Such Boards shall meet in their respective election districts and remain in public session from Seven o'clock A. M. until Nine o'clock P. M., for the purpose of registering qualified voters. No other Registration Day shall be required for City elections.

When Unregistered Electors Can Vote.
Section 27. Any person offering to vote at any General or Special City election, whose name is not registered at the opening of the polls, who pro-

election officers and all other persons in respect to the management of elections, so far as they may be applicable, and not inconsistent with the provisions of this Charter, shall govern all such elections.

CHAPTER 4.
RECALL OF ELECTIVE OFFICERS.
Recall Method Prescribed.

Section 32. The holder of any elective office may be removed at any time except as hereinafter provided, by the electors qualified to vote for a successor. If such incumbent in the following manner: A petition signed by such electors, equal in number to at least 30 per centum of the entire vote cast for all candidates for the office of Mayor at the last preceding general municipal election, demanding the recall of the person sought to be removed, shall be filed with the City Clerk, which petition shall contain a general statement of the grounds on which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall state his place of residence and street number. One of the signers of each such paper shall make oath that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose signature it purports to be. Within ten days from the date of filing such petition, the City Clerk shall ascertain from the voters' register whether or not such petition is signed by the requisite number of qualified electors, and, if necessary, the Council shall allow him extra help for that purpose; and shall attach to said petition his certificates showing the result of said examination. If, by the City Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date thereof. The City Clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect, if the petition is deemed sufficient, the City Clerk shall submit the same to the Council without delay and thereupon the Council shall order the same filed.

If the officer sought to be removed does not resign within five days after the filing of said petition the Council shall fix a date for holding an election upon the question as to whether or not said officer shall be recalled within twenty-five days from the date of the City Clerk's certificate that a sufficient petition is filed.

Cause of Recall. Officers' Justification.
Section 33. In the call for such election there shall be stated in not more than two hundred words, the reason for demanding the recall of the officer as set forth in the recall petition, and in said call in not more than two hundred words the officer may justify his course in office.

Candidates' Election.

(Continued on following page)

PROPOSED CHARTER FOR THE CITY OF EVELETH

Section 34. The City Clerk shall give public notice of the time and place of holding such recall election, and the same shall be conducted, except as hereinafter provided, returns to be made and the result thereof declared, in all respects as in other city elections.

In case at such recall election the majority of the votes cast shall be in favor of the recall of the officer named, an election shall be held for the choice of his successor, notice of which shall be given within ten days after the result of said election upon the recall is declared. The successor of any officer so removed shall hold the office during the unexpired term of his predecessor.

No Recall Petition for First Six Months.

Section 35. No recall petition shall be filed against any officer until he has actually held his office for at least six months.

Incapacity of Recalled Official.

Section 36. No person who has been recalled from office, or who has resigned from such office while recall proceedings were pending against him, shall be elected or appointed to any office within one year after such recall or resignation.

CHAPTER 5. THE MAYOR.

The Chief Executive.

Section 37. The Mayor shall be the chief magistrate and executive officer of the City. He shall see 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; he shall be charged with the general oversight of the several departments of the Municipal Government and shall see that all contracts made with the City are faithfully performed.

Mayor Pro Tempore.

Section 38. During the temporary absence or disability of the Mayor, the Vice President of the Council shall act as Mayor pro tempore. In case of the temporary absence or disability of both the Mayor and Vice President, the Council shall elect one of its members to be Mayor pro tempore. In case of vacancy in the office of Mayor, the Vice President of the Council shall act as Mayor until such vacancy can be filled, as provided in this Charter.

Mayor's Reports.

Section 39. The Mayor shall annually and from time to time give to the Council a full and complete report of the affairs of the City and recommend to its consideration such matters as he may deem expedient.

Mayor to Have City's Books Examined

Section 40. The Mayor shall employ at the beginning of each fiscal year, a competent accountant, who shall examine, at least once each year, the books, records and reports of all officers and employees, who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the Mayor may direct, and make duplicate reports thereof, and present one to the Mayor and file one with the City Clerk. Such accountant shall have unlimited privileges of investigation, to examine un-

der any other authority, and shall be efficient and economical conduct of the business of the City.

The Mayor and Four Councilmen.

Section 46. The Mayor shall be superintendent of the department of public health, sanitation, police and general welfare, and the council shall, at the first regular meeting after the election of its members, designate by majority vote one Councilman to be superintendent of accounts and finances; one to be superintendent of the department of parks, public grounds, buildings and fire protection; one to be superintendent of the department of water works and sewers and one to be superintendent of the department of streets and alleys; but such designation may be changed whenever it appears that the public service would be benefited thereby. Provided, no superintendent of any of the departments of the City shall have any power to contract debts, to bind the City or make any improvements in said City, unless authorized by a majority of the Council.

The Chief Officials.

Section 47. The chief officials of the City shall be a City Clerk, Assessor, Treasurer, City Attorney, City Engineer, Chief of Police, Chief of the Fire Department, Health Commissioner, Superintendent of Water Works and Street Commissioner. They shall be appointed and may be removed by a majority vote of the Council, excepting the Chief of Police. The Council, at any time when in its judgment the interests of the City so demand, may place in charge of one such officer the functions and duties of two or more such officers, or may appoint a City Manager, who shall have supervision over all departments of the City and who shall be known as "City Manager." The Council shall, by ordinance, prescribe the duties of the chief officials. The Council shall, at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the Chief Officials of the City, and the determination of their duties as provided in this section.

Subordinate Officers and Employees.

Section 48. The Council shall have power by ordinance to create and discontinue offices and employments other than those prescribed, to provide the modes of filling them and prescribe the duties pertaining thereto according to its judgment of the needs of the city. Any person so appointed may be removed at any time by a majority vote of the Council.

Compensation of Officers and Employees.

Section 49. The compensation of all city officers provided for by section 47 shall be by salary, to be fixed by the council. The council shall also fix the compensation of all other officers and employees of the city, except as otherwise provided in this charter. No officer or employee shall be allowed any fee, rewards or compensation other than the salary or compensation fixed by the council, but all fees received by him in connection with his official duties shall be paid into the city treasury.

Report of Departments.

Section 50. The superintendent of each department shall, monthly, at

and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinion, affiliations or services.

CHAPTER 7. COUNCIL.

The Council the Governing Body.

Section 55. The council shall be the governing body of the municipality. It shall exercise the corporate power of the city, and subject to the limitations of this charter, shall be vested with all powers of legislation in municipal affairs, adequate to a complete system of local government, consistent with the constitution of the state.

President and Vice President.

Section 56. The mayor shall be president of the council and shall preside at its meetings. The council shall elect one of the members to be vice-president.

Meetings of Council.

Section 57. The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings to Be Public.

Section 58. All legislative sessions of the council, whether regular or special, shall be open to the public.

Quorum.

Section 59. A majority of the members of the council shall constitute a quorum for the transaction of business.

Rules of Proceedings.

Section 60. The council shall establish rules for its proceedings.

Ordinances and Resolutions. Ayes and Noes.

Section 61. (1) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council.

Majority Vote of Council.

(2) No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the council.

Subject and Title.

(3) Every ordinance or resolution except an ordinance making appropriations, shall be confined to one subject which shall be clearly stated in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Enacting Clause for Ordinances.

(4) The enacting clauses of all ordinances passed by the council shall be in these words: "The council of the city of Eveleth do hereby ordain as follows:"

Requirements of An Ordinance.

(5) To constitute an ordinance a bill must receive two readings previous to its passage, but shall not be read at any other than regular sessions, nor twice at the same session. The second reading shall be by sections, at which time amendments may be offered, but the reading of a section shall not preclude the offering of an amendment to a preceding one. Any proposed ordinance after the first read-

ing by the Council, shall be counted as having voted in the negative.

Mayor to Sign Journal.

Section 66. It is hereby made the duty of the Mayor to sign the City Clerk's record of the proceedings of each meeting of the Council when said record has been approved and is presented to the Mayor for his signature.

Monthly Statement of Receipts and Expenditures.

Section 67. The City Clerk shall prepare and file in his office, for public inspection, an itemized statement of all receipts and expenditures of the City during the preceding month. The Council shall each month print in the official paper a summary of said itemized statement.

Publication of Resolutions.

Section 68. In publication of resolutions that may be included in the publication of the proceedings of the Council, such resolutions shall be printed with the dates of their approval without appending the signatures to such resolutions.

Publication of Charter and Ordinances, Etc.

Section 69. The Council, during the first year of its organization under this Charter, and from time to time thereafter, shall cause all ordinances in force to be classified under appropriate heads, and, together with, or separately from this Charter, and such provisions of the Constitution and Laws of the State as the Council may deem expedient, to be published in book form. It shall be the duty of the first commissioner assigned to the position of Superintendent of Finances and Accounts under this Charter, to install as soon as practicable a complete and thorough system of book-keeping which shall be suitable to the needs of the City, with a proper system of checks between the various officers and such reports as may be advisable, in order to insure a thorough knowledge of the business of the City by the Mayor, Commissioners and Chief Officials.

CHAPTER 8. POWERS OF THE CITY AND OF THE COUNCIL.

General Powers of the City.

Section 70. Without denial or disparagement of other powers held under the Constitution and Laws of the State, the City of Eveleth shall have the right and power.

Public Buildings, Works and Institutions.

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, parks, play grounds, places of recreation, armories, fountains, baths, public toilets, rest rooms, markets, hospitals, charitable institutions, jails, work houses, morgues, mausoleums, cemeteries, crematories, abattoirs, garbage collection, disposal and reduction works, street cleaning and sprinkling plants, and all other public buildings, places, works and institutions necessary for the good of the city.

Water, Light, Heat and Power.

(2) To acquire by purchase, condemnation or otherwise, and to estab-

lish, and to regulate the method of

Nuisances.
(3) To provide for the summary abatement of any nuisance at the expense of the person creating, causing, committing or maintaining such nuisance.

Rewards.

(4) To offer rewards not exceeding Two Hundred and Fifty Dollars in any one instance, for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof.

Police and Fire Departments.

(5) To organize and maintain police and fire departments, erect necessary buildings and own all implements and apparatus required therefor.

Police and Fire Alarm System.

(6) To establish and maintain fire alarm, police, telegraph or telephone system, and manage and control the same, and to appoint a Superintendent thereof.

Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage, use of powder, dynamite, gun cotton, nitroglycerine, fire works, and other explosive materials and substances.

Inflammable Materials.
(8) To regulate the storage of hay, straw, oil and all other inflammable and combustible materials.

Rubbish, Etc.
(9) To compel the owner of property within the city to keep the same clear of weeds, brush and all material liable to communicate fire to adjoining property, and in case the owner of such property shall neglect or refuse to remove the same within ten days after being notified so to do by the Council, either personally or by publication in the official newspaper of the City, the council shall have authority to have the same removed, assess the cost thereof against the property.

Engines and Boilers.

(10) To regulate the use of steam engines, gas engines, steam boats and electric motors, and prohibit the use in such localities as in the judgment of the Council would endanger public safety.

Whistling and Smoke.

(11) To regulate or prohibit whistling of locomotives, mills, factories, and the discharge of stoves, cinders, sparks and smoke therefrom, and all unnecessary and disturbing noises.

Fire Limits.

(12) To prescribe fire limits, determine the character and height of buildings that may be erected thereon, and the nature of the materials used in the construction, alteration, repair of such buildings, or existing buildings within such fire limits.

Building Regulation.

(13) To regulate the construction of and the material used in all buildings, chimneys, stacks and other structures. To prevent the erection of insecure or unsafe buildings, chimneys, stacks, walls, other structures, and to provide for their summary abatement or demolition. And to regulate the method of construction.

clerks and employees of the city, who shall give all required information and assistance, and submit for examination such books and papers as may be requested, and failure to do so, shall be deemed to be a forfeiture and abandonment of his office. The Council shall provide for the payment of such accountant.

Supervision of Public Utility Companies.

Section 41. The Mayor shall be charged with the general supervision of all public utility companies, so far as they are subject to municipal control; he shall keep himself informed as to their compliance in all respects with the law, and shall see that all franchises granted by the city are faithfully observed.

The Mayor shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises granted by the city to any person, firm or corporation which have become forfeitable in whole or in part, or which, for any reason, are illegal and void. The City Attorney on demand of the Mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

Section 42. The Mayor shall be a member of the Council, and have the right to vote upon all propositions, matters and questions coming before it, but shall have no veto power.

Section 43. The Mayor shall exercise other powers and perform such other duties as may be prescribed by law and ordinance.

CHAPTER 6. ADMINISTRATIVE DEPARTMENTS.

The Five Municipal Departments.

Section 44. The administrative powers, authority and duties of city officers, not otherwise provided for, shall be distributed among and assigned to five departments as follows:

1. Department of public health, sanitation, police and general welfare.
2. Department of accounts and finances.
3. Department of parks, public grounds, buildings and fire protection.
4. Department of waterworks and sewers.
5. Department of streets and alleys.

Council to Assign Duties to the Departments.

Section 45. The Council shall determine and assign the duties of the several departments, subject to the provisions of the last preceding and next following sections; shall prescribe the powers and duties of officers and employees, may assign particular officers and employees to one or more departments; may require an officer or employee to perform duties in two or more departments, and make such other rules and regulations as may be necessary or proper for the

council a full report in writing of all the operations of his department for the month previous.

Reports to Be Published.

Section 51. The council shall provide for the publication of the annual report of the mayor, and the monthly reports of the superintendents of the several departments.

Mayor and Council to Hold No Other Office.

Section 52. No member of the council shall hold any other municipal office or employment, the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof.

Officers Not to Be Interested in Contracts or Franchises.

Section 53. No officer or employee elected or appointed to any office under the provisions of this charter shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for the city, unless such officer or employee, or the firm or corporation in which such officers or employee is interested, shall be the lowest bidder, or one of the lowest, in which case the council may by unanimous vote accept the same, but such contract or bid shall be in writing, and shall state explicitly the relation and interest of such official or employee in such firm or corporation, and shall be published in full in the official proceedings of the council, and no such officer or employee shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of the city. No such officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of the city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise, any frank, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any service upon terms more favorable than is granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and every such contract or agreement shall be void.

Political Religious Test.

Section 54. No appointment to position under the city government shall be made or withheld by reason of religious or political opinions or affiliations or political services, and no appointment to or selection for, or removal from any office or employment

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Reconsideration.

(6) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at the next regular meeting of the city council after the meeting at which such motion was made.

Signing and Attesting.

(7) All resolutions and ordinances shall be signed by the mayor, attested by the city clerk, and published once in the official paper of the city.

Revisions and Amendments.

(8) No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised, re-enacted or amended, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repealing.

(9) No ordinance or section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Ordinance Granting Franchise.

(10) No bill for the granting of any franchise shall be put upon its final passage within 30 days after its introduction.

Record of City Ordinances.

(11) A true and correct copy of all ordinances shall be kept and certified to by the City Clerk in a book marked "City Ordinances," such record copy, with such certificate, or the original ordinance shall be prima facie evidence of the contents of the ordinances and of the due passage and publication of the same, and shall be admissible as such in any Court or proceedings. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of Absent Councilmen.

Section 62. No final action shall be taken in any matter concerning the department of any absent Councilman unless such business has been made a special order of the day, by action at a previous meeting, or unless such action is taken at a regular meeting of the Council.

Municipal Court to Take Judicial Notice.

Section 63. In all prosecutions and proceedings of every kind before the Municipal Court of this city, such Court shall take judicial notice of all ordinances of the city, and it shall not be necessary to plead or prove such ordinances in such Court.

Franchises Granted by Ordinance.

Section 64. No franchise or right to convey or use the streets, highways or public places in the city, shall be granted except by ordinance, save temporary use of the parks for picnics, public meetings, etc.

Members Present Who Fail to Vote.

Section 65. Any member of the Council, who being present when his name is called, fails to vote upon any then pending proposition, unless ex-

water works, gas works, electric light, heat and power works within or without the city, and to supply the city and sell to its inhabitants and also persons, firms or corporations outside of the city, water, gas, electricity, and all products of any public utility operated by the city.

Telephone, Telegraph and Transportation.

(3) To acquire by purchase, condemnation or otherwise and to establish, maintain, equip, own and operate telephone and telegraph systems, electric or other railways or transportation service of any kind.

Land for Public Purposes.

(4) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility, or to provide for and effectuate any other public purpose, and to sell, convey, encumber and dispose of the same for the benefit of the city.

Lease of Public Utilities.

(5) To lease, for the purpose of maintenance and operation, any public utility owned by the city.

Bequests and Donations.

(6) To receive bequests, gifts, and donations of all kinds of property or to hold in trust for charitable and other purposes, and to do all acts necessary to carry out the provisions of such bequests, gifts and other donations, with power to manage, sell, lease or otherwise dispose of the same, in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust, be unconditional.

Borrowing Money. Bonds.

(7) To borrow money for any of the purposes which the city is authorized to provide, and for carrying out any of the powers which the city is authorized to enjoy and exercise, and to issue bonds therefor.

Direct Legislation by the People.

Section 71. The qualified voters of the city shall have the power, through the initiative and otherwise, as provided by this Charter, to enact appropriate legislation, to carry out and enforce any of the above general powers of the city, or any of the specified powers of the Council.

Powers of the Council Enumerated.

Section 72. As the legislative body of the City, the Council, subject to the provisions and restrictions of this Charter, shall have the power:

Official Seal.

(1) To provide a corporate seal with appropriate device, to be affixed to all instruments or writings needing authentication.

Violations of Charter and Ordinances.

(2) To prescribe fines, forfeitures, penalties and punishment for violation or breach of any provision of this Charter or of any ordinance, by-law or regulation of the city, not exceeding a fine of One Hundred Dollars and costs of prosecution, or imprisonment in the City prison or the County Jail of St. Louis County, for a term not exceeding ninety days.

construction and location of drains and sewers. The materials and methods used in wiring buildings or other structures for the use of electricity for lighting, power, heat, or other purposes, and the materials used for piping buildings or other structures for the purpose of supplying the same with water or gas, and the manner of so doing, and to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire Escape.

(14) To require the owners and lessees of buildings or other structures to place upon or in them fire escapes and appliances for the extinguishing and prevention of fires.

Precaution Against Fires.

(15) To prevent the construction and to cause the removal of dangerous chimneys, fire places, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to require gas cut-offs at curbs; to regulate the operation of manufactories liable to cause fire; to prevent the depositing of ashes, accumulations of shavings, rubbish or any combustible material in unsafe places, and to make provision to guard against fires.

Provisions for Safety in Theatres, Halls, Etc.

(16) To regulate the size and construction of the entrances to and exits from theatres, lecture rooms, halls, schools, churches and other places for public gatherings of every kind, and to prevent the placing of seats, chairs, benches, or other obstructions in the hallways, aisles, or open places therein.

Provisions for Safety in Streets.

(17) To regulate the speed of railroad trains, engines and cars passing through the city, and the speed of cars of street or interurban railways using the streets of the city, to require railroad companies to station flagmen at place gates or viaducts at all such street crossings as the Council deem proper, to require street cars and local trains to be provided with fenders, or other appliances for the better protection of the public, to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed at which persons may ride, drive or propel bicycles, automobiles, or other vehicles along or upon any of the streets or highways of the city.

Improper Use of Streets.

(18) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of hand bills on the streets, public grounds or sidewalks. To regulate and prevent the flying of banners, flags or signs across the street from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions in the streets and to require their removal.

Width of Tires. Heavy Loads on Streets.

(19) To regulate and prescribe the width of tires on wheels of vehicles used in the city, and the maximum weight of loads to be drawn over any street in the city, and to direct upon

PROPOSED CHARTER FOR THE CITY OF EVELETH

transfer, promotion, reduction, or punishment shall be in any case decided by such opinion, affecting the services.

CHAPTER 7. COUNCIL.

Section 65. The council shall be the governing body of the municipality, and shall exercise the corporate powers of the city, and subject to the provisions of this charter, shall be vested with all powers of legislation and administration of local government, consistent with the constitution of the United States and the constitution of the State of Michigan.

Section 66. The mayor shall be elected by the council and shall preside at its meetings. The council shall elect one of its members to be clerk of the council.

Section 67. The council shall provide for the time and place of holding its meetings and the manner in which special meetings may be called.

Section 68. All legislative sessions of the council, whether regular or special, shall be open to the public.

Section 69. A majority of the members of the council shall constitute a quorum for the transaction of business.

Section 70. The council shall establish its rules of procedure.

Section 71. Ayes and noes shall be taken on all resolutions and ordinances.

Section 72. The council shall establish its seal.

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Section 68. In publication of resolutions that may be included in the publication of the proceedings of the Council, such resolutions shall be printed with the dates of their approval without appending the signatures to such resolutions.

Section 69. The Council, during the first year of its organization under this Charter, and from time to time thereafter, shall cause all ordinances in force to be classified under appropriate heads, and, together with, or separately from this Charter, and such provisions of the Constitution and Laws of the State as the Council may deem expedient, to be published in book form.

Section 70. Without denial or disparagement of other powers held under the Constitution and Laws of the State, the City of Eveleth shall have the right and power.

Section 71. To regulate or prohibit the manufacture, keeping, storage, and use of powder, dynamite, gun cotton, nitroglycerine, fire works, and other explosive materials and substances.

Section 72. To regulate the storage of hay, straw, oil and all other inflammable and combustible materials.

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Whistling and Smoke. (11) To regulate or prohibit the whistling of locomotives, mills, mines, factories, and the discharge of steam, cinders, sparks and smoke therefrom and all unnecessary and disturbing noises.

Fire Limits. (12) To prescribe fire limits and determine the character and height of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings, or existing buildings within such fire limits.

Building Regulation. (13) To regulate the construction of and the material used in all buildings, chimneys, stacks and other structures. To prevent the erection and maintenance of insecure or unsafe buildings, chimneys, stacks, walls, and other structures, and to provide for their summary abatement or destruction. And to regulate the materials used in and the method of construction

what streets heavily loaded vehicles may be drawn, and from what streets, avenues and boulevards the same shall be excluded.

Snow, Weeds and Rubbish on Sidewalks. (20) To compel the owner or occupant of buildings or grounds to remove snow, ice, dirt, rubbish and weeds from the sidewalks and grounds adjacent thereto; and in his default, to authorize the removal thereof, by some officer of the city, at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

Billboards and Signs. (21) To regulate, license or prohibit the construction and use of billboards and signs.

Dogs. (22) To regulate and prevent the running at large of dogs; to prevent dog fights in the streets; to provide for the destruction of vicious dogs and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

Public Pound. (23) To prevent or regulate the running at large of any animals, and fowls, and to establish and maintain a pound and corrals and to authorize the destruction or other disposition of animals and fowls running at large.

Cruelty To Animals. (24) To prohibit and punish cruelty to animals and to require the places where they are kept to be maintained in a clean and healthful condition.

Preservation of Health. (25) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious diseases and to provide for care of indigent sick and injured persons.

Dangerous and Offensive Occupations. (26) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health, or good order of the city, or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations, and the punishment of all persons who knowingly permit the same to be violated in any public building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises.

Inspection of Food Products. (27) To provide for and regulate the inspection and sale of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, bread stuffs, milk and other food products offered for sale in the city, and to regulate the

Public Shows, Gambling. (39) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all description of gambling and fraudulent devices and practices, bucket shops, all playing of cards, dice or other games of chance, for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

Public Order and Decency. (40) To restrain and punish vagrants, meddants, lewd persons, keepers of disorderly and bawdy houses and prostitutes, and to prevent the publication and sale of obscene literature and pictures and exhibitions, and to prevent and punish drunkenness, fighting, assaults, batteries, prize fights, and all offensive, immoral, indecent and disorderly conduct, practices and performances in the city.

Erroneously Collected Taxes. (41) To order the repaying by the Treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees. (42) To fix the fees and charges for all official services not otherwise provided for in this Charter.

Mayor's Urgency Fund. (43) To provide an urgent necessity fund not exceeding five hundred dollars a year to be expended under the direction of the Mayor.

Lease of Lands Owned by the City. (44) To provide for the lease of any lands now or hereafter owned by the city.

Purchase of Property Under Execution. (45) To provide for the purchase of property levied upon, under execution in favor of the city, but the amount bid in such purchase shall not exceed the amount of judgment and costs.

Sale of Useless Personal Property. (46) To provide for the sale at public auction, after advertising for two weeks, all personal property for two weeks for the use of the city.

Street Grades. (47) To establish, change the grade of any street or public boulevards.

Right of Way. (48) To regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban or street railway of any kind shall ever be granted upon such boulevard, unless an ordinance to that effect shall have been duly passed by popular vote, as provided for in Chapter 12.

Regulation of Street Railroads. (49) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street, to use the same tracks and to equitably

its second reading shall be the official newspaper

any bill is put upon its and fails to pass, and a to reconsider, the vote on shall not be taken at regular meeting of after the meeting at on was made.

estings. tutions and ordinances by the mayor, attest- clerk, and published al paper of the city. ments.

ance shall be revised, ended by reference to at the ordinance to be ed or amended, or ections thereof to be a new section or sec- d thereto, shall be set ed in the method pro- ion for the adoption

ance or section there- led except by ordin- the manner provided

ing Franchise.

for the granting of shall be put upon its thin 30 days after its

ordinances.

and correct copy of shall be kept and cer- City Clerk in a book dinances," such record ertificate, or the orig- shall be prima facie contents of the ordin- due passage and pub- ame, and shall be ad- in any Court or pro- ing herein contained d to prevent the proof and publication of an usual way.

sent Councilmen.

to final action shall be ter concerning the de- y absent Councilman ness has been made a the day, by action at ing, or unless such at a regular meeting

to Take Judicial No-

all prosecutions and very kind before the of this city, such judicial notice of all ne city, and it shall y to plead or prove in such Court. ted by Ordinance.

to franchise or right to streets, highways or the city, shall be by ordinance, save of the parks for eeting, etc.

Who Fail to Vote.

any member of the ing present when his fails to vote upon any proposition, unless ex-

water works, gas works, electric light, heat and power works within or without the city, and to supply the city and sell to its inhabitants and also persons, firms or corporations outside of the city, water, gas, electricity, and all products of any public utility operated by the city.

Telephone, Telegraph and Transportation.

(3) To acquire by purchase, condemnation or otherwise and to establish, maintain, equip, own and operate telephone and telegraph systems, electric or other railways or transportation service of any kind.

Land for Public Purposes. (4) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility, or to provide for and effectuate any other public purpose, and to sell, convey, encumber and dispose of the same for the benefit of the city.

Lease of Public Utilities.

(5) To lease, for the purpose of maintenance and operation, any public utility owned by the city.

Bequests and Donations.

(6) To receive bequests, gifts and donations of all kinds of property or to hold in trust for charitable and other purposes, and to do all acts necessary to carry out the provisions of such bequests, gifts and other donations, with power to manage, sell, lease or otherwise dispose of the same, in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust, be unconditional.

Borrowing Money. Bonds.

(7) To borrow money for any of the purposes which the city is authorized to provide, and for carrying out any of the powers which the city is authorized to enjoy and exercise, and to issue bonds therefor.

Direct Legislation by the People.

Section 71. The qualified voters of the city shall have the power, through the initiative and otherwise, as provided by this Charter, to enact appropriate legislation, to carry out and enforce any of the above general powers of the city, or any of the specified powers of the Council.

Powers of the Council Enumerated.

Section 72. As the legislative body of the City, the Council, subject to the provisions and restrictions of this Charter, shall have the power:

Official Seal.

(1) To provide a corporate seal with appropriate device, to be affixed to all instruments or writings needing authentication.

Violations of Charter and Ordinances.

(2) To prescribe fines, forfeitures, penalties and punishment for violation or breach of any provision of this Charter or of any ordinance, by-law or regulation of the city, not exceeding a fine of One Hundred Dollars and costs of prosecution, or imprisonment in the City prison or the County Jail of St. Louis County, for a term not exceeding ninety days.

struction and location of drains and sewers. The materials and methods used in wiring buildings or other structures for the use of electricity for lighting, power, heat, or other purposes, and the materials used for piping buildings or other structures for the purpose of supplying the same with water or gas, and the manner of so doing, and to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire Escape.

(14) To require the owners and lessees of buildings or other structures to place upon or in them fire escapes and appliances for the extinguishing and prevention of fires.

Precaution Against Fires.

(15) To prevent the construction and to cause the removal of dangerous chimneys, fire places, stoves, stove-pipes, ovens, boilers, apparatus and machinery used in any building in the city; to require gas cut-offs at curb lines; to regulate the operation of manufacturing liable to cause fire; to prevent the depositing of ashes, accumulations of shavings, rubbish or any combustible material in unsafe places, and to make provision to guard against fires.

Provisions for Safety in Theatres, Halls, Etc.

(16) To regulate the size and construction of the entrances to and exits from theatres, lecture rooms, halls, schools, churches and other places for public gatherings of every kind, and to prevent the placing of seats, chairs, benches, or other obstructions in the hallways, aisles, or open places therein.

Provisions for Safety in Streets.

(17) To regulate the speed of railroad trains, engines and cars passing through the city, and the speed of cars of street or interurban railways using the streets of the city, to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as the Council deems proper, to require street cars and local trains to be provided with fenders, or other appliances for the better protection of the public, to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed at which persons may ride, drive or propel bicycles, automobiles, or other vehicles along or upon any of the streets or highways of the city.

Improper Use of Streets.

(18) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of hand bills on the streets, public grounds or sidewalks. To regulate and prevent the flying of banners, flags or signs across the street or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions in the streets and to require their removal.

Width of Tires. Heavy Loads on Streets.

(19) To regulate and prescribe the width of tires on wheels of vehicles used in the city, and the maximum weight of loads to be drawn over any street in the city, and to direct upon

of any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent the bringing into the city or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

(28) To provide for and regulate the inspection of all dairies, milk and cream depots that offer for sale any of their products in the city.

Inspection of Restaurants, Hotels, Etc.

(29) To provide for the inspection and regulation of restaurants, hotels, bakeries and butcher shops.

Lodging, Tenement and Apartment Houses.

(30) To regulate lodging, tenement and apartment houses, and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Sewer Connections.

(31) To license plumbers and regulate the construction, repair and use of sewers, sinks, gutters, wells, cess pools and vaults, and to compel the connecting, cleaning and emptying of the same, and to designate the time and manner in which the work shall be done.

Excavations.

(32) To regulate and safeguard excavations to be made in streets or public grounds, and to require that all excavations made in streets and public grounds where pavements are laid shall be filled and relaid by the city, at the cost of the party applying to make the same.

Garbage.

(33) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

Transient Merchants, Peddlers, Second-hand and Junk Dealers.

(34) To regulate, control and license transient merchants, peddlers, second-hand and junk-dealers, book agents and canvassers, doing business in the city.

Fire Sales, Etc.

(35) To license and regulate gift, fire, auction or bankrupt sales, and to license and regulate porters, runners, agents and solicitors for carriages, hacks, cars and public houses.

Intoxicating Liquors.

(36) To license and regulate the sale of spirituous, vinous, fermented, malt or other liquors, provided, however, that in no case shall a license be granted to any person, to vend, deal in, or dispose of any such liquors within a distance of three hundred feet from any public school.

Regulation of Public Vehicles.

(37) To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and to regulate the charges for such vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

Weights and Measures.

(38) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the use by dealers of proper weights and measures duly tested and sealed.

maintenance thereof between them.

Railroad To Keep Streets in Repair.

(50) To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of one foot upon each side of the tracks occupied by the company, and to require said railroad companies to remove snow from the streets.

Ditches, Etc.

(51) To compel and require railroad companies to make and keep open and in repair, ditches, drains, sewers, and culverts along and under railroad tracks, so that water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

Spur Tracks.

(52) To permit the laying of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business enterprises, with any line of railroad that may be built, with the other lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed by the Council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling a street for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the Council.

Regulation of Poles and Wires.

(53) To cause the removal and placing under ground of all telephone, telegraph, electric or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, alleys or public places in the city.

Size and Location of Pipes.

(54) To regulate the size and location of all water, gas and other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

Elections.

(55) To make all rules and regulations governing election, not inconsistent with this Charter.

Park, Play Ground and Public Charity Commissions.

(56) To establish a park commission, a play ground commission, a health commission, and a commission of public charities, and to appoint commissioners thereon, to serve without compensation with such powers and duties as may be fixed by the Council.

Municipal Ownership.

(57) To provide a suitable procedure for taking over or otherwise

(Continued on following page)

PROPOSED CHARTER FOR THE CITY OF EVELETH

acquiring municipal ownership of public utilities.

Hitching Posts and Rings.
(58) To provide for and regulate the erection of hitching posts and rings for fastening horses and to prohibit the same in any portion of the city at its discretion.

Fastening Horses, Etc.
(59) To compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets.

Naming Streets, Etc.
(60) To name and change the names of streets, avenues and other public places.

Numbering Houses and Lots.
(61) To regulate the numbering of houses and lots and to compel the owners of houses and other buildings to have the numbers of said houses and buildings shown conspicuously thereon or adjacent thereto.

Flagmen and Gates.
(62) To require railway companies to keep flagmen and to regulate and maintain gates at railroad crossings and streets and to provide protection against injury to persons and property in the use of such railroad.

Intelligence and Employment Offices.
(63) To license and regulate keepers of intelligence and employment offices for all persons seeking employment or furnishing employes to others, and to require such persons to keep such records as it may direct and to punish unfair dealings by such persons in their said business.

Newsboys, Etc.
(64) To license and regulate newsboys, bootblacks, fortune tellers, clairvoyants, astrologists and massage doctors.

Hackmen, Etc.
(65) To license, regulate or prohibit hackmen, draymen, expressmen, porters or other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor and to prescribe standing places or stands within the streets or near railway stations where the same may remain while waiting for business and to prohibit the same from standing or waiting for business at any other than the places so prescribed.

Galleries, Etc.
(66) To tax, license and regulate distillers, brewers and pawn brokers.

Concealed Weapons.
(67) To license and regulate, control or prohibit the carrying or wearing of concealed dangerous and deadly weapons to provide for the confiscation of the same.

Fire Arms.
(68) To prohibit the discharging of any fire arms within the city limits of the City of Eveleth.

Blasting, Etc.
(69) To regulate the operation of blasts and blasting, and the construction and location and operation of derricks, windlasses, freight and passenger elevators and other mechanical apparatus or operations hazardous to life or property.

Reporting of Births, Etc.
(70) To provide for and compel the reporting and recording of all births and deaths within the city.

Burial of the Dead
new bonds of the city be issued except as provided herein, nor shall the city loan its credit, become a stock holder or make contributions or donations to any person, company or corporation, except as herein provided.

Provisions To Be Made To Pay Bonds.
Section 75. The council is authorized to provide by taxation, for the prompt payment of interest upon indebtedness, and for a sinking fund for the purpose of meeting bonds of the city at maturity, whether heretofore or hereafter issued.

Money. How Paid Out. City Orders
Section 76. All moneys belonging to the city, except as otherwise provided for in this charter, shall be under the control of the council, and shall be paid out only upon the order of the Mayor, countersigned by the City Clerk, duly authorized by a motion or resolution by the Council, by an affirmative vote by ayes and noes of three-fifths of its members.

Every order drawn upon the Treasury shall designate the purpose for which it is drawn, and the fund upon which drawn, and shall be payable only out of the fund named in the motion or resolution providing for its payment. Each order shall be payable to the order of the person in whose favor it is drawn, and may be transferred by endorsement; no order on any fund shall be drawn until there is money sufficient to the credit of such fund to pay the same, together with all the orders previously issued against such fund.

Property Subject To Taxation.
Section 77. All property in the City of Eveleth, taxable under the laws of the State shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed as provided for by law, and this Charter.

There shall be maintained in the city Treasury the following funds, and the Council by three-fifths vote of its members may levy an annual tax upon all taxable property in the city for the support of such funds, and purposes following, that is to say:

First: An interest fund, for which there shall be levied a sum sufficient to provide for the payment of the interest to become due during the next fiscal year, upon the indebtedness of the city. Out of such fund interest only shall be paid.

Second: A sinking fund to provide for the payment when maturity of this fund, there shall be levied an annual tax of not to exceed one mill on the dollar of the assessed valuation of all taxable property of the city. This fund shall be applied only to the principal of bonds issued by the city.

Third: A fire department fund to provide for the maintenance of the fire department.

Fourth: A police department fund to provide for the maintenance of the police department and the care of prisoners in its custody.

Fifth: A light fund to provide for the lighting of said city and public buildings thereof, whether the same be done by the city or by individuals or corporations.

into this fund all moneys received from the sale of any permanent improvements or property of the city, not otherwise disposed of under this Charter, and also such amounts as may from time to time be realized from the sale of bonds issued on account of this fund.

Sixteenth: A general fund to provide for all current and incidental expenses of, and judgments against the city not otherwise provided for, and such other disbursements as may be authorized by law. There shall be paid into this fund all moneys received from any source save when received for a specific use and purpose.

Seventeenth: A permanent improvement revolving fund 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, but it shall not be supported by taxation. There shall be paid into it all moneys received from all special assessments levied under this charter for local improvements, and also such amounts as may be realized from the sale of bonds, warrants, or certificates authorized therefor in this charter.

Provided that nothing contained herein shall prevent the council from borrowing from the general fund to aid and help any other fund at such times as in its judgment public necessities require, but the council shall have no power to borrow from any fund except the general fund.

The council may at its discretion establish any other fund which it may consider necessary.

Moneys (1) in the city treasury at the time this charter goes into effect, (2) to be collected from the taxes levied before this charter goes into effect shall so far as practicable be divided among the several funds hereby established and where such sub-division is not practicable, shall be kept in the general fund. The council by resolution shall provide for such sub-division in accordance with the directions herein contained.

Where, prior to the time that this charter goes into effect an assessment has been levied to cover the costs of a local improvement, which improvement proceeds of such assessment shall be paid into the permanent improvement revolving fund, and the cost of said improvement shall be paid out of said fund.

From the general fund the council may in every year by resolution appropriate a sum not to exceed five hundred dollars for contingent expenses incurred or to be incurred by the mayor in the detection and prevention of crime in the city, or to be used as an urgent necessity fund.

Sinking Fund Board.
Section 78. The council shall constitute a board of sinking fund and shall have charge of the sinking fund and shall 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 the public school funds for the state of Minnesota or

for any contemplated local improvement, and such bonds shall constitute a first lien upon such local improvements and upon the property benefited thereby and to be assessed therefor.

3. For defraying the cost of making local improvements in intersections of streets, alleys, and in front of property exempt by law from special assessments, and property owned by the city.

4. For defraying the cost of establishing and maintaining a general system of sewers and of maintaining, altering, relaying and extending the existing system of sewers.

5. For the purpose of paying, funding or refunding any bonded indebtedness of the city, existing at the time this charter goes into effect, or created at any time as authorized by this charter. The city, by resolution may issue its certificates or other evidence 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 resolutions for the issuance of bonds or certificates may provide that the same shall be general obligations of the city, or that they will not be general obligations, but shall be payable out of any specified taxes, assessments, funds, or liens held by the city, or may limit the city's liability thereon in any other manner, or may guarantee that the city shall pay the same, providing, that the bonds issued under sub-divisions one, two, three and four above mentioned, shall be general obligations of the city.

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 thereafter, and shall have the power in like manner to assign any lien or right of action held by the city on account of, or arising out of any such assessments as security for the payment of any bonds, certificates of 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 any such property, liens, or

No bonds shall be issued unless the issuance thereof is authorized by a resolution or ordinance passed by a majority vote of all the members of the council and approved by the voters.

The debt of the city shall not exceed two 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 subdivisions one, two, three and four, but the total amount of such bonds, when added to the other indebtedness of the city, shall not exceed four per cent of its taxable property as above defined; and provided further that bonds may be issued as above provided for such

estimate, and the county treasurer based on such estimate and applied only to the taxes together with the unpaid taxes for which said estimate was made.

After the accounts as herein provided for shall be forthwith audited and the money thereafter collected shall be forthwith deposited in the funds provided for in this charter, and the same shall be applied to the same fund year.

Tax Certificates.
Section 83. An annual tax levy by the county auditor on or after October 10th of each year shall be a four-fifths majority vote of the council may by resolution issue and sell as evidence of indebtedness of the city, or may limit the city's liability thereon in any other manner, or may guarantee that the city shall pay the same, providing, that the bonds issued under sub-divisions one, two, three and four above mentioned, shall be general obligations of the city.

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 thereafter, and shall have the power in like manner to assign any lien or right of action held by the city on account of, or arising out of any such assessments as security for the payment of any bonds, certificates of 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 any such property, liens, or

No bonds shall be issued unless the issuance thereof is authorized by a resolution or ordinance passed by a majority vote of all the members of the council and approved by the voters. The debt of the city shall not exceed two 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 subdivisions one, two, three and four, but the total amount of such bonds, when added to the other indebtedness of the city, shall not exceed four per cent of its taxable property as above defined; and provided further that bonds may be issued as above provided for such

(71) To regulate or prohibit the burial of the dead within the city and to regulate and determine the manner in which bodies having been buried in a vault or tomb or other places for the purpose of burial may be removed and to require and control the location of cemeteries and crematories and to vacate and cause the removal of bodies interred in any cemetery not existing according to law.
Stock Yards, Etc.

(72) To direct the location and regulate the management and construction of stockyards, slaughter houses, packing houses, renderies, tallow chandlers, store houses for hides, bone and glue houses, gas works, soap factories, dye houses and tanneries within the limits of the city.
Rolling of Hoops, Etc.

(73) To prevent and regulate the rolling of hoops, playing of ball, flying of kites or any other amusement or practice having a tendency to annoy persons on the streets and sidewalks, or to frighten horses, and to regulate the use of bicycles and any other vehicles on the sidewalks and streets.
Employment of Minors.

(74) To license, regulate and control the employment and occupation of minors on the public streets or other public places.
Revoke Licenses.

(75) The Council shall have power to revoke any license granted by it.
Removal of Partly Destroyed Buildings.

(76) To require owners of buildings or other structures which shall have been destroyed by fire or otherwise to take down the same or any part thereof to prevent accidents, and in case of refusal or neglect of said owner to take down the same when ordered by any officer authorized so to do by any ordinance or by the Council, then to cause the same to be taken down at the expense of the owner and to collect the costs thereof by special assessment on the land on which the same stands.
Additional Powers.

(77) To enact appropriate legislation and to do and perform any and all acts and things which may be necessary and proper to carry out the general powers of the city, or any of the provisions of this Charter, and to exercise all powers not in conflict with the Constitution of the State, with this Charter, or with the ordinances adopted by the people of the City; and the above enumeration of specific powers shall not be held in any way to curtail or restrict any power which the council might otherwise have under the common law.

CHAPTER 9. FINANCES AND TAXATION.

The Fiscal Year.
Section 73. The fiscal year of the city shall commence upon the Tuesday after the first Monday of January of each year.

Debt Not To Be Increased or Credit Loaned.

Section 74. The debt of the city shall not be increased, nor shall any

SIXTH: A road and bridge fund to provide for the engineering department, the cleaning and repairing of streets, sewers, sidewalks, crosswalks and bridges.

Seventh: A health department fund to provide for the support of the health department.

Eighth: A Municipal Court fund to provide for the support of the Municipal Court.

Ninth: A salary fund to provide for the payment of the salaries of the city officers, and of clerk hire not otherwise provided for, but which may be authorized by law.

Tenth: A printing and supply fund to provide for printing and supplies for all departments of the city not provided for by any other fund mentioned in this chapter.

Eleventh: A library fund to provide for the support of the public library.

Twelfth: An armory fund to provide for the maintenance of the armory.

Thirteenth: A park fund to provide for the purchase and maintenance of public parks. There shall be paid out of such fund all salaries and expenses incurred by the Council on account of parks or parkways, and in the operation and maintenance of the park system of the city, and also the cost of acquiring, laying out, extending or improving any park or parkway, or planting and caring for trees.

Fourteenth: Public utilities fund to provide for the support and maintenance of any plant owned or operated by the city for furnishing to the city or its inhabitants, water, heat or light, and of paying the cost of the purchase, construction, extension, operation, maintenance and repair of such water, heat and light plant.

There shall be put into it all moneys derived from the sale of property acquired for or used in connection with any utility plant of the city; also the proceeds of all special assessments levied on account of or in connection with such water, heat and light plant, also such amounts as may from time to time be realized from the sale of bonds issued on account of said plant; and also all moneys received from the sale of said plant including water and light, rentals and penalties, and all moneys derived from water assessments on property in front of which water pipes are laid. The surplus in this fund at the close of each fiscal year, may, if the Council elect, be paid into the sinking fund. This fund shall not be maintained by taxation except in case of emergency.

Fifteenth: A permanent improvement fund for the purpose of paying the cost of all real property, and all rights therein and all improvements thereon, which the city shall acquire for its various purposes, and the payment for which is not otherwise provided for out of other funds, and also for the purpose of paying such portions of the expenses of local improvements as shall devolve upon the said city. There shall also be paid

any county or school bonds of this state. In case of investment of bonds in the bonds or other obligations of the city, the same shall not be cancelled, except when authorized by the council, but shall be held in the sinking fund and the interest thereon shall be paid and supplied to such sinking fund. Whenever any bonds of the city become due the council may dispose of enough of the bonds then in the sinking fund, if any, as will with the money then on hand be sufficient to pay such maturing bonds, the council may dispose of any bonds in said fund, at such other time as is deemed for the best interests of said fund. Whenever the amount of such sinking fund, together with the interests therefrom computed from the time of the maturity of the city bonds is sufficient to pay all of said bonds, the levy hereinafter provided for, may be diverted to other funds, but, whenever said fund shall be in the judgment of the council insufficient to pay such bonds at maturity, such tax shall be resumed.

Said council shall make a detailed report at the first meeting in July of each year, and at such other time as it may deem advisable, and said report shall show the condition of said sinking fund, the nature and value of all the securities thereunto belonging with a full description of said securities. Any taxpayer, or any of the owners of bonds of the city shall have the right to maintain in a court of competent jurisdiction any proper action of proceedings to enforce, upon the part of the council, compliance with the provisions of this section. Whenever, at the maturity of any bonds of the city, said sinking fund shall not have money sufficient to pay the bonds so maturing and whenever the council shall deem it advisable to take up any bonds not due, the council may issue other bonds of the city, to run not exceeding twenty years, on such terms as to place and time 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.

Power to Borrow Money or Incur Debt.

Section 79. The city may issue bonds by resolution subject to the limitations hereinbefore provided as follows:

1. For the purpose of constructing, maintaining, extending, enlarging or improving suitable water, light, heating plants, or for the purpose of purchasing any such plant already in existence in the city, or for the purpose of acquiring any real estate or other property needed in connection with any such plant and such bonds shall be a first lien upon all water and light plants and structures of any kind, if issued for both, and if for one only upon the appliance and structure thereof, and all property acquired for use in connection therewith.

2. For the purpose of raising not to exceed Twenty-five thousand dollars for a permanent improvement revolving fund provided for in this charter, in order to provide money

ing the city's bonded indebtedness whenever required, and provided further, that certificates of indebtedness against taxes levied and assessed may be issued as hereinafter provided.

Bonds, warrants, certificates and other evidence of indebtedness of the city, authorized by this charter, shall in no event bear a greater rate of interest than six per cent per annum, and shall in no event be sold for less than the par value thereof.
Annual Budget.

Section 80. The council shall meet annually in the month of September, prior to the tax levy, and make a Budget of the estimated amounts required to pay the expenses of conducting the business of the city for the next ensuing fiscal year.
Levy. When Made

Section 81. A levy shall be made by the council on or before the 10th day of October of each year and the same shall be entered upon the tax duplicate for the county and collected with the county and state taxes.
Separate Accounts to Be Kept for Each Fund.

Section 82. The city clerk and treasurer shall each, as soon as the tax estimate is made in each year open and copy in his book, separate and distinct accounts for each of the several divisions of taxes shown in the tax estimate of the then current year, and in making any tax estimate for expenditures, and in making any levy, the council shall itemize the same, so as to show separately the amount to be collected from taxes for each fund, as said funds are designated in section 76.

It shall be the duty of the treasurer to keep a complete, accurate and separate account of each and all of the separate funds, provided for in section 76, which shall accurately show at all times the amount of money received by him for the credit of each of such funds, and whence received, and the amount of money paid out by him on account thereof, and to whom, and for what purpose paid out.

The treasurer shall also keep a separate and distinct account of moneys received or to be received for each local improvement, for which an assessment is made, and when any money is collected by him from the county treasurer, or any other source, on account of any such assessment, it shall be his duty to credit the same to its separate assessment account. Whenever the county treasurer shall pay over to the city treasurer any taxes belonging to the city, and collected under any levy, and whenever any money is received from the sale of certificates of indebtedness disposed of in anticipation of the collection of a tax based on a tax estimate, the city treasurer shall credit each of the respective funds and accounts with its proportionate amount of receipts according to the tax estimate of the fiscal year for which such estimate is made. The money collected on account of assessments shall not be paid out by the treasurer except in payment of assessment work. The money received from the sale of certificates of indebtedness based on a tax

a secretary, who shall keep a record of its proceedings, and it is hereby vested with all powers which may be vested in the county board of equalization under the general law of the state, but shall not be restricted by any limitations in respect to levying the aggregate sum of real or personal property as returned by the city assessor.

Who May Appeal Before Board.
Section 86. Every person aggrieved by an assessment shall have the right to appear in person or by attorney before such board and present his grievance for its consideration.
Revision and Certification of Assessment Rolls.

Section 87. The city assessor shall revise his assessment rolls in accordance with the decision of said board and after the same shall have been certified by the mayor and secretary of said board, shall transmit the same to the county auditor such revised assessment rolls not later than the first Monday in July, and unless otherwise provided the assessor shall proceed under the general laws of the state.

Disposition of Moneys Collected.

Section 88. Every officer collecting or receiving moneys belonging to the city shall set apart and keep the same with the city treasurer or before the last day of each month or at such more frequent intervals as directed by the council, and immediately pay all of such money into the treasury, for the benefit of the city, which such money severally be used for the purposes for which they were collected. When the last day of the month is upon a Sunday, or legal holiday, said payments shall be made on the next preceding business day.
Uniform Accounts and Reports.

CHAPTER 10. CONTRACTS.

Definitions.

Section 90. All contracts for commodities, or services to be furnished or performed for the city, or any department thereof, involving an expenditure of more than two hundred fifty dollars shall be made as in this chapter provided, and not otherwise.
The words "commodities" and "services" as used in this chapter shall be construed to include all labor, materials or other property, and all local improvements and all local 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, labor or services 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 thereof.

All action in this chapter required or authorized to be taken by the city shall be by resolution or ordinance.
Estimates. Amount of Contracts.

Section 91. The council, in any instance, shall on its own motion

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for any contemplated local improvement, and such bonds shall constitute a first lien upon such local improvements and upon the property benefited thereby and to be assessed therefor.

3. For defraying the cost of making local improvements in intersections of streets, alleys, and in front of property exempt by law from special assessments, and property owned by the city.

4. For defraying the cost of establishing and maintaining a general system of sewers and of maintaining, altering, relaying and extending the existing system of sewers.

5. For the purpose of paying, funding or refunding any bonded indebtedness of the city, existing at the time this charter goes into effect, or created at any time as authorized by this charter. The city, by resolution may issue its certificates or other evidence 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 resolutions for the issuance of bonds or certificates may provide that the same shall be general obligations of the city, or that they will not be general obligations, but shall be payable out of any specified taxes, assessments, funds, or liens held by the city, or may limit the city's liability thereon in any other manner, or may guarantee that the city shall pay the same, providing, that the bonds issued under sub-divisions one, two, three and four above mentioned, shall be general obligations of the city.

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 thereafter, and shall have the power in like manner to assign any lien or right of action held by the city on account of, or arising out of any such assessments as security for the payment of any bonds, certificates of 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 any such property, liens, or

No bonds shall be issued unless the issuance thereof is authorized by a resolution or ordinance passed by a majority vote of all the members of the council and approved by the voters.

The debt of the city shall not exceed two 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 subdivisions one, two, three and four, but the total amount of such bonds, when added to the other indebtedness of the city, shall not exceed four per cent of its taxable property as above defined; and provided further that bonds may be issued as above provided for such

estimate, and the money received from the county treasurer on a tax levy based on such estimate, shall be used and applied only to defray the expenditures together with the arrearages due and unpaid for the specific object for which said estimate was made, and said taxes were levied.

After the accounts are opened in the books as hereinbefore provided, any money thereafter received by the city from the collection of delinquent taxes, shall be forthwith distributed to the funds provided for herein, so far as such funds correspond to the funds named in the particular tax levy on which said delinquent taxes are collected; and so far as they do not correspond, the delinquent taxes collected shall be credited to the general fund. The surplus of any year's receipts over expenditures in any particular fund may be carried forward to the same fund for the succeeding year.

Tax Certificates.

Section 83. At any time after the annual tax levy has been certified to the county auditor, and not earlier than October 10th, in any year, the council may by resolution passed by a four-fifths majority of its members, issue and sell as many certificates of indebtedness as needed in anticipation of the collection of 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 certificates shall be issued 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, and 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 county auditor as aforesaid was made, and said 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; each certificate shall state upon its face for which fund the proceeds of said certificate shall be used, and for the whole amount embraced 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 be made payable at such place, as will best aid in their 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 issued.

Board of Equalization.

Section 84. The council shall constitute the board of equalization, and shall be sworn according to law as such, and shall meet at the city hall on the 4th Monday in June of each year, and shall continue in session not later than the Friday next preceding the second Monday in July, to review, amend and equalize the work of the city assessor, pursuant to the general laws of the state.

Record Sessions and Powers.

Section 85. Said board shall

may, on the recommendation or report of any department or officer of the city, determine in a general way the commodities, labor and service to be done or furnished, and shall estimate the 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 does not exceed the sum of two hundred and fifty dollars, the council may direct that the commodities, labor or service be procured by or through the proper department or officer of the city without public bids.

In case where such estimated cost exceeds the sum of two hundred and fifty dollars, said commodities, or service shall only be furnished or done upon public bids.

Plans and Specifications. Section 92. Before advertising for bids, the council shall cause to be prepared by the proper department or officer of the city, and filed with the city clerk, detailed plans and specifications and the proposed contract for commodities and service.

Section 93. After filing the same the council shall direct the city clerk to advertise for bids for doing or furnishing said commodities or service in accordance with such contract, plans or specifications. Such advertisement shall be published in the official newspaper 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 chambers, upon a certain day and hour.

Certified Checks.

Section 94. In advertising for any bid the council shall require bidders to accompany bids with a certified check upon some reputable bank, payable to the city of Eveleth, for at least 10 per cent of the total amount bid, which check shall be forfeited to the city, as liquidated damages, if the bidder upon the letting of the contract to him, shall fail to enter into the contract so let. In all advertisements for bids, there shall be reserved the right to reject any and all bids.

Receiving and Opening Bids.

Section 95. 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. As soon as the 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 bid shall be considered if unaccompanied by a certified check, as aforesaid.

Action of Council.

Section 96. The council shall act upon such bids and determine which one, if any, shall be accepted. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements, provided, that the council may reject any bids which it may deem unreasonable and unreliable, and the

ment or transfer thereof, except by operation of law, or by consent of the council expressed by resolution, shall fully end and terminate such contract and shall make the same null and void as to any other and further performance thereof by the contractor or his assigns, without any act on the part of the city; and the city, through its proper authorities, may at once proceed to re-let such contract or may, in 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 102. Before any contractor or his representative shall received a final estimate on any contract for which a bond is required, said contractor or his representatives, shall make and file with the city clerk an affidavit that all claims for materials and labor to date on the work on which estimate is asked, have been fully paid.

Contracts for Official Advertising.

Section 103. The council shall let annually in the month of January, or as soon thereafter as practicable, contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for two consecutive issues, specifically setting forth the work contemplated to be done, and asking for sealed proposals therefore. The proposals shall specify the type and spacing to be used. The Council shall let the contract for such official advertising to the lowest responsible bidder publishing a newspaper in the city which is a legal newspaper according to the laws of the state, provided the Council may reject any or all bids. If the Council shall deem it best for the interest of the city to select a newspaper that is not the lowest bidder, they may select such newspaper. The newspaper to which the award is made shall be designated as the "official newspaper." The successful bidder shall be required to give a bond to the city in the sum of five hundred dollars for the faithful performance of the contract.

The compensation paid for printing shall never exceed the amount allowed by law for legal advertising.

Collusion With Bidder.

Section 104. Any officer of the city or of any department thereof, who shall aid or assist any bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another, by giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by any contract, or who shall knowingly certify to a greater amount of labor performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received shall be deemed guilty of malfeasance and shall be removed from office.

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The treasurer shall also keep a
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ey received or to be received for
each local improvement, for which
an assessment is made, and when any
money is collected by him from the
county treasurer, or any other source,
on account of any such assessment, it
shall be his duty to credit the same to
its separate assessment account.

Whenever the county treasurer shall
pay over to the city treasurer any
taxes belonging to the city, and col-
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Section 86. Every person aggrieved
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Section 87. The city assessor shall
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and after the same shall have been
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of said board, shall transmit to the
county auditor such revised assess-
ment rolls not later than the second
Monday in July, and unless otherwise
provided the assessor shall proceed
under the general laws of the state.

Section 88. Every officer collect-
ing or receiving moneys belong to or
for the use of the city shall settle for
the same with the city treasurer on
or before the last day of each month,
or at such more frequent intervals
as directed by the council, and immedi-
ately pay all of such money into the
treasury, for the benefit of the funds
to which such money severally belongs.
When the last day of the month falls
upon a Sunday, or legal holiday, the
said payments shall be made on the
next preceding business day.

Section 89. The council shall pre-
scribe uniform forms of accounts,
which shall be observed by all officers
and departments of the City which
receive or disburse moneys.

CHAPTER 10. CONTRACTS.

Section 90. All contracts for com-
modities, or services to be furnished
or performed for the city, or any de-
partment thereof, involving an expendi-
ture of more than two hundred and
fifty dollars shall be made as in this
chapter provided, and not otherwise.

The words "commodities" and "ser-
vice" as used in this chapter shall be
construed to include all labor, materi-
als or other property, and all lighting
and other services and all local or pub-
lic improvements.

The word "contract" as used in this
chapter shall be construed to include
every agreement, in writing or other-
wise, executed or executory, by which
any commodities, labor or service are
to be furnished to or done for the city,
and every transaction whereby an ex-
penditure 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 coun-
cil shall be by resolution or ordinance.

Section 91. The council, in the first
instance, shall on its own motion, or

in determining the validity
of the bid shall consider the question
of responsibility of the bidder and his
ability to perform his contract without
reference to the responsibility of
sureties on his bond. In case the bid
of the lowest responsible bidder shall
be more than the estimated cost of
such commodities or service, the coun-
cil may reject all bids and abandon the
proposed contract, or it may require
the city clerk to advertise for new
bids in the manner hereinafter pro-
vided.

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

All contracts to which the city is a
party shall be signed on behalf of the
city by the mayor and counter-signed
by the city clerk, and no contract shall
be valid unless signed by both officers.
All contracts with the city shall be re-
corded by the city clerk in a proper
book kept for that purpose and he
shall keep an index thereto.

Section 97. After the acceptance
of the council of any bid, it shall direct
the execution of a contract by the pro-
per officers, in accordance with said
plans and specifications and such con-
tract shall be carried out by the pro-
per department or officer of the city
as in this chapter provided.

If the council shall determine that
any commodities or service are to be
procured in open market, the same
shall be procured by the proper de-
partment or officer in accordance with
such general directions as the council
may give.

Section 98. Every person to whom
a contract is awarded for an amount
exceeding two hundred and fifty dol-
lars, shall give bond, in such sum as
the council may direct, and with such
sureties as it may approve, for the
faithful performance of such contract.

In all cases of contracts coming
within the purview of sections 4535 to
4539 inclusive, of Revised Laws 1905,
of the state of Minnesota, and the
amendments thereof, the council shall
require such bonds as are required by
such laws.

Section 99. It shall be the duty of
each officer or head of a department to
report to the council, quarterly, the
commodities, work and services likely
to be needed for the operation of his
department or office, for the ensuing
quarter, and not before contracted for.
Section 100. In case of emergency,
and when delays provided for in this
chapter will cause great damage to
the public or endanger public
safety, the head of any department,
with the written approval of the coun-
cil, may make necessary repairs by
day labor and procure materials there-
fore in open market.

Section 101. No contract for which
a bond is required shall be assigned or
transferred in any manner except as in
this section provided, and any assign-

ment of a contract for which a bond is
required shall be void. Any contract
found that the person to whom a con-
tract has been awarded has, in pre-
senting any bid or bids, colluded with
any other party or parties for the pur-
pose of preventing any other competi-
ing bids being made, or has entered
into an agreement by which to induce
higher or a lower bid than some other
person for the purpose of dividing the
contract or profits therefrom between
two or more bidders, then, the contract
so awarded shall be null and void, and
the Council shall advertise for new
bids for said work, or provide for
such work to be done by the proper
department or officer.

Section 106. 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, may be recovered
by the city, without restitution of the
property or the benefits received or
obtained by the City thereunder.

CHAPTER 11. FRANCHISES.

Section 107. Every ordinance by
which the Council shall propose to
grant any franchise shall contain all
the terms and conditions of the fran-
chise to be granted, and it shall be a
feature of every franchise so grant-
ed that the maximum price for the
service or charge shall be stated in
the grant thereof.

Section 108. 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 serv-
ice rendered by it to the city, or to
the public, but such price shall be
fair and reasonable to such corpora-
tion or persons and to the public.

The manner in which such rates shall
be regulated shall be fixed by the
Council by ordinance, and the Council
is hereby authorized to provide by
ordinance for the appointment of com-
missioners to fully investigate and
determine all questions with reference
to rates to be charged by any such
corporation or person.

Section 109. The maximum length
of time for which a franchise or priv-
ilege to use the streets, alleys or
other public places of the city may be
granted to any person, firm or corpora-
tion shall be twenty-five years.

Section 110. Every ordinance
granting any franchise or privilege
shall provide for the termination and
forfeiture thereof for any breach or
failure to comply with any of the
terms, limitations or conditions there-
of, and in all such cases the Council
shall have power to declare the termi-
nation and forfeiture of any such
franchise or privilege, the same as
though in each instance such power
was expressly reserved.

Section 111. All franchises and
privileges heretofore granted, which
the grantees thereof have not in good
faith commenced to exercise, shall be

(Continued on following page)

PROPOSED CHARTER FOR THE CITY OF EVELETH

declared forfeited and invalid, unless such grantees or their assigns shall within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Matters in Charter Not to Impair Right of Council to Insert Other Matters in Franchise.

Section 112. The enumeration and specification of particular matters in this charter which must be included in every franchise or grant, shall not be construed as impairing the right of the Council to insert in such franchise or grant, such other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, fares, rentals, charges, control, forfeitures, or any other provision whatever, as the Council shall deem proper to protect the interests of the people. No franchise granted by the Council shall be assigned without the consent of the Council.

CHAPTER 12. THE INITIATIVE.

Direct Legislation.

Section 113. (1) Any proposed ordinance may be submitted to the Council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required.

Provisions of Chapter 4 Apply.

(2) The provisions of Chapter 4 respecting the forms and conditions of the petition, the mode of verification, certification and filing shall be substantially followed, with such modification as the nature of the case requires.

Twenty Per Cent Petition.

(3) If a petition accompanying the proposed ordinance be signed by electors equal in number to twenty per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contains a request that such ordinance be submitted forthwith to a vote of the people at a special election then the Council shall either:

(a) Pass said ordinance without alteration within twenty days after attachment of the clerk's certificate of sufficiency to the accompanying petition; or

(b) Within twenty-five days after such certification, proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

Ten Per Cent Petition.

(4) If the petition be signed by electors equal in number to at least ten, but less than twenty per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance may be passed by the Council as provided, in the preceding subdivision, then such ordinance, without alteration, shall be submitted to a vote of the people at the next general municipal election occurring at any time after twenty days from the date of the certificate of sufficiency accompanying

upon be suspended from going into operation, and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the Council shall submit the ordinance as provided in Chapter 12 of this charter, to a vote of the electors of the city, either at the next general municipal election or at a special election called for that purpose, and such ordinance shall not become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Chapter 4 respecting the forms and conditions of the petition, the mode of verification, certification and filing shall be substantially followed with such modifications as the nature of the case requires.

Reference of Measures to Popular Vote.

Section 115. Any ordinance or measure that the Council or the qualified electors of the city shall have the authority to enact, the Council may of its own motion submit to the electors for adoption or rejection, at a general or special municipal election in the same manner and with the same force and effect as is provided for submitting ordinances and measures on petition.

Further Regulations.

Section 116. The Council may by ordinance make such further regulations as may be necessary to carry out the provisions of this chapter.

CHAPTER 14. EMINENT DOMAIN. LOCAL IMPROVEMENTS, ASSESSMENTS.

Sub Chapter 1.

EMINENT DOMAIN. PART 1.

Grant of Powers. City May Acquire Property.

Section 117. The City of Eveleth, is hereby empowered to take or acquire by proceedings in condemnation, any property corporeal or incorporeal wheresoever situated, which may be needed by said city for any public use or purpose.

Necessity for Taking to Be Declared By Resolution.

Section 118. The necessity for the taking of any property shall be determined by resolution of the Council, which resolution shall in a general way describe the property so needed, and order its condemnation.

City May Acquire Property Already Dedicated to Public Use.

Section 119. The fact that the property so needed by the city has been acquired by the owner under eminent domain, or is already devoted to the public use, will not prevent its acquisition by the city.

Property May Be Acquired Otherwise Than Under Eminent Domain.

Section 120. The city, may acquire any property by purchase, gift, devise, or otherwise, upon the conditions in this chapter contained.

City May Make Assessments for Improvements.

Section 121. The city is hereby authorized and empowered, except as hereinafter specified, to levy assessments upon any property benefited by improvements to the amount of such

assessment list in the office of the auditor of the county of St. Louis; who can be found in said county, and also upon all persons occupying said lands or any part thereof, and it shall mail a copy of such notice to all nonresidents of the said county, appearing to be interested in said land, addressed to the last known postoffice address of such nonresidents, and if such address is unknown to the Council, such notice shall be addressed to such person at Eveleth, Minnesota. Proof of the service and mailing of such notice shall be made by an affidavit of the person serving or mailing the same, and how each notice so mailed was addressed, and such affidavit shall be filed and preserved in the office of the city clerk.

Section 126. All parties interested in any property so to be condemned, or in any real estate to be assessed for such improvement, may be present and hear and adduce evidence, as may the city attorney, before said Council at said hearing.

Damages How Awarded. Interest.

Section 127. The Council, in making such assessment, shall determine and appraise to the owner or owners the value of the real estate taken, damaged, injured or destroyed for the improvement, and the damages arising to them respectively from the condemnation thereof which shall be awarded to such owners, respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement.

And said sum so awarded, as damages, shall bear interest at the rate of six per cent per annum from and after the date of the confirmation of assessment therefor as hereinafter provided until paid.

Damages in Excess of Benefits.

Section 128. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, the Council shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be paid or received by such owners respectively, and the differences only shall in any case be collected from them or paid to them.

Appraisal Where There Are Buildings on the Land.

Section 129. In case there are buildings or improvements upon any land proposed to be taken in such improvements separately.

The value of such building or improvements, or the part thereof necessary to be taken, to the owner in case of removal shall also be determined by said Council, and notice of such determination shall be given by it to the owner when known, if a resident of the city, personally, or be left at his usual place of abode with some person of suitable age and discretion then residing therein.

If the owner is not known, or is a nonresident of the city, ten days notice by one publication to all persons interested shall be given in the official

shall also note on the assessment roll the total amount included in the assessment to cover the expenses of the proceedings.

Notice of Completion of Assessment Roll.

Section 133. When completed, the Council shall cause to be given ten days' notice by one publication in the official paper of the city to the effect that such assessment has been completed and that at a time and place therein specified, it will hear objections thereto, and that all such objections must be filed in writing with the city clerk at least one day prior to the time so specified, and that unless sufficient cause is shown to the contrary, the same will be confirmed.

Said notice shall contain a copy of the assessment roll as completed.

Objection; How Made.

Section 134. All objections shall be in writing and filed with the city clerk at least one day prior to the day or time specified in said notice.

Provided, that said Council may, in its discretion, allow any person interested who has inadvertently omitted to file his objections as aforesaid, to do so at the time fixed for the hearing of said objections named in said notice.

Adjournment of Proceedings.

Section 135. Should the Council not be present at the time and place appointed the proceedings may be adjourned by the city clerk to such other convenient time and place as may be deemed expedient.

New Notice May Be Given.

Section 136. Nothing herein contained shall preclude the Council from causing a new notice as aforesaid to be given, specifying a time and place at which it will hear objections to said assessment, in case the previous notice shall be found imperfect, or in case of the absence of the Council, or for any other reason which shall be satisfactory to the Council for so doing.

Council to Have Power to Adjourn Hearing and Revise Assessment.

Section 137. The Council shall have power to adjourn such hearing from time to time, and its discretion to revise and correct the said assessment, and to confirm and set aside the same and proceed to make an assessment de novo.

The assessment when confirmed, shall be corrected to conform to such confirmation, and shall be final and conclusive upon all persons interested therefrom.

Procedure After Confirmation of Assessment.

Section 138. When said assessment is confirmed, it, together with all affidavits of publication and service of notice connected therewith shall be entered into a book kept for that purpose by the Council. A warrant for the collection of said assessment shall issue as provided in Section 163 in case of other assessments, except said assessment shall not be payable in installments.

Notice of Confirmation of Assessments.

Section 139. As soon as practicable after the assessment of dam-

demnation and appropriation to the public use of the land, article, franchise, property, right or thing of value for which damages are awarded, and every right title and interest therein and thereto, and every lien thereon shall be therefrom divested, and the city shall become vested with the title, and become condemned absolutely for all purposes which the city may ever use the same except that as to lands and rights taken for streets, alleys and highways purposes the city shall acquire of an easement therein for such purpose but before entering upon possession of said land or property, the city shall pay the amount of such award of interest thereon at the rate of six per cent per annum from the date of final award or confirmation thereof judgment of the Court, as the same may be. In case there shall be doubt as to who is entitled to such compensation or damages, or any part thereof, as may be awarded, the amount so awarded and in doubt, shall be by the Council appropriated and set apart in the treasury for the use of the city, and the city attorney shall establish his right thereto by some judicial proceeding, and before payment of any such award of interest on such property or the amount of the award, shall furnish satisfactory evidence of his right to the award; provided, however, that the Council may by resolution at any time before confirmation of any award of damages made by it, or in case of appeal within twenty days after determination thereof, abandon the proceedings and shall thereupon pay the cost thereof.

Description of Property Taken to Be Recorded.

Section 144. Upon the completion of any proceedings under this charter for the acquisition of any property for the city, the Council shall cause an accurate description of the property so taken to be prepared, together with a statement of the amount of damages, if any, awarded and to be paid, to each former owner thereof, and cause its mayor and clerk to acknowledge the same to the city, and cause the same to be recorded in the office of the recorder of deeds of St. Louis county.

CHAPTER 15. LOCAL IMPROVEMENTS AND ASSESSMENTS.

PART 1.—GRANT OF POWERS.

Improvements, the Cost of Which May Be Defrayed by Assessments.

Section 145. The city is hereby authorized to light, grade, pave, curb, gutter, wall, bridge, grade, cadamide sprinkle, plank, sweep, pair any street, avenue, alley, way; to grade, improve, protect, ornament any public park, square, grounds, to construct improvements, parkways and grass to plant and protect shade trees along its streets and avenues; to construct, lay, re-lay, pair sidewalks, retaining walls, sewers and drains, in, under any street, alley or highway.

such ordinance.

Publication of Popular Ordinance.

(5) Whenever any ordinance or proposition is to be submitted to the voters of the city at any election, the Council shall either cause the ordinance or proposition to be printed and mailed by the city clerk with a sample ballot to each voter, at least three days prior to the election, or order such ordinance or proposition to be printed in the official newspaper and published in like manner as ordinances adopted by the Council.

Election.
(6) The ballots used in voting upon such proposed ordinance shall contain the words "for the ordinance" (stating the nature of the proposed ordinance) and "against the ordinance," (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

Several Ordinances at One Election.
(7) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this chapter.

Repeal of Popular Ordinance.
(8) The Council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any general municipal election; and should such proposition receive a majority of the votes cast at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition or adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

Further Regulations.
(9) The Council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section.

CHAPTER 13. THE REFERENDUM. Mode of Contesting Against Ordinances.

Section 114. No ordinance passed by the Council shall go into effect before ten days from the time of its final passage, except when otherwise required by the general laws of the state, or by the provisions of this charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifths vote of the Council; provided that no grant of any franchise shall be construed to be an urgency measure, but franchises shall be subject to the referendum vote herein provided. If during said ten days a petition signed by qualified electors of the city equal in number to at least twenty per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election, and at which a mayor was elected, protesting against the passage of such ordinances, be presented to the Council, the same shall there-

benefit without regard to cash valuation.

Cost of Improvements.

Section 122. The Council may, by four-fifths vote of all of its members, order that the cost and expense of all or any part of any improvement in this chapter shall be paid out of the appropriate fund or general fund of the city without assessment on the property benefited.

PART 2. PROCEDURE WHERE THERE MAY BE AN ASSESSMENT FOR BENEFITS.

Council to Determine Nature and Extent of Improvement.

Section 123. When the Council shall, by resolution declare that for public improvement it is necessary to take, damage, injure or destroy any private property or property devoted to a public use, it shall determine by resolution in a general way the nature and extent of the proposed improvement.

City Engineer to Be Notified to Make Plat.

Section 124. The Council shall thereupon notify the City Engineer of such determination; and thereupon it shall be the duty of the engineer to make and present to the Council, a plat and survey of such proposed improvement, showing the nature, course and extent of same, and the property necessary to be taken, damaged, injured or destroyed, or benefited thereby, together with the name of the owners or owner of each parcel of such property, as the same appears by the last assessment in the office of the auditor of the county in which said lands are situate at the date of said resolution of the council, together with such other statements as may be proper to explain such survey and the nature and extent of such proposed improvement.

Such plat and survey shall show approximately the amount of land belonging to each owner which is to be benefited, taken, damaged, injured or destroyed; and the Council may cause such plat or survey to be modified, amended or changed.

Council to Adopt Plat, Order Improvement and Give Notice.

Section 125. When such plat and survey shall finally describe the proposed improvement to the satisfaction of the Council, it shall by resolution adopt the same and order the making of the improvement. The Council shall then give fifteen days' notice by one publication in the official paper of the city, of the time and place when it will meet to make an award of damages and assessments of benefits, or an award of damages or assessments of benefits as the case may be, in which notice it shall describe the land or property to be condemned, by general descriptions, and shall specify what such assessment, if any, is to be for, and in a general way what property will be assessed therefor. It shall cause a copy of such notice to be served in the same manner in which a summons is served in a civil action in district court upon all parties interested in the land to be condemned or benefited, as appears by the last

paper of the city, and sufficient notice to such owner.

Such owner may at any time, within ten days after such notice notify in writing the Council of his election to take such building or improvement or such part thereof at its appraised value, and in such case the amount of such appraisal shall be deducted by the Council from the estimated damages for the building or improvement, and the owner shall have such reasonable time for the removal of such building or improvement, after the confirmation of the assessment, as the Council may allow.

If the owner shall refuse to take the building or improvement at such appraisal, or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the Council shall, after the confirmation of the assessment and after the money is in the hands of the treasurer ready to be paid to the owner for his damages, proceed to sell such building or improvement, or part thereof, at public auction, for cash, giving ten days' notice of sale by one publication in the official paper, and cause such building or improvement or part thereof to be removed. The proceeds of such sale shall be paid into the city treasury to the credit of the fund chargeable with such improvement.

Joint Owners of Land Subject to Lease.

Section 130. If the lands and buildings belong to different persons, or if the land is subject to lease, the damages done to such persons, respectively may be awarded to them by the Council, less the benefits resulting to them, respectively, for the improvement.

Damages, Etc. To Be Assessed Upon Real Estate Benefited.

Section 131. Having ascertained the damages and expenses of such improvements as aforesaid, the Council shall thereupon apportion and assess the same, except such amount, if any, as has been appropriated by the Council in payment of same, together with the costs of the proceedings upon the real estate and property, it deems benefited by such improvement in proportion to such benefits, if any be assessable therefor, but in no case shall the amount of such assessment exceed the actual benefit to the lot or parcel so assessed.

Assessment Roll.

Section 132. The assessment roll shall contain a brief description of each tract or parcel of property taken, injured or assessed, the name or names of the owners thereof, as far as known to the Council, or if unknown, shall so state and the amount of damages awarded, and benefits, if any, assessed, against each parcel of property. The assessment roll shall show both the total damages awarded and the total benefits assessed, if any. If the whole amount of such compensation and damages awarded, together with the costs of the proceedings, shall exceed the actual benefit to the property subject to assessment, the Council shall so state on such assessment roll, and shall specify the amount of such excess. The Council

ages and benefits has been confirmed by one publication of the fact of such confirmation to be published in the official paper of the city.

Re-assessment.

Section 140. If the said assessment shall be set aside by the Council as aforesaid, or by the Court, for any cause, jurisdictional or otherwise, the Council shall proceed de novo, to make a new assessment and shall proceed in like manner and give like notice herein required in relation to the first assessment, and all persons interested shall have like rights and the said Council shall perform like duties and have like powers in relation to any subsequent assessment as are hereby given in relation to the first assessment. Provided, however, that if the assessment of damages or benefits as to any parcel or parcels of land shall not be appealed from, or said assessment thereon shall have been paid, there shall be no re-assessment thereof. As often as an assessment against any piece or parcel of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property has paid its share of benefits accruing from the said improvement.

Appeal to the District Court.

Section 141. Any person interested in any property taken or damaged in these proceedings may appeal to the district court of St. Louis county, from an award of damages or an assessment of benefits, in the same manner as provided for by Section 178, and the sections following in this charter. Thereupon the Council shall forthwith transmit to the clerk of said court, a duly certified copy of all papers and records in its office pertaining to such proceedings, and if more than one appeal is taken, it shall not be necessary to transmit more than one copy.

PART 3. Where There Can Be No Assessment for Benefits; Procedure.

Section 142. Whenever, in the condemnation of any property as set forth in Section 116 of this charter, where there can be no assessment for benefits, all of the proceedings required to be had under part two of this subchapter, shall be had under Part 3 hereof, where there can be no assessments for benefits, except that the Council in the latter case shall in no event make any assessment of benefits. And all the provisions of said Part 2 of this chapter shall so far as applicable, apply to and be in force hereunder in Part 2 hereof, to condemn property where there can be no assessment for benefits.

Effect of Award.

Section 143. Whenever an award of damages shall be made, confirmed and not appealed from, in any proceedings for the taking of property under this chapter, or whenever the Court shall render final judgment in any appeal from any such award or from the confirmation thereof, the rights of all parties shall be finally determined thereby, and the same shall constitute a lawful and sufficient con-

city when they constitute a benefit, and the whole or any part of the expense of any such improvement shall be, subject to the provisions hereinafter contained, defrayed by assessment upon the real estate benefited thereby, in proportion to such benefits, without regard to cash valuation, to be determined and levied in the manner hereinafter provided.

Cost Paid by Assessments, Excepted.

Section 146. The cost of any improvements mentioned in the foregoing section may be defrayed, as herein otherwise provided, as follows: The City Council may pay out of the expense of said improvement of the appropriate fund or the fund of the city, and the other said expense of said improvement may be paid by an assessment on the real estate benefited thereby, to be levied in the manner herein prescribed, excepting that in the case of lots fronting on two streets, the city may pay seventy-five per cent of the cost of any such improvement made in front of the major frontage of said lot out of the appropriate fund or the general fund of the city, and the remaining twenty-five per cent of the cost of such improvements shall be levied against the property benefited by; provided that the construction or maintenance of sidewalks, walks over public streets and sidewalks adjacent to squares, public grounds and parks, and the cost of improving, ornamenting public grounds and parks, and the curbing, paving, re-paving, macadam grading of the space between street intersections and the sidewalks of the alleys with walks shall be paid out of the appropriate fund or the general fund of the city.

Amounts Assessable Against Public or Exempt Property.

Section 147. The amount of any assessment for benefits would otherwise be assessable upon property belonging to the city, or property exempt from assessment for local improvements, shall be paid out of the appropriate fund or the general fund of the city.

Two or More Improvements Made at the Same Time.

Section 148. Two or more improvements upon one street, may be made at the same time, under one order, and that case be included in one assessment for Sewer and Water Pipes included in One Contract assessment.

Section 149. The Council when any contract is let for any street, alley or highway in the city, include in such contract the laying of sewer or water pipes, the curb line, and the cost of such improvements shall be paid out of the appropriate fund or the general fund of the city.

Procedure Where Two Improvements Are Made at the Same Time.

Section 150. If two or more improvements are included in one contract, the expense of each improvement shall be separately assessed, and one-half the expense

FOR THE CITY OF EVELETH

ote on the assessment roll amount included in the assessment to cover the expenses of the

Completion of Assessment

33. When completed, the assessment roll shall be given ten days by one publication in the official paper of the city to the effect that the assessment has been confirmed and that at a time and place to be specified, it will hear objections, and that all such objections shall be filed in writing with the city clerk at least one day prior to the time so specified, and that unless the cause is shown to the contrary, the same will be confirmed. The assessment roll shall contain a copy of the assessment roll as completed.

How Made.

34. All objections shall be filed with the city clerk at least one day prior to the day or days named in said notice.

That said Council may, in its discretion, allow any person who has inadvertently omitted his objections as aforesaid, to file the same at the time fixed for the hearing of the said objections named in said notice.

Time of Proceedings.

35. Should the Council not be in session at the time and place appointed for the hearing of the said objections, the city clerk to such effect as may be convenient time and place as may be determined by the Council.

May Be Given.

36. Nothing herein contained shall preclude the Council from giving new notice as aforesaid, specifying a time and place at which it will hear objections to the assessment, in case the present assessment shall be found imperfect, or for any other reason which may be satisfactory to the Council.

Have Power to Adjourn and Revise Assessment.

37. The Council shall have power to adjourn such hearing from time to time, and its discretion to revise, correct the said assessment, and set aside the same, and to make an assessment

When Confirmed.

When confirmed, the assessment shall be final and conclusive upon all persons interested therein.

After Confirmation of Assessment.

138. When said assessment is confirmed, it, together with all notices of publication and service of process connected therewith shall be placed in a book kept for that purpose by the Council. A warrant for the collection of said assessment shall be provided in Section 163 in other assessments, except assessments shall not be payable in installments.

Confirmation of Assessment.

139. As soon as practicable after the assessment of damages for the improvement of

demnation and appropriation to the public use of the land, article, franchise, property, right or thing of value for which damages are so awarded, and every right title and interest therein and thereto, and every lien thereon shall be thereby divested, and the city shall become vested with the title, and become the owner of the property taken and condemned absolutely for all purposes for which the city may ever use the same, except that as to lands and rights taken for streets, alleys and highway purposes the city shall acquire only an easement therein for such purpose; but before entering upon possession of said land or property, the city shall pay the amount of such award with interest thereon at the rate of six per cent per annum from the date of the final award or confirmation thereof or judgment of the Court, as the case may be. In case there shall be any doubt as to who is entitled to such compensation or damages, or any part thereof, as may be awarded, the amount so awarded and in doubt, shall be by the Council appropriated and set apart in the treasury for whose use and benefit the same shall be determined by some judicial proceeding. Before payment of any such award the owner of such property or the claimant of the award, shall furnish satisfactory evidence of his right to such award; provided, however, that the Council may by resolution at any time before confirmation of any award for damages made by it, or in case of an appeal within twenty days after final determination thereof, abandon such proceedings and shall thereupon pay the cost thereof.

Description of Property Taken to Be Recorded.

Section 144. Upon the completion of any proceedings under this chapter, for the acquisition of any property for the city, the Council shall cause an accurate description of the property so taken to be prepared, together with a statement of the amount of damages, if any, awarded and paid or to be paid, to each former owner thereof, and cause its mayor and city clerk to acknowledge the same for the city, and cause the same to be recorded in the office of the register of deeds of St. Louis county.

CHAPTER 145. SPECIAL IMPROVEMENTS AND ASSESSMENTS.

PART 1.—GRANT OF POWERS. Improvements, the Cost of Which May Be Defrayed by Assessment.

Section 145. The city is hereby authorized to light, grade, pave, repave, curb, gutter, wall, bridge, gravel, macadamize, sprinkle, plank, sweep or repair any street, avenue, alley or highway; to grade, improve, protect and ornament any public park, square, or grounds, to construct improve and ornament parkways and grass plats; to plant and protect shade or ornamental trees along its streets and avenues; to construct, lay, re-lay and repair sidewalks, retaining walls, gutters, sewers and drains, in, over, or under any street, alley or highway;

such improvements may be assessed upon the lots and parcels of land benefited by such improvements, save as otherwise provided, in proportion to such benefits, but such two or more improvements may be included in one assessment proceeding.

PART 2. PROCEDURE FOR MAKING ASSESSMENTS.

Applications and Petitions for Improvements.

Section 151. All applications or propositions for any improvement authorized in Section 144 of this chapter, shall be made to or emanate from the Council. If a majority of the owners of the property abutting on any proposed improvement shall petition therefor in writing, the Council shall cause plans and specifications for such improvement to be made and filed in the office of the city clerk, and shall, when such plans and specifications are so filed, give notice of the time and place when and where the Council will meet and hear reasons for and against such improvement, which notice shall be published at least once in the official paper, and the last publication shall be at least ten days prior to the time of such meeting. Said notice shall contain a brief description of the improvement and the several tracts of land to be affected thereby. Provided, that the Council by a four-fifths vote of all its members may, without petition, in cases where in its judgment public necessity requires it, cause plans and specifications for such improvement to be made and filed in the office of the city clerk, and shall give like notice as is required in case of a petition of a majority of the property owners abutting on such improvement.

Hearing.

Section 152. If upon such hearing the Council believe said improvement necessary and proper, they shall order the improvement made and assess one-half the cost thereof against the property benefited thereby, excepting that any of the improvements mentioned in Section 144 is made in any alley, then the cost of such improvement shall be paid out of the appropriate fund, or the general fund of the city.

Council to Let Contract and Make Assessments.

Section 153. When the Council shall determine to make any improvement described in Section 144 of this chapter, the cost of such improvement to be made by the city engineer. After said estimate is made, the Council may proceed at once to assess one-half the estimate cost thereof, against the property to be benefited thereby, in proportion to the benefits resulting therefrom, but in no case in excess of one-half of such benefits. In making such assessment roll the Council shall describe each parcel of land assessed, and state the amount assessed against the same, and shall state the name of the owner thereof, so far as known to the Council. Any mistake in or omission of such owner's name shall in no wise affect such assessment.

Section 158. When said assessment is confirmed, it shall be final and conclusive upon all parties not appealing therefrom.

Notice of Confirmation.

Section 159. When any assessment of benefits has finally been confirmed by the Council, it shall forthwith cause a brief notice of the fact of such confirmation to be published once in the official paper.

Assessments Paramount Lien.

Section 160. All assessments levied under the provisions of this Charter shall be a lien on the real estate upon which the same may be imposed, from the date of the confirmation of such assessment, and of equal rank with the lien of the state for taxes which have been or may be levied upon said property under the general laws of the state; and the general rules or laws relating to priority of tax liens shall apply equally to the liens of such assessments and to such liens for general taxes, with the same force and effect as though all of the liens aforesaid and all of the taxes and assessments aforesaid were of the same general character and imposed for the same purpose and by the same authority, without regard to priority in point of time of the attaching of either of said liens, and a sale or perfecting title under either shall not bar or extinguish the other.

City Clerk Shall Keep Record of All Assessments.

Section 161. The City Clerk shall keep in his office, in books provided for that purpose a correct record of all assessments confirmed by the Council; the said books to be properly ruled and headed so as to contain at all times a substantial description and history of each assessment on each lot and parcel of ground, whether payable in installments, as hereinafter provided, and whether paid to the City or County Treasurer, or whether remaining unpaid.

Assessments Payable in Installments.

Section 162. When such assessment is fully completed and has been confirmed and established, the Council shall by resolution in writing, provide that the owner or any person interested in any lot or parcel so assessed and described in such assessment, may at his election and written request, pay the same in five annual installments, provided the amount of said assessment is Twenty-five Dollars or over. Each of said installments shall bear interest at a rate to be determined by said resolution, not exceeding six per cent, and shall be due and payable within thirty days after the publication of the notice provided in Section 164 of this Charter.

Warrants for Assessment.

Section 163. When any special assessment shall be confirmed and established by the Council as herein provided for, it shall be the duty of the City Clerk to issue a warrant for the collection thereof, which shall be under the seal of the City and signed by the Mayor and City Clerk, and shall contain a printed or written copy of the assessment roll as confirmed, or so much thereof as described the real estate and the amount of the assessment in each case. Said warrant shall also include a copy of the reso-

ages and benefits has been confirmed, the Council shall cause a brief notice by one publication of the fact of such confirmation to be published in the official paper of the city.

Re-assessment.
Section 140. If the said assessment shall be set aside by the Council as aforesaid, or by the Court, for any cause, jurisdictional or otherwise, the Council shall proceed de novo, to make a new assessment and shall proceed in like manner and give like notice herein required in relation to the first assessment, and all persons interested shall have like rights and the said Council shall perform like duties and have like powers in relation to any subsequent assessment as are hereby given in relation to the first assessment. Provided, however, that if the assessment of damages or benefits as to any parcel or parcels of land shall not be appealed from, or said assessment thereon shall have been paid, there shall be no re-assessment thereof. As often as an assessment against any piece or parcel of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property has paid its share of benefits accruing from the said improvement.

Appeal to the District Court.
Section 141. Any person interested in any property taken or damaged in these proceedings may appeal to the district court of St. Louis county, from an award of damages or an assessment of benefits, in the same manner as provided for by Section 178, and the sections following in this charter. Thereupon the Council shall forthwith transmit to the clerk of said court, a duly certified copy of all papers and records in its office pertaining to such proceedings, and if more than one appeal is taken, it shall not be necessary to transmit more than one copy.

PART 3.

Where There Can Be No Assessment for Benefits; Procedure.

Section 142. Whenever, in the condemnation of any property as set forth in Section 116 of this charter, where there can be no assessment for benefits, all of the proceedings required to be had under part two of this subchapter, shall be had under Part 3 hereof, where there can be no assessments for benefits, except that the Council in the latter case shall in no event make any assessment of benefits. And all the provisions of said Part 2 of this chapter shall so far as applicable, apply to and be in force hereunder in Part 2 hereof, to condemn property where there can be no assessment for benefits.

Effect of Award.

Section 143. Whenever an award of damages shall be made, confirmed and not appealed from, in any proceedings for the taking of property under this chapter, or whenever the Court shall render final judgment in any appeal from any such award or from the confirmation thereof, the rights of all parties shall be finally determined thereby, and the same shall constitute a lawful and sufficient con-

swamps and low grounds within the city when they constitute a nuisance; and the whole or any part of the expense of any such improvement may be, subject to the provisions hereinafter contained, defrayed by an assessment upon the real estate benefited thereby, in proportion to such benefits, without regard to cash valuation, to be determined and levied in the manner hereinafter provided.

Cost Paid by Assessments, Exceptions.

Section 146. The cost of any improvements mentioned in the foregoing section may be defrayed, save as herein otherwise provided, as follows: The City Council may pay one-half the expense of said improvement out of the appropriate fund or the general fund of the city, and the other half of said expense of said improvements may be paid by an assessment upon the real estate benefited thereby, to be levied in the manner hereinafter prescribed, excepting that in the case of lots fronting on two streets, the city may pay seventy-five per cent of the cost of any such improvements made in front of the major frontage of said lot out of the appropriate fund or the general fund of the city, and twenty-five per cent of the cost of such improvements shall be assessed against the property benefited thereby; provided that the construction, reconstruction or maintenance of cross walks over public streets or alleys, and sidewalks adjacent to public squares, public grounds and public parks, and the cost of improving and ornamenting public grounds, squares and parks, and the curbing, guttering, paving, re-paving, macadamizing and grading of the space occupied by street intersections and the intersections of the alleys with the street, shall be paid out of the appropriate fund or the general fund of the city.

Amounts Assessable Against City, Public or Exempt Property.

Section 147. The amounts which would otherwise be assessable against property belonging to the city, public property or property exempt from assessment for local improvements shall be paid out of the appropriate fund or the general fund of the city.

Two or More Improvements at the Same Time.

Section 148. Two or more of said improvements upon one or more streets, may be made at the same time, under one order, and may in that case be included in one contract.

Sewer and Water Pipes May Be Included in One Contract and Assessment.

Section 149. The Council shall, when any contract is let for improving any street, alley or highway within the city, include in such contract, the laying of sewer or water pipes to the curb line, and the cost of the same shall be paid out of the appropriate fund or the general fund of the city.

Procedure Where Two Improvements Are Made at the Same Time.

Section 150. If two or more improvements are included in one contract, the expense of each improvement shall be separately apportioned and one-half the expense of each of

so assessed shall be insufficient to complete the work, the Council after the completion of said work, may make a final assessment in the same manner to pay the same.

All assessments paid on account of any improvements ordered to be done by contract, before the contract is let therefor, shall be kept in the permanent improvement revolving fund for such improvement.

Assessments Against Railways or Street Railways.

Section 154. When in any case any proportion of the cost of making any improvements mentioned in Section 144 shall by virtue of any valid law, ordinance or contract, be chargeable to any railway or street railway company, the amount so chargeable may be assessed against such railway company, and the remainder may be paid by assessing one-half against the real estate benefitted thereby, and the remaining part to be paid by the city out of the appropriate or general fund; and the city may collect the amount so assessed against said railway company by distress and sale of personal property, in the manner provided by the general laws of this state in case of taxes levied upon personal property, or by suit brought to enforce the collection of said assessment as an indebtedness; provided that any real estate belonging to such railway company and subject to assessment and deemed benefited by said improvement, shall be assessed as in other cases.

Notice to Be Given Before Making Assessment.

Section 155. Before proceeding to make an assessment for any improvement mentioned in Section 145, the Council shall give ten days notice by one publication in the official paper, of the time and place when and where it will attend for the purpose of making such assessment, in which notice it shall specify what such assessment is to be made for and the amount to be assessed.

Hearing Before Making Assessment.

Section 156. All persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel, and the Council may receive any legal evidence and may adjourn the hearing, if necessary, from time to time, and place to place.

Notice of Hearing. Objections After Hearing Assessment.

Section 157. When the Council shall have completed such assessment, it shall cause like notice to be given of the time and place at which it will hear objections and for the confirmation of such assessments, as hereinbefore required in relation to assessments for the condemnation of real estate, and objections shall be made in like manner and under the same regulations and conditions and all parties in interest shall have like rights, and the Council shall perform like duties and have like power in relation to such assessments as are given herein in relation to assessments for the condemnation of real estate.

Assessment Final and Conclusive.

tion passed by the Council as provided in Section 162 of this Charter.

Warrant Delivered to City Treasurer.
Section 164. All warrants issued for the collection of any special assessment by the City, as herein authorized, shall be delivered by the City Clerk to the City Treasurer as soon as practicable after the said assessment has been confirmed and established. The City Clerk shall in each instance take a receipt for such warrants and place the same on file.

Treasurer to Order Notice on Warrant

Section 165. Upon the receipt of any warrant for the collection of any special assessments, the City Treasurer shall forthwith give notice by one publication in the official newspaper that such warrant is in his hands for collection, briefly describing its nature, the improvement for which the assessment was made and the territory embraced in such assessment. Such notice shall require all persons interested to make payments within thirty days from the date of such notice. Said notice shall also state that the owner or any person interested in any lot or parcel of land so assessed and described in such assessment, may at his election and written request, pay the assessment in five annual installments, provided the amount of said installment is Twenty-five Dollars or over.

Notice of Election by Property Owner.

Section 166. Any person desiring to pay such assessment in installments, as a condition precedent to the exercise of such right shall, within thirty days after the publication of the notice provided for in the preceding section and before such assessment becomes delinquent, make and file with the City Treasurer in duplicate, written notice of his election to pay such assessment in annual installments, provided the amount is twenty-five dollars or over, recognize and assent to the regularity of said assessment, and at the same time, pay the first installment then due and payable; upon failure to file such notice and pay such first installment, the whole of such assessment shall be due and payable the same as though no extension of time for payment had been provided for.

Upon the filing of such notice by any person interested, the City Treasurer shall divide the said assessment into the proper installments, and make record of the same and transmit one of such duplicate notices to the City Clerk, who shall note such fact in his record book of assessments.

The Council may at any time after an assessment becomes delinquent and before the same is certified to the County Auditor, upon the written application of the owner, and upon such terms as may be equitable, waive the neglect to so elect within the proper time, and permit any assessment which has become delinquent to be paid in installments as hereinbefore provided.

Election-Waiver of Defects.

Section 167. Any person making an election to pay in installments as

(Continued on following page)

PROPOSED CHARTER FOR THE CITY OF EVELETH

provided in section 166, his heirs, personal representatives or grantees, of any lot or parcel of land as to which an extension has been granted, shall be held to have recognized and assented to the validity and regularity of said assessment, and of all proceedings had thereon prior to the granting of said application, and shall thereby forever be estopped from denying the validity of said assessment or the amount thereof.

Installments. When Due.

Section 168. The time for the payment of installments and interest, and for the enforcement of the same against the property affected by the assessment, shall be extended so that the several amounts shall become payable as follows:

The first installment within thirty days after the publication of the City Treasurer's notice provided in section 165 of this Charter.

The second installment together with interest on same and on all future installments on October 1st of the succeeding year.

The third installment together with interest on the same and on all future installments on October 1st of the following year, etc.

Each installment together with interest as aforesaid, excepting the first shall be due and payable at the office of the City Treasurer at the first of the year when payable.

Return of City Treasurer of Delinquent Assessments to the Clerk.

Section 169. If the assessment charged in any special assessment warrant made for any improvement, shall not be paid within thirty days after the publication of said notice by the City Treasurer, and the owner or persons interested in the lot or parcel so assessed has neglected to make and file the notice of election and make the first payment as provided by section 166, the City Treasurer shall return to the City Clerk, a list, duly certified of the assessments which still remain unpaid, giving in such list a description of the several lots and parcels on which the assessments have not been paid, with the names of the respective owners thereof, if known, and the several amounts assessed thereon.

City Clerk to Transmit List to County Auditor.

Section 170. The City Clerk shall on or before the 1st day of November, following, cause a statement of the amount of said delinquent assessments, and of the assessments that have been appealed to the District Court as hereinafter provided, with six per cent annual interest thereon computed from the time said assessments became delinquent to the first day of October of the year next following the making of said assessments, added thereto, with a description of the several lots and parcels of land on which the same are made, and the names of the respective owners thereof, if known, to be certified to the Auditor of St. Louis County. It shall be the duty of said auditor to enter the several amounts of said unpaid assessments and interest as aforesaid, upon the tax duplicate of the County, at the time said duplicates are made up, and the same for each year

fective, whether such defects are jurisdictional or otherwise, the Council may make a new assessment as often as need be, upon all real estate benefited on which no payment has been made for said improvement until the full amount of all benefits assessed have been realized from the real estate benefited by such improvement.

Power to Purchase Property or Assignment of Liens.

Section 176. In order to protect the lien of the city on special assessments, the Council shall, whenever necessary, have power to purchase any lot or parcel of land at any tax sale or take an assignment of any lien on same against which the city has a lien for special assessment, and may sell and assign any such lien held by said city, and otherwise take such action as will protect the interest of the city. Council May Issue Warrants.

Section 177. The Council is hereby authorized in anticipation of the levy and collection of such assessment, whether divided into installments or not, to issue warrants on the permanent improvement revolving fund, payable at such times, and in such amounts as in the judgment of the Council the said assessments will provide for, which warrants shall bear interest at a rate not exceeding six per cent per annum, payable annually, on the 5th day of October, and may have coupons attached representing each year's interest. Such warrants shall be non-assessable and shall state upon their face for what purpose they are issued, and that they are payable out of the permanent improvement revolving fund, and shall be signed by the Mayor and countersigned by the City Clerk under the seal of the city, and be in denominations of not more than One Thousand Dollars each. Such warrants may be used in making payments on contracts for making the improvements for which the assessments are made, or may be sold for cash, at not less than the par value thereof, and the proceeds thereof credited to the permanent improvement revolving fund, and used for paying for the same. It shall be the duty of the City Treasurer to endorse on each warrant issued as aforesaid, on presentation to him, the Post-Office address of such assignee. The City Treasurer shall keep a list of the holders of all warrants issued as aforesaid. It shall be the duty of the City Treasurer to pay such warrants and interest coupons as they mature and are presented for payment, out of the fund on which they are drawn, and to cancel the same when paid. Any indebtedness created by the issuance of any such warrants, shall not be deemed a part of the total indebtedness of the city, which the city is heretofore forbidden to incur to exceed five per cent of the total value of the taxable property in such city according to the last preceding assessment for city purposes.

Every warrant issued as aforesaid shall contain the following proviso: "The City of Eveleth reserves the right to pay this warrant and accrued interest at any time upon receiving the

Procedure in District Court on Appeal.

Section 180. Such appeal shall be tried by the Court without a jury, except that in condemnation proceedings either party may demand a jury trial, at a general or special term, without pleadings other than as above stated. Upon such trial appellant can make no other objections to said assessment than those stated in his notice of appeal, but the Court may, in its discretion, permit such notice to be amended in this respect at any time. The Court shall hear such competent evidence as may be offered by either party, and may revise, correct, amend, increase, reduce or confirm the assessment appealed from, or may order a new assessment to be made as to the property concerning which such appeal is taken, and in that event shall direct the Council how to make such new assessment so as to avoid the errors complained of.

The Court shall not dismiss the appeal, nor confirm or annul the assessment on the ground that only a portion of the assessment roll has been returned, but either party may introduce the whole of said roll in evidence, and the same shall in all cases, whether on said appeal or otherwise, and in all courts, be prima facie evidence of the validity of all proceedings up to and including the confirmation of the assessment.

Disbursements and costs, except statutory costs, may in the discretion of the Court, be allowed on said appeal as in other civil cases, but any judgment entered therefor against the city shall be paid out of the general fund. From the determination of said appeal by the District Court, either party may appeal to the Supreme Court of the State.

Copy of Order Sent to the City Treasurer. Proceedings.

Section 181. It shall be the duty of the Clerk of the District Court within twenty days after such order is filed by the Court, to make a copy of the order made by the court in said proceeding and deliver the same to the City Treasurer. Unless the Court orders a new assessment, the City Treasurer shall certify the assessments mentioned in said order of the District Court to the City Clerk in the same manner as other delinquent assessments are reported. The City Treasurer on receipt of the copy of the order from the Clerk of the District Court as aforesaid shall immediately transmit the same to the City Clerk, and the Council shall thereupon proceed to make a new assessment.

Section 182. If said assessment shall be set aside by the Court for any cause, jurisdictional or otherwise, the council shall proceed, de novo, to make a new assessment and it shall proceed in like manner and give like notice, as herein required, in relation to the first assessment and all persons in interest shall have like rights and the said Council shall proceed in any subsequent assessment, as in case of the first assessment. Provided, that if the first assessment

responsibility of the sureties on his bond. Provided, that in case the Council shall deem all such bids unreasonable, it may readvertise for proposals. Provided, further, that the Council may reject all bids for contract work.

Right to Suspend Work.

Section 189. The right shall be reserved in said contract to the City Engineer, with the consent of the Council, in case of improper construction, to suspend work at any time, or to order the entire reconstruction of the same if improperly done.

Estimate.

Section 190. In the course of the proper performance of the contract, the Council may from time to time as the work progresses, allow to the contractor estimates of the amount already earned, less fifteen per cent thereof, which, when ordered paid by the Council, shall entitle said contractor to receive the amount so allowed out of the money applicable to the payment of such work. When the work has been completed by the contractor to the satisfaction of the Council and the City Engineer, the balance due may be audited and allowed by the Council.

City Council to Complete Work.

Section 191. If, in the opinion of the Council, any work under contract does not progress so as to insure its completion within the time named in the contract, the Council and City Engineer shall have power to furnish and use men and material to complete the work and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due or to become due such contractor or may be collected from him or the sureties on his bond in a suit by the City. Provided, that the Council shall first notify the sureties on the contractor's bond of its intention so to do, and the said sureties may take charge of the work and complete the same within the time named.

Property Owners May Construct Streets.

Section 192. Property owners shall be allowed to construct streets and public improvements upon or through their own property at their own expense in such cases and upon such terms and regulations as the Council may prescribe by resolution.

PART 2. SIDEWALKS.

Plans and Specifications.

Section 193. The Council shall by resolution adopt and cause to be filed for inspection in the office of the City Clerk, general plans and specifications to apply to and govern the building, relaying and repairing of all sidewalks in the City.

From time to time in each year, the Council shall cause invitation for bids to be published in the official paper in the same manner and for the same length of time as is required in the case of other public improvements, for building, laying and repairing all sidewalks that may be ordered by the Council. The bids therefor shall be received and opened, contract let, and bond given in the same manner as

is completed, the Council shall give ten days notice by the official paper, at a time and place there said assessment will be less sufficient cause, contrary, and that object filed one day before the in said notice with the The Council shall proceed in the same manner as the same power to revise, confirm or set aside such or to proceed de novo as other assessments.

Section 200. Said assessment confirmed shall be final unless appealed from as provided in section 178, and the Council of this Charter and the same power to revise, confirm or set aside such or to proceed de novo as other assessments.

Section 201. Whenever a contractor shall fail to build, repair any sidewalk within the time specified by the Council or in any respect fails to comply with his contract the Council shall have power to furnish and use material to complete the same and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due or to become due such contractor or may be collected from him or his sureties on his bond in a suit by the City. Provided, that the Council shall first notify the sureties on the contractor's bond of its intention so to do, and the said sureties may take charge of the work and complete the same within the time named.

Section 202. In case the contractor shall properly perform his contract, the Council may from time to time, allow the contractor the amount already earned less fifteen per cent thereof, which shall be paid out of the moneys available for said work.

PART 3. STREET SPRINKLING LIGHTING.

Section 203. The Council shall cause portions of the streets, public grounds of the city to be led and lighted as it may deem proper and may prescribe the manner in which the same shall be done, and may make all necessary contracts for the doing of the same.

CHAPTER 15. WATER WORKS AND POWER OF COUNCIL.

ending November 1st, shall be carried to the tax becoming due or payable in January of the following year, and enforced and collected in the manner provided for the enforcement and collection of state and county taxes under and in accordance with the provisions of the general laws of the State. Such assessments when collected shall be paid over by the County Treasurer to the City Treasurer.

The same penalties and interest shall attach and be collected by the County Treasurer on assessments as upon general taxes, which penalties and interest shall belong to the City and be turned over by said Treasurer to the City Treasurer with the assessments.

Installments Not Paid When Due.

Section 171. If any installment and interest is not paid when due on the first day of October of each year together with interest to that time on all future installments of the same assessment, the City Treasurer shall add a penalty of five per cent to the total amount thus delinquent and certify the same to the City Clerk, as a special tax on said property. The City Clerk shall thereupon certify the same to the Auditor of St. Louis County, in the same manner and at the same time as in case of other delinquent assessments. The County Auditor upon receipt thereof, shall enter and carry out the same upon the proper tax duplicates of the County in the same manner as in other cases of unpaid assessments, certified to him under the provisions of this Charter, and the same shall thereupon be collected and payment thereof enforced the same as other taxes on real estate are collected and enforced and when collected, together with any penalties and interest on same, be paid over to the City Treasurer.

Installments May Be Paid Before Due.
Section 172. Any owner or person interested in any land against which an assessment has been levied, may, after such assessment has been divided into installments, pay one or more of the installments at any time before maturity upon the payment of thirty days interest in addition to the interest which has already accrued.

Installments Paramount Lien.

Section 173. Every installment, the time of payment of which has been extended, shall constitute and continue to be a paramount lien in favor of the city and against the lots and parcels of land as to which said extension is granted, for the amount so extended for each lot or parcel until the same is fully paid.

Informalities.
Section 174. No assessment shall be set aside or held invalid by reason of any informality in the proceedings prior to the entry thereof on the tax list by the auditor of St. Louis County, as hereinbefore required, unless it shall appear that by reason of such informality or irregularity substantial injury has been done to the person or persons claiming to be aggrieved.

New Assessment. When.
Section 175. If for any cause the proceedings of the Council or any of its officers, be found irregular or de-

holder thereof thirty days notice.

Whenever there are funds in the permanent improvement revolving fund that may be properly applied to the payment of any such outstanding warrant, it shall be the duty of the City Treasurer to notify the holder of such warrant that there is money in the city treasury for the payment of the same. Said notice may be given by mail addressed to the last known Post Office address of the owner of said warrant, and if such address is unknown, said notice shall be addressed to such person at Eveleth, Minnesota. Proof of such mailing shall be made by the affidavit of the person mailing the same, and shall state the time and manner of mailing, and how each notice was addressed, and such affidavit shall be filed and preserved in the office of the City Treasurer. Such warrant shall draw no interest after thirty days from the mailing of said notice.

Appeal to the District Court.

Section 178. Any person interested in any property assessed under this Charter, for benefits resulting from any improvements, may appeal from such assessment to the District Court of St. Louis County, within thirty days after the publication of the notice provided for in sections 139, 159 and 199 of this Charter.

Appeal—How Made—Procedure on Appeal.

Section 179. Said appeal shall be made by filing a written notice with the Council stating that appellant appeals to the said District Court from said assessment, and containing a description of the property of said appellant so assessed and the objections of said appellant to such assessment, and by filing with the Clerk of said Court within ten days thereafter a copy of said notice of appeal. To render an appeal effectual for any purpose, a bond shall be executed by the appellant to the city, conditioned that appellant shall pay all costs and charges which may be awarded against him on the appeal, not exceeding the penalty of the bond which shall be in the sum of Two Hundred Dollars. Said bond shall be approved by the Judge of said Court and filed in the office of the Clerk of said Court. In case of an appeal, it shall be the duty of the Council forthwith to prepare and deliver to the appellant a copy of the assessment roll as confirmed; it shall be necessary to include in said copy only those pages of said roll which are pertinent to the property involved in such appeal, which copy shall within fifteen days after the taking of such appeal be filed by the appellant in the office of the Clerk of said Court. The District Court may for good cause shown, grant further time for filing such certified copy, or may, when necessary, require a further return to be made. The cause shall be entered by such clerk in the name of the person taking such appeal against the city as an "Appeal from Assessments" and may be brought on for hearing by either party and shall have the preference in order of trial over all civil cases pending in said court.

or benefits to any tract of land shall not be appealed from or shall not have been set aside by the Court, the Council, in any subsequent assessment or re-assessment may omit the tract of land as to which the first assessment shall not have been set aside or appealed from, or on which said assessment shall have been paid; and as often as an assessment or re-assessment against any tract of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property shall have paid its proper share of benefits accruing from the said improvement.

Collection of Assessments Levied Before This Charter Goes Into Effect

Section 183. All assessments made by the City prior to the time this Charter goes into effect shall be collected and the lien thereof enforced in the same manner and under the same provisions of law that they would have been collected under and the lien thereof enforced as if this Charter had not been adopted.

SUB-CHAPTER 3. MAKING OF IMPROVEMENTS. SIDEWALKS. STREET SPRINKLING.

PART 1. MAKING OF IMPROVEMENTS. Provisions of Chapter 10.

Section 184. Except as herein otherwise provided, the provisions of Chapter 10 shall apply to contracts mentioned in this Chapter in like manner as to other contracts of the city.

Plans, Profiles and Specifications to Be Made.

Section 185. Whenever any public improvement shall be ordered made for which an assessment is to be made as aforesaid, the Council shall cause a plan or profile of the work proposed, together with specifications for the doing of the same, to be prepared by the City Engineer, which shall be deposited with the City Clerk and kept at all times open for public inspection. The Council shall, after making and filing of said plans, profiles and specifications, cause proposals for doing such work to be advertised for in the official paper of the City, and in any other papers, not exceeding three, if the Council deem advisable so to do.

Bids.
Section 186. The bids for doing such work shall be directed to the Council and shall be sealed in such manner that they cannot be opened without detection.

Bids to Be Opened.
Section 187. Said bids shall be publicly opened by said Council at the same time specified in the Notice inviting proposals.

Bids to Be Let to the Lowest Bidder.
Section 188. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements. Provided, however, that the Council may reject any bids which it shall deem unreasonable or unreliable, and the Council in determining the reliability of a bid, may consider the responsibility of the bidder, and his ability to perform his contract without any reference to the

provided in this chapter for other public improvements.

Grant of Powers... Duties of Owners.

Section 194. The Council shall have the right to cause to be constructed, sidewalks, along any of the public streets and highways of the city that it may deem necessary, and cause the same to be relaid, repaired or removed when necessary, and it is hereby made the duty of all owners of land adjoining any street or highway to construct, relay, repair or remove such sidewalk along the side of the street or highway next to the land of such owners respectively, as may be ordered by the Council and according to the plans and specifications adopted by the Council therefor.

How Ordered.

Section 195. Whenever the Council shall deem it necessary that any sidewalk in the city shall be built or relaid, it shall by resolution, direct such building or relaying, according to the plans and specifications adopted therefor.

The publication of such resolution once in the official paper shall be sufficient notice to the owners of the land along which said sidewalk is to be built to construct the same, and unless such owners shall each, along his respective land, construct and fully complete such sidewalk within thirty days after the publication of said resolution, the Council shall forthwith proceed to build or re-lay the same by contract as hereinbefore provided, under the direction of the City Engineer.

Repair of Sidewalks.

Section 196. 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 superintendent of the department of streets and alleys to immediately repair the same in a good and substantial manner and report to the Council the cost of such repairs in each case, with a description of the lot or parcel of land abutting upon the sidewalks on which such repairs are made, and such reports shall be carefully filed and preserved by the City Clerk.

Notice of Making Assessment.

Section 199. The said Council shall give ten days notice by one publication in the official paper to the effect that at a certain time and place, it will proceed to make an assessment for constructing, relaying and repairing said sidewalks. Said notice shall briefly describe the location and nature of said improvements by streets.

Assessment to What Amount and on What Property.

Section 198. The Council shall assess the amount, as nearly as it can ascertain the same, which will be required to defray the cost of such improvement, including the necessary expense of making and collecting such assessment upon the real estate or lots of land benefited by said improvement, to the amount of such benefit, except that in the case of lots fronting on two streets the expense on the street having the major frontage may be defrayed out of the proper fund of the city.

Notice of Confirmation of Assessment.
Section 199. When said assessment

have the power to maintain the water works now established, and to enlarge extend and improve the same or contract for a new system of water works at any time when public necessity demands.

Water Mains and Pipes. Where Laid.
Section 205. The Council shall have the right to lay water mains and pipes in any and all streets, alleys, highways and public grounds in or outside of the city.

Sewer System. Districts.

Section 206. The Council of the City of Eveleth shall have power to establish, construct and maintain at any time and from time to time a general system or systems of sewerage for said city or any portion thereof in such manner and under such regulations as said Council may deem expedient, and such system or system of sewerage, to alter or change from time to time, as said Council may deem expedient and may from time to time establish, alter or change such sewerage district or districts as it may deem proper; and shall have power to maintain the sewers heretofore or hereafter established in said city and to enlarge, extend, relay and improve the same, as shall consider the public good shall require; and said Council shall cause sewers connected or intended some future time to be connected with any such system or systems of sewerage to be constructed from time to time. The Council shall provide suitable water and sewer connections at the curb line when necessary and the expense of same shall be paid out of the appropriate fund of the city.

Right of Way for Mains and Ditches.
Section 207. Whenever the Council of the City may deem it necessary to cross private property to construct any water main, sewer, ditch or drain thereon, the City of Eveleth may take, possess, have and hold an easement over and under and across any such property for the purpose of constructing, altering, protecting and repairing such water mains, sewer, ditch or drain, and the proceedings therefor shall be as provided by law.

CHAPTER 16. VACATING STREETS AND ALLEYS.

Power of Council.

Section 208. The Council shall have exclusive power to vacate or discontinue public streets, alleys or highways or any portion thereof in the city, but no such vacation or discontinuance shall be granted or ordered by the Council, except upon the verified petition in writing of one or more of the owners of real property in the portion of such street, alley, or highway proposed to be vacated. Such petition shall state the reason for such vacation and briefly describe the street or alley or portion thereof desired to be vacated. The Council upon presentation of such petition at any special or regular meeting may thereupon order such petition to be filed with the City Clerk, who shall immediately make and publish in the official paper a notice for the period of two successive weeks, at least once in each week, stating that such petition has

PROPOSED CHARTER FOR THE CITY OF EVELETH

District Court on Appeal

Such appeal shall be heard by the District Court without a jury, except in condemnation proceedings, and the appellant may demand a jury trial, but not on a special term, without the consent of the appellant, and the trial shall be held at the same time and place as above stated. The appellant may object to the trial, but the Court may, in its discretion, permit such notice to be given in this respect at any time. The appellant may hear such competent evidence as may be offered by either party to revise, correct, amend, or confirm the assessment, or may order a new assessment to be made as to the portion of the assessment which such appeal is made as to that event shall direct the City Engineer to make such new assessment as to avoid the errors

shall not dismiss the appeal or annul the assessment, but only a portion of the assessment roll has been appealed, and the other party may introduce evidence, and the Court may, in its discretion, allow on said appeal, but any judgment therefor against the appellant shall be out of the general fund of the City. The determination of the District Court, on appeal to the Supreme Court, shall be final.

It shall be the duty of the District Court within ten days after such order is made, to make a copy of the assessment roll as delivered by the court in said order, and to deliver the same to the City Engineer. Unless the Court shall certify the assessment in said order of the City Engineer to the City Clerk in order as other delinquent assessments, the City Engineer shall immediately upon receipt of the assessment roll, the City Clerk shall thereupon issue a new assessment.

If said assessment is set aside by the Court for any reason, or otherwise, the City Engineer shall proceed de novo, to assess and give like notice as required, in relation to the assessment and all persons shall have like rights and shall proceed in any assessment, as in case of a new assessment.

responsibility of the sureties on his bond. Provided, that in case the Council shall deem all such bids unreasonable, it may readvertise for proposals. Provided, further, that the Council may reject all bids for contract work.

Right to Suspend Work.

Section 189. The right shall be reserved in said contract to the City Engineer, with the consent of the Council, in case of improper construction, to suspend work at any time, or to order the entire reconstruction of the same if improperly done.

Estimate.

Section 190. In the course of the proper performance of the contract, the Council may from time to time as the work progresses, allow to the contractor estimates of the amount already earned, less fifteen per cent thereof, which, when ordered paid by the Council, shall entitle said contractor to receive the amount so allowed out of the money applicable to the payment of such work. When the work has been completed by the contractor to the satisfaction of the Council and the City Engineer, the balance due may be audited and allowed by the Council.

City Council to Complete Work.

Section 191. If, in the opinion of the Council, any work under contract does not progress so as to insure its completion within the time named in the contract, the Council and City Engineer shall have power to furnish and use men and material to complete the work and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due or to become due such contractor or may be collected from him or the sureties on his bond in a suit by the City. Provided, that the Council shall first notify the sureties on the contractor's bond of its intention so to do, and the said sureties may take charge of the work and complete the same within the time named.

Property Owners May Construct Streets.

Section 192. Property owners shall be allowed to construct streets and public improvements upon or through their own property at their own expense in such cases and upon such terms and regulations as the Council may prescribe by resolution.

PART 2. SIDEWALKS.

Plans and Specifications.

Section 193. The Council shall by resolution adopt and cause to be filed for inspection in the office of the City Clerk, general plans and specifications to apply to and govern the building, relaying and repairing of all sidewalks in the City.

From time to time in each year, the Council shall cause invitation for bids to be published in the official paper in the same manner and for the same length of time as is required in the case of other public improvements, for building, laying and repairing all sidewalks that may be ordered by the Council. The bids therefor shall be received and opened, contract let, and bond given in the same manner as

is completed, the Council shall give ten days notice by one publication in the official paper, to the effect that at a time and place therein specified, said assessment will be confirmed unless sufficient cause is shown to the contrary, and that objections must be filed one day before the time specified in said notice with the City Clerk. The Council shall proceed on the hearing in the same manner and shall have the same power to revise, correct and confirm or set aside such assessment or to proceed de novo as in case of other assessments.

Assessment. Final and Conclusive.

Section 200. Said assessment when confirmed shall be final and conclusive, unless appealed from as provided by Section 178, and the Sections following of this Charter, and shall be collected and enforced as other assessments made under Part 1 of Sub-Chapter 2 of Chapter 14 of this Charter. In case of an appeal, said appeal shall not delay or affect the collection of the assessment, except as to the property appealed from.

Council May Complete or Re-Let Contract.

Section 201. Whenever the contractor shall fail to build, repair or relaying any sidewalk within the time designated by the Council or in any other respect fails to comply with the terms of his contract the Council shall have power to furnish and use men and material to complete the work and charge the expense to the contractor, and the same shall be deducted from any money due or to become due such contractor or may be collected from him or his sureties by suit, or the Council may advertise for bids for the completion of the incomplete part of said contract, and let the contract in the same manner as hereinbefore provided in case of the original contract. The decision of the Council that said contractor has failed to comply with said contract shall be final and conclusive as between said contractor and the city, and the defaulting contractor and his sureties shall be liable to the city for all damages resulting from his failure to perform such contract.

Estimates on Contract.

Section 202. In case the contractor shall properly perform his contract, the said Council may from time to time, allow the contractor estimates of the amount already earned, less fifteen per cent thereof, which may be paid out of the moneys applicable to said work.

PART 3. STREET SPRINKLING AND LIGHTING.

Section 203. The Council may cause such portions of the streets, alleys, and public grounds of the city to be sprinkled and lighted as it may deem proper, and may prescribe the manner in which the same shall be done, and the time during which the same shall be done, and may make all necessary contracts for the doing of the same.

CHAPTER 15. WATER WORKS AND SEWERS.

Section 204. The Council shall have power to

been filed with the City Clerk and its object in brief, and that such petition will be heard and considered by the Council at a time and place specified therein, which time and place shall be fixed by the Council at the time of the acceptance of such petition, and the time of hearing such petition shall be at least ten days after the last publication of said notice.

Hearing.

Section 209. The Council at the time and place appointed shall investigate and consider the subject involved in said petition, and may view the premises and shall hear all testimony offered for or against said petition.

Order of Council.

Section 210. The Council after hearing such petition may by resolution passed by a majority vote of its members, grant the prayer of the petition and order and declare such street, alley or highway vacated and discontinued.

Publication of Resolution.

Section 211. Upon the passage of such resolution and the approval thereof by the Mayor as in other cases, and upon the same being countersigned by the City Clerk, it shall be published once in the official paper of the city.

Copy of Resolution to Be Filed With the Register of Deeds.

Section 212. A copy of said resolution duly certified to by the City Clerk to be a true copy, shall immediately after such publication be filed with the Register of Deeds of the County of St. Louis and duly recorded in his office.

CHAPTER 17. ACTION AGAINST THE CITY FOR DAMAGES.

Notice.

Section 213. No action shall be maintained against the city on account of any defect in any street, road, bridge, sidewalk, public utility, or other public place, or by reason of the negligence of its officers, agents or servants, unless such street or highway upon which such injury happened is actually opened, used and traveled by the public as a street or highway, nor unless the person claiming to have sustained such injury or loss, or his lawful representative shall within thirty days, after the happening of such injury or loss, present his claim for compensation, damages or other relief on account thereof to the Council in writing; stating the time when, the place where, and the circumstances under which such injury or loss occurred, and the amount of compensation or the nature of the relief demanded from the city, and give said Council ten days time after such claim is presented, within which to decide upon the course it will pursue with relation to such claim; nor shall any such action be maintained unless the same shall be commenced within one year after the happening of such alleged injury or loss.

any officer or member of said department and no person so suspended shall receive any compensation for the time he is so suspended.

Limited Policemen.

Section 218. The Mayor may at the request of any person, firm, corporation, society or organization appoint a policeman or watchman, who shall serve without expense to the city and have police power to preserve the peace and protect property within such limits and at such places as may be designated in such appointment, but such limited policemen or watchmen shall not exercise any authority nor wear any badge of office outside the limits named in such appointment.

Special Policemen.

Section 219. The Mayor may in case of any mob, riot, pestilence, large public gathering, great public excitement or other emergency, or for days of election, of public celebration or public parades appoint such number of special or temporary police officers as he may deem necessary, but such special or temporary appointment shall not continue for more than one week without consent of the Council.

Titles, Rules, Uniforms, Arms and Badges.

Section 220. The Mayor shall have power to prescribe the title, rank, powers and duties of the several members of the police force, and from time to time make all needful rules and regulations for the government, control, efficiency and discipline of the same and for regulating and determining the uniforms, badges, arms, discipline, drill and exercise of the same as well as the conduct of the officers and men of said force when on or off duty. He may promulgate and enforce general and special orders for the government and direction of such police force and the several members thereof.

Powers and Duties.

Section 221. All police officers, detectives and watchmen and all members of the police force of the city shall possess all the powers of constables at common law and by the laws of the state, and in addition thereto shall have power to serve and execute any warrant, summons, commitment, writ, subpoena or process issued out of the Municipal Court; shall have authority to pursue and arrest in any part of the state beyond the limits of the city any person charged with any violation of any law or ordinance of the city or any offense or crime within the limits of the city, provided, that no such officer shall have power to arrest without a warrant except in cases in which arrest without a warrant is authorized by the general laws of the State or this Charter, and the violation of any city ordinance shall be deemed a public offense; and when performing the duties of constables as aforesaid, shall be entitled to like fees taxed and collected in like manner, but the City of Eveleth shall not be liable to them for any fees.

Peace Officers. Powers.

Section 222. The Mayor, or Acting Mayor, Chief of Police, the officers of police next in rank to the Chief, the Sheriff of St. Louis County and his

provided in this chapter for other public improvements.

Grant of Powers... Duties of Owners.

Section 194. The Council shall have the right to cause to be constructed, sidewalks, along any of the public streets and highways of the city that it may deem necessary, and cause the same to be relaid, repaired or removed when necessary, and it is hereby made the duty of all owners of land adjoining any street or highway to construct, relay, repair or remove such sidewalk along the side of the street or highway next to the land of such owners respectively, as may be ordered by the Council and according to the plans and specifications adopted by the Council therefor.

How Ordered.

Section 195. Whenever the Council shall deem it necessary that any sidewalk in the city shall be built or relaid, it shall by resolution, direct such building or relaying, according to the plans and specifications adopted therefor.

The publication of such resolution once in the official paper shall be sufficient notice to the owners of the land along which said sidewalk is to be built to construct the same, and unless such owners shall each, along his respective land, construct and fully complete such sidewalk within thirty days after the publication of said resolution, the Council shall forthwith proceed to build or re-lay the same by contract as hereinbefore provided, under the direction of the City Engineer.

Repair of Sidewalks.

Section 196. 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 superintendent of the department of streets and alleys to immediately repair the same in a good and substantial manner and report to the Council the cost of such repairs in each case, with a description of the lot or parcel of land abutting upon the sidewalks on which such repairs are made, and such reports shall be carefully filed and preserved by the City Clerk.

Notice of Making Assessment.

Section 199. The said Council shall give ten days notice by one publication in the official paper to the effect that at a certain time and place, it will proceed to make an assessment for constructing, relaying and repairing said sidewalks. Said notice shall briefly describe the location and nature of said improvements by streets.

Assessment to What Amount and on What Property.

Section 198. The Council shall assess the amount, as nearly as it can ascertain the same, which will be required to defray the cost of such improvement, including the necessary expense of making and collecting such assessment upon the real estate or lots of land benefited by said improvement, to the amount of such benefit, except that in the case of lots fronting on two streets the expense on the street having the major frontage may be defrayed out of the proper fund of the city.

Notice of Confirmation of Assessment.

Section 199. When said assessment

Section 204. The Council shall have the power to maintain the water works now established, and to enlarge, extend and improve the same or contract for a new system of water works at any time when public necessity demands.

Water Mains and Pipes. Where Laid.

Section 205. The Council shall have the right to lay water mains and pipes in any and all streets, alleys, highways and public grounds in or outside of the city.

Sewer System. Districts.

Section 206. The Council of the City of Eveleth shall have power to establish, construct and maintain at any time and from time to time any general system or systems of sewerage for said city or any portion thereof in such manner and under such regulations as said Council may deem expedient, and such system or systems of sewerage, to alter or change from time to time, as said Council may deem expedient and may from time to time establish, alter or change such sewerage district or districts as it may deem proper; and shall have power to maintain the sewers heretofore and hereafter established in said city, and to enlarge, extend, relay, and improve the same, as it shall consider the public good shall require; and said Council shall cause sewers connected or intended at some future time to be connected with any such system or systems of sewerage to be constructed from time to time. The Council shall provide suitable water and sewer connections to the curb line when necessary and the expense of same shall be paid out of the appropriate fund of the city.

Right of Way for Mains and Ditches.

Section 207. Whenever the Council of the City may deem it necessary to cross private property to construct any water main, sewer, ditch or drain thereon, the City of Eveleth may take, possess, have and hold an easement in, over and under and across any such property for the purpose of constructing, altering, protecting and repairing such water mains, sewer, ditch or drain, and the proceedings therefor shall be as provided by law.

CHAPTER 16. VACATING STREETS AND ALLEYS.

Power of Council.

Section 208. The Council shall have exclusive power to vacate or discontinue public streets, alleys or highways or any portion thereof in the city, but no such vacation or discontinuance shall be granted or ordered by the Council, except upon the verified petition in writing of one or more of the owners of real property in that portion of such street, alley, or highway proposed to be vacated. Such petition shall state the reason for such vacation and briefly describe the street or alley or portion thereof desired to be vacated. The Council upon presentation of such petition at any special or regular meeting may thereupon order such petition to be filed with the City Clerk, who shall immediately make and publish in the official paper a notice for the period of two successive weeks, at least once in each week, stating that such petition has

Section 214. in the prosecution of actions against the city for personal injuries growing out of defective or improperly constructed highways, bridges, culverts, streets, alleys, sidewalks, or public utilities, it shall be necessary in order to maintain said action for the plaintiff to allege and prove that the defect or want of repair complained of existed for more than ten days immediately prior to the time of the happening of the injury, or that said Council had actual notice and knowledge of such defect or want of repair at the time such injury happened.

Liabilities for Causing Defects in Streets.

Section 215. All persons who shall cause or maintain any obstruction, excavation or defect in any street, alley, bridge, sidewalk, thoroughfare or public ground of said city by means of which a claim for damage shall arise against said city, shall be liable for such damage to whomsoever shall be entitled to recover the same from said city; and no action for such damages shall be brought or maintained against said city unless such person or persons shall be joined as defendants; and in case of judgment against the defendants in such action, execution shall issue only against the defendant causing such deficiency, 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 be come the owner thereof, and may enforce payment of the same from the other defendants, and shall be entitled to execution thereon against them and to take such other proceedings as judgment creditors are entitled to take.

Summons Published if Co-Defendant is Non-Resident.

Section 216. Whenever any party is joined with the city as co-defendant in any action for the insufficiency of any street, alley, bridge, sidewalk, thoroughfare or public ground, and any 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 like manner as prescribed by general laws for service by publication in other actions.

CHAPTER 18. POLICE DEPARTMENT. Policemen, Appointments, Qualifications, Removals.

Section 217. The police department of the City of Eveleth shall consist of a Mayor and Chief of Police and such subordinate policemen, watchmen, detectives and other officers as may be authorized by the Council and appointed by the Mayor. The Mayor shall appoint the Chief of Police, all police officers, watchmen, detectives and all other officers pertaining to said department. All such appointments shall be subject to the approval of the Council. No person shall be eligible to an appointment in said department unless he is a citizen of the United States, is able to read and write the English language and is of good health and physique and has not been convicted of any criminal offense. The Mayor at any time may suspend

deputies, the Coroner, the Municipal Judge and Special Municipal Judge, and all police officers and watchmen, shall be officers of the peace, and command the peace, suppress in a summary manner all rioting or disorderly behavior within the city limits, and for such purposes may command the assistance of all bystanders, and if need be of all citizens, and military companies, and in case where the civil authorities may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

Refusing to Aid Peace Officers. Penalty.

Section 223. If any person, bystander, military officer or private, shall refuse to aid in preserving the peace when thereto required as designated in the foregoing section, every such person shall be guilty of a misdemeanor and upon conviction thereof before a court of competent jurisdiction shall be punished by a fine not to exceed One Hundred Dollars or imprisonment in the County Jail for a term not to exceed ninety days.

Assuming to Be Policemen. Misdemeanor.

Section 224. If any person shall without authority assume to act as a policeman or pretend to have such power or wear the badge of policeman within said city, he shall be deemed guilty of a misdemeanor and upon conviction thereof before a court of competent jurisdiction he shall be fined not to exceed One Hundred Dollars or imprisonment in the County jail for a term not exceeding ninety days.

CHAPTER 19. CITY DEPOSITORIES.

Section 225. All City funds as soon as received shall be deposited by the City Treasurer in the name of the City in one or more banks designated by the Council, who before making such designation of depository or depositories shall advertise in the official paper for at least ten days for proposals. Said proposals shall state what security will be given to said City for funds so deposited and what interest allowed on daily balances to be credited at the first of each month, on condition that such funds with accrued interest shall be held subject to draft and payment at all times on demand. Any such proposals shall also state what interest will be allowed on moneys deposited for any certain or definite period of time, naming such periods on the conditions that such funds with accrued interest shall be held subject to draft and payment at the expiration of said period of deposit. If after making such designation, the Council deems the security given insufficient, it may require a new bond, or, if in its opinion the public interest require, may vacate, revoke or modify any such designation and again advertise and designate a depository.

Any bank or banks so designated shall be required to execute a sufficient bond to the city in double the sum deposited except in cases where the bond furnished is that of a Surety Company authorized to do business in

(Continued on following page)

PROPOSED CHARTER FOR THE CITY OF EVELETH

the State of Minnesota, and in such case the amount of bond shall be equal to the estimated sum to be deposited, to be approved by the Council and filed in the office of the City Clerk, and thereupon may require the Treasurer to deposit all or any part of the city's money in such bank or banks. Such designation shall be in writing and shall set forth all the terms and conditions upon which the deposits are made, be signed by the Mayor and Clerk and filed with the Clerk. That thereupon such bank or banks shall become a legal depository or depositories for the city's money.

The City Treasurer and the sureties on his bond shall be exempt from liability to the City by reason of the loss of any funds of said city deposited in any such bank or banks from the failure, bankruptcy or other acts of such bank or banks to the extent and amount of such funds in such bank or banks at the time of such failure or bankruptcy.

CHAPTER 20. MISCELLANEOUS.

Conduct of Legal Proceedings.

Section 226. The City Attorney shall prosecute, in behalf of the city, all criminal cases, arising from violations of the provisions of this Charter, and the Ordinances of the City, and shall attend to all suits and proceedings in which the city may be legally interested, provided that the Council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the City Attorney therein.

Section 227. The City Clerk shall have the power to administer oaths and affirmations and to take and certify acknowledgements of deeds and other instruments in all cases in which the same are required or sanctioned by law.

Prisoners May Be Required to Work in Work Houses or Upon the Public Improvements of the City.

Section 228. The Council may provide by Ordinance that all persons committed upon sentence or in default of the payment of a fine may be kept at hard labor in the work house or upon the public improvements of the city for a term not exceeding ninety days.

Section 229. The Council shall have power to provide by Ordinance that the parked part or grass plot of any street shall be graded and covered with sod or seeded with grass.

Section 230. Service of Summons, process or notice in any action or proceeding against the city may be made by leaving a copy thereof with the City Clerk, and it shall be the duty of the City Clerk to forthwith inform the City Attorney thereof, who shall take such other proceedings as may be needful to defend the interests of the city.

Warrants.

on tracing vellum. Said plats shall be of such size as may be prescribed by the Council; said Council may reject or accept such plats or direct them to be changed or modified in such manner as it shall deem expedient, and may prescribe such rules and regulations for the plating of lands, and the making, examination and approval of plats thereof as it shall deem proper. No plat of a proposed new addition shall be accepted by the council unless the streets, alleys and other public grounds presented thereon shall conform to the streets, alleys and other public grounds of the adjoining plats already platted, and the plats approved and recorded, so far as is practicable; no plat of any proposed new addition shall be approved by the Council unless the same is presented in duplicate as aforesaid, and no such plat shall be approved unless the certificate of the surveyor or engineer making the same shall state that at each corner of each and every lot in said addition, where it is possible to do so, a substantial stake has been set, and that a stone monument with a proper crossmark thereon has been set at each corner of said addition.

Said monument shall be at least two and one-half feet in length and five inches square at the top, and shall be set at least two feet in the ground. Whenever any plat is approved by said council, the city clerk shall so certify thereon, and the muslin-backed paper plat shall be filed in the office of the register of deeds, and the vellum plat in the office of the city clerk. No plat of lands within the limits of said city shall be filed by any Register of Deeds until the same has been approved by the council, and the certificates of the city clerk as aforesaid endorsed thereon. The acceptance of a plat of any ground within the limits of the city shall not make the city liable to grade the streets therein designated, or responsible for any insufficiency of said streets, until the Council shall cause the same to be graded and opened for travel. All the provisions of sections 33 and 68 of Revised Laws 1905 of Minnesota and amendments thereto shall be applicable to said city.

Section 237. All actions brought to recover any penalty or forfeiture under this charter, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

Not Incompetent.

Section 238. No person shall be an incompetent judge, witness or juror, by reason of his being an inhabitant of the city, in any proceedings or action in which the city shall be a party in interest.

State Offenders.

Section 239. The city shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the city or any magistrate to the jail of St. Louis county for any offense punishable under the state laws.

Definitions of Misdemeanor.

Section 240. The term "misdemeanor" shall be defined as follows: A misdemeanor is a crime which is less than a felony and is punishable by imprisonment in the county jail for a term not exceeding one year, or by a fine not exceeding \$100, or by both such imprisonment and fine.

eth or in any board or public officer of the same, shall, when this charter takes effect by and become vested in and be possessed by the City of Eveleth under this charter, and all previously existing indebtedness, obligations and liabilities of the city of Eveleth or any board or department thereof, shall together with all interests accrued or to accrue thereon, be assumed and paid by the city of Eveleth.

Section 246. Nothing herein shall be understood or construed as repealing, amending or modifying any city ordinance, resolution, rule or order, which may be in force in the city of Eveleth at the time this charter goes into effect and becomes operative, except so far as may be incompatible with any of the provisions of this charter but the same shall continue in full force until repealed, amended or modified by the Council hereinbefore provided for.

Section 247. This charter is hereby declared to be a public act and may be read in evidence in all courts in this state, and need not be pleaded or proven.

Charter Not Amended Unless So Stated.

Section 248. No law of the state concerning the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

To the Honorable J. S. Saari, Mayor of the City of Eveleth.

Sir: We, the undersigned, having been heretofore appointed by the Judges of the District Court of the Eleventh Judicial District, St. Louis County, Minnesota, as a board of freeholders, to prepare and present a proposed new charter for the City of Eveleth pursuant to Section 36 of Article 4 of the constitution of the state of Minnesota, and Sections 748 to 758 inclusive, Revised Laws, 1905, of the state of Minnesota, and the laws supplemental and amendatory thereof, and thereafter having duly qualified as such board of freeholders, on the 30th day of March, 1912, duly prepared a draft of a proposed charter for the said City of Eveleth, signed by a majority of the members of said board, and on the said 30th day of March, 1912, duly delivered the same to the Mayor of said City, but the said proposed charter was on the 22nd day of June, 1912, duly submitted to the voters of said City for adoption or rejection, and was rejected.

Now, therefore, the foregoing is a draft of another proposed charter for the said City of Eveleth, duly framed and adopted by said board under and pursuant to the laws of the state of Minnesota as aforesaid, and said draft of said proposed charter for the city of Eveleth aforesaid is hereby returned to the Honorable J. S. Saari, mayor of the city of Eveleth, to be submitted according to law.

Dated at Eveleth, Minnesota, this 13th day of September, 1913.

FALL HATS HERE.

Rembrandt Effects Are the Smart Capers.



THE NEW SHAPES IN HATS.

Yes, they're here, the new fall hats, early as it is in the season, and you're going to be picturesque, milady, in Rembrandt effects carried out in brown plush.

One of the models is of this artist type, the trimming being merely an inconspicuous touch of gold. The other hat is of plush, but a little more ornate in its trimming scheme, metal wings used in Mercury fashion being posed at one side of the creation.

Dressy Little Bows For the Neck. This is a season of bows and there is a great variety of designs. Small bows of color showing a combination of silk and lace or velvet and lace are especially attractive. Many are trimmed with rhinestone buttons. Quite a number are made with ends in jabot form, the bow at the top being rather small. Bulgarian silks are made up into bow and jabot effects.

GETTING OUT OF THE WOODS

If You Get Lost Don't Lose Your Head but Follow These Rules. A contributor to the Woman's Companion tells as follows how you may find your way out of the woods if you get lost:

"If you discover that you are in the woods sit down and think back over the road you have been trying to decide where the camp lies. Then, if you have your compass and it seems to agree with your own stick faithfully to the north, then if you are wrong in your decision it is better to keep on in that direction, because you may fall some stream and can follow it to human habitation.

"If you have no compass then an excellent guide during a storm should the sky be overcast, is the point of your knife blade on the full shadow of the blade observed from the nail, and you have discovered the sun's path.

To prevent getting into the habit of breaking off branches of the trees you pass. Start a fire if you are safe with you—as it should be remembered that a fire piled up in the woods makes a dense smoke which

attracts attention. Two fires, one at one end, one a little removed, other constitute a well known signal of distress among woodsmen. Firing on three shots in succession, first, then a pause, then the second, is another recognized signal. It is better to have a gun."

DID YOU EVER EAT POLE?

Maybe You Wouldn't Care to Try It in Hawaii.

Pole is the national dish of the Hawaiian Islands, and a pole supper is long to be remembered by those admitted to participation thereof. It is made from taro, a big, coarse-skinned vegetable grown underground and shaped like a large potato. The taro is pounded up comes a coarse, moist mass, then left to ferment. When pole is served each guest is expected to dip the index finger into the mass. There is a knack in the operation, and it is necessary to instruct the novice, there is absolutely no need of a fork, but simply the wrist.

One removes his finger at the time that his neighbor does. The finger of the skillful operator will be a pear shaped ball of pole, clumsy one's fingers will be a thin veneer with the skin. Then, if the stranger ask you the matter with his movements, be told that he held his finger straight. He must crook it a little, then dip it into the mass.

Section 201. In all prosecutions for the violation of the laws of the state, the provisions of this Charter, or the ordinances of the city, the first process shall be by warrant, provided that no warrant shall be necessary in the case of arrest of any person while in the act of violating any such law, provision of the Charter or ordinance of the city; and the person or persons so arrested shall be proceeded against in the same manner as if the arrest had been by warrant.

Power of Police Officers.
Section 232. The Chief of Police and all regular or temporary police officers shall possess the powers of constables at common law and under the statutes of the State, and in addition thereto shall have the power to serve and execute any warrant, summons, commitment, writ, subpoena or process issued out of the Municipal Court; shall have authority to pursue and arrest in any part of the State beyond the limits of the city, any person charged with any violation of any law, ordinance of the city or any offense or crime within the limits of the city. Provided, that no such officer shall have power to arrest without a warrant, except in cases in which arrest without a warrant are authorized by the general laws of the State or this Charter; and the violation of any city ordinance shall be deemed a public offense.

Punishment of Offenses.

Section 233. Every act or omission to act, which, under this Charter or the ordinances and regulations of the city is or shall be made a misdemeanor or subject to punishment, shall be, if the punishment is not otherwise prescribed, punishable by imprisonment for not more than ninety days or by a fine of not more than One Hundred Dollars.

Inspection of Records.

Section 234. All records, books, and papers pertaining to the business of the city, or any department thereof, shall be public and open to the inspection of any citizen of the city at all reasonable times and places.

Approval of Plats.

Section 235. The Council shall have the sole power to accept and approve all plats of property within the city. The Council shall have the power to require the owners of unplatted property to make such improvements as it deems proper before a plat thereof shall be accepted and approved by it.

Lands When to Be Platted. Platting Regulations.

Section 236. Whenever any person shall sub-divide any lot or piece of ground within said city into building lots, for the purpose of selling the same or any part thereof, or shall sell off parcels of the same for building sites, or of the usual sizes for building sites, he shall cause the same to be surveyed and platted in accordance with the provision of general laws of the State of Minnesota, and when such survey and plat are so completed and acknowledged, it shall be presented to the Council. All plats presented to the Council for acceptance and approval must be drawn in duplicate, one copy to be drawn on good and substantial muslin-backed paper, and one copy to be

or" as used in this charter, shall mean a violation of this charter, or of any ordinance, of which the municipal court shall have jurisdiction.

Attend to Duties.

Section 241. All persons holding any office or employment under the city, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held, to the extent that their services may be necessary for the full and complete discharge of the duties of said office or employment, and a failure so to do, shall be ground for removal.

Affidavits of Publications of Ordinances or Resolutions.

Section 243. The proprietor of the official paper, shall, immediately after the publication of any notice, ordinance or resolution, or proceedings of the council, or of any other matter which is required by any provision of this charter file with the city clerk a copy of such publication, with his affidavit or that of his foreman of its due publication, and such affidavit shall be prima facie evidence of the publication and no bill or claim for any publication whatever, shall be allowed or adjusted until such affidavit shall have been filed with the city clerk and approved by him.

First Election Under This Charter.

Section 243. After the adoption of this charter, it shall be the duty of the mayor and city council and city clerk of the city of Eveleth, in office, when this charter is adopted, to forthwith call a special election for the election of a mayor and four councilmen to hold office under this charter when the same takes effect. Such election to be conducted as provided in this charter for the general municipal election.

The mayor and four councilmen so elected, after qualifying, shall constitute the council of the City of Eveleth and they shall hold office until the 2nd Tuesday of January, 1916, and until their successors are elected and qualified, which successors shall be so elected at the general municipal election to be held on the first Tuesday after the first Monday in November, 1915.

Terms of Incumbents In Office.

Section 244. The terms of office of the Mayor, Alderman, City clerk, Treasurer, City Engineer, Assessor, City Attorney, Superintendent of Water Works, Commissioner of Health, Street Commissioner, and all other officers and appointees in office of said city at the time of the election and qualification of said mayor and four councilmen, except the judge and special judge of the municipal court, shall cease and terminate on the election and qualification of the Council first elected hereunder.

Succession.

Section 245. When this charter takes effect, the city of Eveleth shall be and become the legal successor to the City of Eveleth under its former charter and shall be vested with all franchises, rights and immunities formerly vested in said city, except as hereinbefore otherwise provided.

All property and property rights and interests of every kind and nature formerly vested in the city of Eveleth

President
GEO. A. WHITMAN,
PETER PETERSON,
W. H. HARVEY,
F. R. CAMPBELL,
JAS. A. ROBB,
JOHN J. GLEASON,
C. W. MORE,
B. O. GREENING,
JOSEPH S. WILSON,
A. ROYNER,
SOLOMON S. BARK,
FRANK C. GERVENY.

GEO. A. PERHAM,
Secretary.

An Arab Honeymoon.

For seven days after the wedding the Arab bride and bridegroom are supposed not to leave their room. The bride may see none of her own family and only the women folk of her husband, who wait on her. She remains in all her wedding finery and paint and does absolutely nothing. The bridegroom generally slips out at night after three days and sees a few friends privately, but he persistently hides from his wife's family, and should he by accident meet his father-in-law before the seven days are over he turns his back and draws his burnoose, or haik, over his face. This is their view of a honeymoon, and they grow as weary of it as any European couple do of their enforced continental tour.—Wide World Magazine.

Appropriate.

A Milwaukee man went to order a wedding cake the other day. "I'm getting married," he said, "and I want a cake."

"Well, it's the latest thing," said the salesgirl, "to have wedding cakes in harmony with the bridegroom's calling or profession. Thus a journalist has a spice cake, a musician an oat cake, an athlete a cup cake, a man who loafs on his friends a sponge cake, and so forth and so on. What is your calling, please?"

"I am a planist," said the girl, "you'll want a pound cake."—Exchange.

Irrepressible.

"Johnny, I'm afraid I'll have to whip you," said the mother of an incorrigible youngster.

"All right, mamma," he replied. "And after you whip me, may I have the whip to play horse with?"—Chicago News.

Means Plenty of Chicken.

Miss Snowflake—Does yo' believe in wishbones? Mr. Jackson—W'y, it's a sign of exceptional luck to hab a fresh one in youah pocket every day or two.—Puck.

On the Blacklist.

Tramp No. 1—Is this a good town? Tramp No. 2—No; awful! I had three jobs offered me in one day.—London Mail.

The truest self respect is not to think of self.

de chines, plain tatters and flowered silks. Besides the entire blow of Bulgarian design, touches of Bulgarian colors are also used in giving an enlivening touch of color to many of the white designs.

Plush and Velvet to Be Fashionable.
There is every evidence of its being a winter of plush and velvet gowns. The manufacturers have succeeded in



GOWN WITH QUEER DRAPERY.

making this fabric in such light weight that the old objection of clumsiness has been overruled.

Milady, realizing the becomingness of this material with pleasure.

The afternoon gown in the cut is of a ribbed black velvet, with a queer pinned about hip drapery of plush, which also is seen on the kimono which in bands down either side of the front.

The Mother's Part.

At a recent wedding the bride came down the aisle on her father's arm, but at the proper moment her mother stepped from the pew and "gave the bride away," so that she had a share in the actual wedding. It was a sweet thought that gave her more than the insignificant part the mother usually has in a marriage ceremony.

Woman's Wit.

An emperor of Germany besought a city which belonged to one of his illustrious noblemen. After the siege lasted for a long time the emperor determined to take it by storm and destroy all it contained by fire and He did not, however, wish to use senseless women. They sent a proclamation into the town telling that all the women might be placed unharmed and carry with them whatever they held most precious. A nobleman's wife instantly determined to take her husband, and the emperor issued from the city gate in a procession, each one with her husband on her shoulders. The emperor was much struck with the pique of the women that he spared the city itself was left untouched.

Of Course.

A New York dramatic writer, an actress of great popularity just beginning to be obsessed with the notion that the public holds her older than she really is.

The writer was assigned to view this player. He wished to express her views with reference to the drama, a topic where the actress did not seem particularly to descend.

"It does not seem to me," suggested the interviewer with a smile, "that I am really ascertaining your opinion. You ought to be frank. Your eyes are gray and"— "Prematurely so, my dear," she replied, "naturally so." the actress assured him.—Judge.

Delicious Supper Dish.

For Swiss eggs, a delicious dish, spread the bottom of a dish with two ounces of butter, and this with thin slices of cheese. Place four eggs in the dish, not broken. Season with salt, pour around the eggs spoonfuls of rich cream and top with grated cheese. Bake ten minutes, garnish with parsley and serve with fingers of dried bread.

To Her Credit.

Miss Diggs—Yes, he said, show your age. Miss Diggs—Ideal! The impudence of Miss Diggs—Why, I'd call that a compliment. It simply proves you've been in concealing your age. Miss Diggs—Phia Press.

Their Hopes.

Hostess—Oh, I hope you go into the kitchen. The fish dinner is on the table. Caller—I hope not, indeed. I'm allowed to have fish.—London

Grief makes one hour seem a year.

STATE OF MINNESOTA)

)SS.

CHRISTMAS IN PUBLIC.

COUNTY OF ST. LOUIS)

I, Jacob S. Searl, Mayor of the City of Eveleth in said ^{has to annexed and made} County and State, do hereby certify that the charter ~~is the~~ ^{is the} charter which was proposed for ratification by the voters of said City at a special election called therefor on the 7th day of October, 1913, and that at said election the said charter was ratified by said voters, its ratification having received more than four-sevenths of the votes of all the qualified voters voting at such election.

Witness my hand and the corporate seal of said City at Eveleth in said County this ^{4th} day of November, 1913.

J. Searl
 Mayor.

#2425

Attest:
D. P. M. Jackson
 City Clerk.