

STATE OF MINNESOTA, } ss.
COUNTY OF ST. LOUIS.

Jack Seraphine being first duly sworn deposes and says that he knows of his own knowledge, that the Proposed Charter hereto attached, was cut from the columns of the weekly newspaper known as the Ely Miner; that said Proposed Charter was printed and published in said newspaper once each week for Five successive weeks; that said Proposed Charter was first printed and published in said newspaper on Friday the 6th day of October 1916, and was thereafter printed and published in said newspaper on each and every succeeding Friday until and including Friday, the 2 day of November 1916. That during the time aforesaid said newspaper was regularly printed and published on Friday of each week at Ely, in St. Louis County, Minnesota. Affiant further says that he now is, and during all the time of publication of said Proposed Charter has been one of the publishers and printers of said newspaper. Affiant further says that he knows of his own knowledge that all of the following conditions have existed for at least one year immediately prior to the first publication of said notice, and during the full period of said publication, to-wit: First, said newspaper has been printed in the place from which it purports to be issued, to-wit: the City of Ely, in said County and State, in the English language and in column and sheet form equivalent in space to at least four pages with five columns to the page, each seven^{teen} and three-fourths inches long, Second, that it has been issued at least once each week from a known office established in said place of publication and equipped with skilled workmen and the necessary material for preparing and printing the same. Third, that it has contained and now contains general and local news comment and miscellany, not wholly nor substantially duplicating any other publication and not entirely made up of patents, plate matter and advertisements, or any or either of them; Fourth, that it has been circulated in and near its said place of publication to the extent of not less than 240 complete copies thereof regularly delivered to paying subscribers; that prior to the date of the first publication of said Proposed Charter the publishers of said newspaper filed in the office of the County Auditor of said County of St. Louis, State of Minnesota, the affidavit required by Section 5516, Revised Laws 1905.

Subscribed and sworn to before me this 23rd day of November 1916.

H. Mending
Notary Public, St. Louis County, Minnesota.

My Commission Expires Nov. 6, 1920

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EXECUTIVE OFFICE.

one elective office to be eligible to an and a resident of 90 days before the (6) months.

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by re- tion entered upon the minutes; such vacancy shall be filled by the remaining members thereof.

SECTION 27. TERM OF OFFICE OF PERSON FILLING VACANCY.

Every person appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term of his predecessor, or the person to whose office he may be appointed to fill and until his successor is elected or appointed and qualified.

CHAPTER 4.

THE MAYOR.

SECTION 28. THE CHIEF EXECUTIVE.

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 the 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.

SECTION 29. MAYOR PRO TEMPORE.

The Mayor shall at the first meeting of the Council appoint one of its members, Acting Mayor, who shall act during the temporary absence or disability of the Mayor. In case of the temporary absence or disability of both the Mayor and the Acting Mayor, the Council shall elect one of its members to be Acting Mayor.

SECTION 30. MAYOR'S REPORTS.

The Mayor shall annually and from time to time give the Council such information relative to the affairs of the City and recommend for its consideration such matters as he may deem expedient.

SECTION 31. EXAMINATION OF RECORDS.

The Mayor shall, with the approval of the Council, employ at the beginning of each fiscal year, a certified accountant, who shall examine 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, employees and departments as the Mayor may direct, and make duplicate reports thereof, and present one to the Mayor and file the same with the City Clerk, and a summary of the report shall be published in the official paper. All officers, clerks and employees of the City, shall give information and assistance and submit for examination such books and papers as may be requested. The Council shall provide for the payment of such accountant.

SECTION 32. SUPERVISION OF PUBLIC UTILITY COMPANIES.

The Mayor and City Council 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 with the law, and shall see that all franchises granted by the City are faithfully observed.

The Mayor and City Council 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 or are illegal and void. The City Attorney, on demand of the Mayor and City Council, shall institute and prosecute the necessary actions to enforce the provisions of this section.

SECTION 33. MEMBER OF THE COUNCIL.

The Mayor shall be a member of the Council, and ex-officio member of all standing Committees, with the same right to vote as Alderman.

SECTION 34. POWER AND DUTIES PRESCRIBED BY ORDINANCE.

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

CHAPTER 5.

DUTIES OF APPOINTIVE OFFICERS.

CITY ATTORNEY.

SECTION 35. CONDUCT OF LEGAL PROCEEDINGS. The City Attorney shall prosecute, on behalf of the City, all

presented to be audited by the proper committees, make a list and classify the same for action thereon by the City Council.

He shall also examine all reports, books and vouchers of the City Treasurer and compare them with the files and records of his office for the purpose of verifying the same and making a report thereon when required.

He shall also perform any other duties prescribed by this Charter or requested by the City Council.

CITY TREASURER.

SECTION 40. DUTIES OF TREASURER.

The City Treasurer shall collect and receive all moneys belonging to the City from whatever source derived, and keep an accurate account and detailed statement thereof in such books and in such manner as the City Council shall direct, and pay out said moneys only upon proper evidence of authority to do so.

SECTION 41. REPORTS AND FINANCIAL STATEMENTS.

The Treasurer shall make and file a report with the City Clerk on or before the first meeting of the City Council of each year, giving in gross the receipts from the different sources from which said money is received, and a statement of the moneys paid out of the several funds and the purposes for which paid during the fiscal year ending December 31st of each year, together with a general statement of the financial condition of the Treasury and cause such statement to be published in the official paper of the City. He shall make further reports as the Council shall from time to time require.

SECTION 42. TREASURER'S BOOKS AND THEIR INSPECTION.

The Treasurer's books shall at all times be subject to the demand of the City Council for inspection, and its appointed committees therefor, and also the City Attorney and any other person or persons authorized to audit or examine the same. He shall also perform any other duties pertaining to his office, prescribed by this Charter or requested by the City Council.

SECTION 43. TREASURER'S BOND. AMOUNT, ADDITIONAL SECURITY.

The Treasurer shall, before he receives any of the books of record, or any money or property belonging to the City pertaining to his office, give a bond to the City with a Surety Company authorized to do business in the State of Minnesota, as surety, which bond shall be approved by the City Council, and in a sum equal to the amount that will probably be in his possession at any one time during the term of his office, which amount of bond is to be determined by the City Council. Said Council shall have power to require additional and further security at any time they deem best to do so, either as permanent security or for temporary purposes, and may reduce such temporary security, as will best serve the interest of the City, and may for the same reasons cancel the same. The premium required to be paid for such bond shall be paid by the City.

CITY ENGINEER.

SECTION 44. RECORDS AND FILES OF CITY ENGINEER.

The City Engineer shall be a practical and qualified civil engineer and competent to perform the duties of his office. He shall keep his office at some place to be provided by the City, and the City Council shall prescribe his duties and fix his compensation. All minutes and maps of surveys, profiles, plans, specifications, and field notes shall be filed therein. All estimates, contracts for work done under any plans and specifications prepared in his office shall be made in duplicate, one of which shall be filed in the office of the City Clerk, and one shall be kept on file in his office, and shall be the property of the City, together with all equipment and accessories owned by the City used by him and appertaining to his business and official duties.

SECTION 45. DUTIES OF ENGINEER.

The City Engineer shall do all the surveying and engineering work of the City, and shall upon request of the City Council locate the corners of all lots, streets and alleys. When performing work for private parties, if the same is done on City time, all compensation charged for such work shall be the property

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the Charter, and the Ordinances of the City, and all misdeemeanors arising under the laws of the State of Minnesota, shall be liable before the Municipal Court of the City of Minneapolis, 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 36. DUTIES OF CITY ATTORNEY. The City Attorney shall perform all professional services incident to his office, and shall have charge of all proceedings in all courts in which the City is interested and shall have charge of all prosecutions under the ordinances and regulations of the City, and all misdemeanors under the laws of the State, and shall, when requested, furnish his opinion in writing upon any matter submitted to him by the Council, or by any of its committees. He shall advise with the City Council and its officers and all officers of the City regarding their official duties, and shall attend the meetings of the City Council and its committees, when requested to do so.

CITY CLERK.

SECTION 37. DUTIES OF CLERK. The City Clerk shall keep his office in such place as the City Council shall provide, and his office shall be open to the public to do business during all business hours of all days except Sundays and holidays. He shall keep the corporate seal, and all papers and records pertaining to his office and keep the records of the proceedings of the City Council, and all papers and documents filed in his office. Transcripts from all records bearing the corporate seal of the City shall be evidence in all courts, as if the originals were produced. He shall draw and counter-sign all warrants and other evidences of indebtedness upon the City in pursuance of any resolution, order or action on a petition of the City Council, or any authority given him by law so to do, and keep a full and accurate account thereof in books to be provided for such purpose by the City.

He shall be his duty to make a report and present the same to the City Council of the financial condition of the City whenever the Council shall require the same.

He shall, before the time to levy taxes each year, make a complete report of the general financial condition of the City. Said report shall state specifically the amount in each of the several funds on hand at the date of making the last annual report, the amount received and credited to each fund since last report, the amount paid out of each fund, the probable amount to be expended during the balance of the fiscal year ending December 31st of each year, and for what purposes, the probable amount that will be paid into the several funds until the end of the fiscal year and from what sources; a list of all outstanding warrants not paid, a list of all endorsements of indebtedness and when payable, a list of all outstanding bonds, when the same will become due and payable with the rate of interest and amount accrued on all such endorsements of indebtedness. Said statement shall also indicate the probable amount of money that will be required to pay for expenditures provided for and the purposes for which it is to be expended, specifying the amount required to be paid from the several funds of the City for the next coming fiscal year.

SECTION 38. CONTRACTS VOID UNLESS SIGNED BY CLERK. No shall any contract made in behalf of the City in which the City is a party, and unless signed by the City Clerk, all such contracts shall be void.

He shall keep a list of all contracts issued for work done either by day labor or by contract when a provision is made for the assessment of the expense as a special tax against the property benefited by any improvement, and shall report when directed so to do to the Council with a statement of the amounts expended, and a schedule of all property subject to or assessed to be assessed, together with the ordinances of the City Engineer or estimates of expense for the work and material required in doing the work.

SECTION 39. CLERK TO EXAMINE REPORTS. WATERMILLS, ETC. The City Clerk shall examine all reports, vouchers and accounts for services performed or materials and merchandise delivered to the City that may be

of the City.

SECTION 46. ASSISTANTS. The City Engineer may appoint such assistants as may be necessary for the proper performance of the work and duties of his office with the consent and approval of the City Council, and may dispense with their services when in his judgment their services are not required.

ASSESSOR.

SECTION 47. DUTIES OF ASSESSOR. The City Assessor shall perform the duties of his office as prescribed by the Law of the State relative thereto and shall in addition list and prepare a schedule and chart of all assessable real property of the City showing the valuation and condition of all assessable real property of the City and as far as is possible also names of owner of the same. When said records is completed by him, it shall be filed in the office of the City Clerk.

SECTION 48. DEPUTY ASSESSOR AND ASSISTANTS. The City Council, if they deem it necessary, may appoint deputy assessors to assist the Assessor and the Board of Equalization in compiling lists and valuations for assessments. The Assessor and his deputies shall qualify according to law, before entering upon the duties of their office.

CHAPTER 6.

ADMINISTRATIVE DEPARTMENTS.

SECTION 49. COMMITTEES. The administrative powers, authority and duties of the City officers, not otherwise provided for, shall be distributed among and assigned to the following committees:

1. Committee on Accounts and Finances.
2. Committee on Fire, Light, Water and Heat.
3. Committee on Parks, Grounds and Buildings.
4. Committee on Street, Sewers and Sidewalks.
5. Committee on Sanitation and Police.
6. Committee on Sales and Purchasing.

and such other committees as the Council may deem necessary, all standing and other committees to be appointed by the Mayor.

SECTION 50. APPOINTIVE OFFICERS AND EMPLOYEES. The chief appointive officers and employees of the City may be a City Clerk, Assessor, Treasurer, City Attorney, City Engineer, Chief of Police and Police Officers, Chief of the Fire Department, Health Officer, Superintendent of Light and Water Plant and Street Commissioner. Their appointment shall be by majority vote of the Council and any officer or employee may be removed for cause by a majority vote of the Council, excepting the Chief of Police, Police Officers and Chief of Fire Department; the Chief of Police and Police Officers shall be under the jurisdiction of the Mayor and the Chief of the Fire Department shall be elected by the Members of the Fire Department subject to the approval of the City Council. All appointive officers shall be appointed at the first meeting of the Council or as soon thereafter as practicable.

The City Council may, when necessary, appoint deputies or assistants to any of the appointive officers provided for in this charter and provide for the payment of their compensation.

SECTION 51. SUPERIOR OFFICERS AND EMPLOYEES. The Council shall have power to create and discontinue offices and appointments other than those provided for in this charter, and to make and provide the rules governing the same according to the payment of the needs of the City. Any person so appointed may be removed at any time by a majority vote of the Council.

SECTION 52. COMPENSATION OF OFFICERS AND EMPLOYEES. The compensation of all City Officers provided for by this charter 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, reward or compensation, other than the salary or compensation fixed by the Council, but all fees received by him in connection with his official

duties, except those received for services performed in civil actions, shall be paid into the City Treasury.

SECTION 53. MAYOR AND COUNCILMEN TO HOLD NO OTHER OFFICE. 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 profits thereof, or services to be furnished or performed for the City except as may be provided in this Charter, unless such officer or employee, or the firm or corporation in which such officer 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, 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.

CHAPTER 7.

COUNCIL.

SECTION 54. THE COUNCIL THE GOVERNING BODY. 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 and laws of the State.

SECTION 55. MEETINGS OF COUNCIL. The Council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

SECTION 56. MEETINGS TO BE PUBLIC. All legislative sessions of the Council, whether regular or special, shall be open to the public.

SECTION 57. QUORUM. A majority of the members of the Council shall constitute a quorum for the transaction of business.

SECTION 58. PROCEDURE. The Council shall establish rules for its proceedings.

SECTION 59. ORDINANCES AND RESOLUTIONS.

(1) **AYES AND NOES.**—The ayes and noes shall be taken upon the passage of all ordinances and resolutions of at least four members of the Council.

(2) **MAJORITY VOTE OF COUNCIL.**—No ordinance shall be passed without receiving the affirmative votes of at least four members of the Council.

(3) **ENACTING CLAUSE FOR ORDINANCES.**—The enacting clause of all ordinances passed by the Council shall be in these words: "The Council of the City of Ely do ordain."

(4) **REQUIREMENTS OF AN ORDINANCE.**—To enact an ordinance, the proposed ordinance shall be read at two regular sessions of the Council. 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 its first reading and before its second reading shall be published in the official newspaper of the City.

otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art-galleries, museums, parks, play-grounds, places of recreation, hospitals, charitable institutions, jails, work-houses, morgues, mausoleums, cemeteries, crematories, abbattoirs, 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.

(2) **WATER, LIGHT, HEAT AND POWER.**—To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, light, heat and power works within or without the City, and to supply the City and its inhabitants and also persons, firms or corporations outside of the City, water, light, heat or power, and all products of any public utility operated by the City.

(3) **TELEPHONE, TELEGRAPH AND TRANSPORTATION.**—To acquire by purchase, lease, 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.

(4) **LAND FOR PUBLIC PURPOSES.**—To acquire by purchase, lease, 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, and to sell, convey, encumber and dispose of the same for the benefit of the City.

(5) **UNIFORM STAGE OF WATER IN LAKES.**—The City shall have the same power under this Charter as is conferred by Law on counties, under Sections 5438-5444 inclusive, General Statutes of Minnesota 1913.

(6) **BEQUESTS AND DONATIONS.**—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 same, in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

SECTION 66. DIRECT LEGISLATION BY THE PEOPLE. The qualified voters of the City shall have the power, through the initiative and otherwise, as provided by this Charter, to enact appropriate legislation.

SECTION 67. POWERS OF THE COUNCIL ENUMERATED. As the legislative body of the City, the Council, subject to the provisions and restrictions of this Charter, shall have the power:

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

(2) **VIOLATIONS OF CHARTER AND ORDINANCES.**—To prescribe fines, forfeitures, penalties and punishment for violation or breach of any provision of this Charter, 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 or County jail for a term not exceeding three months.

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

(4) **REWARDS.**—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 crime in the City, and to authorize the payment thereof.

(5) **POLICE AND FIRE DEPARTMENTS.**—To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

(6) **POLICE AND FIRE ALARM SYSTEM.**—To establish and maintain a fire alarm, police, telegraph or telephone system, and manage and control the same, and to appoint a superintendent thereof.

(7) **EXPLOSIVES.**—To regulate or prohibit the use of

the City, to require men, place gates on the council deems local trains to be pre-ances for the better-hibit the making up streets, street cross City; to regulate the persons may ride, on or other vehicles al highways of the city

(18) **IMPROPER** or prohibit the exhibi cards, or advertisement bills on the streets, p-ulate and prevent th across the street or regulate or prohibi places; to prevent e in the streets and to

(19) **WIDTH OF STREETS.**—To reg tires on wheels of maximum weight of in the City, and t loaded vehicles may avenues and boulev

(20) **SNOW AN** To require the ow grounds to remove sidewalks and grou

(21) **BILLBOAR** license or prohibit boards and signs.

(22) **DOGS.**—To at-large of dogs; to provide for the require the payment person having posse alties upon such per fees, or comply with thereto.

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(24) **CRUELTY** punish cruelty to a where they are kept healthful condition.

(25) **PRESERVA** regulations which m tion of health and tl regulations to preven malignant, infectious to make quarantine control and prevent baggage, merchandis contagious disease a digent sick and inju

(26) **DANGERO** TION, DISAGREEA hit the operation o trades which may l public peace, or whi to the inhabitants r vide for the punish regulations, and th knowingly permit tl lic building or upon by them; to make disagreeable, offensi

(27) **INSPECTI** PRODUCTS.—To pr tion of animals to

When any proposed ordinance is put upon its final passage and fails to pass, and a motion is made and carried to reconsider, the vote upon such original motion shall not be taken before the next regular meeting of the City Council after the meeting at which such motion was made.

(6) SIGNING, ATTESTING AND TIME OF TAKING EFFECT.—All ordinances passed by the Council shall be signed by the Mayor, attested by the City Clerk, and shall take effect ten days after being published once in the official paper of the City, except as otherwise provided in this Charter.

(7) ORDINANCE GRANTING FRANCHISE.—No bill for the granting of any franchise shall be put upon its final passage within 30 days after its introduction.

(8) RECORD OF CITY ORDINANCES.—A true and correct copy of all ordinances shall be kept and certified to by the City Clerk in a book marked "City Ordinances."

(9) METHOD OF PROOF IN COURT.—Copies of the ordinances, resolutions and regulations of the City, certified by the Mayor or the City Clerk, under the seal of the city, and copies of the same printed in any newspaper, book, pamphlet or other form, and which purport to be published by authority of the Council of the city, shall be prima facie evidence thereof, and after three years from the compilation and publication of any such book or pamphlet, shall be conclusive proof of the regularity of their adoption and publication. Nothing herein contained shall be construed to prevent the proof of the passage and publication of any ordinance in the usual way.

SECTION 60. MUNICIPAL COURT TO TAKE JUDICIAL NOTICE. 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 ordinance in such Court, except to state the number of the ordinance in the complaint.

SECTION 61. FRANCHISES GRANTED BY ORDINANCE. 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.

SECTION 62. MEMBERS PRESENT WHO FAIL TO VOTE. Any member of the Council, who being present when his name is called, fails to vote upon any then pending proposition, unless excused by the Council, shall be deemed as having voted in the negative.

SECTION 63. MONTHLY STATEMENT OF RECEIPTS AND EXPENDITURES. 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.

SECTION 64. PUBLICATION OF CHARTER AND ORDINANCES, ETC. 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, to be published in book form. It shall be the duty of the Committee on Finances and Accounts to install as soon as practicable a complete and thorough system of bookkeeping 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.

CHAPTER 8.

POWERS OF THE CITY AND OF THE COUNCIL.

SECTION 65. GENERAL POWERS OF THE CITY. Without denial or disparagement of other powers held under the Constitution and Laws of the State, the City of Ely shall have the right and power:

(1) PUBLIC BUILDINGS, WORKS AND INSTITUTIONS.—To acquire by purchase, condemnation or

manufacture, keeping, storage, and use of powder, dynamite, gun-cotton, nitroglycerine, fire works, and other explosive materials and substances.

(8) INFLAMMABLE MATERIALS.—To regulate the storage of hay, straw, oil and all other inflammable and combustible materials.

(9) RUBBISH, ETC.—To compel the owner of property within the City to keep the same clear of weeds, brush and all material apt 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 to do so by the Council, either personally, in writing, or by one publication in the official newspaper of the City, the Council shall have authority to have the same removed and assess the cost thereof against the property.

(10) ENGINES AND BOILERS.—To regulate the use of steam-engines, gas-engines, steam-boilers and electric-motors, and prohibit their use in such localities as in the judgment of the Council would endanger public safety.

(11) WHISTLING AND SMOKE.—To regulate or prohibit the whistling of locomotives, mills, mines, factories, or other establishments and the discharge of steam, cinders, sparks and smoke therefrom and all unnecessary and disturbing noises.

(12) FIRE LIMITS.—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, also the area of lots outside of fire-limits that may be occupied by buildings and the distance from the buildings on the same lot.

(13) BUILDING REGULATIONS.—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 of foundations, the manner of 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 purposes 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.

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

(15) PRECAUTION AGAINST FIRES.—To prevent the construction and to cause the removal of dangerous chimneys, fire-places, stoves, stovepipes, ovens, boilers, apparatus and machinery used in any building in the City; to require gas cut-offs at lot lines; to regulate the operation of manufactories apt 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.

(16) PROVISIONS FOR SAFETY IN THEATERS, HALLS, ETC.—To regulate the size and construction of the entrances to exits from theaters, 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 hallways, aisles, or open places therein.

(17) PROVISIONS FOR SAFETY IN STREETS.—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

eggs, vegetables, bread, butter, milk and other products offered for sale in the City and the taking and summary destroying of such products as are unsound, spoiled, adulterated, or otherwise unfit for human consumption, and to regulate and prevent the City or keeping within the City any such products that are unsound, spoiled, adulterated or unwholesome.

(28) DAIRIES.—To provide for the inspection of all milch cows, dairies and depots whose products are offered for sale in the City.

(29) INSPECTION OF RESTAURANTS, HOTELS, BAKERIES AND BUTCHERS.—To provide for the inspection of restaurants, hotels, bakeries and butchers.

(30) LODGING, TENEMENT AND BOARDING HOUSES.—To regulate lodging, tenement houses, and to prevent the overcrowding of the same and to require that they be put in and kept in sanitary condition.

(31) SEWER CONNECTIONS.—To regulate and regulate the construction, location, and maintenance of sewers, sinks, gutters, wells, cess pools and to compel the connecting, cleaning and repairing of the same, and to designate the time and place at which the work shall be done.

(32) EXCAVATIONS.—To regulate and regulate the excavations to be made in streets or public grounds where pavements are laid and relaid by the City, at the cost to the owner to make the same.

(33) GARBAGE.—To provide for the disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and other refuse.

(34) TRANSIENT MERCHANTS, SECOND-HAND AND JUNK DEALERS.—To regulate and license transient merchant and junk dealers, book agents and other persons doing business in the City.

(35) FIRE SALES, ETC.—To license and regulate fire, auction or bankrupt sales, and to regulate porters, runners, agents and carriers, hackmen, cars and public houses.

(36) INTOXICATING LIQUORS.—To regulate the sale of spirituous, vinous, or other liquors, provided, however, that no license shall be granted to a person, or to dispose of any such liquors within a certain distance from any public school, or to sell any such liquors within a certain distance from any public school.

(37) REGULATION OF PUBLIC VEHICLES.—To establish stands for hacks, public wagons, and other public vehicles for hire, and to regulate the charges for such vehicles, and to cause schedules of such charges to be posted in public places.

(38) WEIGHTS AND MEASURES.—To regulate and regulate the inspection and sealing of all weights and measures used in the City, and to enforce the use of proper weights and measures duly certified and sealed.

(39) PUBLIC SHOW, GAMBLING.—To regulate, restrain or prohibit all public shows, games and amusements; to prevent and prevent all descriptions of gambling and fraudulent practices, bucket shops, all illegal play or other games of chance, the keeping of card machines, slot machines or other machines in which or into which money is staked, and to regulate the selling of tickets and to authorize the destruction of all such machines for the purpose of gambling.

(40) PUBLIC ORDER AND DECENCY.—To regulate and punish vagrants, mendicants, keepers of disorderly and bawdy houses, and to prevent the publication and sale of obscene literature and pictures and exhibitions, and to punish drunkenness, fighting, assaults, fights and all offensive, immoral, indecent

THE ELY MINER, ELY, MINN.

establish, maintain, equip, own and operate, including rooms, art-galleries, museums, hospitals, places of recreation, hotels, saloons, jails, work-houses, morgues, crematories, abattoirs, street-cleaning plants, and all other public works and institutions necessary for the City.

LIGHT, HEAT AND POWER.—To condemn, or otherwise acquire, and to establish, maintain, equip, own and operate, within the City and to supply the City and also persons, firms or corporations with water, light, heat or power, and public utility operated by the City, TELEGRAPH AND TRAMWAYS.—To acquire by purchase, lease, or otherwise, and to establish, maintain, equip, telephone and telegraph systems, and to provide transportation service of any

PUBLIC PURPOSES.—To acquire, condemn or otherwise within the City, such lands or other property as may be necessary for the establishment, maintenance, or use of the same for the benefit of the City.

STAGE OF WATER IN LAKES.—To exercise the same power under this Charter as is exercised by Law on counties, under Sections 100 to 105, General Statutes of Minnesota 1913.

BEQUESTS AND DONATIONS.—To receive, accept, and dispose of all kinds of property, real or personal, necessary to carry out the provisions of wills, gifts and other donations, with power to sell or otherwise dispose of same, in accordance with the terms of the bequest, gift or trust, or in accordance with such bequest, gift or trust.

LOCAL LEGISLATION BY THE OFFICERS OF THE CITY.—The officers of the City shall have the power, subject to the approval of the Council, to make and otherwise, as provided by this Charter, local legislation.

MEMBERS OF THE COUNCIL.—The Council shall be the legislative body of the City, the Council shall have the power to make and otherwise, as provided by this Charter, laws and restrictions of this Charter.

SEAL.—To provide a corporate seal, and to have the same affixed to all instruments of the City, and to have the same authenticated.

ARTICLES OF CHARTER AND ORDINANCES.—To prescribe fines, forfeitures, penalties, and to provide for the punishment or breach of any provision of any ordinance, by-law or regulation of the City, and to provide for the punishment of a fine of One Hundred Dollars, or imprisonment in the City Jail for a term not exceeding three months.

NUISANCES.—To provide for the summary removal of any nuisance at the expense of the person committing or maintaining such nuisance.

REWARDS.—To offer rewards not exceeding Fifty Dollars in any one instance, for the conviction of any person who may be guilty of any crime in the City, and to authorize the payment of such rewards.

FIRE DEPARTMENTS.—To organize, equip, and maintain police and fire departments, erect buildings and own all implements and apparatus necessary therefor.

FIRE ALARM SYSTEM.—To organize, equip, and maintain a fire alarm, police, telegraph or other system, and to manage and control the same, and to employ a superintendent thereof.

the City, to require railroad companies to station flagmen, place gates or viaducts at all such 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 and their operation 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.

(18) **IMPROPER USE OF STREETS.**—To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills 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 traffic and regulate or prohibit sales in the streets and public places; to prevent encroachments upon or obstructions in the streets and to require their removal.

(19) **WIDTH OF TIRES. HEAVY LOADS ON STREETS.**—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 what street heavily loaded vehicles may be drawn, and from what streets, avenues and boulevards the same shall be excluded.

(20) **SNOW AND RUBBISH ON SIDEWALKS.**—To require the owner or occupant of buildings or grounds to remove snow, ice, dirt, and rubbish from the sidewalks and grounds adjacent thereto.

(21) **BILLBOARDS AND SIGNS.**—To regulate, license or prohibit the construction and use of billboards and signs.

(22) **DOGS.**—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 owner or person having possession of dogs, and to impose penalties upon such persons for failure to pay such license fees, or comply with any regulation made in reference thereto.

(23) **PUBLIC POUND.**—To prevent or regulate the running-at-large of any animals, or fowls, and to establish and maintain a pound and corrals and to authorize the disposition of such animals and fowls and to provide for penalties for the violation of any regulation made in reference thereto.

(24) **CRUELTY TO ANIMALS.**—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.

(25) **PRESERVATION OF HEALTH.**—To make all regulations which may be necessary 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 disease and to provide for the care of indigent sick and injured persons.

(26) **DANGEROUS AND OFFENSIVE OCCUPATION, DISAGREEABLE NOISES.**—To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such nature as to affect the public peace, or which may be offensive and 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.

(27) **INSPECTION OF ANIMALS AND FOOD PRODUCTS.**—To provide for and regulate the inspection of animals to be slaughtered, and inspection of meats, poultry, fish, game, bread, butter, and other food products, and to require the issuance of certificates or other evidence of inspection in accordance with the provisions of this Charter.

derly conduct, practices and performances in the City.

(41) **FEES AND CHARGES.**—To fix the fees and charges for all official services not otherwise provided for by law.

(42) **MAYOR'S URGENCY FUND.**—To provide an urgent necessity fund not exceeding Five Hundred Dollars a year to be expended under the direction of the Mayor.

(43) **LEASE OF LANDS OWNED BY THE CITY.**—To provide for the lease or sale of any lands now or hereafter owned by the City.

(44) **PURCHASE OF PROPERTY UNDER EXECUTION.**—To provide for the purchase of property levied upon, under execution in favor of the City, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

(45) **SALE OF USELESS PERSONAL PROPERTY.**—To provide for sale after advertising for two weeks, all personal property unfit or unnecessary for the use of the City.

(46) **STREET GRADES.**—To establish or change the grade of any street or public place.

(47) **BOULEVARDS.**—To set apart as a boulevard any street over which there is no existing franchise for any railroad, and 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 this Charter.

(48) **REGULATION OF STREET RAILROADS.**—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 divide the cost of construction and maintenance thereof between them.

(49) **RAILROAD TO KEEP STREETS IN REPAIR.**—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.

(50) **DITCHES, ETC.**—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.

(51) **SPUR TRACKS.**—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 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.

(52) **REGULATION OF POLES AND WIRES.**—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.

(53) **SIZE AND LOCATION OF PIPES.**—To regulate the size and location of all water, gas and other pipes and conduits laid or constructed in the street and public places, and to require the issuance of certificates or other evidence of inspection in accordance with the provisions of this Charter.

THE FOLLOWING ARE THE FEES AND CHARGES OF THE CITY OF ELY, MINNESOTA, AS PROVIDED BY THIS CHARTER.

...the
use of powder, dynamite
works, and other
...
...To regulate
all other inflammable
...
...the owner of prop-
...clear of weeds,
...fire to adjoin-
...of such property
...the same within ten
...by the Council, either
...publication in the offi-
...Council shall have au-
...ed and assess the cost
...
...To regulate the
...nes, steam-boilers and
...air use in such localities
...Council would endanger
...
...MOKE.—To regulate or
...otives, mills, mines, fac-
...s and the discharge of
...smoke therefrom and all
...ses.
...prescribe fire limits and
...height of buildings that
...the nature of the mate-
...ruction, alteration or re-
...ting buildings within such
...lots outside of fire-limits
...uildings and the distance
...me lot.
...ATIONS.—To regulate the
...erial used in all buildings,
...ructures. To prevent the
...insecure or unsafe build-
...and other structures, and
...abatement or destruction,
...s used in and the method
...s, the manner of construc-
...nd sewers. The materials
...buildings or other struc-
...for lighting, power, heat,
...materials used for piping
...for the purposes of sup-
...or gas, and the manner of
...construction of buildings
...t conform to such regula-
...
...to require the owners or
...structures to place upon or
...nces for the extinguishing
...
...INST FIRES.—To prevent
...e the removal of dangerous
...stovepipes, ovens, boilers,
...used in any building in the
...ffs at lot lines; to regulate
...ories apt to cause fire; to
...shes, accumulations of shav-
...bustible material in unsafe
...ion to guard against fires.
...R SAFETY IN THEATERS,
...te the size and construction
...rom theaters, lecture rooms,
...other places for public gath-
...to prevent the placing of seats,
...structions in hallways, aisles,
...
...R SAFETY IN STREETS.—
...railroad trains, engines and
...City, and the speed of cars
...railways using the streets of

...eggs, vegetables, bread, soups, milk and other food prod-
ucts offered for sale in the City and to provide for
the taking and summary destroying of any such prod-
ucts as are unsound, spoiled, adulterated or unwhole-
some, and to regulate and present the bringing into
the City or keeping within the City any such un-
sound, spoiled, adulterated or unwholesome products.
(28) DAIRIES.—To provide for and regulate the
inspection of all milch cows, dairies, milk and cream
depots whose products are offered for sale in the City.
(29) INSPECTION OF RESTAURANTS, HOTELS,
ETC.—To provide for the inspection and regulation of
restaurants, hotels, bakeries and butcher shops.
(30) LODGING, TENEMENT AND APARTMENT
HOUSES.—To regulate lodging, tenement and apart-
ment houses, and to prevent the overcrowding of the
same and to require that they be put and kept in proper
sanitary condition.
(31) SEWER CONNECTIONS.—To license plumb-
ers 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.
(32) EXCAVATIONS.—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 to the party apply-
ing to make the same.
(33) GARBAGE.—To provide for the collection and
disposal of garbage, ashes, animal and vegetable refuse,
dead animals, animal offal, rubbish and waste matter.
(34) TRANSIENT MERCHANTS, PEDDLERS,
SECOND-HAND AND JUNK DEALERS.—To regulate,
control and license transient merchants, peddlers, sec-
ond-hand and junk dealers, book agents and canvassers,
doing business in the City.
(35) FIRE SALES, ETC.—To license and regulate
gift, fire, auction or bankrupt sales, and to license and
regulate porters, runners, agents and solicitors for car-
riages, hacks, cars and public houses.
(36) INTOXICATING LIQUORS.—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 a person, to vend, deal in,
or dispose of any such liquors within a distance of three
hundred feet from any public school.
(37) REGULATION OF PUBLIC VEHICLES.—To
establish stands for hacks, public carriages, express
wagons, and other public vehicles for hire, and to reg-
ulate the charges for such vehicles, and to require
schedules of such charges to be posted in or upon such
vehicles.
(38) WEIGHTS AND MEASURES.—To provide
for the inspection and sealing of all weights and meas-
ures used in the City, and to enforce the use by dealers
of proper weights and measures duly tested and sealed.
(39) PUBLIC SHOW, GAMBLING.—To license,
regulate, restrain or prohibit all exhibitions, public
shows, games and amusements; to prevent and prohibit
all descriptions of gambling and fraudulent devices and
practices, bucket shops, all illegal playing of cards, dice
or other games of chance, the keeping or operating of
card machines, slot machines or other contrivances upon
which or into which money is staked, hazarded, depos-
ited or paid upon chance, the selling of pools on races,
and to authorize the destruction of all instruments used
for the purpose of gambling.
(40) PUBLIC ORDER AND DECENCY.—To re-
strain and punish vagrants, mendicants, lewd persons,
keepers of disorderly and bawdy houses and prostitutes,
and to prevent the publication and sale of obscene lit-
erature and pictures and exhibitions, and to prevent and
punish drunkenness, fighting, assaults, batteries, prize
fights and all offensive, immoral, indecent and disor-

...and maps of such places and boundaries
(64) PARK, PLAYGROUND AND PUBLIC CHAR-
ITY COMMISSIONS.—To establish a park commission,
a play-ground commission, a health commission and a
commission of public charities, and to appoint commis-
sioners thereon, to serve with or without compensa-
tion with such power and duties as may be fixed by
the Council.
(55) MUNICIPAL OWNERSHIP.—To provide a
suitable procedure for taking over or otherwise acquir-
ing municipal ownership of public utilities.
(56) HITCHING POSTS AND RINGS.—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.
(57) FASTENING HORSES, ETC.—To compel per-
sons to fasten their horses or other animals attached
to vehicles or otherwise while standing in the streets.
(58) NAMING STREETS, ETC.—To name and
change the names of streets, avenues and other pub-
lic places.
(59) NUMBERING HOUSES AND LOTS.—To reg-
ulate 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 conspicu-
ously thereon or adjacent thereto.
(60) FLAGMEN AND GATES.—To require rail-
way companies to keep flagmen and to regulate and
maintain gates at railroad crossings and streets and to
provide protection against injury to persons and prop-
erty in the use of such railroad.
(61) INTELLIGENCE AND EMPLOYMENT OF-
FICES.—To license and regulate keepers of intelli-
gence and employment offices for all persons seeking
employment or furnishing employees to others, and to
require such person to keep such records as it may di-
rect and to punish unfair dealings by such persons in
their said business.
(62) NEWSBOYS, ETC.—To license and regulate
newsboys, bootblacks, astrologists and massage doctors,
and prohibit fortune tellers and clairvoyants.
(63) HACKMEN, ETC.—To license and regulate
hackmen, draymen, expressmen, porters or other per-
sons 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 wait-
ing for business and to prohibit the same from stand-
ing or waiting for business at any other than the place
so prescribed.
(64) DISTILLERIES, ETC.—To license and reg-
ulate distillers, brewers, clubs and pawn brokers.
(65) CONCEALED WEAPONS.—To regulate, con-
trol or prohibit the carrying or wearing of concealed
dangerous and deadly weapons, and to provide for the
confiscation of the same.
(66) FIRE ARMS.—To prohibit the discharging of
any fire arms within the City limits of the City of
Ely.
(67) BLASTING, ETC.—To regulate the operation
of blasts and blasting, and the construction and location
and operation of derricks, windlasses, freight and pas-
senger elevators and other mechanical apparatus or op-
erations hazardous to life or property.
(68) REPORTING OF BIRTHS, ETC.—To provide
for and require the reporting and recording of all
births and deaths within the City.
(69) BURIAL OF THE DEAD.—To regulate or pro-
hibit the burial of the dead within the City and to
regulate and determine the manner in which bodies
having been buried 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.
(70) STOCK YARDS, ETC.—To direct the location
and regulate the management and construction of stock-
yards, slaughter houses, packing houses, renderies, tal-

low chandlers, store houses for hides, bone and glue houses, gas works, soap factories, dye houses, sausage factories and smoke houses and tanneries within the limits of the City.

(71) ROLLING OF HOOPS, ETC.—To prevent or 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 or prevent the use of bicycles and any other vehicles on the sidewalks and streets.

(72) EMPLOYMENT OF MINORS.—To regulate the employment and occupation of minors on the public streets or other public places.

(73) REVOKING OF LICENSES.—The Council shall have power to revoke any license granted by it.

(74) REMOVAL OF PARTLY DESTROYED BUILDINGS.—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 in writing by any officer having authority so to do, 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.

CHAPTER 9.

FINANCES AND TAXATION.

SECTION 68. THE FISCAL YEAR. The fiscal year of the City shall commence upon the Tuesday after the first Monday in January of each year.

SECTION 69. DEBT NOT TO BE INCREASED OR CREDIT LOANED. No bonds of the City shall be issued except as provided herein, nor shall the City loans its credit, become a stock holder or make contributions or donations to any person, company or corporation, except as herein provided.

SECTION 70. MONEY. HOW PAID OUT. CITY ORDERS. All moneys belonging to the City except as otherwise provided for in this Charter shall be paid out by warrant duly authorized by the City Council which warrant shall be signed by the Mayor, and countersigned by the City Clerk. Every order drawn upon the Treasurer shall designate the purpose for which it is drawn, and the fund upon which drawn, and shall be payable only out of such fund.

Provided, that in the payment of fees, for witnesses, jurors and interpreters and other expenses, refunding bail money, or any monies deposited incident to the prosecution of criminal actions, violations of ordinances or actions in which the State of Minnesota, or the City of Ely, is plaintiff, or interested and brought before the Municipal Court of the city, such fees and expenses and bail money may be paid out of the proper fund on the presentation to the City Treasurer of an order of the Clerk of said Court, which said order shall show the title of the action in which said fee or expense or deposit was incurred, the character of the service performed and the date thereof, which order shall have thereon the signature and approval of the City Attorney, or the person having authority to represent the city in such proceedings.

All deposits made or fees and other expenses incurred incident to civil actions and which the city is required to pay or refund may be paid without the approval of the City Attorney on presentation of an order otherwise similar in form as to execution.

The said Clerk of Court shall at the close of each month deliver to the treasurer a complete list of the orders issued by him as aforesaid, during the preceding month with the names of the persons to whom issued together with the amounts and purposes for which issued.

SECTION 71. PROPERTY SUBJECT TO TAXATION. All property in the City of Ely, 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

plus in this fund at the close of each year, may, if the Council elect, be paid into the Bond Sinking Fund.

TENTH: Contingent 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 to be used as an urgent necessity fund.

Provided, that nothing contained herein shall prevent the Council from transferring from the General Fund to aid and help any other fund at such times as in its judgment serves the best interests of the city, but the Council shall not have the power to permanently transfer from any other fund except the General Fund.

The Council may in its discretion establish any other fund which it may consider necessary.

SECTION 73. DISTRIBUTION OF MONEYS. 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 subdivision is not practicable, shall be placed in the General Fund.

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 has not at said time been paid for, the proceeds of such assessment shall be paid into the Permanent Improvement Revolving Fund.

SECTION 74. SINKING FUND BOARD. The Council shall constitute a board of sinking fund and shall have charge of the sinking fund and may invest the same in bonds or other obligations of the City, issued pursuant to the provisions of this Charter, or in such other bonds as are permitted by law for the investment of the public school funds of the State of Minnesota or any county or school bonds of this State.

The Treasurer shall make a detailed report to the City Council at the first meeting in July each year, and at such other time as the Council may require, and said report shall show the condition of said sinking fund, with a full description of said securities. Any taxpayer, or any owner of the bonds of the City, shall have the right to maintain in a court of competent jurisdiction any proper action or 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.

SECTION 75. ISSUANCE OF BONDS. 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 or other plants, or for the purpose of purchasing any such plant, or for the purpose of acquiring any real estate or other property needed in connection with any such plants such bonds may be made a lien upon such plants and structures, and all property acquired for use in connection therewith.

(2) For the purpose of providing funds for a permanent improvement revolving fund or for any contemplated permanent improvement.

(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 or other indebtedness of the City existing at the time this Charter goes into effect, or created at any time as au-

and unpaid, for the specific object for which said was made, and said taxes were levied.

After the accounts are opened in the books as before provided, any money thereafter received by from the collection of delinquent taxes, shall be distributed to the funds provided for herein, so far as funds correspond to the funds named in the part levy in which said delinquent taxes are collected, as they do not correspond, shall be credited to the Fund. The surplus of any year's receipts overtures in any particular fund shall be carried forward same fund for the succeeding year.

SECTION 79. TAX CERTIFICATES. At any time after the annual tax levy has been certified to the Council and not earlier than October tenth, in any year, the Council may by resolution passed by a majority of its members issue and sell as many certificates of indebtedness in anticipation of the collection of taxes so levied, for any special fund named in said tax estimate, for the purpose of raising money for such special fund, the amount of such certificates shall be issued for any, of said special fund, 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 payable later than December 31st of the year subsequent to the year in which said tax estimate, certified to the Council, was made, and said certificate shall be issued for less than par and accrued interest and shall bear a greater rate of interest than six per cent per annum. The certificate shall state upon its face for which fund the proceeds of said certificate shall be used, and for what amount embraced in said tax estimate for that purpose. They shall be numbered consecutively, and shall be in denominations of fifty dollars, or a multiple thereof, and shall be otherwise of such form and terms, as may be determined in their negotiation, and the proceeds of the same shall be collected as aforesaid on account of said fund, and shall be irrevocably pledged for the redemption of the same.

SECTION 80. BOARD OF EQUALIZATION. The Council shall constitute the Board of Equalization, which shall be sworn according to law as such, and shall meet on the fourth Monday in June of each year, and shall continue in session until they have completed their review, amend and equalize the work of the City Assessor pursuant to the general laws of the State, and the State Tax Commission in the interests of the City, and employ counsel to represent the City.

SECTION 81. RECORD SESSIONS AND PROCEEDINGS. Said board shall elect a secretary, who shall keep a record of its proceedings, and it is hereby vested with authority to appear before the County Board of Supervisors, and the State Tax Commission, and to be heard in respect to reducing the assessed valuation of real or personal property returned by the City Assessor.

SECTION 82. WHO MAY APPEAR BEFORE THE BOARD. Every person aggrieved by an assessment shall have the right to appear in person or by attorney before the board and present his grievance for its consideration.

SECTION 83. REVISION AND CERTIFICATION OF ASSESSMENT ROLLS. The City Assessor shall prepare assessment rolls in accordance with the general laws of the State, and after the same shall have been approved by the chairman and secretary of said board, shall transmit the same to the County Auditor such revised assessment rolls shall be returned to the Assessor shall proceed to issue the same in accordance with the general laws of the State.

SECTION 84. DISPOSITION OF MONEY COLLECTED. Every officer collecting or receiving money for the use of the City shall settle with the City Treasurer on or before the last day of each week, or at such more frequent intervals as the Council, and immediately pay all of such money into the treasury, for the benefit of the fund to which it is due. When the last day of the

SECTION 72. FUNDS OF THE CITY. The following funds shall be maintained in the City Treasury and the Council by a majority vote of its members may levy an annual tax upon all taxable property in the City of Ely for the support of such funds and purposes as follows:

FIRST: Interest Sinking Fund, for which there shall be levied a sum sufficient to provide for the payment of interest to become due during the next fiscal year, upon all bonds, certificates of indebtedness or any other interest that may accrue during the said year. Out of such fund interest only shall be paid.

SECOND: Sinking Fund, to provide for the payment of bonds and certificates of indebtedness of the City, when due. For the maintenance of this Fund, there shall be levied an annual tax of not to exceed 10 Mills on a Dollar of the assessed valuation of all taxable property of the City. This fund shall be applied only to the principal of bonds or certificates of indebtedness issued by the City.

THIRD: Fire Department Fund, to provide for payment of salaries, fire calls, supplies, new apparatus and general maintenance of the Fire Department.

FOURTH: Court and Police Fund, to provide for payment of Police Officers' salaries, witness fees, care of prisoners in custody and for general maintenance of the Court and Police Departments of the City.

FIFTH: Permanent Improvement Fund, for the purpose of paying the purchase price of all real property, and all rights therein and all improvements thereon, which the City shall acquire for its purposes, including cost of city buildings, building and maintenance of side and cross walks, sewers, streets, alleys and roads, bridges and culverts, parks and public driveways and any equipment, the payment for which is not otherwise provided for out of other funds. There shall also be paid into this fund all monies received from the sale of any permanent improvement of property of the City, not otherwise provided for under this Charter, and also such amounts as may from time to time be realized on account of this Fund.

SIXTH: General Fund, to provide for street sprinkling, street lighting, health and quarantine, stationery and printing, election expenses, official salaries and all other current and incidental expenses of, and judgments against the city not otherwise provided for, and such other disbursements as may be authorized by the law of the State or by this Charter. There shall be paid into this fund all monies received from any source, except when received for a specific use and purpose.

SEVENTH: 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. This Fund shall receive into it all monies collected from all special assessments levied under this charter for local improvements, and also such amount as may be realized from the sale of Bonds, warrants or other certificates of indebtedness authorized therefore in this Charter.

EIGHTH: Library and Armory Fund, to provide for and maintain a Public Library, reading rooms, Armory or Auditoriums or any other public buildings to be used for social or civic purposes.

NINTH: Light and Water 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 light, water and heat plants.

Into this fund shall be put and credited all moneys derived from the sale of the 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 light, water or heating plant, also such amounts as may be from time to time realized from the sale of bonds or certificates of indebtedness issued on account of said plant, and also all moneys received from the sale of said plant and water, light and heat rentals and penalties, and monies derived from water assessments. The sur-

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, 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, three and four above mentioned, shall be general obligations of the City.

(6) For the purpose of purchasing and maintaining public parks, play grounds and cemeteries. The City shall have authority to protect itself by acquiring title to any property, title to which may be acquired by sale of such property under execution, and shall have authority 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, as security for the payment of any indebtedness mentioned in this section.

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

The debt of the City shall not exceed two per cent of the total value of the taxable property of the City, according to the last preceding assessment for the purpose of taxation; provided, that the total amount of bonds issued as above provided in subdivisions one, two, three and four together with the other indebtedness of the City, shall not exceed ten per cent of its assessable valuation as above defined.

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.

SECTION 76. ANNUAL BUDGET. 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.

SECTION 77. ANNUAL TAX LEVY. A levy of not to exceed forty mills on the dollar of the assessed valuation of the city, shall be made by the Council on or before the tenth 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.

SECTION 78. SEPARATE ACCOUNTS TO BE KEPT FOR EACH FUND. 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.

It shall be the duty of the Treasurer to keep a complete, accurate and separate account of each and all of the separate funds heretofore provided, which shall accurately show at all times the amount of money received by him for the credit of each of such funds, and when 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. The money received from the sale of certificates of indebtedness based on a tax 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

a legal holiday, the said payments shall be made on next preceding business day.

SECTION 85. UNIFORM ACCOUNTS AND REPORTS. The Council shall prescribe uniform forms of accounts which shall be observed by all officers and departments of the City which receive or disburse monies.

CHAPTER 10.

CONTRACTS.

SECTION 86. DEFINITIONS. All contracts for commodities, or services to be furnished or performed for the City, or any department thereof, in an expenditure of more than Two Hundred and Fifty Dollars, shall be made in accordance with this charter provided, and not otherwise.

The words "commodities" and "service" as used in this chapter shall be construed to include all labor, material, other property, and all lighting and other services and local or public improvements.

The word "contract" as used in this chapter shall be construed to include every agreement in writing or otherwise, executed or executory, by which any commodities, labor or service are to be furnished or done for the City, every transaction whereby an expenditure is made or incurred on the part of the City or any department or officer thereof. Provided that the provisions of this section shall not be construed to apply to official services or to employees receiving a stated salary.

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

SECTION 87. ESTIMATES. AMOUNT OF CONTRACT. The Council, in the first instance, shall on its own motion, or may, on the recommendation or report of a 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 employee 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 all cases where such estimated cost exceeds the sum of Two Hundred and Fifty Dollars, said commodities, or services shall only be furnished or done upon public bids. Provided that if no satisfactory bid is received after proper notice has been given the Council may proceed to do the work by day labor or purchase commodities required, and may re-advertise for bids.

If the Council shall determine that any commodities or services are to be procured in open market, the same may be procured by the proper department or officer in accordance with such general directions as the Council may give.

SECTION 88. PLANS AND SPECIFICATIONS. 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 or services.

SECTION 89. ADVERTISING. After filing the said plans and specifications, the Council shall direct the City Clerk to advertise for bids, or doing or furnishing said commodities or services in accordance with such contract, plans or specifications. The 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 bids are to be received and opened at a public meeting of the Council, in the Council chambers, upon a certain day and hour.

SECTION 90. SECURITY FOR BIDS. In advertising for any bid the Council shall require bidders to accompany their bids with a certified check upon some reputable bank or other financial institution, payable to the City of Ely, for not more than ten per cent of the 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

of each year, may, if the Council sinking fund.

From the general fund the resolution appropriate a sum of dollars for contingent expenses the Mayor to be used as an

defined herein shall prevent the on the General Fund to aid such times as in its judgment the city, but the Council shall not transfer from any other

tion establish any other fund

SECTION 78. MONIES. Monies time this Charter goes into the taxes levied before this so far as practicable be hereby established and where able, shall be placed in the

at this Charter goes into levied to cover the costs of a movement has not at said time such assessment shall be paid at Revolving Fund.

SECTION 79. SINKING FUND BOARD. The Council sinking fund and shall have may invest the same in bonds, issued pursuant to the pro- such other bonds as are per- cent of the public school funds by county or school bonds of

detailed report to the City July each year, and at such require, and said report shall fund, with a full descrip- payer, or any owner of the be right to maintain in a any proper action or pro- of the Council, compli- section. Whenever, at the ty, said sinking fund shall the bonds so maturing and in it advisable to take up may issue other bonds of twenty years, on such terms nt and rate of interest as in such amount as may be, and to take up and refund

SECTION 80. BOND. The City may et to the limitations herein-

constructing, maintaining, ex- suitable water, light, heat- purpose of purchasing any of acquiring any real estate section with any such plants upon such plants and struc- for use in connection there-

viding funds for a perman- ed or for any contemplated

of making local improve- alleys and in front of prop- assessments, and property

of establishing and maintain- and of maintaining, alter- ing, funding or refunding any of the City existing at the time or created at any time as au-

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 hereinbe fore 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, shall be credited to the General Fund. The surplus of any year's receipts over expendi- tures in any particular fund shall be carried forward to the same fund for the succeeding year.

SECTION 79. TAX CERTIFICATES. At any time after the annual tax levy has been certified to the County Auditor, and not earlier than October tenth, in any year, the Coun- cil may by resolution passed by a majority of its members, issue and sell as many certificates of indebtedness as needed in participation of the collection of taxes so levied as afore- said, for any special fund named in said tax estimates 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 estimates, 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 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 pro- ceeds 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 shall be otherwise of such form and terms, as will best aid in their negotiation, and the proceeds of the tax assessed and collected as aforesaid on account of said fund are ir- revocably pledged for the redemption of the certificates so issued.

SECTION 80. BOARD OF EQUALIZATION. The Council shall constitute the Board of Equalization and shall be chosen according to law as such, and shall meet at the City Hall on the fourth Monday in June of each year, and shall continue in session until they have completed their work to review, amend and equalize the work of the City Assessor, pursuant to the general laws of the State, and shall have power to appear before the County Board of Equalization and the State Tax Commission in the interests of the City, and employ counsel to represent the City.

SECTION 81. RECORD SESSIONS AND POWERS. Said board shall elect a secretary, who shall keep a record of its proceedings, and it is hereby vested with all powers which are or may be vested in the County board of equaliza- tion under the general laws of the State, but shall not be re- stricted by any limitations in respect to reducing or increas- ing the assessed valuation of real or personal property as returned by the City Assessor.

SECTION 82. WHO MAY APPEAR BEFORE BOARD. 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.

SECTION 83. REVISION AND CERTIFICATION OF ASSESSMENT ROLLS. 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 chairman and secretary of said board, shall transmit to the County Auditor such revised assessment rolls, and unless otherwise provided the Assessor shall proceed under the general laws of the State.

SECTION 84. DISPOSITION OF MONIES COL- LECTED. Every officer collecting or receiving monies be- longing 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 week, 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 fund to which such money

or in lieu of said check require a bond executed with a Surety Company as surety, in such amount as may be de- termined by the City Council, properly conditioned. In all advertisements for bids, there shall be reserved the right to reject any and all bids.

SECTION 91. OPENING BIDS. At the time and place mentioned in the advertisement for bids, the Council shall meet in public session and publicly open and read all bids that may be presented; before any 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 after they are opened. No bid shall be considered if unaccompanied by a certified check or bond as aforesaid.

SECTION 92. ACTION OF COUNCIL. The Council shall set 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 re- ject any bids which it may deem unreasonable and unreli- able, and the Council in determining the reliability 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.

SECTION 93. TIME AND MANNER OF EXECUTION OF CONTRACT. All contracts shall be executed by the successful bidder within ten days after written notice that the contract is ready for his signature, and if not executed by him within said time, he may 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 attested by the City Clerk, and no contract shall be valid unless so exe- cuted. All contracts with the City shall be filed in the office of the City Clerk and a record of such filing entered in a book kept for such purpose.

SECTION 94. PERFORMANCE OF CONTRACTS. After the acceptance by the Council of any bid it shall di- rect the execution of a contract by the proper officers, and such contract shall be carried out by the proper department or officer of the City.

SECTION 95. BOND. Every person to whom a contract is awarded for an amount exceeding Two Hundred and Fifty Dollars, shall give bond, in such sum as the Council may direct, and with such sureties as it may approve, con- ditioned as provided by law.

SECTION 96. EXPENDITURES. It shall be the duty of each officer or head of a department to report to the Council, as often as required, the commodities, work and services likely to be needed for the operation of his depart- ment or office, and not before contracted for.

SECTION 97. EMERGENCIES AND PROBABLE COST THEREOF. When it is deemed that delay will cause great damage to the public or endanger public safety, the head of any department, with the written approval of the Council may do necessary work by day labor and procure materials therefor.

SECTION 98. ASSIGNMENT OF CONTRACTS OR FAILURE TO PERFORM. It shall be made a part of the condition of every contract entered into by the City of Ely, in which a bond is required and given, that such contract shall not be assigned, except by consent of the City Council, and that in entered upon the minutes of their proceedings, also that in case of a failure of the contractor or to perform any of the conditions and terms of his contract, that the City may at its election terminate the contract, or may allow the contractor to perform or do any act under said agreement; that upon the happening of any of the conditions as to assignment or failure to perform, as aforesaid, the City may cause to be served upon the contractor, a written notice of its election to terminate the same and his right to further perform, stating the reasons therefor, and such right shall be termi- nated and the city may in its discretion proceed to complete the same as the agent and at the expense of such contrac- tor and his sureties on the bond, or may allow the surety

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BUDGET. The Council shall
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SECTION 85. UNIFORM ACCOUNTS AND REPORT.
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CHAPTER 10.

CONTRACTS.

SECTION 86. DEFINITIONS. All contracts for com-
modities, or services to be furnished or performed for the
City, or any department thereof, in an expenditure of more
than Two Hundred and Fifty Dollars, shall be made as in
this charter provided, and not otherwise.

The words "commodities" and "service" as used in this
chapter shall be construed to include all labor, materials or
other property, and all lighting and other services and all
local or public 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, la-
bor or service are to be furnished or done for the City, and
every transaction whereby an expenditure is made or in-
curred on the part of the City or any department or officer
thereof. Provided that the provisions of this section shall
not be construed to apply to official services or to employees
receiving a stated salary.

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

**SECTION 87. ESTIMATES. AMOUNT OF CON-
TRACT.** The Council, in the first instance, shall on its own
motion, or 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 fur-
nished, and shall estimate the cost thereof, and in order to
determine such estimated cost may require estimates from
any officer or employee 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 all cases where such estimated cost exceeds the sum of
Two Hundred and Fifty Dollars, said commodities, or ser-
vice shall only be furnished or done upon public bids. Pro-
vided that if no satisfactory bid is received after proper
notice has been given the Council may proceed to do the
work by day labor or purchase commodities required, or
may re-advertise for bids.

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 department or officer in accord-
ance with such general directions as the Council may give.

SECTION 88. PLANS AND SPECIFICATIONS. Be-
fore advertising for bids, the Council shall cause to be pre-
pared 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 or service.

SECTION 89. ADVERTISING. After filing the same the
Council shall direct the City Clerk to advertise for sealed
bids, or 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.

SECTION 90. SECURITY FOR BIDS. In advertising
for any bid the Council shall require bidders to accompany
bids with a certified check upon some reputable bank, pay-
able to the City of Ely, for not more than ten per cent of
the 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

to complete the same, subject to all the conditions under
the agreement and all the rights of the city under this sec-
tion, or may re-let the same to another, or may cease to do
further work on the improvement or construction affected.

SECTION 99. RIGHT TO SUSPEND WORK. The
right shall be reserved in said contract to the City Engineer,
with the consent of the Council, in case of improper con-
struction, to suspend work at any time, or to order the en-
tire reconstruction of the same if improperly done.

SECTION 100. ESTIMATE. In the course of the
proper performance of the contract, the Council may from
time to time as the work progresses, allow the contractor
estimates of the amount already earned, less fifteen per cent
thereof, which, when ordered paid by the Council, shall en-
title 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 satis-
faction of the Council and the City Engineer, the balance
due may be audited and allowed by the Council.

SECTION 101. CITY TO COMPLETE WORK. 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 the power to furnish and use men and material to com-
plete the work and charge the expense thereof to the con-
tractor, 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.

**SECTION 102. CONTRACTS FOR OFFICIAL ADVER-
TISING.** 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 therefor. The pro-
posals 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 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.

SECTION 103. COLLUSION WITH BIDDER. Any offi-
cer 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 wilfully
mislead any bidder in regard to the character of the ma-
terials 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 the receipt of a greater
amount, or different kind of material or supplies, than has
been actually received, shall be deemed guilty of malfeas-
ance and shall be removed from office.

SECTION 104. COLLUSION BY BIDDER. If, at any
time, it is found that the person, to whom a contract has
been awarded, has, in presenting any bid or bids, colluded
with any other party or parties for the purpose of prevent-
ing any other competing bids being made, or has entered into
an agreement by which he made a higher or 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 voidable at the option of the
Council, and the Council may advertise for new bids for

said work, or provide for such work to be done by the proper department or officer.

CHAPTER 11.

FRANCHISES.

SECTION 105. ORDINANCES GRANTING FRANCHISES. Every ordinance by which the Council shall propose to grant any franchise shall contain all the terms and conditions of the franchise to be granted and it shall be a feature of every franchise so granted that the maximum price for the service or charge shall be stated in the grant thereof.

SECTION 106. REGULATION OF RATES. The City shall have the power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the city for the service rendered by it to the City, or to the public, but such price shall be fair and reasonable to such corporation or persons and to the public. Such rates shall be fixed by the Council by ordinance, and the Council may appoint commissioners to fully investigate and report all matters with reference to rates to be charged by any such corporation or person.

SECTION 107. LIFE OF FRANCHISE. The maximum length of time for which a franchise or privilege to use the streets, alleys or other public places of the City may be granted to any person, firm, or corporation shall be twenty-five years.

SECTION 108. FORFEITURE FOR NON-COMPLIANCE. 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 thereof, and in all such cases the Council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

SECTION 109. MATTER IN CHARTER NOT TO IMPAIR RIGHT OF COUNCIL TO INSERT OTHER MATTERS IN FRANCHISE. 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.

SECTION 110. EXCLUSIVE FRANCHISE. No exclusive franchise or privilege shall be granted unless the question of granting the same shall have been first submitted to the qualified voters of the city and adopted by a majority voting at such election on the question.

CHAPTER 12.

INITIATIVE.

SECTION 111. DIRECT LEGISLATION.

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

(2) **PROVISIONS OF CHAPTER FOURTEEN APPLY.** The provisions of Chapter Fourteen 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.

(3) **TWENTY PER CENT PETITION.** 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

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 on petition.

SECTION 114. FURTHER REGULATIONS. The Council may by ordinance make such further regulations as may be necessary to carry out the provisions of this chapter.

CHAPTER 14.

RECALL.

SECTION 115. RECALL. METHOD PRESCRIBED. 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 of 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 the notice was served by the City Clerk that the petition was insufficient. 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 Thirty (30) days from the date of the City Clerk's certificate that a sufficient petition is filed.

SECTION 116. CAUSE OF RECALL. OFFICERS' JUSTIFICATION. 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.

SECTION 117. CANDIDATE'S ELECTION. 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 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.

SECTION 118. NO RECALL PETITION FOR FIRST SIX MONTHS. No recall petition shall be filed against any officer until he has actually held his office for at least six months.

CHAPTER 15.

EMINENT DOMAIN.

SECTION 119. GRANT OF POWERS. CITY MAN...

assessed for such improvement, may ing and submit evidence, as may the
SECTION 127. DAMAGES. INTEREST. The Council, in making determine and appraise to the owner ested, the value of the real estate or injured or destroyed for the improv arising to them respectively from th which shall be awarded to such ow tively, as damaged, after making du any benefit which such owners or derive from such improvement.

And said sum so awarded, as dan at the rate of six per cent per an date of the confirmation of assess after provided until paid.

SECTION 128. DAMAGES IN F If the damages to any person be received, or if the benefits be great Council shall strike a balance and in any case be collected from them

SECTION 129. APPRAISEM ARE BUILDINGS ON THE LAND ings or improvements upon any la such proceedings, the award shall land and improvements separately

Notice of such award shall the to the owner or person interested, or left at his usual place of abod able age and discretion then resi

If the person interested is not of the County, ten days' notice by sons interested shall be given i City, which shall be sufficient no

Such owner or person interest ten days after such notice notify his election to take such buildin part thereof at its appraised v amount of such appraisal shall from the estimated damages fo ment, and the owner shall have s removal of such building or impr tion of the assessment, as the Co

If the owner or person interes building or improvement of suc notice of his election as afore scribed, then no deduction shall damages aforesaid, and the Cou tion of the assessment and after the Treasurer ready to be paid proceed to sell such building or of, for cash, giving ten days' tion in the official paper, and ca ment or part thereof to be ren sale shall be paid into the city fund chargeable with such imp

SECTION 130. JOINT OW LEASE. If the lands and bui sons, or if the land is subject such persons, respectively, ma Council, less the benefits res from the improvement.

SECTION 131. DAMAGE UPON REAL ESTATE BEN the damages and expenses o said, the Council shall there same, except such amount, if by the Council in payment of the proceedings, upon the rea benefited by such improve fits, if any be assessable the amount of such assessment e lot or parcel so assessed.

SECTION 132. ASSES roll shall contain a brief des of property taken, injured o of the owner thereof, as far unknown shall be stated

SECTION 112. MODE OF PROTESTING AGAINST ORDINANCES. No ordinance passed by the Council shall go into effect before ten days from the time of its final passage, except an ordinance for the preservation of the public peace, health, or safety, which contains a statement of its urgency, 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, at which a mayor was elected, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon 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 repealed, the Council shall submit the ordinance as provided in Chapter 12 of this charter, to a vote of the electors 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 14 respecting the forms and conditions of the petition, the mode of verification, certification and filing nature of the case requires.

SECTION 113. REFERENCE OF MEASURES TO POPULAR VOTE. Any ordinance or measure that the Council or the qualified electors of the City have authority to enact, the Council may of its own motion submit to the

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.

(4) TEN PER CENT PETITION. 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 at which the mayor was elected, and said ordinance be not 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 City Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

(5) PUBLICATION OF POPULAR ORDINANCE. Whenever any ordinance or proposition is to be submitted to the voters of the city at any election, the Council shall cause the ordinance or proposition to be published once in the official newspaper of the City.

(6) ELECTION. The ballots used in voting shall state the nature of such proposed ordinance and shall contain the words "for the ordinance," and "against the 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.

(7) SEVERAL ORDINANCES AT ONE ELECTION. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this chapter.

(8) REPEAL OF POPULAR ORDINANCE. 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 adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

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

CHAPTER 13.

REFERENDUM.

SECTION 112. MODE OF PROTESTING AGAINST ORDINANCES. No ordinance passed by the Council shall go into effect before ten days from the time of its final passage, except an ordinance for the preservation of the public peace, health, or safety, which contains a statement of its urgency, 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, at which a mayor was elected, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon 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 repealed, the Council shall submit the ordinance as provided in Chapter 12 of this charter, to a vote of the electors 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 14 respecting the forms and conditions of the petition, the mode of verification, certification and filing nature of the case requires.

SECTION 113. REFERENCE OF MEASURES TO POPULAR VOTE. Any ordinance or measure that the Council or the qualified electors of the City have authority to enact, the Council may of its own motion submit to the

SECTION 119. GRANT OF POWERS. CITY MAY ACQUIRE PROPERTY. The City of Ely is hereby empowered to take or acquire by proceedings in condemnation, any property corporeal or incorporeal wheresoever situated, within or without the City, which may be needed by said city for any public use or purpose.

SECTION 120. NECESSITY FOR TAKING TO BE DECLARED BY RESOLUTION. The necessity for the taking of any property shall be declared by resolution of the Council, which resolution shall in a general way describe the property so needed, and order its condemnation.

SECTION 121. CITY MAY MAKE ASSESSMENTS FOR IMPROVEMENTS. 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 benefit without regard to cash valuation.

SECTION 122. COST OF IMPROVEMENTS. The Council may, by majority vote of all 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.

SECTION 123. COUNCIL TO DETERMINE NATURE AND EXTENT OF IMPROVEMENT. 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 declare by resolution in a general way the nature and extent of the proposed improvement.

SECTION 124. CITY ENGINEER TO BE NOTIFIED TO MAKE PLAT. 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 the same, and the property necessary to be taken, damaged, injured or destroyed, or benefited thereby, together with the name of the owner and occupant of each parcel of such property, 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 as to the nature, course and extent of such improvement.

SECTION 125. COUNCIL TO ADOPT PLAT, ORDER IMPROVEMENT AND GIVE NOTICE. When such plat and survey shall finally describe the proposed improvement to the satisfaction of the Council, the Council may 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 assessment of benefits, in which notice it shall describe the land or property to be condemned, by general description, 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 assessment list in the office of the auditor of the county, 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 non-residents of the said county, appearing of record to be interested in said land, addressed to the last known postoffice address of such non-residents, and if such address is unknown, such notice shall be addressed to such person at Ely, 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 in the office of the City Clerk.

SECTION 126. HEARING. All parties interested in any property so to be condemned, or in any real estate to be

and benefits, if any, assessed against each parcel. The assessment roll shall show both the total amount of such compensation and damages together with the cost of the proceedings, and the actual benefit to the property subject to such assessment. The Council shall so state on such assessment roll the total amount of such excess. The Council on the assessment roll the total amount of such excess. The Council on the assessment roll the total amount of such excess. The Council on the assessment roll the total amount of such excess.

SECTION 133. NOTICE OF COMPLETION. When completed, cause to be given ten days' notice by one official paper of the City to the effect that the assessment roll has been completed and that at a time specified, it will hear objections thereto. Objections must be filed in writing with the City Clerk at least one day prior to the time so specified. If sufficient cause is shown to the contrary, the assessment roll shall be confirmed. Said notice shall contain a statement of the amount of such excess. Said notice shall contain a statement of the amount of such excess.

Provided, that said Council may, in its discretion, cause any person interested who has inadvertently filed his objection as aforesaid, to do so at the hearing of said objection named in said notice.

SECTION 134. ADJOURNMENT OF COUNCIL. Should a quorum of the Council not be present at a meeting, the Council may adjourn to such other convenient time as may be determined by the Council.

SECTION 135. NEW NOTICE MAY BE GIVEN. A new notice as aforesaid to be given, shall be given at which it will hear objections to the assessment roll. In case the previous notice shall be found to be defective for any other reason which shall be satisfactory to the Council, a new notice may be given for so doing.

SECTION 136. COUNCIL TO HAVE POWER TO ADJOURN HEARING AND REVISE ASSESSMENT. The Council shall have power to adjourn such hearing to such other convenient time, in its discretion, to revise and confirm the assessment, and to set aside the assessment and make an assessment de novo.

The assessment when confirmed, shall be subject to such confirmation, and shall be binding upon all persons interested therein, and shall not be subject to appeal.

SECTION 137. PROCEDURE AFTER CONFIRMATION OF ASSESSMENT. When said assessment is confirmed, together with all affidavits of publication and notice connected therewith, shall be entered in the office of the City Clerk for that purpose by the Council.

SECTION 138. NOTICE OF FINAL ASSESSMENT. As soon as the final assessment of damages and benefits has been made, the Council shall cause a notice by one official paper of the City to be published in the official paper of the City, of the time and place when it will meet to make an award of damages and assessment of benefits, in which notice it shall describe the land or property to be condemned, by general description, and shall specify what such assessment, if any, is to be for, and in a general way what property will be assessed therefor.

SECTION 139. RE-ASSESSMENT. A new assessment shall be set aside by the Council and a new assessment shall be made, for any cause, jurisdictional or otherwise, shall proceed de novo, to make a new assessment in like manner and give like notice in relation to the first assessment, and shall have like rights in relation to a new assessment as are hereby given in relation to the first assessment. Provided, however, that if the assessment of benefits as to any parcel or parcels of land is set aside, there shall be no reassessment thereof, unless the Council shall so order. As often as an assessment of a piece or parcel of real estate assessed for public use is set aside, the same shall be subject to a new assessment if the property has paid its share of benefits as to such improvement.

SECTION 140. APPEAL TO THE COURT. Any person interested in any property or real estate to be condemned, or in any real estate to be

on, at a general or special manner and with the same or submitting ordinances on

REGULATIONS. The Council further regulations as may provisions of this chapter.

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METHOD PRESCRIBED.

may be removed at any time by the electors qualified to absent in the following manner: electors, equal in number entire vote cast for all in the last preceding general election, shall file with the City Clerk, a general statement of the sought. The signatures to be on one paper, but each residence and street number. Each paper shall make oath that it is true as he believes, and appended is the genuine signature it purports to be. If the number of signatures is less than the requisite number of electors, the Council shall allow and shall attach said petition to the result of said examination. If the petition is shown to be within ten days from the date of filing with the City Clerk that the petitioner shall, within ten days of examination of the amendment, show the same to be the person filing the same; or the filing of a new petition is deemed sufficient; the Council shall order the same filed. If the petitioner does not resign within ten days of the filing of the petition, the Council shall order upon the question as to whether the petition shall be recalled, within thirty days of the City Clerk's certificate that a

RECALL. OFFICERS' for such election there shall be not more than two hundred words, the reason therefor shall be set forth in the petition as set forth in the course in office.

OFFICERS' ELECTION. The City election shall be conducted at the same time and place of holding as in other city elections. The majority of the votes shall be for the officer named, and the name of his successor, notice of ten days after the result of the election shall be declared. The successor of the office during the unexpired term shall be the officer named.

PETITION FOR RECALL. shall be filed against any officer in this office for at least six

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assessed for such improvement, may be present at the hearing and submit evidence, as may the city.

SECTION 127. DAMAGES. HOW AWARDED. INTEREST. The Council, in making such assessment, shall determine and appraise to the owner and any person interested, the value of the real estate or interest 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 owner and persons, respectively, as damaged, after making due allowance therefor for any benefit which such owners or persons 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 herein-after provided until paid.

SECTION 128. DAMAGES IN EXCESS OF BENEFITS. 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 the difference only shall in any case be collected from them or paid to them.

SECTION 129. APPRAISEMENT. WHERE THERE ARE BUILDINGS ON THE LAND. In case there are buildings or improvements upon any land proposed to be taken in such proceedings, the award shall be for the damages to the land and improvements separately.

Notice of such award shall then be given by the Council to the owner or person interested, if a resident of the County, or left at his usual place of abode with some person of suitable age and discretion then residing therein.

If the person interested is not known, or is a non-resident of the County, ten days' notice by one publication to all persons interested shall be given in the official paper of the City, which shall be sufficient notice to such owner.

Such owner or person interested 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 or person interested shall refuse to take the building or improvement of 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 may, 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, 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.

SECTION 130. JOINT OWNERS: LAND SUBJECT TO LEASE. If the lands and buildings belong to different persons, or if the land is subject to lease, the damage done to such persons, respectively, may be awarded to them by the Council, less the benefits resulting to them, respectively, from the improvement.

SECTION 131. DAMAGES, ETC., TO BE ASSESSED UPON REAL ESTATE BENEFITED. 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.

SECTION 132. ASSESSMENT ROLL. The assessment roll shall contain a brief description of each tract or parcel of property taken, injured or assessed, the name and names of the owner thereof, as far as known to the Council, or if

County, from the final award of damages or assessment of benefits, in the same manner as provided for by the general Statutes of Minnesota 1913, Chapter 41. 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.

SECTION 141. EFFECT OF AWARD. 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 condemnation 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 whosoever shall establish his right thereto by some judicial proceeding or otherwise. 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 of damages made by it, or in case of appeal within thirty days after final determination thereof, abandon such proceedings and shall thereupon pay the costs thereof.

SECTION 142. DESCRIPTION OF PROPERTY TAKEN TO BE RECORDED. 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 the 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 the County.

CHAPTER 16.

LOCAL IMPROVEMENTS AND ASSESSMENTS.

SECTION 143. IMPROVEMENTS, THE COST OF WHICH MAY BE DEFRAYED BY ASSESSMENT. The City is hereby authorized to light, grade, pave, re-pave, curb, gutter, wall, bridge, gravel, macadamize, sprinkle, plank, sweep or maintain any street, avenue, alley or highway; to construct and maintain trunk, sanitary and storm sewers; to grade, improve, protect and ornament any public park, square or grounds, to construct, improve and ornament any public 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; to abate nuisances; to drain marshes, 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 shall 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.

of Ely is hereby empowered in condemnation, any real wheresoever situated, may be needed by said city

FOR TAKING TO BE DE-
The necessity for the taking and by resolution of the Council a general way describe the nature of the condemnation.

MAKE ASSESSMENTS FOR
herby authorized and empowered, to levy assessments on improvements to the amount of cash valuation.

IMPROVEMENTS. The Council its members, order that the part of any improvement in of the appropriate fund or out assessment on the prop-

TO DETERMINE NATURE
MENT. When the Council for public improvement it, or destroy any private a public use, it shall declare the nature and extent of the

NEER TO BE NOTIFIED
shall thereupon notify the owner; and thereupon it shall to make and present to the such proposed improvement, extent of the same, and the damaged, injured or destroyed together with the name of the parcel of such property, to the extent as may be proper to expose and extent of such pro-

l show approximately the owner which is to be benefited; and the Council to be modified, amended or and extent of such improve-

TO ADOPT PLAT, ORDER
NOTICE. When such plat be the proposed improvement, the Council may by resolution the making of the improvement give fifteen days' notice, by paper of the City, of the time to make an award of damages which notice it shall describe and condemned, by general description assessment, if any, is to be that property will be assessed by of such notice to be served a summons is served in a civil all parties interested in the land as appears by the last assessment auditor of the county, who can also upon all persons occupying of, and it shall mail a copy of the said county, appearing in said land, addressed to the of such non-residents, and if such notice shall be addressed to the. Proof of the service and be made by an affidavit of the same, and how each notice so such affidavit shall be filed in

All parties interested in any real estate to be

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

SECTION 133. NOTICE OF COMPLETION OF ASSESSMENT ROLL. 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.

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

SECTION 134. ADJOURNMENT OF PROCEEDINGS. Should a quorum of the Council not be present at the time and place appointed the proceedings may be adjourned to such other convenient time as may be deemed expedient.

SECTION 135. NEW NOTICE MAY BE GIVEN. 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 for any other reason which shall be satisfactory to the Council for so doing.

SECTION 136. COUNCIL TO HAVE POWER TO ADJOURN HEARING AND REVISE ASSESSMENT. The Council shall have power to adjourn such hearing from time to time, in 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 therein, and not appealing therefrom.

SECTION 137. PROCEDURE AFTER CONFIRMATION OF ASSESSMENT. 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.

SECTION 138. NOTICE OF FINAL CONFIRMATION OF ASSESSMENTS. As soon as practicable after the assessment of damages and benefits has been finally confirmed, the Council shall cause a notice by one publication of such final assessment roll and the date of filing thereof to be published in the official paper of the City.

SECTION 139. RE-ASSESSMENT. 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 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 reassessment thereof, except in the discretion of the Council. 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 reassessed until said property has paid its share of benefits accruing from the said improvement.

SECTION 140. APPEAL TO THE DISTRICT COURT. Any person interested in any property taken or damaged in these proceedings may appeal to the district court of the

SECTION 141. EXCEPTION. The cost of any improvement mentioned in the foregoing section shall be defrayed, except as hereinafter provided, as follows:

The City shall pay one-half of the expense of said improvement out of the appropriate or general fund of the City, and the other half of said expense of said improvements shall be paid by an assessment upon the real estate benefited thereby, to be levied in the manner hereinafter prescribed, provided that the construction, reconstruction or maintenance of cross walks, over public grounds and public parks, and the cost of improving and ornamenting public grounds, squares and parks, and the curbing, guttering, paving, repaving, macadamizing and grading of the space occupied by street intersections and the intersection of the alleys with the streets, and the construction of all main or trunk sanitary or storm sewers, and further improvement and repair of the same, and repairing of all sewers, curbs, gutters, walls, bridges, sidewalks, avenues, alleys, and streets shall be paid out of the appropriate or general fund of the city without levy of any kind upon abutting property or property benefited thereby.

SECTION 145. AMOUNTS ASSESSABLE AGAINST CITY, PUBLIC OR EXEMPT PROPERTY. 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.

SECTION 146. TWO OR MORE IMPROVEMENTS AT THE SAME TIME. Two or more of said improvements upon one or more streets or avenues, may be made at the same time, under one order, and may in that case be included in one contract.

SECTION 147. SEWER AND WATER PIPES MAY BE INCLUDED IN ONE CONTRACT. 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 lot line, and the cost of the same shall be paid out of the appropriate or general fund of the City.

SECTION 148. PROCEDURE WHERE TWO IMPROVEMENTS ARE MADE AT THE SAME TIME. If two or more improvements are included in one contract, the expense of each improvement may be separately apportioned and one-half the expense of each of such improvements shall 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.

PROCEDURE FOR MAKING ASSESSMENT.
SECTION 149. APPLICATIONS AND PETITIONS FOR IMPROVEMENTS. All applications or propositions for any improvement authorized by this Charter, 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 may 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 before further proceedings are taken, 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 majority 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.

SECTION 150. HEARING. If upon such hearing the Council believes 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 if any of the improvements are made in an alley,

then the cost of such improvements shall be paid out of the appropriate fund, on the general fund of the city.

SECTION 151. COUNCIL TO LET CONTRACT AND MAKE ASSESSMENTS. When the Council shall determine to make any improvement described in this chapter, it shall cause an estimate of 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 estimated cost thereof, against the property to be benefited thereby, in proportion to the benefits to result thereto, 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.

If the work is completed before any assessment is made, or if the amount so assessed shall be insufficient to complete the work, the Council after the completion of said work, may make a final assessment 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.

SECTION 152. ASSESSMENTS AGAINST RAILWAYS OR STREET RAILWAYS. When in any case any proportion of the cost in making any improvement mentioned herein shall by virtue of any 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 benefited 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 and subject to assessment and deemed benefited by said improvement, shall be assessed as in other cases.

SECTION 153. NOTICE TO BE GIVEN BEFORE MAKING ASSESSMENT. Before proceeding to make an assessment for any improvement, 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.

SECTION 154. HEARING BEFORE MAKING ASSESSMENT. 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 shall receive evidence thereon and may adjourn the hearing, if necessary, from time to time, and place to place.

SECTION 155. NOTICE OF HEARING. OBJECTION AFTER HEARING ASSESSMENT. 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.

SECTION 156. ASSESSMENT FINAL AND CONCLUSIVE. When said assessment is confirmed, it shall be final and conclusive upon all parties not appealing therefrom.

SECTION 157. NOTICE OF CONFIRMATION. 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.

SECTION 158. ASSESSMENTS PARAMOUNT LIEN. All assessments levied under the provisions of this charter

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.

SECTION 165. ELECTION—WAIVE OF DEFECTS. Any person making an election to pay in installments as provided by this charter, his heirs, personal representative 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.

SECTION 166. INSTALLMENTS. WHEN DUE. 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 163 of this charter.

All other installments together with interest on the same and on all unpaid installments on October 1st of each year, thereafter, until fully paid.

Each installment together with interest as aforesaid shall be due and payable at the office of the City Treasurer.

SECTION 167. RETURN OF CITY TREASURER OF DELINQUENT ASSESSMENTS TO THE CLERK. If the amount 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 this charter the City Treasurer shall before the time required for certifying delinquent assessments as provided for in Section 168 of this charter, 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.

SECTION 168. CITY CLERK TO TRANSMIT LIST TO COUNTY AUDITOR. The City Clerk shall on or before the 1st day of December, following, cause a statement of the amount of said delinquent assessments, except assessments that have been appealed to the district court as hereinafter provided, with six per cent annual interest thereon computed from thirty days after the notice given by the City Clerk of confirmation, 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 the 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 duplicates of the County, and shall be due and 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.

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.

which the City is hereinbefore forbidden to incur in Section 75, Chapter 9 of this charter.

Every Certificate issued as aforesaid shall contain the following proviso:

"The City of Ely reserves the right to pay the principal and accrued interest at any time upon giving thereof thirty days' notice."

Whenever there are funds in the Permanent Revolving Fund that may be properly applied to the payment of any such outstanding certificate, it shall be the duty of the City Treasurer to notify the holder of such certificate that there is money in the City Treasury for the same. Said notice may be given by mail to the last known Post Office address of the holder of the certificate, and if such address is unknown, shall be addressed to such person at Ely, Minnesota. Such mailing shall be made by the affidavit of the City Treasurer, and how each notice was addressed. Such affidavit shall be filed in the office of the City Treasurer. Such certificate shall draw no interest after thirty days' mailing of said notice. Such notices shall be given to the holders of certificates shall be paid in the order in which they are issued.

SECTION 175. APPEAL TO THE DISTRICT COURT. Any person interested in any property assessed under this Charter, for benefits resulting from any improvement, may appeal from such assessment to the District Court, within thirty days after the publication of the notice provided for in Section 163 of this charter.

SECTION 176. APPEAL—HOW MADE. An appeal shall be made by filing a written notice of appeal, stating that appellant appeals to the District Court from the assessment, and containing a description of the property assessed, and the object of the appeal, and by filing with the District Court within ten days thereafter a copy of the bond for the appeal. To render an appeal effectual for the purpose of this section, the bond shall be executed by the appellant to the satisfaction of the District Court, and shall be filed in the office of the City Clerk. The penalty of the bond which shall be in the amount of one hundred Dollars. Said bond shall be approved by the District Court and filed in the office of the City Clerk. In case of an appeal, it shall be the duty of the appellant forthwith to prepare and file a copy of the assessment as confirmed, in the office of the City Clerk. It shall be necessary to include in said copy of said roll, which are pertinent to the appeal, in such appeal. The District Court may, in its discretion, grant further time for filing such appeal, and may, when necessary, require a further bond. The cause shall be entered by such Clerk of the District Court in person taking such appeal against the City of Ely from Assessments" and may be brought on by either party.

SECTION 177. PROCEDURE ON APPEAL. An appeal shall be tried by the Court at a general session without pleadings other than as above stated by the Court. Upon such trial appellant shall be allowed to object to said assessment than those of Appeal, but the Court may, in its discretion, amend notice to be amended in this respect at any time. The Court may revise, correct, amend, increase, reduce or annul an assessment appealed from, or may order a new assessment to be made.

The Court shall not dismiss the appeal on the ground that only a portion of the assessment roll has been returned, but either the whole or a portion of said roll in evidence, and the Court may, in its discretion, determine the prima facie evidence of the validity of the assessment, and including the confirmation of the same. Disbursements and costs, except such as may be allowed in the discretion of the Court, be allowed in and out of other civil cases, but any judgment or costs of the City shall be paid out of the general fund. The determination of said appeal by the

be imposed, from the date of the warrant issued for the collection thereof, 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 laws as 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 or either of said liens, and a sale or perfecting title under either shall not bar or extinguish the other.

SECTION 159. CITY CLERK SHALL KEEP RECORD OF ALL ASSESSMENTS. 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.

SECTION 160. ASSESSMENTS PAYABLE IN INSTALLMENTS. 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. Each of said installments shall bear interest at a rate to be determined by said resolution, not exceeding six per cent per annum, from the expiration of thirty days after the publication of the notice provided in Section 163 of this charter.

SECTION 161. WARRANTS FOR ASSESSMENT. 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 describes the real estate and the amount of the assessment in each case. Said warrant shall also include a copy of the resolution passed by the Council providing for the assessment.

SECTION 162. WARRANT DELIVERED TO CITY TREASURER. 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.

SECTION 163. TREASURER TO ORDER NOTICE ON WARRANT. 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 as provided for.

SECTION 164. NOTICE OF ELECTION BY PROPERTY OWNER. 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, recognize and assent to the regularity of said assessment, and at the same time, pay the first installment then due and payable; and failure to file such notice and pay such first installment, the whole

SECTION 169. INSTALLMENTS IF NOT PAID WHEN DUE. 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, before certifying the same, shall add a penalty of five per cent to the total amount thus delinquent and certify the same to the City Clerk. The City Clerk shall thereupon certify the same to the Auditor of the 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.

SECTION 170. INSTALLMENTS MAY BE PAID BEFORE DUE. 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 the interest which has already accrued.

SECTION 171. INFORMALITIES. 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 the 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.

SECTION 172. NEW ASSESSMENTS. Whenever, for any cause the proceedings in making and levying the assessments be found irregular or defective, whether such defects are jurisdictional or otherwise, the Council may make a new assessment upon all real estate subject to assessment for such improvement.

SECTION 173. POWER TO PURCHASE PROPERTY SUBJECT TO LIENS. 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 when sold for delinquent general taxes or take an assignment of any lien on the same against which the City has a lien for special assessment, and may sell or assign any such lien held by said City, or otherwise take such action as will protect the interest of the City.

SECTION 174. COUNCIL MAY ISSUE CERTIFICATES OF INDEBTEDNESS. The Council is hereby authorized in anticipation of the levy and collection of such assessments, whether, divided into installments or not, to issue Certificates of Indebtedness on the Permanent Improvement Revolving Fund, payable at such time, and in such amounts as in the judgment of the Council the said assessments will provide for, which Certificates 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 Certificates 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 the improvements for which the assessments are made, or may be sold for cash for not less than par value thereof, and the proceeds credited to the Permanent Improvement Revolving Fund, and used for paying for said improvement and such certificate of indebtedness shall be assignable. The City Treasurer shall keep a proper record of the Post Office addresses of the holders of all certificates issued as aforesaid. It shall be the duty of the City Treasurer to pay such certificates 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 certificates, shall not be deemed a part of the total indebtedness of the City.

SECTION 178. COPY OF ORDER SENT TO TREASURER. PROCEEDINGS. It shall be the duty of the Clerk of the District Court within twenty days after an order is filed by the Court, to make a copy of the order by the Court in said proceedings and deliver the same to the City Treasurer. That thereupon the party may appeal to the Supreme Court of the State. If the Court orders a new assessment, the City Treasurer shall certify the assessments mentioned in said order to the City Clerk in the same manner as in case of delinquent assessments are certified. And if the Court orders a new assessment, the City Treasurer on receipt of the order from the Clerk of the District Court, and the Council shall thereupon proceed to make a new assessment.

SECTION 179. RE-ASSESSMENTS. If said assessment shall be set aside by the Court for any cause, or otherwise, the Council shall proceed to make a new assessment and it shall proceed in like manner as herein required, in relation to the assessment and all persons in interest shall have like notice as in case of the first assessment.

Provided, that if the first assessment of benefit to a tract of land shall not be appealed from, or shall be set aside by the Court, the Council, in any subsequent assessment or re-assessment may omit the tract of land which the first assessment shall not have been appealed from, or on which said assessment has been paid; and as often as an assessment or re-assessment is set aside, the same shall be re-assessed until such time as the said improvement shall have paid its proper share of benefits accrued thereon.

SECTION 180. COLLECTION OF ASSESSMENTS LEVIED BEFORE THIS CHARTER GOES INTO EFFECT. All assessments made by the City prior to the date this Charter goes into effect shall be collected and enforced in the same manner and under the provisions of law that they would have been collected and enforced if this Charter had not been adopted. The lien thereof, as if this Charter had not been adopted, shall be a lien in favor of the City.

SECTION 181. CERTIFICATES TO PAY IMPROVEMENTS. The City Council shall have authority to issue certificates of indebtedness on the Permanent Improvement Revolving Fund to the full amount of any public improvement where public improvement has been made prior to the effect of this Charter and where the expense of such improvement and where payment therefor has not been made by the property owner, nor an assessment made for the purpose to issue certificates of indebtedness on the Permanent Improvement Revolving Fund to the full amount of unpaid indebtedness.

SECTION 182. PAVING ASSESSMENT. The City Council, in addition to the powers herein granted, shall have authority to provide for the paving of any public street, alley, levee or highway and for the paying for the same in not more than fifteen (15) annual installments and in the manner provided by Chapter one hundred and thirty-four of the General Laws of the State of Minnesota, 1911, or any amendatory or supplementary thereto, and where the same shall apply to the procedure taken by the City Council.

CHAPTER 17.

VACATING STREETS AND ALLEYS.

SECTION 183. POWER OF COUNCIL. The Council shall have exclusive power to vacate or discontinue streets, alleys or highways or any portion thereof in but no such vacation or discontinuance shall be granted by the Council, except upon the verified petition in writing of a majority of the owners of real property abutting on such street, alley, or highway proposed to be vacated. The Council, upon presentation of said petition, any special or regular meeting, shall thereupon order a petition to be filed with the City Clerk, who shall immediately make and publish in the official paper a notice

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and payable the same as assessment had been provided

any person interested, said assessment into the name of the same and transfer to the City Clerk, who shall make assessments.

When an assessment becomes due, the City Clerk shall certify to the County Clerk the name of the owner, and the amount due, and shall waive the neglect to pay the same, and shall permit any assessment to be paid in installments as

WAIVER OF DEFECTS. Any person interested in any assessment shall pay in installments as provided, and his personal representative shall be bound as to which an appeal shall be held to have recognized the regularity of said assessment, and thereon prior to the grant thereon forever be estopped to question the assessment or the amount

INTEREST WHEN DUE. The City Clerk shall collect the interest and interest, and for the benefit of the property affected, and shall see that the several amounts are paid as follows:

Within ten days after the publication of the assessment provided in section 163 of this charter

with interest on the same on or before October 1st of each year,

the interest as aforesaid shall be paid to the City Treasurer.

CITY TREASURER OF THE CLERK. If the City Treasurer or the City Clerk, if the assessment warrant made for the same, within thirty days after the publication of the City Treasurer, and the City Clerk, shall not or parcel so assessed, and shall give notice of election and

by this charter the City Clerk shall be required for certifying the assessment roll as provided in Section 168 of this charter

list, duly certified of this list, giving in such list a list of the parcels on which the assessment is made, and the names of the several amounts as

TO TRANSMIT LIST TO THE CLERK. The City Clerk shall on or before the first day of January cause a statement of the assessments, except assessments appealed to the district court as hereinafter provided, and the interest thereon computed and given by the City Clerk of the several lots and parcels made, and the names of the several amounts known to be certified to be the duty of said Auditor of said unpaid assessments to be the duty of the City Clerk to file in the tax duplicates of the assessments in the manner provided in the constitution of state and county and in the provisions of the

shall attach and be collected as upon general assessments as upon general assessments shall belong to the City Treasurer to the City Treasurer

which the City is hereinbefore forbidden to incur as provided in Section 75, Chapter 9 of this charter.

Every Certificate issued as aforesaid shall contain the following proviso:

"The City of Ely reserves the right to pay this certificate and accrued interest at any time upon giving the 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 certificate, it shall be the duty of the City Treasurer to notify the holder of such certificate 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 certificate, and if such address is unknown, said notice shall be addressed to such person at Ely, Minnesota. Proof of such mailing shall be made by the affidavit of the person mailing, and how each notice was addressed, and such affidavit shall be filed in the office of the City Treasurer. Such certificate shall draw no interest after thirty days from the mailing of said notice. Such notices shall be given and such certificates shall be paid in the order in which the certificates are issued.

SECTION 175. APPEAL TO THE DISTRICT COURT. 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 the County, within thirty days after the publication of the notice provided for in Section 163 of this charter.

SECTION 176. APPEAL—HOW MADE. Said appeal shall be made by filing a written notice with the Council stating that appellant appeals to the District Court from said assessment, and containing a description of the property of said appellant, so assessed, and the objection 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 City Clerk forthwith to prepare and file a copy of the assessment roll, as confirmed, in the office of the Clerk of District Court. 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. 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.

SECTION 177. PROCEDURE ON APPEAL. Such appeal shall be tried by the Court at a general or special term, without pleadings other than as above stated, unless ordered by the Court. Upon such trial appellant can make no other objection 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 may revise, correct, amend, increase, reduce or confirm the assessment appealed from, or may order a new assessment to be made.

The Court shall not dismiss the appeal, nor 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

period of two successive weeks, at least once in each week, stating that such petition has 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.

SECTION 184. HEARING. 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 evidence for or against said petition.

SECTION 185. ORDER OF COUNCIL. The Council, after hearing such petition, may by resolution passed by a majority of its members, grant the petition and order and declare such street, alley or highway vacated and discontinued.

SECTION 186. COPY OF RESOLUTION TO BE FILED WITH THE REGISTER OF DEEDS. A copy of said resolution duly certified to by the City Clerk to be a true copy, shall be filed with the Register of Deeds of the County and duly recorded in his office.

CHAPTER 18.

POLICE DEPARTMENT.

SECTION 187. POLICEMEN, APPOINTMENTS, QUALIFICATIONS, REMOVALS. The police department of the City of Ely shall consist of a Mayor and a 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 any appointment in said department unless he is a citizen of United States, is able to read and write the English language and is of good health and physique and has not been convicted of a felony. The Mayor at any time may suspend any officer or member of said department and no person so suspended shall receive any compensation for the time he is so suspended, unless reinstated, and then, only by order of the City Council.

SECTION 188. LIMITED POLICEMEN. 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.

SECTION 189. SPECIAL POLICEMEN. The Mayor may, in case of any mob, riot, pestilence, large public gathering, great public excitement or other emergency, or for days of election, or 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.

SECTION 190. TITLES, RULES, UNIFORMS, ARMS AND BADGES. 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 necessary 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 duty. He may promulgate and enforce general and special orders for the government and direction of such police force and the several members thereof.

SECTION 191. POWERS AND DUTIES. 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 is-

the extent and amount of such funds in such bank or banks at the time of such failure or bankruptcy.

CHAPTER 20.

MISCELLANEOUS.

SECTION 196. PROCESS AGAINST THE CITY. HOW SERVED. Service of Summons, process or notice in any action or proceeding against the City may be made by leaving a copy thereof with the Mayor or City Clerk, and it shall be the duty of such officer to forthwith inform the City Attorney thereof, who shall take such proceedings as may be necessary to protect the interests of the City, and shall report the same to the City Council.

SECTION 197. PUNISHMENT OF OFFENSES. Every act or omission to act, which under this Charter or the ordinance 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 three months or by a fine of not more than One Hundred Dollars.

SECTION 198. INSPECTION OF RECORDS. 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.

SECTION 199. APPROVAL OF PLATS. The Council shall have 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.

Whenever any plat of any parcel of land within the limits of the City, showing divisions and subdivisions of such parcel into lots, blocks and streets, shall be submitted to the City Council for approval pursuant to the provisions of chapter sixty-four (64) of the General Statutes of Minnesota, 1913, with intention to dedicate such streets to public use, such plat shall be accompanied with a delineation of a sufficient part of other platted portion of the city to indicate how the streets marked on such plat correspond and connect with streets already in use in the City; and the Council may require such alterations to be made in the streets as shown on the plat so presented as in its opinion are necessary to preserve uniformity and regularity in the public streets of the City, and may withhold approval of the plat presented until such alterations shall be made.

Whenever any plat is approved by said Council, the City Clerk shall so certify thereon, and the plat shall be filed in the office of the Register of Deeds, and a duplicate filed in the office of the City Clerk. No plat of lands within the limits of said City shall be filed by the Register of Deeds until the same has been approved by the Council, and the certificates of the City Clerk as aforesaid endorsed thereon. All the provisions of Section 6858 of General Statutes of Minnesota, 1913, and all acts amendatory or supplementary thereto shall be applicable.

SECTION 200. ACTION ON BEHALF OF CITY. All actions brought to recover any penalty or forfeiture under this Charter, or the ordinances, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the City.

SECTION 201. BOARD AND JAIL FEES. The City shall not be liable in any case for the board or jail fees of any person who may be confined by any officer of the City or committed by any magistrate to the jail of the County for any offense punishable under the State laws or the ordinances of the City.

SECTION 202. ATTEND TO DUTIES. 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 or the full and complete discharge of the duties of said office or employment, and a failure so to do, shall be grounds for removal.

SECTION 203. AFFIDAVITS OF PUBLICATION. 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, or by law, 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 not bill or claim for any publication whatsoever, shall be allowed or adjusted until such affidavit shall have been filed.

The LOOTERS

By
GENEVIEVE ULMAR

(Copyright, 1916, by W. G. Chapman.)

Sidney Ward was on the road to success and was both grateful and modest. He had only one care in life—Myra. He did not know if Myra Dalworth knew her mind. He loved her, however. She was kindly and gracious, but he had a rival, Gene Partin. Sidney was a lawyer, but had gradually drifted from his professional capacity into politics. A reform movement had come along and he had been induced to allow his name to be placed on that ticket. The result was that he was elected prosecuting attorney.

At the end of two years the spoils-men of the party put up a strong local fight. The city needed the right man in the right place. Sidney was elected mayor by a flattering majority. Partin was ousted from a position as assessor, but on the county ticket was made a justice of the peace.

This was quite a come-down for that free-and-easy spendthrift, but he managed to maintain an automobile and wear good clothes, boasting of a rich uncle in another state and a prospective heirship. He had a pleasing way and was popular and Myra's family rather favored him in preference to Sidney, but the latter had heard of some wild doings of his in the city, and, leaving all personal hopes aside, would have grieved to see him the husband of a bright, innocent girl like Myra.

Sidney was delighted when Myra and a girl friend, both considerably interested in charitable and humanitarian work about the city, came to his office one day. Myra had a slip of pa-



A Poorly Clad Stranger Shuffled Into the Room.

per in her hand on which a name and number were written. She handed it to Sidney.

"Mr. Mayor," she said, "we have come to ask a favor of you in Uno and know the w-

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SECTION 204. SUCCESSION. When this Charter takes effect, the City of Ely shall be and become the legal successor to the City of Ely 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 interest of every kind and nature formerly vested in the City of Ely or in any board or public officer of the same, shall, when this Charter takes effect be and become vested in and be possessed by the City of Ely under this Charter, and all previously existing indebtedness, obligation and liabilities of the City of Ely or any board or department thereof, shall, together with all interest accrued or to accrue thereon, be assumed and paid by the City of Ely.

SECTION 205. ORDINANCES, ETC., LEFT IN FORCE. Nothing herein shall be understood to be construed as repealing, amending or modifying any City Ordinance, resolution, rule or order, which may be in force in the City of Ely 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 as hereinbefore provided for.

SECTION 206. CHARTER TO BE PUBLIC LAW. This Charter is hereby declared to be a public act and may be received in evidence in all courts in this State, and need not be pleaded or proven.

SECTION 207. PUBLIC ENTERTAINMENTS. The Council of the City of Ely is authorized to annually levy a tax not to exceed one-half mill against the taxable property of the City for the purpose of providing the public with entertainments.

SECTION 208. CIVIC ASSOCIATIONS. The City Council shall have authority to annually levy a tax of not exceeding one mill against all the taxable property of the City of Ely for the purpose of maintaining Commercial and other Civic Associations to further the best interests of the City and its taxpayers. The purpose of such organizations, however, shall be first approved by the City Council.

SECTION 209. PUBLIC BUILDINGS. The City Council shall have power and authority to establish and maintain a Public Library building, reading room, or any other building intended as a social center for the community, and may levy a tax of not to exceed one mill against all taxable property of the City of Ely for such purpose.

SECTION 210. AMENDMENT OF CHARTER. This Charter may be amended at any time as provided by article four, Section Thirty-six of the State Constitution or any other law bearing on amendments of Home Rule Charters.

GEO. L. BROZICH, CHAIRMAN.
HARRY A. CHINN
R. K. TOMS
J. M. BROWN
J. A. DINSMORE
ADOLPH SCHROEDER
STEVE KOVALL
JOHN E. PORTHAN
OLAF BERGLUND
JOS. MANTEL
A. S. JAMES
MIKE WEINZIERL
ANDREW WATILO, JR.
L. J. WHITE
PETER SCHAEFER, SECRETARY.
CHARTER COMMISSIONERS.



A Poorly Clad Stranger Shuffled Into the Room.

per in her hand on which a name and number were written. She handed it to Sidney.

"Mr. Mayor," she said, "we have come to ask a favor of you in line with the uplift work of our society."

"'Jerome Boyce, 971,' read Sidney, 'wants a position, I suppose—most of my applicants do.'"

"No, no, Mr. Mayor," explained Myra, quite on her maidenly dignity in treating of official business—"we want a pardon."

"For this man?" inquired Sidney.

"Yes, Mr. Mayor. He has been set at breaking stone. He is old, ill, has friends he can go to. His offense was drinking to excess and Mr. Partin—"

"You mean Mr. Justice of the Peace," reminded Sidney with a smile. "If not, why distinguish in your selection of stiff official names?"

"But a justice is not a mayor," observed Myra, with an expression on her face that emphasized the estimation in which she held his lofty dignity. "Besides, it is a good deal to ask you to turn loose a man on the community who was in the past at least a confessed criminal."

"And you have assured yourself that this Jerome Boyce is worthy of leniency?" interrogated Sidney with businesslike gravity.

"Oh, indeed, yes," replied Myra promptly. "I—I vouch for him."

"That is a full guarantee for this department at all times," declared Sidney, and he felt rewarded by the most grateful glow in Myra's eyes as he filled in a pardon blank.

"How good you are," said Myra, "both to us and to this poor man."

Sidney forgot all about the incident until late in the afternoon. He was about to leave his office for the day when a poorly clad stranger shuffled into the room.

"I'm Jerome Boyce," he announced, "and the young lady said you would help me a bit on my way."

"Oh, yes, I remember," answered Sidney. "What are your needs, my man?"

"Just car fare to Hampden. I'm through with the road, and, what's worse, the jimmy. I've a sister living at Hampden and I can bunk in if I'll be respectable."

"Is that sufficient to carry you through?" asked Sidney, extending a ten-dollar bill.

"Oh, it's only a dollar and a half, the railroad fare."

"Just keep the rest for being honest enough to say so," spoke Sidney. He placed his hand on the shoulder of the man and fixed his glance. "My friend," he said, "if hard lines strike you, and you don't waver from the straight road, let me know and I'll give you a helping hand."

"Bless you!" choked out his pensioner, the tears springing to his eyes—"and the young lady!"

He paused, about to cross the threshold, and regarded Sidney thoughtfully and hesitatingly. Then he looked all around the room as if to as-

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State of Minnesota)
County of Stearns) ss

I, A. J. Dubeau, who at this time am, and at all times hereinafter mentioned have been, the duly constituted and qualified chief magistrate, to-wit, the Mayor of the City of Sauk Centre in the County of Stearns and State of Minnesota, in accordance with the provisions of Section 36 of Article 4 of the Constitution of the State of Minnesota, and the law of said State appurtenant thereto, do hereby certify as follows, to-wit:

That attached hereto and made a part hereof ^{and marked exhibit 'A'} is a true and correct copy of the Charter of the City of Sauk Centre, which was framed as a proposed Charter by a Board of Fifteen Freeholders thereunto duly appointed and constituted by the District Court of said County of Stearns, and which proposed Charter was by them delivered to the Mayor of the City of Sauk Centre, who transmitted the same to the Common Council thereof. That said Common Council duly caused said proposed Charter to be submitted to a vote of the people of said City of Sauk Centre at an election duly called for that purpose and held on February 6th 1918. That the results of said election were duly canvassed and declared by the Common Council of said City on February 6th 1918 and that said proposed Charter was then ratified and adopted by a vote of more than four-sevenths (4/7) of the electors voting at such election and thereupon became the Charter of the City of Sauk Centre to take effect as such at the time provided by law.

In testimony whereof I have hereunto set my hand as Mayor of said City and have caused the same to be authenticated by its corporate seal and attested by its city clerk this Eighth day of March 1918.

ATTEST:

J. J. Cooper
Clerk of the City of Sauk Centre.

A. J. Dubeau
Mayor of the City of Sauk Centre.