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CHARTER
OF THE
CITY OF ST. JAMES



ADOPTED MARCH 26, 1918



PUBLISHED BY AUTHORITY OF
THE COUNCIL

CHARTER
OF THE
CITY OF ST. JAMES

Framed pursuant to Minnesota Constitution,
Article IV, Section 36, and Sections 1342 to
1353 of General Statutes of Minnesota for 1913

ADOPTED MARCH 26, 1918

Drafted and Proposed by the
St. James Charter Commission

STATE OF MINNESOTA }
COUNTY OF WATONWAN }

District Court
Sixth Judicial District

In the matter of the Petition of Thomas Tonnesson and others, for the appointment of a Board of Fifteen Freeholders, for the City of St. James, under the provisions of Article IV, Section 36, of the Constitution of Minnesota, and the statutes enacted in pursuance thereof.

On reading the petition of Thomas Tonnesson and others, dated April 29th, 1916, and filed in the office of the Clerk of Court on the 14th day of October, 1916, and upon the affidavits of Christ Larsen, J. L. Lobben and Thomas Tonnesson, filed herein, and on motion of J. L. Lobben for the said petitioners and no one appearing in opposition thereto, and it appearing to the undersigned, being the sole judge of the District Court of the Sixth Judicial District in and for Watonwan County, Minnesota, that it is for the best interests of the City of St. James, Minnesota, that the prayer of the petitioners be granted.

NOW THEREFORE, it is ordered that Thomas Tonnesson, C. H. Engelbracht, C. Ellsworth, G. E. Gilbertson, George Schoffman, J. L. Lobben, John Pedvin, J. C. Ranssen, C. E. Fuller, E. Z. Rasey, C. T. Crowley, C. C. Anderson, J. K. Sonnesyn, William G. Manning and E. A. Gibbs, fifteen freeholders, who are and have been qualified voters of the said city of St. James, Minnesota, for the past five years, be, and they hereby are appointed and they shall constitute a board of fifteen freeholders, under the provisions of Section 36, of Article IV, of the Constitution of the State of Minnesota and of statutes enacted in pursuance thereof, to draft a charter for the City of St. James, Watonwan County, Minnesota, the same to be drafted, returned and submitted in accordance with law.

AND IT IS FURTHER ORDERED, that said board shall make such reports to me as I shall at any time require, and shall perform all the acts and duties required by such rules as may, at any time, be deemed desirable and necessary and as I may make in reference to such board.

Dated this 25th day of October, 1916.

W. L. COMSTOCK,
District Judge.

Filed October 25th, 1916.

K. S. THOMPSON,
Clerk of District Court.

STATE OF MINNESOTA }
COUNTY OF WATONWAN }

I, K. S. Thompson, Clerk of the District Court, Watonwan County, and State of Minnesota, do hereby certify that I have compared the foregoing paper writing with the original Court's Order appointing fifteen freeholders to draft a charter for the City of St. James, Watonwan County, Minnesota, in the action therein entitled, now remaining of record in my office, and that the same is a true and correct copy and transcript of said original, and the whole thereof.

Witness my hand and seal of said Court, at St. James, Minnesota, this 27th day of March, A. D., 1918.

(Seal)

K. S. THOMPSON,
Clerk of the District Court.

CHARTER

OF THE

CITY OF ST. JAMES, MINN.

CHAPTER I.

Names, Powers, Boundaries and Succession.

NAME AND POWERS.

Section 1. All that district of country in the County of Watonwan and State of Minnesota, contained within the limits and boundaries hereinafter described, and all the people now inhabiting and those who shall hereinafter inhabit said district, shall be a municipal corporation by the name of "The City of St. James," and by that name may sue and be sued, plead and be impleaded in any court or tribunal; have perpetual succession, make and use a common seal, and alter it at pleasure; take, hold, purchase, lease and convey all such real estate, personal and mixed property within or without the limits of said district, as the purpose of the corporation may require, or the transaction or exigencies of its business may render convenient; shall be capable of contracting and being contracted with and shall have all the general powers possessed by municipal corporations at common law, and in addition thereto, all powers that may be granted to it under the general laws of the State of Minnesota, or by its charter.

CITY BOUNDARIES.

Sec. 2. The lands and territory included within the following described boundaries and limits shall constitute the said City of St. James, namely: Commencing at the north-west corner of Section thirteen (13) township one hundred and six (106), range thirty-two (32), thence running due south along the west line of said Section, 5154 feet; thence west for a distance of 100 feet into Section fourteen (14), township one hundred and six (106), range thirty-two (32); thence south 145 feet, thence east 100 feet to the east line of Section fourteen (14), thence running due south on the line between Sections thirteen (13) and fourteen (14), twenty-three (23) and twenty-four (24), a distance of 1337.5 feet, thence east through Section twenty-four (24), township one hundred and six (106), range thirty-two (32), on the one-eighth (1/8) Section line, 5302 feet to the east line of Section twenty-four (24), township one hun-

dred and six (106), range thirty-two (32), thence north, on the east line of Sections twenty-four (24) and Section thirteen (13), township one hundred and six (106), range thirty-two (32), 6594.5 feet to the northeast corner of said Section thirteen (13); thence west on the north line of said Section thirteen (13), 5396 feet to place of beginning; according to the 1914 Plat of the Re-Survey of St. James township, on file and of record in the office of the Register of Deeds.

WARD BOUNDARIES.

Sec. 3. The city of St. James is hereby divided into two (2) wards, bounded and described as follows:

First Ward. The first ward of the City of St. James shall include the following territory described by metes and bounds as follows: All that tract of land lying and being in Watonwan County, Minnesota, described by metes and bounds as follows, to-wit: Beginning at the northwest corner of said section thirteen (13), running thence due south along the west line of said section for a distance of 5154 feet; thence west for a distance of 100 feet into section fourteen (14), in said township one hundred six (106), range thirty-two (32), thence south for a distance of 145 feet, thence east for a distance of 100 feet, to the east line of said section twenty-three (23), running thence due south on the line between Sections thirteen (13) and fourteen (14), twenty-three and twenty-four (24), for a distance of 1337.5 feet, thence due east in said section twenty-four (24), township one hundred and six (106), range thirty-two (32), on the south line of the north half (N $\frac{1}{2}$) of the north half (N $\frac{1}{2}$) of said section twenty-four (24), to Sixth (6th) street of the city of St. James, as the same is now platted and laid out; running thence north along the center of Sixth street to Sixth avenue of said City of St. James; running thence in a northwesterly direction along the center of Sixth street, crossing the right of way of the Chicago, St. Paul, Minneapolis and Omaha Railway Company to Fourth avenue of First addition to the City of St. James according to the recorded plat thereof; running thence northerly along the center of Armstrong avenue, to the Northwest corner of the Northeast quarter of said Section thirteen (13), and running thence due west for a distance of 2628 feet to the place of beginning.

Second Ward. The second ward of the City of St. James shall include the following territory described by metes and bounds as follows: That tract of land lying and being in Watonwan County, Minnesota, described by

metes and bounds as follows, to-wit: Beginning at the Northwest corner of the Northeast quarter of said Section thirteen (13), and running thence due east to the northeast corner of said Section thirteen (13), 2698 feet, running thence due south along the section line, 6594.5 feet to the southeast corner of the northeast quarter of the northeast quarter of said Section twenty-four (24); running thence due west to the point of intersection of the south boundary line of the north half of the northeast quarter of Section twenty-four (24) and Sixth street of the said City of St. James, and from said point of intersection running thence north along the center of said Sixth street of the City of St. James, to Sixth avenue of said city, running thence in a northwesterly direction along the center of Sixth street across the right of way of the Chicago, St. Paul, Minneapolis, and Omaha Railway Company to Fourth avenue of First addition to the City of St. James, according to the recorded plat thereof, and thence running northerly along the center of Armstrong avenue, to the place of beginning.

Provided, that, after the organization of said city under this charter, the council may from time to time, by vote of two-thirds of the members-elect thereof, by resolution or ordinance make such redivision of the city into wards as may be required by the public interests, but no ward shall be created that shall contain fewer than two hundred legal voters; and provided further, that, when for two successive elections the number of votes cast in a ward shall exceed four hundred, then said council shall subdivide such ward into election precincts, or make subdivision of said city into wards, that each ward will contain not more than four hundred votes. Provided, that, in such a re-division, it shall be the duty of the council to provide for an equal population as near as may be in each ward.

SUCCESSION.

Sec. 4. When this charter takes effect, The City of St. James shall be and become the legal successor of the City of St. James, under its former charter and shall be vested with all franchises, rights and immunities, formerly vested in said City of St. James, except as herein otherwise provided. All property and property rights and interests, of every kind and nature, formerly vested in said City, shall when this charter takes effect, be and become vested in, and possessed by, The City of St. James, under this charter.

be elected a mayor for two years, a treasurer for two years, one alderman at large for two years, one alderman from each ward for two years, one alderman from each ward for one year, and thereafter at all subsequent annual elections there shall be elected two aldermen from each ward for two years.

ELECTION LAWS.

Sec. 9. All general laws of the State of Minnesota, relating to elections and the preliminaries thereof, shall, so far as applicable, apply to and govern all elections under this charter, and are hereby adopted as a part of this charter, the same as if herein specifically re-enacted. The returns shall be made to the clerk and within three days after any election under this charter, the council shall meet and canvass the returns thereof and declare the result, as appears from such returns, and the clerk shall forthwith give notice, in writing, to the officers elected of their respective elections. A plurality of votes for elective officers shall constitute an election. When two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the council, at such time and place and in such manner as it may direct.

RESIGNATION AND ABANDONMENT.

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

Removals.

BY COUNCIL.

Sec. 11. Any elective or appointive officer, provided for by this charter, may be removed from his office by the affirmative vote of two-thirds of all the members of the council; but no such officer shall be removed except for

cause, nor unless he has first been furnished with a copy of the charges against him and has had reasonable opportunity to be heard in person or by counsel, in his own defense. The council shall have the power to fix the time and place of trial of such officer, who shall be given at least ten days' notice thereof, to arrange the mode of trial; to compel attendance of witnesses and the production of papers; to administer oaths and to hear the proofs and arguments.

If such officer shall neglect, after due notice, to make answer to such charges, the same shall be cause for removal without further notice. When any such hearing is ended, the council shall forthwith proceed, to vote viva voce on roll call, upon a motion declaring such officer removed. Among such causes, shall be continued absence by aldermen, without leave, from three consecutive regular meetings of said council, or by any member of a board from the meetings of such board, or neglect of duty by any officer.

BY COURT.

Whenever twenty-five or more freeholders of the City of St. James shall file in the District Court of Watonwan County, a verified complaint, charging that any elective or appointive officer of the city has been guilty of a misdemeanor or malfeasance in office, or has committed any act which is cause for removal from office, under this charter, and setting forth the facts upon which such charges are based, any one of the judges of said court, upon presentation of such complaint to him, may issue an order, returnable before him or said district court, requiring the officer complained of to appear and answer said complaint and show cause why he should not be removed from his office. Upon the return of such order, said court or a judge thereof, shall prescribe the course of pleading, the time of trial and the manner of procedure therein, and after hearing the said cause said court shall remove such officer from office and shall declare his office vacant, if it shall appear at the trial that said officer has been guilty of the misdemeanor or malfeasance in office specified in the complaint.

QUALIFICATIONS.

Sec. 12. No person shall be eligible to any office under this charter who has ever been convicted of any felony or who is not, at the time of filing his nomination certifi-

cate or at the time of his appointment to such office, a qualified elector of the City of St. James, and able to read and write the English language understandingly, or who is at such time interested in any contract with the City of St. James to which he is a party, either individually, or as a firm.

The term "contract," as used in this section shall be construed to include the transaction of sale, barter or exchange, by which any property of the city is transferred or acquired by said city or labor or services are performed for said city.

CONTRACTS PROHIBITED.

Sec. 13. No officer or employe of the city shall vote for or make any contract in behalf of said city or any department thereof, with himself, or with any firm of which he is a member nor shall he be in any manner, directly or indirectly, interested in any contract with the city; and any contract in which any officer or employe of the city is, or becomes, directly or indirectly, interested, shall be and become absolutely void, and any such officer, by the fact of such vote, shall forfeit his office; and any money which shall be paid on such contract by the city may be recovered back from any or all the persons interested therein, by a joint or separate action; provided, that this section shall not be construed to apply to a contract for the deposit of the funds of the city.

VACANCIES.

Sec. 14. Whenever a vacancy shall occur in any of the elective or appointive offices, provided for by this charter, by reason of death, resignation, change of residence, refusal or neglect to enter upon the discharge of his office, or any other cause, such vacancy shall be filled for the unexpired term by appointment of the council.

POWERS.

Sec. 15. From and after the time this charter shall go into effect the various officers of the City of St. James, whether then in office or subsequently appointed, shall be vested with such powers and functions, and with such powers and functions only, as shall be specified in this charter as to their respective offices, but this section shall not be construed to extend the term of office of any officer elected or appointed, prior to the adoption of this charter.

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REPORTS, MEMBERS OF PROPERTY.

Sec. 18. Every elective and appointive officer, except members of the council and all boards provided for in this charter, shall annually, on or before the first Tuesday in March, make and transmit to the council full and detailed reports, properly verified by affidavit, of the business of such office or department for the current fiscal year, together with a full and true inventory of all money, property and other effects of the city in the possession of such officer or board or under his or its control. Such officers and boards shall likewise make to the common council similar reports, and exhibit all their books of account, papers and other records kept by them, whenever requested by the council so to do. Every elective and appointive officer and board and member thereof, provided for by this charter, shall, at the expiration of his term of office, in whatsoever way terminated, turn over to the city or his successor in office, all the books, papers, files, records, money and other property and things whatsoever, pertaining to his office, which may be in his possession or under his control.

CAUSE.

Sec. 19. Every person elected or appointed to any office under this charter, shall, before he enters upon the duties of such office, take and subscribe an oath of office and file the same with the clerk.

SALARIES.

Sec. 20. In all cases where the salaries of officers are fixed by the council, they shall be fixed by resolution at the first regular meeting of the new council in April of each year, for the succeeding year, and not subject to change during such year.

CHAPTER II.

Offices, Their Powers and Duties—Mayor.

POWERS AND DUTIES.

Sec. 21. The mayor shall be a member of the council and preside over its meetings, but shall have no vote, except in the case of a tie, when he shall have the power to cast the deciding vote. He shall not serve on any committee of the council, except upon an unanimous vote of

the entire council. He shall be the chief executive officer of the city and shall have command and control of its police force. He shall cause the laws of this state, the provisions of this charter and the ordinances of the city, to be duly observed and enforced within the city, and all other officers of the city to discharge their respective duties; and to that end may institute and maintain any appropriate action or proceeding against any delinquent officer. He shall, from time to time, give the council such information and recommend such measures as he shall deem advantageous to the city. He shall sign all warrants and all orders drawn on the treasurer and all bonds, obligations and contracts on behalf of the city, except as may be otherwise provided for herein. He shall, upon service of notice, summons or process upon him, in action or proceeding against the city, forthwith inform the council thereof.

VETO POWER.

Sec. 20. Every ordinance or resolution of the council shall before it takes effect, be presented to the mayor for approval; if he shall approve it, he shall sign the same, but if he shall disapprove it, he shall return it to the council with his objections thereto, by depositing the same with the clerk, to be presented to the council at its next regular meeting, or at a special meeting called for that purpose. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to have been re-considered and the question shall again be put upon the passage of the same notwithstanding the objections of the mayor, and if, upon such submission, the council shall pass by a two-thirds vote of all its members, it shall have the same effect as if approved by the mayor, and the vote shall be yeas and nays and it shall be entered by the clerk. If an ordinance or resolution shall not be deposited with the clerk by the mayor within five days after it shall have been presented to him, the same shall have the same effect as if approved by him.

ACTING MAYOR.

Sec. 21. At the annual meeting of the council in each year, it shall proceed to elect by ballot from its number, an acting mayor, who shall preside over the meetings of the council during the absence of the mayor from the city, or his inability from any cause to discharge the duties of the office, and who shall exercise all the powers and discharge all the duties of the mayor, and acts performed by

him, when acting as mayor as aforesaid, shall have the same force and validity as if performed by the mayor.

He shall have the right to vote in the council, but shall not cast the deciding vote in the event of a tie. Such acting mayor shall continue to discharge the duties herein assigned to him, until the mayor returns to his duties and actually resumes the duties of his office; and in case of vacancy in the office of the mayor from any cause, the acting mayor shall continue in the office of the mayor until the successor of the mayor is elected or appointed and qualified.

Clerk.

DUTIES.

Sec. 22. The clerk shall keep the corporate seal of the city and all papers and records thereof, except as herein otherwise provided; attend all meetings of the council and keep a record of all proceedings thereof. He shall draw and sign all orders on the treasurer as directed by the council, and he shall keep a full and accurate account of all orders so drawn by him, in books provided for that purpose, and said books shall show to whom and for what purpose said orders were drawn. He shall attest the signature of the mayor to all contracts and affix the seal of the city thereto and deliver the same to proper officer or party. He shall keep regular books of account which shall, at all times, show the precise financial condition of the city, a record of all bonds, orders, warrants or other evidence of indebtedness issued, a record of all orders, bonds, warrants or other evidence of indebtedness which have been redeemed and the amount of each outstanding.

Said books shall contain separate accounts with the different city officers and the various funds of the city, and the amount, date and the purpose of each appropriation made by the council and all payments made on account of same. He shall endorse upon each ordinance and resolution the time when the same was delivered by him to the mayor, and the time when the same was returned to him by the mayor. He shall, upon request, furnish certified copies of papers and records in his possession and when so certified by him, under the corporate seal of the city, they shall be received in evidence in the courts, the same as if the originals thereof were produced by said clerk in such court, and he shall collect for such services such fees as are allowed to the clerks of the District Courts of Minnesota for similar services. He shall record at length, in a book provided by the city for that purpose, all official and other bonds running to the City of St. James, excepting

only the bonds of the clerk and treasurer, which shall be recorded in the office of the Register of Deeds of Watonwan County, and all bonds shall be filed and preserved by the clerk.

He shall collect from the obligors upon all such bonds or the person presenting the same for record, such fees as is allowed for similar services to the Register of Deeds of Watonwan County.

OFFICIAL POWERS.

Sec. 23. The clerk shall have the power to administer oaths and affirmations and take and certify acknowledgments of deeds and other instruments in all cases in which the same are required or sanctioned by law. He shall have the power to appoint, subject to the approval of the council, a deputy clerk, who shall hold his office at the pleasure of the clerk or council and shall have authority, under the direction of the clerk, to perform all the duties of that office.

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

FEES.

Sec. 24. All fees paid to the clerk for filing and recording papers and other services, by the public at large, shall be turned over by him to the city treasurer and placed in the general fund.

He shall keep an accurate account of all fees received by him and report to the council monthly the amount thereof.

BOND.

Sec. 25. Before entering upon his duties, the clerk shall execute and deliver to the city a surety bond, in such sum as the council may direct. The city to pay the premium thereon.

Treasurer.

DUTIES OF TREASURER.

Sec. 26. The Treasurer shall receive and safely keep all moneys belonging to or accruing to the city, including license money and fines, and shall keep accurate and detailed account thereof, and he shall be entitled to and

shall demand and receive of the treasurer of Watonwan County, at the time specified by law, all moneys due the city for taxes and assessments, including interest and penalties thereon, on account of all levies and assessments made by the city council or its predecessors.

He shall be the custodian of all bonds, certificates of indebtedness or other securities, held by the city, or in the sinking fund of said city. Upon receipt of any money by him, he shall forthwith credit the same to the separate funds to which the same respectively belongs, or for which it has been levied, and shall deposit the same daily, in the name of the city, to the order of the treasurer, in such depositories as shall have been designated by the council therefor.

CITY DEPOSITORIES.

Sec. 27. Any state or national bank, or trust company having its principal place of business in said city, may be designated by the council, by resolution, after advertising in the official paper for proposals and receiving proposals, stating what security will be given to said city for such funds so deposited, and containing the conditions that said funds with accrued interest shall be held subject to checks, orders and payments at all times on demand. Provided, that the amount deposited in any such depository shall not exceed the assessed capital stock of said depository; as the same shall appear on the duplicate tax list; provided, further, that the proposals above referred to shall not be acted upon by the council until ten days after advertisement.

Before any such bank or trust company shall be designated as such depository, it shall deposit with such treasurer a bond, payable to the City of St. James, and executed by not less than three free holders of the State of Minnesota as sureties, or in lieu thereof, a bond furnished by some reputable surety company, which bond shall be approved by the council and shall be in such amount as said council shall direct; and in at least double the amounts of funds to be deposited in said depository; said bond to be conditioned for the safe keeping and payment of such funds and interest thereon and whenever required to do so by the council such depository shall furnish a new bond and other sureties to be likewise approved.

Whenever any portion of the funds of the city shall be deposited by the treasurer in such depository, the sureties on his official bond shall, to such extent, be exempt from all liability thereon, by reason of a loss of such deposited funds while so deposited, through the failure or bankruptcy, or any other act or default of such depository.

WHEN TO PAY OUT MONEY.

Sec. 28. The treasurer shall pay no money out of the treasury except in the following cases. Upon an order or warrant properly drawn and countersigned, which has been first duly authorized by the council and which shall specify the purpose for which it is drawn and the person to whom it is payable, and upon the payment and receipt by him of any such order or warrant, the treasurer shall cancel and file the same, and it shall not be again issued, and he shall keep separate, orders drawn on each particular fund. All warrants so cancelled by him, as aforesaid, shall be turned over to the clerk by said treasurer monthly, along with his report hereinafter referred to.

In case such warrants were issued for payments of bonds of said city, or interest coupons thereon, then such bonds or coupons shall be cancelled by the Treasurer and returned by him with such warrant to the clerk.

MONTHLY STATEMENT.

Sec. 29. The Treasurer shall, on the first of each month make a statement to the council of the amount by him received and disbursed on account of each fund and a statement of the amount of money in his hands in the various funds, deposited with each depository, and the total amount of the city's funds and where placed and deposited.

He shall, whenever notified so to do by the council, withdraw all funds from any depository so designated, as hereinbefore provided, and notify the council thereof, and shall deposit no more therein until authorized so to do by the council; and such funds, when so withdrawn, shall be re-deposited by him in the depository of the city, to be designated by the council.

MISUSE OF CITY MONEY.

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

BOND OF TREASURER.

Sec. 31. Before entering upon the duties of his office the treasurer shall give a bond to the city in such sum as the council may direct, for the faithful performance of the duties of his office.

Auditor.

EXAMINATIONS AND REPORTS.

Sec. 32. The auditor shall check up the books of the treasurer every three months, count the cash and verify the bank balances and forthwith report to the council the conditions of the moneys of the city and of its several funds, at the time of his examination. He shall also report to the council as to the correctness of each statement made by the treasurer to the council and as to whether the moneys reported by the treasurer are actually in his hands or on deposit, as set forth in said treasurer's statement. He shall, also, every three months check up the books and accounts of the water and electric light department and of all other receiving and disbursing officers, boards and departments of the city and shall certify to the correctness or incorrectness of such books and accounts and of the reports submitted by said officers to said council. Upon the discovery of any inaccuracy or deficiency in the accounts or reports of any of said officers, he shall forthwith notify the mayor and council thereof.

For the purpose of making any examination provided for in the charter, the auditor shall have power to summon before him and examine under oath any officer or employe of the city or any other person, concerning any transaction of the city, or the accounts of any officers, boards, department or employe thereof, and to compel the production of any books, accounts or other papers pertaining to such transaction or account, and he shall on or before the tenth day of the month following, make a detailed report of such examination to the council, and such report shall give the financial condition of the city at the close of the quarter reported and may be published in the official paper, as the council may direct.

Attorney.

QUALIFICATIONS.

Sec. 33. No person shall be appointed to the office of attorney unless he be, at the time of his appointment, a counsellor of the Supreme Court of this state, of at least two years standing.

He shall be the legal adviser of the city and of all the boards and departments thereof, and shall perform all services incident to that office; he shall appear in and conduct all civil suits, prosecutions and proceedings in which the city or any board or department thereof shall be directly or indirectly interested and when necessary shall take charge of and conduct all prosecutions for the violation of all ordinances or resolutions of the city or any board or department thereof and for the violation of any of the provisions of this charter.

OPINIONS.

Sec. 34. He shall, when so requested, furnish a written opinion upon any subject submitted to him by the council, or any committee thereof or by the mayor or any board of the city, in respect to their official duties or municipal affairs; he shall personally attend all meetings of the council and when requested so to do, all meetings of said committees and boards; he shall notify the council in writing of the result of all actions to which the city is a party or in which it is interested; he shall keep a register of files of all actions, suits and proceedings under his charge, in which the city is interested and safely keep copies of all briefs used in cases—wherein he appears for the city, and copies of all official communications and opinions given by him to any officer, department or board; he shall deliver all property of whatever description in his possession or under his control, belonging to the city or to the office, to his successor in office, who shall give duplicate receipts therefor, one of which he shall file with the clerk; he shall prepare all contracts and bonds and other instruments of writing, in which the city or any department thereof shall be concerned.

SUITS AGAINST EMPLOYES.

Sec. 35. He shall, when directed so to do by the council appear and conduct the defense in any action, prosecution or proceeding against any officer or employe of the city, or any board or department thereof, on account of any act done by such officer, board or department, while engaged in the performance of official duties.

INABILITY TO ACT.

Sec. 36. In case of sickness or inability of the attorney to act, he may, at his own expense, appoint, by and with the consent of the council, another attorney to act in his stead for the time being.

CLAIMS AGAINST THE CITY.

Sec. 37. All claims and demands against the city or any board or department thereof, shall, before they are allowed by the council, be duly verified by the person making the same.

Assessor.

DUTIES.

Sec. 38. The assessor and his deputies, hereinafter mentioned, shall qualify in the manner and form prescribed by the general law, and shall perform all the duties required by the general laws of the State of Minnesota and have the powers, rights and privileges allowed by the same respecting the listing of property for taxation, and notice may be signed and given and other acts, relating to the duties of such office, done by any such deputy assessor in the name of the assessor.

APPOINTMENT, DEPUTIES.

Sec. 39. The assessor must be a freeholder of the city and a resident and elector thereof for at least two years immediately preceding his appointment. He shall, with the consent of the council, appoint such deputies as may be required to enable him to properly perform the duties of his office, and may discharge such deputies at will. He shall present the names of such deputies to the council for its approval.

BOARD OF EQUALIZATION.

Sec. 40. The clerk and aldermen shall constitute the board of equalization. The members thereof shall be sworn according to law as such, and shall meet at the council chamber on the fourth Monday in June, at ten o'clock in the forenoon, and from day to day thereafter by adjournment, until the work is completed. Said board shall elect one of its members chairman, and the clerk shall keep a record of its proceedings and perform such other duties as may be herein provided.

Every person aggrieved by any assessment or the re-adjustment of any assessment as returned by the assessor, shall have the right to appear before such board and present his grievance for its consideration.

Such board of equalization shall be vested with all the powers which are or may be vested in the County Board of Equalization under the general laws of the state so far as applicable, but shall not be restricted by any limitations in respect to reducing aggregate sums of real and personal property as returned by said assessor. The assessor shall attend the sessions and hearings of said board and give information when desired. When the assessment roll shall have been revised by the board of equalization, it shall be returned to the city council, who may confirm the same or return the same to said board for further revision, to be again reported to the city council. When the city council shall have confirmed the assessments, the clerk shall include therein a memorandum of such confirmation and such rolls shall be returned to the County Auditor as other assessment rolls. In case said council shall neglect to take final action on or before the third Monday in July in every year, it shall be the duty of the city clerk to return them to the auditor with a certificate of the fact, and in such case, the assessment rolls, as revised or equalized by said board shall have the same validity as if confirmed by the council.

COMPENSATION.

Sec. 41. The council shall fix the salary of the assessor. Each member of the board of equalization, except said clerk, shall be paid out of the city treasury the sum of three dollars for every day of actual service upon said board.

BOND.

Sec. 42. The assessor shall, before entering upon his duties, execute to the city a bond with sufficient sureties in the penal sum of one thousand dollars.

Engineer.

APPOINTMENT, DEPUTIES.

Sec. 43. The council may, when necessary and occasion requires, appoint a civil engineer of at least two years' practical experience as such, who shall hold his office at the pleasure of the council and receive such compensation for his services as may be determined by said council. He shall have the supervision and general charge of all the work done for the city and all work done on any street, highway,

or alley in the city, he shall, under the direction of the council, establish all official lines, elevations and grades; he shall keep a full official record of the work done in his office or under his supervision; he shall direct the manner of performing all engineering work of the city and the manner of the construction of all sidewalks, street crossings, bridges, pavements, sewers or other structures in or upon any street or public grounds; he may suspend such work when the construction thereof shall not conform to contract, and he shall take care that the terms of all contracts for any work or construction on behalf of the city are fully complied with.

SURVEYS, BONDS.

Sec. 44. All surveys, profiles, plans and estimates made by him or his assistants for said city and his official records shall be the property of said city and shall be carefully indexed and preserved in the office of the clerk and be public records of the city. He shall possess the same power in the city in making surveys, plats and certificates, as is or may from time to time be given by general law to county surveyors, and his official acts and all plats, surveys and certificates made by him, shall have the same validity and be of the same force and effect as are or may be given by law to those of county surveyors.

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

Street Commissioner.

APPOINTMENT, POWERS.

Sec. 45. The council may appoint a street commissioner, who shall hold his office at the pleasure of the council. The street commissioner shall have control and supervision of the construction, maintenance and repair of pavements, sewers, streets, sidewalks and maintaining, repairing, cleaning, sweeping and sprinkling of all streets, alleys and other public places within the city, and the grading of all streets and alleys, whether in original construction or otherwise, and all work shall be done by the street commissioner under the supervision of the city engineer, if one be employed by the council unless otherwise provided by the council. It shall be his duty to superintend the location of all electric light, telephone and telegraph poles within the city, to inspect all railroad crossings and see that the gen-

eral laws and ordinances of the city, relating thereto, are properly enforced. The council shall decide any dispute that may arise between the street commissioner and the engineer as to their respective duties and powers. The council shall have the power to discharge such commissioner at will, without cause, at any time, and employ if deemed expedient.

COMPENSATION.

Sec. 46. The street commissioner shall receive such compensation as the council may direct.

Justices Of The Peace.

POWERS, DUTIES.

Sec. 47. The justices of the peace of the city shall enter into the discharge of their duties on the second Tuesday of April after their election and they shall have and possess all the authority, powers, right and jurisdiction that justices of the peace have or hereafter may possess, who are elected under the general laws of the State of Minnesota, and be subject to all the penalties under such laws. They shall, in addition thereto, have authority and jurisdiction to hear, try and determine all complaints for the violation of any provision of this charter and of any ordinance, resolution, by-law, rule or regulation made or adopted under or by virtue thereof; and of all cases cognizable by a justice of the peace, in which the city is a party, and of all suits, prosecutions and proceedings for the recovery of any fine, forfeiture, or any penalty under an ordinance, resolution, by-law or regulation of this city, or its charter.

In all prosecutions for any violation of the provisions of this charter or any ordinance, resolution, by-law or regulation adopted under or by virtue hereof, said justices of the peace may proceed to the trial and determination thereof, in summary manner. In all proceedings before justices of the peace authorized by this charter, and in all civil proceedings before such justices, the same forms and proceedings shall be had and used, where not otherwise directed, as are established and required to be had and used in criminal and civil actions, by the general laws of the state before justices of the peace; and appeals from the judgment and decisions of said justices of the peace of the city, shall be allowed and taken, in all respects as provided by law for appeals from justices of the peace under state laws.

SECURITY FOR GOOD BEHAVIOR.

Sec. 48. In all cases of conviction, either under the state law or ordinance of the city, for assault, battery or affray, breach of the peace, disorderly conduct, keeping or frequenting houses of ill fame, and keeping or maintaining disorderly or illgoverned houses, said justices of the peace shall have power, in addition to the fine or penalty imposed, to compel the offender to give security, in a sum not exceeding five hundred dollars, for their good behavior and to keep the peace, for a period not exceeding six months.

DISPOSITION OF FINES.

Sec. 49. All fines and penalties, imposed by the justices of the peace of this city, shall belong to and be turned into the treasury of the city.

REPORTS, FEES.

Sec. 50. The justices of the peace shall, monthly report to the council all proceedings instituted and shall, at the same time account for and pay over to the treasurer all fines collected or received by them belonging to the city, and said justices of the peace shall be entitled to receive, from the County of Watonwan, such fees in criminal cases where the state is a party, as are allowed by statute to other justices of the peace for similar services, and they shall be entitled to receive from the City of St. James, such fees in cases where the city is a party as justices of the peace are entitled by law to tax up and receive from said county in similar cases, except in cases where such fees are collected from the defendant by said justices.

Pound Master.

Sec. 51. The mayor shall appoint, by and with the consent of the council, a pound master, who shall hold his office for one year. He shall have such powers, perform such duties, and receive such compensation as may be prescribed by the council.

Park Commissioners.

APPOINTMENT, POWERS, DUTIES.

Sec. 52. The council shall appoint three freeholders

of said city to act as park commissioners, who shall have such powers and perform such duties as the council may direct. They shall serve without compensation. Their term of office shall be two years.

Official Printing.

Sec. 53. The council shall at the annual meeting, or within thirty days thereafter, let the contract for publishing the ordinances and resolutions of the council and other public notices required by law, to some newspaper in the city possessing the qualifications of a legal newspaper under the general laws of the State of Minnesota, and such contract shall be let to the lowest responsible bidder, the council reserving the right to reject any or all bids; provided, that the compensation paid for such printing shall never exceed the amount allowed by the general laws of the state for legal advertisements, and provided, further, that if each and all the proposals received by the council for such printing shall fix a price, in excess of the maximum herein provided, or if no proposals shall be received, then and in that event, the council may adopt such other mode of publication of ordinances, resolutions and other matters, as it may deem best. The compensation therefor shall, in no event, exceed the amount herein provided. The newspaper awarded such contract for printing shall be designated the official paper.

CHAPTER 4.

Council, Powers, Duties.

GENERAL POWERS, ELIGIBILITY.

Sec. 54. The legislative power of the city shall be vested in a council, which shall be composed of the mayor and aldermen.

No person shall be a member of the council who is not a tax payer of the city and resident thereof, and who shall not have been such for at least four years next proceeding his election. Except as in this charter otherwise provided, no member of the council shall hold any other office, position or employment, directly or indirectly, under the city government, during the term for which he was elected.

ORGANIZATION, APPOINTMENT OF OFFICERS.

Sec. 55. The annual meeting of the council shall be

held on the second Tuesday in April, of each year, at eight o'clock in the evening, at which meeting, or within a month thereafter, all appointive officers of the city, whose election is not otherwise provided for herein, shall be appointed by the council.

CANVASSING VOTES.

Sec. 56. The city council shall have the power to, and it shall, within three days after any city election, meet and canvass the returns of votes cast at such election and declare the result thereof; and the city clerk shall prepare and furnish forthwith certificates of election to the officers found to be elected; and the city council shall be the judge of the election and qualifications of its own members.

QUORUM.

Sec. 57. A majority of all the members of the city council shall constitute a quorum, but a less number may adjourn from time to time and may compel the attendance of such absent members in such manner and under such penalties as the council may prescribe.

RULES, MEETINGS.

Sec. 58. The city council shall prescribe rules for its proceedings, determine a time for its regular meetings, and provide for the calling of special meetings, but no business shall be transacted at a special meeting unless the same shall have been specified in the call therefor. It shall keep a record of all its proceedings. The ayes and nays shall, on demand of any member, upon any vote, be taken and entered in the record. Notice of special meetings shall be delivered to each member of the council personally, or left at his usual place of abode.

The council shall have authority to punish its member for disorderly or contemptuous behavior in its presence.

Any member of the city council who, being present when his name is called, fails to vote on any question, shall, unless excused by the council, be counted as having voted in the negative of the question.

The city council shall have power to compel the attendance of witnesses and the production of books, papers and other evidence at any of its meetings. It may issue subpoenas for witnesses, signed by the mayor, which shall be

served in the same manner as process issued by a justice of the peace; and witnesses shall be deemed to be guilty of contempt for the same causes and acts as witnesses in the District Court; and the council shall have the same powers, as the District Court of the State of Minnesota, to punish such contempt.

SOLICITATION.

Sec. 59. Saving only as he is authorized to do so by law, no member of the city council shall demand, request or solicit any officer, department or employee of the city, to engage or hire any person to work for the city or to place any man upon the pay roll of the city, and any member of the city council so demanding, requesting or soliciting shall be guilty of a misdemeanor.

ORDINANCES AND RESOLUTIONS.

Sec. 60. Every legislative act of the city Council shall be by ordinance or resolution. The enacting clause of every ordinance shall be in these words: "The City Council of the City of St. James do ordain." No ordinance or resolution shall contain more than one subject, which shall be expressed in its title, nor shall any ordinance be amended, after its introduction, so as to change its original purpose.

PASSAGE OF ORDINANCES.

Sec. 61. No ordinance shall be introduced, except at a regular meeting, at which meeting it shall have its first reading. Its second reading shall be at some subsequent regular or adjourned meeting, which shall occur not less than one week after its first reading. Its third reading shall be had, and it may be passed only at the regular or adjourned regular meeting occurring at least one week after its second reading, and no ordinance shall be passed until it has had three readings, as herein provided. No ordinance shall be reconsidered, except at the first regular meeting after its adoption or rejection, nor at such meeting, unless there are present as many members of the council as were present when said ordinance was adopted or rejected.

PUBLICATION, APPROVAL.

Sec. 62. It shall require the affirmative vote of at

least a majority of the members of the city council to enact an ordinance or a resolution. The vote shall be taken by yeas and nays and be entered upon its record. Every ordinance or resolution, before it takes effect, shall be published in the official paper. The proof of such publication by affidavit of the foreman or publisher of the paper, or any other competent proof thereof, shall be prima facie evidence of the legal passage, enactment, approval, publication and promulgation of such ordinance or resolution, in any court of this state or elsewhere.

CERTAIN ORDINANCES AND RESOLUTIONS.

Sec. 63. Every ordinance or resolution providing for any specific improvement, or involving the appropriation or disposition of public property, or the expenditure of public money, or levying any tax or assessment, or creating any liability, or awarding or approving any contract for the payment of money, or ordering any condemnation of private property, or the making of any local improvement, or ordering the construction or repair of sidewalks, shall require a majority vote of the members of the council present.

RECORDING.

Sec. 64. All ordinances and resolutions, with proof of publication, shall be deposited with the clerk, who shall record the same at length in a suitable book; but proof of recording shall not be required in any proceeding where it is necessary to prove such ordinances or resolutions.

ORDINANCES GRANTING FRANCHISES.

Sec. 65. Except as otherwise provided in the constitution of the state, or as otherwise specified in this charter, an ordinance of resolution, for the lease or sale of any public utility, or for the purchase of any property of the value of five thousand dollars or upwards, must be submitted to the electors of the city before the same shall be valid; and in no case shall any franchise be granted except by a vote of the people.

The ballots used at such election shall contain the words, "For the ordinance" (stating the nature of the proposed ordinance, and "against the ordinance" (stating the same.)

Returns of such election shall be made to the clerk, as provided for other elections, and the council must meet and canvass the returns within three days

If a majority of the votes cast upon such submission shall be in favor thereof, the council shall, within thirty days

from the time of such election, proclaim such fact, and upon such proclamation, such ordinances shall be legal and binding. No such franchise, or lease or sale of any public utility, or any such purchase of property, shall be of any force or effect, except it be made in the manner above provided.

SPECIFIC POWERS.

Sec. 66. The city council shall have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws, for the enhancement of the general welfare, for the good government and good order of the city, for the protection of public health, comfort and safety; for the suppression of vice and intemperance, and for the prevention of crime, as it shall deem expedient; except that no ordinances or resolution, which shall have been adopted after submission to the electors of the city under the provisions of section 65, shall be altered, modified, amended or repealed, without the submission thereof to the electors of said city. It shall have the power to establish and maintain city prisons, and watch houses for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense whatever, in any way cognizable before any justice of the peace in said city; to make rules and regulations for the government and management of such prisons and watch houses, to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation; and the keepers of such prisons and watch houses shall have and possess all the powers and authority of jailers at common law or by the laws of this state; and all ordinances enacted by said council are hereby declared to be and have the force of law; provided, that they be not repugnant to the Constitution and Laws of the United States and this state. And for these purposes the council shall have authority, by ordinance or resolution.

First. To regulate the use of, and prevent and remove encroachments on or over sidewalks, streets, alleys, avenues and public grounds and public places, and to prevent injury to the same, and to regulate the construction of coal holes and hatchways, and coverings, and guards therefor in sidewalks or to prohibit the same.

Second. To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or other offensive matter, or of paper, in or upon any street, sidewalk, alley or public ground or place, and to compel the owner or occupant of any premises to keep sidewalks along or in front of the same free from snow or ice or other obstruction.

Third. To regulate opening and excavations in the streets, alleys and public grounds, for the laying of gas, electric conductors, water mains and pipes, or for any other purposes, and the building of sewers, tunnels, or drains, and regulate the construction and use of all structures and conduits underneath the streets, alley and sidewalks.

Fourth. To provide for and regulate crosswalks, curbs and gutters.

Fifth. To regulate or prevent the use of streets, sidewalks and public grounds for signs, sign-posts, awnings, awning-posts, telegraph, telephone and electric and trolley poles, horse troughs and racks, and the posting and distributing of hand bills and advertisements; to control, prescribe and regulate the mode of constructing and suspending the awnings, and the exhibition and suspension of signs, thereon; to prevent the encumbering of the streets with vehicles, lumber, boxes or any other thing or material; to prevent the exhibition of signs on canvas or otherwise, in or upon any vehicle standing or traveling upon the streets or public grounds of the city; to remove and abate any nuisance, obstruction or encroachment upon the sidewalks, streets, alleys, or public grounds, 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, and to prohibit the piling of snow or other incumbrance on any street by persons owning or operating any railway across the same or by any person or party.

Sixth. To regulate and control or prohibit the placing of poles and the suspension of wires along and across the street and alleys, and to require any and all wires within prescribed limits, or throughout the city, to be placed as it may designate, beneath the surface of the street or sidewalk, and to require any poles already erected or wires already suspended to be removed, and the wires to be placed beneath the surface of the street; and to compel any or all such wires, pipes and other constructions and conduits to be placed in a common area beneath the surface upon such terms as it may designate; and to make like regulations and requirements as to any and all telegraph and telephone poles and wires now erected and maintained in said city.

Seventh. To regulate and prohibit the exhibition, carrying, distributing or throwing of banners, placards, advertisement, and hand-bills, or other articles in or upon the streets, public grounds or sidewalks.

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

Ninth. To regulate or prohibit traffic and sales upon the streets, sidewalks or public places.

Tenth. To regulate the speed of horses, and other animals, vehicles, street cars and locomotives, upon the streets and within the limits of the city, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets; to regulate or prevent the use of bicycles, automobiles, and other similar vehicles, on streets, sidewalks, or public grounds, and to prevent the riding or driving of any animal upon any sidewalk, boulevard and park, and to prevent any damage to any sidewalks of public property.

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

Twelfth. To name and change the name of streets, avenues, alleys and other public places.

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

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

Fifteenth. To prevent and regulate or prohibit the location, construction or laying of street railway tracks in, under and over any street, alley or public place.

Sixteenth. To provide for and change the location, grade and crossing of any railroad, and to compel railroad companies to lower and bridge over or to raise their tracks, or construct viaducts over the same, and to fence their respective right of way, or any portion of the same, and to construct cattle guards and to keep the same in repair within the limits of the city. In case any railroad company fails to comply with any such ordinance, it shall be liable for all damages to the owners of the cattle, horses, or other domestic animals, which may be sustained by reason of injury thereto, while on the tracks of such railroads, in like manner and extent as under the general laws of the state.

Seventeenth. To regulate or prohibit the obstruction of streets, alleys and other public places by railroad trains, cars, or engines.

Eighteenth. To regulate or prohibit the whistling of locomotives, traction engines, or engines in factories, and the discharge of steam, cinders, sparks and dense smoke therefrom.

Nineteenth. To compel railroad companies to raise or lower their tracks to conform with any grade which may be established in the city and to keep such tracks on a level with the street surface, and to compel the planking of such tracks by such railroad companies so that they may be crossed at any place on said street, alley or public highway, and to keep such planking in repair.

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

Twenty-first. To prevent and restrain the pollution of the waters of any creek, pond, lake or water course within or adjacent to the city; to prevent the dumping of refuse or other matter therein and to provide for the cleaning and purification of water, water courses and canals, and the drainage and filling of ponds or pools on private property, whenever necessary to prevent or abate nuisances; and avoid danger from fires; and to compel the owner or occupant of any building or grounds to remove from the premises owned or occupied by him all such objectionable structures and offensive substances as the council may direct, and upon his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to assess such expenses against such property; and to compel, in like manner, the removal or destruction of any structure within the fire limits of said city as now or hereafter established, where such structure is deemed, by such council, to endanger the health, or liable to cause fires to adjacent or other property.

Twenty-second. To compel the owner of low ground, where water is liable to collect and become stagnant, to fill or drain such places, and upon default, to authorize such draining or filling and assess the cost thereof upon such property.

Twenty-third. To license, regulate, prohibit or suppress public billiard, pool or pigeon-hole tables, pin alleys, bowling alleys, shooting galleries, lodging houses, restaurants and hotels.

Twenty-fourth. To license and regulate gift, fire, auction or bankrupt sales, and to license and regulate itinerant merchants and transient merchants or vendors, agents and solicitors for stages, cars, vehicles or public houses.

Twenty-fifth. To license, regulate or prohibit the exhibition of showmen and shows of all kinds, and the exhibition of caravans, menageries, circuses, concert or dance halls, theatrical performance, skating rinks, museums and all like places of amusements.

Twenty-sixth. To license and regulate auctioneers, pawn brokers, second hand and junk dealers, and to compel all such persons to keep such records of their transactions as it may direct, and make report thereof, and to regulate the time, place and manner of holding public auctions or vendues.

Twenty-seventh. To license, restrain and regulate keepers of intelligence or employment offices, and all persons doing the business of seeking employment for, or furnishing employees, and to require such persons to keep such records as it may direct and to make report thereof and to give bond, conditioned that they shall carry on their business honestly and without fraud or misrepresentation, and punish said persons for unfair dealings in their said business.

Twenty-eighth. To license, regulate, or prohibit fortune tellers, clairvoyants, astrologers, street hawkers, vendors, and public criers.

Twenty-ninth. To license and regulate hackmen, draymen, expressmen, porters and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to prescribe stands or stations where they may remain while waiting for business, and to prohibit the same from standing and waiting for business at any other places than the places so prescribed.

Thirtieth. To license and regulate all peddlers, book agents, canvassers, newsboys, bootblacks and chimney sweeps doing business in the city.

Thirty-first. To license, and regulate the sale of spirituous, vinous, fermented, malt or other liquors; provided that no saloon shall hereafter be established within four hundred feet of any school house; provided, that no such license shall be issued for less than one thousand dollars per annum; and provided, that the clerk of said city, shall upon the petition of ten (10) legal voters of said city filed with him at least fifteen (15) days before the annual election thereof, give notice at the same time and in the same manner as in the notice of said election, that the question of granting license in said city for the sale of intoxicating liquors will be submitted for determination at such election. At such election when so petitioned for, such question shall be voted upon by ballot, the terms of which shall be either "for license," or "against license," and the result of such voting shall be duly canvassed, certified and returned in the

same manner and at the same time as the other facts and returns of said election. If a majority of all the ballots cast upon such question at such election shall be "for license" the city council of said city may grant license for the sale of intoxicating liquors for the ensuing license year, but if a majority shall be "against license" then no such license shall be granted and such vote shall remain in force until reversed at a subsequent annual election at which the said question of license is again in like manner submitted.

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

Thirty-third. To license and regulate butcher shops and stalls and vendors and stands for the sale of game, poultry, meat, fish, fruits and perishable provisions, and all other persons who may deal in the same, whether they deal at wholesale or retail.

Thirty-fourth. To license and regulate plumbers and to regulate sewer and water connections of all kinds, and the laying of branch sewers and water pipes, and in general, to regulate plumbing and provide for the removal of unsanitary plumbing and to compel the same to be kept in a sanitary condition.

Thirty-fifth. To license, regulate and control or prohibit the carrying and use of firearms or concealed weapons, and to provide for the confiscation of the same.

Thirty-sixth. To license and regulate the keeping of dogs, and prevent the same from running at large, and to authorize and enforce the destruction, in summary manner, of dangerous or vicious dogs or dog running at large.

Thirty-seventh. To regulate or prohibit the storage, receipt, transportation, dealing in and use of gunpowder, dry pitch, rosin, coal oil, benzine, naphtha, gasoline, turpentine, gun cotton, nitroglycerine and any product thereof, and other combustible or explosive material within the city, or within one mile from the limits thereof and the use of lights in stables, shops and other places, and the building of bonfires; and to regulate and restrain the use of firecrackers, torpedoes, roman candles, rockets and other fireworks, and firearms within the city.

Thirty-eighth. To prevent and suppress riots, affrays, disturbances, disorderly assemblies, cock fights, dog fights, sparring matches, and all brutal or depraved exhibitions or sports within the city.

Thirty-ninth. To restrain and punish vagrants, mendicants, street beggars, prostitutes, and to regulate or prevent public bathing or swimming within the city limits, and to prevent open and notorious drunkenness, fighting, assaults, battery and disorderly conduct, and obscenity in the city, and to prohibit within the city the circulation, sale or ex-

hibition of libelous, obscene and immoral publications, prints, pictures, advertisements and illustrations, and any publications either of printed matter or sign pictures, effigy or otherwise, naturally tending to provoke a breach of peace or to impair the morals of the community.

Fortieth. To restrain and prohibit bawdy and disorderly houses and houses of ill-fame and assignation within the limits of the city.

Forty-first. To restrain and prohibit lotteries, and to suppress all kinds of gambling, slot machines, gambling devices, dice, hazzard, roulette or other games of chance, the use of blackboards, lists and tickets for the purpose of gambling, all pool rooms and betting rooms and the selling of pools or books on horse races or other contests, real or fictitious; to suppress, prohibit and restrain all mechanisms and devices used for gambling or betting; to prohibit all fraudulent devices, and to authorize the destruction of all instruments used for the purpose of gambling or other unlawful purposes.

Forty-second. To establish a public pound and restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese, and other animals and to authorize the distraining and sale of the same.

Forty-third. To establish and regulate market and market houses.

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

Forty-fifth. To provide for and regulate the inspection by the Board of Health of meats, poultry, fish, game, butter, flour, cheese, lard, eggs, vegetables, malt, milk, fruits, whiskey and other liquors and provisions, and to provide for the taking and summary destruction of any provisions that are unsound, spoiled or unwholesome; and to regulate and prevent the bringing into the city, having or keeping such unsound, spoiled or unwholesome provisions, or any unsound or putrid beef, pork, fish, hides, skins or other substances, and to inspect and regulate dairies and dairy products and to regulate the sale of milk within the city.

Forty-sixth. To provide for and regulate the manner of weighing hay and straw and selling the same; and measuring and selling firewood, coal and lime; to provide for the inspection of lumber and building material, and to regulate the measuring and selling thereof, and to prohibit the sale of any such products by weight or measure, unless first weighed or measured by the official weigher and scaler.

Forty-seventh. To provide for the inspection and seal-

ing of weights and measures and to enforce the use and keeping by vendors of proper weights and measures, duly tested and scaled, and to provide for the term, appointment and compensation of a city scaler of weights and measures, and to provide for the punishment for the use of false weights and measures.

Forty-eighth. To regulate the construction of all buildings, chimneys and smokestacks; to prohibit and prevent the erection or maintenance of insecure and unsafe buildings, walks, stack or chimneys, and to provide for their summary abatement; to prescribe the depth of cellars, the material and method of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes; the thickness, material and construction of party walls; the size and material of floors, beams, girders, pipes, columns, rods, chimney flues and heating apparatus; to regulate the construction of privies, and vaults in buildings; to prohibit the construction of buildings not conforming to such regulations; and to direct the suspension, at any time, of the erection of any such building that does not conform to such regulations, and to provide for the issuance of building permits.

Forty-ninth. To prescribe the limits within which wooden buildings shall not be erected, placed or repaired, and to direct that all and any such buildings within such limits, when damaged by fire, decay or otherwise, to the extent of fifty per cent of their value, shall be torn down or removed, and to prescribe the manner of ascertaining such percentage, and to compel the owners of any buildings, or other structures which have been destroyed or partially destroyed, or have become dangerous by fire, or otherwise, to take down the same or any part thereof, and in case of refusal or neglect of said owner to so take down the same, when ordered by the city council, then to cause the same to be taken down; and to provide by ordinance for the punishment of such refusal or neglect, and to assess the cost thereof upon the land upon which said building or structure stood.

Fiftieth. To require the owners or lessees of buildings or structures now, or hereafter to be built in the city, to place thereupon such fire escapes and appliances for protection against or for extinguishing fires, as it may direct.

Fifty-first. To prevent the dangerous construction of chimneys, fireplaces, hearths, stoves, stove-pipes or ovens used in or upon any house, building or manufactory; to regulate the carrying on of manufactories liable to cause fires; to prevent the disposition of ashes or accumulation of shavings, rubbish or other combustible material in unsafe places, and make provisions to guard against fires.

Fifty-second. To regulate the construction, location and operation of derricks, windlasses, freight and passenger elevators, and other mechanical structures and apparatus hazardous to life and property.

Fifty-third. To declare the emission of soot or dense smoke from chimneys, stacks, locomotives, and other places, within the limits of the city, a nuisance, and to prohibit the emission of such soot or smoke in any portion of the city.

Fifty-fourth. To regulate the construction of chimneys and smoke stacks, and to prohibit the emission of sparks and cinders from chimneys, smoke stacks, or other sources and to declare the emission of cinders and sparks a nuisance, and to require the use of such practical appliances as may be necessary to prevent the emission of the same.

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

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

Fifty-seventh. To regulate or prevent the burial of the dead within the city, and to regulate and determine the manner in which bodies which have been placed in a vault or tomb or other place for the purpose of burial may be removed, and to cause the removal of bodies interred contrary to law, and to vacate and discontinue any cemetery and to compel the removal of any bodies interred therein.

Fifty-eighth. To regulate the location, construction and management of stock yards, slaughter houses, packing houses, renderies, tallow chandleries, storing places for hides, bone or glue houses, gas works, soap factories, dye houses and tanneries, or any other noisome or unwholesome business, within the limits of the city, or within a distance of one mile outside the limits thereof.

Fifty-ninth. To regulate the location, construction and use of breweries, distilleries, carriage houses, stables, livery stables, garages, blacksmith shops and foundries, within the limits of the city.

Sixtieth. To compel the owners of every store cellar, soap or tallow chandlery, pig sty, privy or other unwholesome or noxious house or place, to cleanse, abate or remove the same.

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

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

Sixty-third. To prevent or regulate the playing of games or any other amusement on the streets or sidewalks.

Sixty-fourth. To require and regulate the removal or destruction of swill, offal, garbage, ashes, street sweepings, barnyard litter, manure, rubbish, yard cleaning and the contents of privy, vaults, cess-pools and sinks, decaying animal matter and dead animals, or any other vile or unhealthy material.

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

Sixty-sixth. To establish and regulate public wells, cisterns, hydrants, reservoirs, fountains and watering troughs.

Sixty-seventh. To regulate and control the quality and measurement of gas, and to prescribe and enforce regulations for the manufacture and regulate the measurement of electricity and electrical apparatus, or any apparatus for furnishing light, heat and power in the city.

Sixty-eighth. To regulate lodging houses and tenement houses, and to prevent the overcrowding of the same, and to require the same to be kept in proper sanitary condition.

Sixty-ninth. To prohibit and punish cruelty to animals and to require the places where such animals are kept to be maintained in healthful condition.

Seventieth. To regulate the employment of minors on the public streets, and other public places.

Seventy-first. To compel the owners or occupants of property within the city limits, to keep the same clear of any brush or other material or substance liable to communicate fire to adjacent property, and in case the owner or occupant of such property shall neglect or refuse to remove the same within ten days after being notified so to do by the council, either personally or by publication in the official paper, said council shall have authority to have the same done and assess the cost against the property.

Seventy-second. To direct and regulate the planting and preservation of ornamental trees and shrubbery within the public grounds and streets within the city, and to prevent any injury thereto or interference therewith and punish

any person willfully damaging any sidewalk, pavement, or appurtenance to the water works, sewerage or electric light system, or to any other property in or about the public works of the city, and to punish interference with or the withholding of any property of the city by any officer thereof, or any other party; and to establish boulevards and provide for their maintenance.

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

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

Seventy-fifth. To provide for lighting the city, and purchase or construct a telephone system and operate the same in our city.

Seventy-sixth. To regulate the construction of bicycle paths upon any street, alley or public place.

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

Seventy-eighth. To regulate and control in a manner not contrary to any specific provision on the subject, contained in this chapter, the exercise by any person or corporation, of any public franchise or privilege, which, by the terms of the grant thereof, is to be exercised within the corporate limits of the city, whether such franchise or privilege has been granted by the city, or by or under the statute of Minnesota, or any other authority, and to regulate and determine the price, rates and charges to be paid by said city or its inhabitants to any person or corporation now or hereafter exercising any such franchise rights, within the corporate limits of said city.

Seventy-ninth. To supply the city with water, either by contract with persons or corporations, or by municipal ownership of all necessary and needful works. To regulate the rates to be paid by the city and its inhabitants for water furnished by any person or corporation, now or hereafter organized for such purposes; and to regulate and determine the number and location of any and all fire hydrants, and the rate or price per annum to be paid by said city for such hydrant rental, to the person or corporation owning,

establishing or maintaining any such fire hydrant within said city.

Eightieth. To regulate water service pipes, and prohibit and abate smoke nuisance within the city limits.

POWERS TO IMPOSE PENALTIES.

Sec. 67. The council shall also have the power to prescribe, in any ordinance, enacted by it, the punishment for the violation of such ordinance, by subjecting the offender to a fine not exceeding one hundred dollars, or to be confined or kept at hard labor in the work house of said city, or upon the public works or streets of the city, or in any county jail, or in any place of confinement maintained by the city, for a period not to exceed ninety days.

COMPILATIONS.

Sec. 68. The council may, from time to time, provide for the compilation and publication, in book or pamphlet form, of the charter, ordinances of the city, rules of the council and of any department of the city, and such statutes of the state as it may designate, and provide for the distribution, by sale or otherwise, of copies of such copy or compilation. Such books or pamphlets so issued, purporting on the title page to be published by the authority of the city council, and to contain the charter and ordinances of the city, or other matter in this section above mentioned, shall be prima facie evidence of their contents in all the courts of this state, and all provisions of the charter and all such ordinances, rules, regulations and resolutions found therein, shall be presumed to have been duly and legally passed, approved, adopted and promulgated.

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

NUISANCES.

Sec. 69. The powers conferred upon the city to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to the law.

Depots, houses or buildings of any kind within the limits of the city wherein more than fifty pounds of gun-powder,

or more than ten barrels, of fifty-five gallons each, of petroleum or other inflammable or explosive oils or substances are deposited or kept at one time, gambling houses, houses of ill-fame, disorderly houses and houses where intoxicating liquors are sold without licenses, within the city, are hereby declared and deemed to be common nuisances.

INTOXICATING LIQUORS.

Sec. 70. All the general laws of the state of Minnesota pertaining in any manner to intoxicating liquors, shall as far as applicable, be in force in, and apply to, the City of St. James.

DAMAGED BUILDINGS, REMOVALS.

Sec. 71. Whenever any owner or occupant of any property shall fail to remove any building or structure which have been injured by fire, decay or otherwise, as provided for in Sub-section 49 of Section 66 of this chapter, then and in that case the council may proceed to cause to be removed such building or structure and assess the expense of such removal against the property from which such removal is had. Before effecting such removal, however, the council shall give at least five days' notice to the owner or occupant of said premises of its intention to so remove said building or structure, and to assess the cost thereof upon said property, which notice shall be served upon such owner or occupant personally, if found within said city; if not occupied and said owner does not reside within the city such notice shall be served by the publication of said notice in the official paper for two consecutive issues thereof, and by mailing a copy of said notice to the owner of said building if his address is known.

At said meeting of the council, or at any meeting to which said matter may be adjourned, the council shall hear all interested parties, and, if determined upon to make an assessment against said property, such assessment for expense of removal by the council may be for the full amount of the expense of such removal, and, before making the same, the council shall require the clerk to give notice by publication in the official paper, at least once a week for two successive weeks, of its intention to make such assessment upon such property at a meeting of the council to be specified in the notice, and at said meeting or at any subsequent meeting to which said matter may be put over, the council shall hear all interested parties, and shall then, or at a subsequent meeting, proceed to make an assessment

against such property, which assessment shall be certified and returned to the county auditor of Watowan County, Minnesota, to be collected in the same manner as other city assessments are by him collected.

Nothing herein contained shall be construed to prohibit the council, or the mayor, or the building inspector, to order torn down without notice, any building or structure within said city which may be dangerous to passers-by.

CONTROL OF STREETS.

Sec. 78. The council shall have the care, supervision and control of all public highways, bridges, streets, lanes, alleys, public squares and grounds, sewers, public improvements and the entire water front of the city bordering on Lake St. James, and, generally, shall have the care, supervision and control of all public property within the limits of the city.

It shall have authority to open streets when necessary, and shall cause all streets which may have been opened under the authority of the city, or with its consent, to be kept open and in repair, and free from obstruction and nuisance. The city shall be exempt from all liability for damage caused to either person or property by reason of the existence or operation of any railroad along, across, under, over or upon any public highway, bridge, street, lane, alley, or other public way, within the limits of the city.

VACATION OF STREETS.

Sec. 73. The council shall have exclusive power to vacate or discontinue public grounds, streets, alleys, highways, other than park ways, within the city, and also all county, town and state roads, whether actually traveled or used at the date of such petition for vacation or not. No such vacation or discontinuance shall be ordered by the city council, except upon the petition of a majority of the owners, of the property on the line of such public ground, street, alley or highway within such city, proposed to be vacated together with a distance of three hundred feet in each direction from the end of such portion so proposed to be vacated and a corporation, otherwise a proper party, may join in and verify such petition, by any officer, and be counted as a resident for the purpose of this section. Each petition provided for in this section, shall state the facts and reasons for such vacation, accompanied by a plat of the ground, and it shall be verified by one of the petitioners. The coun-

cil, when the petition is presented, shall, if it deems expedient that the matter shall be proceeded with, thereupon order the petition to be filed with the clerk, who shall give notice by publication in the official paper for two successive weeks, at least once a week, to the effect that such petition has been filed, as aforesaid, and the same shall be heard and considered by the council on the day and at the place therein specified not less than ten days from the expiration of the publication. The council shall, at the time and place appointed, investigate and consider said matter, and shall hear the testimony and evidence on the part of the parties interested. The council, after hearing the same, may, by resolution passed by a two-thirds vote of all the members thereof, declare such street, alley, highway or road vacated, which resolution, if approved by the mayor, or passed over his veto, shall go into effect the same as other resolutions, after a transcript thereof, and the said plat duly certified by the clerk, has been filed for record and duly recorded in the office of the Register of Deeds in said Watowan County.

Provided that vacations and discontinuance of any county, state or town road, may be granted upon a petition of a majority of the owners of such property to which the same or the portions thereof sought to be vacated, passes, when such owner shall have platted the same and shall have provided in lieu of such roads, sufficient streets, in the opinion of the council, and the acceptance of such plat and the resolution of vacation, shall, when recorded, be conclusive evidence thereof.

NEW OFFICES NOT TO BE CREATED.

Sec. 74. The council shall have no power or authority to create any new salaried office not provided for by this charter, but nothing herein contained shall prevent the city and its officers from employing such servants and agents from day to day and from month to month as shall be authorized by the council by resolution.

RELIEF.

Sec. 75. The council shall not have the power or authority to relieve any citizen of the payment of any lawful tax, assessment, fine or license, or to exempt him from any burden imposed upon him by law or ordinance.

COMPROMISES.

Sec. 76. The council shall not have the power or authority, except by resolution adopted by vote of a majority of all the members of such council, to authorize any compromise of any disputed demand or any portion thereof.

DAMAGES FOR INJURIES.

Sec. 77. The council shall not have the power to authorize the payment of any damages claimed for alleged injuries to persons or property, except by resolution adopted by a majority vote thereof.

APPEAL TO DISTRICT COURT.

Sec. 78. Whenever any claim, excepting the claim of an employe or officer of the city, for wages or salary, is allowed and ordered to be paid in whole or in part by the council, no warrant for the same shall be signed by the mayor until after ten days after such allowance, and the city attorney may, and if the amount so ordered to be paid exceed twenty-five dollars, and five tax payers of the city, file with him a written request to appeal therefrom, he shall, on behalf of and in the name of the city, appeal from the decision of the council, to the District Court of said Watowan county, at any time within ten days, and such appeal shall be perfected in the same manner, and like proceedings shall be had, as in cases of allowance of claims by the board of county commissioners of claims against the county.

In case of an appeal being taken, the city clerk shall forthwith, without charge, make a return thereof to said District court, which returns shall include a certified copy of the claim and a transcript from the records in the office of the city clerk, of the action of the council and mayor thereon. In all such appeal cases, the proceedings shall be put on the trial calendar, among the issues of fact for trial at the next general term of the District Court of said Watowan county, held after eight days from the date of the appeal, and on or before the second day of such term, pleadings shall be made up under the direction of the court, as in other civil actions, and thereupon all proceedings, shall be had as in other cases in district court.

CHAPTER 5.

Financial Department.

FISCAL YEAR.

Sec. 79. The fiscal year of the city shall begin on the second Thursday in April, in each year.

DEBT NOT TO BE INCREASED.

Sec. 80. The debt of the city shall not be increased nor shall any new bond of the city or warrant be issued except as herein provided, nor shall the city loan its credit, become a stockholder or make any contribution or donation to any person, company or corporation whatever, except in cases of public calamity or for purely charitable purposes.

PROVISIONS TO PAY INDEBTEDNESS.

Sec. 81. The Council is authorized to provide by taxation, for the prompt payment of interest upon indebtedness, and for a sinking fund for the purposes of meeting bonds of the city at maturity, whether heretofore or hereafter issued.

WARRANTS.

Sec. 82. All money and other property belonging to the city except as otherwise provided in this charter, shall be under the management and control of the council, and monies shall be paid out upon the warrant of the mayor, countersigned by the clerk, after having been duly authorized by resolution of the council, passed by an affirmative vote of a majority of the whole number thereof, provided, that the salaries of all regular officers and employes of the city, except street commissioners, may be paid upon motion of the council, duly passed by a majority vote, but this proviso shall not be construed to include the wages of officers and employes of the city, specially or temporarily employed. The resolution providing for the issue of a warrant shall state the fund upon which such warrant shall be drawn, and every warrant shall designate the specific purpose for which it is issued and the specific fund upon which it is drawn and shall be payable out of none other. Each warrant shall be payable to the order of the person in whose favor it is drawn. No warrant on any specific fund shall be drawn or issued until there is money sufficient in the treasury to the credit of such fund to pay the same, together with all other

warrants issued since the adoption of this charter, that may be then outstanding against such fund, and the council is hereby prohibited from authorizing the issue or ordering paid any such warrant, until there is sufficient money, as aforesaid, in the treasury, applicable thereto, to meet such warrant, together with all other warrants which may be outstanding against the fund. No officer or official body of the city shall have any power to contract or create any indebtedness against the city except in accordance with the provisions of this charter, or to create any liability against the city by the issuance of any warrant contrary to the provisions of this section, and any warrant issued contrary thereto shall be wholly void as to the city. Neither said council nor any officer or officers of said city, shall, without special authority of law, have authority to issue any bonds or create any debt, or any liability against said city, in excess of the amount of revenue actually levied and applicable to the payment of such liability, provided, that the common council by a vote of the majority thereof have the power to issue warrants for the purpose of borrowing money to pay the running expenses of said city, conditioned, that the total amount of said warrants so issued, together with those outstanding shall not exceed the current taxes levied for the year in which said warrants are issued.

ANNUAL BUDGET.

Sec. 83. The council shall meet annually in the month of September prior to the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city for the next ensuing fiscal year.

LEVY, WHEN MADE.

Sec. 84. The levy 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.

FUNDS.

Sec. 85. There shall be maintained in the treasury the following funds: A sinking fund, a permanent improvement fund, a permanent improvement revolving fund, an interest fund, a water and light fund, a library fund, a current expense fund, a park fund, and such other funds as the council may, by resolution or ordinance, direct.

1. The sinking fund is created for the purpose of accumulating money to pay the principal of the bonded indebtedness of the city, and for the maintenance of this fund, there shall be levied an annual tax of at least one mill and not exceeding three mills on the dollar of the assessed valuation of all taxable property in the city as appears from the assessed valuation for the preceding year; and the treasurer shall keep a separate account with the city depositories of all moneys belonging to the sinking fund, and the treasurer is forbidden to place any money, hereby appropriated to the sinking fund, to any other fund.

SINKING FUND COMMISSIONERS.

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

Said commissioners shall make a detailed report to the council, at the first meeting in July in each year, and at such other times as the council may require, and said report shall show the condition of said sinking fund, the na-

ture and value of each of the securities thereunto belonging, with the full description of said securities.

Any taxpayer of the city or any of the owners of the bonds of this city, shall have the right to maintain in a court of competent jurisdiction, any proper action or proceeding to enforce upon the part of the council or said commissioners, compliance with the provisions of this section. Whenever at the maturity of any bonds of the city, said sinking fund shall not have money in it sufficient to pay the bonds so maturing and whenever the council shall deem it advisable and for the best interest of the city, to take up any outstanding bonds not due, the council may issue other bonds of the city to run not exceeding twenty years, on such terms as to place and times of payment and rate of interest as may be deemed advisable, and in such amount as may be necessary to meet such deficiency, and to take up and refund such bonds if not due, provided, that refunding bonds shall in no case draw a higher rate of interest than the bonds taken up.

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

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

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

4. The interest fund is created for providing moneys for the payment of interest to become due during the next fiscal year, upon the outstanding bonds and warrant of the city. It shall be maintained by an annual tax levy made by the council, upon all the taxable property of the city,

of such an amount as shall be sufficient to pay such interest.

5. The water and light fund is created 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 or light, and of paying the cost of the purchase, construction, extension, operation, maintenance and repair of the city water and light plant, and the interest on all bonds and outstanding obligations issued on account of said water and light plant.

This fund, when necessary, shall be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or used in connection with the water and light plant of the city; also the proceeds of all special assessments levied on account of or in connection with said water and light plant; also such amounts as may from time to time, be realized from the sale of bonds issued on account of said plant; and also all moneys received from the operation of said plant, including water and light rates, rentals and penalties.

It shall be the duty of the water and light commission, provided for in this charter together with the council, within four months after the adoption of this charter, to make an estimate of the amount of outstanding bonds against the city, properly chargeable to the construction of the present water and light plant and the interest on such bonds shall be paid from this fund, if sufficient, otherwise, from the interest fund, beginning with the installment of interest falling due next after the first day of October, 1917.

Should there be any accumulation of money in this fund beyond the need thereof, the council may, by resolution passed by a majority vote, direct such accumulation, or any part thereof, to be paid and transferred to such fund as the council may direct.

6. The library fund is created for the purpose of maintaining the public library in the city, and shall be supported by taxation, but no larger amount shall be levied therefor in any one year than two mills on the dollar of the assessed valuation of the taxable property of the city, as appears from the record of the assessment of said city for the previous year.

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

8. The park fund is created to provide for the support and maintenance of any park or parks which may be owned or acquired by the city. It shall be maintained by an annual tax levy, made by the council when necessary, upon the taxable property of the city.

THE SEVERAL FUNDS.

Sec. 86. The income and revenue of the city paid into the treasury shall, at once, by the treasurer, under the direction of the clerk, be apportioned to and kept in the separate funds established by this charter and the council.

The Treasurer may, with the approval of the Council, temporarily transfer moneys from one fund to another and borrow from one fund to another temporarily, when by so doing the borrowing of money from banks and the payment of local interest can be avoided.

NO DEBT CREATED WITHOUT AUTHORITY OF THE COUNCIL.

Sec. 87. None of the departments respectively of the city or any officer of such department shall have power or authority to make any contract or to create any debt against the city before the council shall have authorized the same by a majority vote of the members thereof; and no committee of the council or officer thereof shall allow or approve any claim in favor of any person, firm or corporation, for any purpose whatever attempted to be created as aforesaid, unless the creating of such claim or the incurring of such indebtedness shall have been previously authorized by a majority vote of the council. Every requisition from any officer, department or commission to purchase supplies or create any indebtedness against the city, shall be itemized.

MONEY NOW IN THE TREASURY.

Sec. 88. Within thirty days after the first election under this charter, it shall be the duty of the council, with the assistance of the clerk, and treasurer, to apportion the money then in the city treasury among the several funds herein provided for.

POWER TO BORROW MONEY OR INCUR DEBT.

Sec. 89. The City of St. James may issue bonds by resolution, as follows:

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

The city shall have authority to protect itself by acquiring title to any property subject to special assessment

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

The council may, by resolution passed by three-fourths majority of the whole council, determine to sell, and after such determination may sell and convey, at a price not less than that named in such resolution, and upon such terms and security as specified in said resolution, any personal property of the city, which property is not used or needed for city purposes; and the money and security realized from any such sale shall be turned into and become a part of the general fund of said city. Provided, that no city council shall sell any real estate: electric light plant, water plant or telephone system without first being authorized so to do by sixty per cent of the legal voters of said city voting at the election called for that purpose.

Whenever the council shall pass any resolution to issue bonds pursuant to the provisions of this section, such resolution shall provide for the submission to the legal voters of the city, at some general or special election to be called by the council for that purpose, the proposition for issuing said bonds, to an amount deemed by said council advisable. Such election, whether general or special, shall be conducted in the same manner and with the same formalities as special and general elections are conducted under the general laws of this state.

The ballot to be used at such election shall have printed upon it this question: "Shall bonds be issued to the amount of.....dollars for the purpose of....." Following and to the right of such question shall be printed or written two words, "Yes and No." The voter shall indicate his choice by an X marked to the right of "Yes" or "No," in a column prepared for that purpose on the ballot, according as he is in favor of, or opposed to, the issuance of said bonds and no such bonds shall be issued until such resolution has been approved by sixty-hundredths of the legal voters voting at said election.

The debt of the city shall not be increased by bonds or otherwise, beyond ten per cent of the total valuation of the taxable property of the city according to the last preceding assessment for the purpose of taxation.

Bonds, certificates and other evidences of indebtedness and obligations of the city authorized by this section, shall, in no event, bear a greater rate of interest than six per cent per annum, and shall be sold in accordance with the provisions of the Laws of the State of Minnesota. Except as provided in this charter, no warrants, bonds, or other evidence of indebtedness shall be issued by the city or any one in its behalf.

PENALTIES.

Sec. 90. Any willful neglect or refusal on the part of the treasurer, or clerk to perform the duties required in this chapter or by the charter of the city, or any vote or act of the mayor or any member of the council, or of said officers or other officers of the city, made or done with the willful intent to evade the provisions of this chapter or this charter, or to divert the funds raised by taxation or pledged by ordinance to any specified purpose, is hereby declared to be malfeasance in office, and upon conviction thereof, in any court of competent jurisdiction, such officers shall be removed from office and shall in addition thereto, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year.

CHAPTER 6.

Water and Light Department.

POWER OF CITY.

Sec. 91. The city may construct or purchase its water plant and dispose of the same at will. The city may maintain, enlarge, extend, repair and operate the same. It may furnish water and light for all municipal purposes and may supply the same to the inhabitants of the city.

Sec. 92. The control, management and operation of such water and light plant, owned by the city, shall be committed to the city council.

BY-LAWS, RULES.

Sec. 93. The city council is hereby vested with all powers to make and enforce such by-laws and regulations as may be necessary to carry into effect the object and intent of this chapter, and to cause all such by-laws, rules and regulations, to be entered in a book kept for that purpose, which when so entered and adopted by the city council, shall

be open at all times for inspection and shall be evidence in any court of justice. Said council shall fix and maintain the rents and rates for water and light furnished by it.

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

Penalties.

FOR INJURIES TO WORKS.

Sec. 94. Any person who shall unlawfully and willfully destroy or injure any real or personal property belonging to or in any manner connected with either the water plant or light plant of the City of St. James, shall be punished as follows:

1. If the value of the property destroyed, or the diminution in value by injury to the same, shall be less than twenty dollars, by imprisonment in the county jail for not more than three months, or by fine of not more than one hundred dollars.

2. If the value of the property destroyed, or the diminution in value by the injury shall be twenty dollars or more, by imprisonment in the county jail for not more than one year, or by fine of not more than five hundred dollars, or by both.

CHAPTER 7.

Fire Department.

ORGANIZATION.

Sec. 95. There shall be a fire department of which the Fire Chief shall have general supervision. The head of said department shall be known as the chief of the fire department. Said department shall be either volunteer or paid, but a paid fire department shall not be established except by an ordinance passed by an affirmative vote of a majority of all members of the council.

ELECTION OF OFFICERS.

Sec. 96. If the city maintains a paid fire department, the mayor shall nominate and the council shall confirm the chief and such other officers and members of the department as may be deemed expedient.

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

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

Such department is also authorized and required to make and submit to the council a draft of all needful rules and regulations, not inconsistent with the laws of the State, the provisions of this charter or the ordinances of the city, for the government and control of such department and the prevention and extinguishment of fires. Thereupon the council may consider the same and formulate and adopt such rules and regulations as shall govern and control the said department in all its operations.

POWERS AND DUTIES OF CHIEF.

Sec. 97. The chief of the fire department under the direction of the council, shall have the general superintendence of the fire department and the custody of all engines, hooks and ladders, trucks, hose, horses and other property used and maintained for the purposes of said department. He shall see that the same are kept in proper order and that all the rules and regulations and all the provisions of this charter, relative to the fire department and to the prevention and extinguishment of fires, are duly executed. He shall superintend the preservation of all property endangered by fire and shall have control, and direction, in case of fire, of all persons, organizations or associations engaged in preserving such property. In case of the absence or disability of the chief for any cause, the assistant chief shall exercise all the powers, perform all the duties and be subject to all the responsibilities of chief.

AUTHORITY AT FIRES.

Sec. 98. The council may, by ordinance, provide for the removal and keeping away of any and all persons from fires, and may confer powers for that purpose upon the mayor, the chief, assistant chief and other officers of the fire department and the police officers of the city; and for such purposes the chief or assistant chief shall be vested with police powers. The mayor shall have authority, under such provisions as the council may enact, to send fire engines and other apparatus of the department, with a

competent force of employes to the relief of any community or for the preservation of property endangered by fire outside of the limits of the city.

FIRE ALARM AND OTHER PROPERTY.

Sec. 99. The council may provide for the establishment and maintenance of an efficient fire alarm, telegraph and telephone system for the purpose of the fire department, and shall provide for the purchase or lease of such fire engines and other apparatus for fire protection as may be necessary to secure the highest efficiency of the department.

The council shall also provide for the sale or disposal of any property no longer necessary for the use of the department, and the proceeds thereof shall be paid over to the treasurer. The council shall also have the power to provide for the erection of fire stations or engine houses, and the purchase or condemnation of sites therefor.

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

DESTRUCTION OF BUILDINGS.

Sec. 100. Whenever any buildings in the city shall be on fire, it shall be lawful for, and shall be the duty of the chief of the fire department to order and direct the destruction and removal of, and to destroy, pull down and remove such building, or any other building in the vicinity, or any part thereof, that he may deem hazardous or likely to communicate fire, and no action shall be maintained against any person or said city therefor or on account thereof.

PENALTIES.

Sec. 101. If any person shall at any fire, refuse to obey the orders of the chief of the fire department, or other officer vested with authority at such fire, such person shall be guilty of a misdemeanor and shall be punished as prescribed by the ordinance of this city, or, in case the offense is not punishable under the ordinances of this city, then as misdemeanors are punished under the laws of the state.

CHAPTER 8.

Health Department.

APPOINTMENT, QUALIFICATIONS.

Sec. 102. The health department shall consist of three members, one of whom shall be a physician, duly licensed to practice medicine within the State of Minnesota of good standing in his profession and who shall have been in active practice for at least three years. He shall be styled health officer.

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

GENERAL POWERS, DUTIES.

Sec. 103. Except as otherwise provided in this charter, the members of said department shall have and exercise all the authority and powers and shall perform all the duties granted to or imposed upon local boards of health by the general laws of the State of Minnesota; and all such laws of said state governing such local boards shall, so far as applicable apply and be in force in the city.

SPECIAL POWERS AND DUTIES.

Sec. 104. The members of said department, in addition to the powers and duties mentioned in Section 103 of this chapter, shall have the following and additional powers:

To enforce the laws of the state and the ordinances of this city, and the provisions of this charter relating to public health; and for the enforcement of all such laws, provisions of this charter and ordinances, they and each of them shall have and be vested with, all the powers of police officers of the city. Said health officer, shall, in addition to other powers and duties heretofore vested in and required of him be required;

PROFESSIONAL ADVICE.

1. The health officer shall give to the mayor or other city authority all such professional advice and information as they may require, with a view to the preservation of the public health; and whenever he shall hear of the existence of any malignant, contagious or pestilential dis-

eases, he shall investigate the same and adopt measures to arrest its progress.

TO MAKE CIRCUIT OF OBSERVATION.

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

TO SELECT SITES FOR QUARANTINE STATIONS.

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

RIGHT TO ENTER BUILDINGS.

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

TO SERVE NOTICES TO ABATE NUISANCES.

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

TO PROVIDE BOOKS FOR KEEPING RECORD.

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

TO PROVIDE EQUIPMENT AND MEDICINE.

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

8. He shall, when directed by the council or the board of health, attend any indigent sick person in the city and furnish at his own expense medicine for such person.

CHAPTER 9.

Police Department.

ORGANIZATION.

Sec. 105. There shall be in the city a police department, of which the mayor shall have control and supervision and of which he shall be the chief executive officer and head; said department shall consist of a chief of police and such patrolmen as, from time to time may be authorized by the council; all members of said department shall be residents of the city, and they shall be nominated by the mayor, but must be confirmed by the council before entering upon the discharge of their duties.

The mayor or council may at his or their pleasure, remove any member of the department. The mayor, in case of large public gatherings or other unusual occasions, requiring additional police force, may appoint such other patrolmen, at a reasonable compensation, as he may deem necessary, and such temporary appointment shall continue in force as long as the mayor may deem expedient.

SPECIAL POLICEMEN.

Sec. 106. The mayor may, likewise at the request of any person, corporation or organization, desiring special po-

lice protection, appoint special policemen, who shall serve without expense to the city, and possess police power to preserve the peace, protect property, and make arrests for crime, at such places and within such limits as may be designated by the mayor, but such special policemen shall not exercise any official authority or wear any badge of office outside of the limits as designated except that, in the event of an arrest made by a special policeman, he may wear such badge while taking the person so arrested to the police station. Provided, further, that during the months of September, October and November of each year by consent of a majority of the council, two additional policemen may be employed.

QUALIFICATIONS.

Sec. 107. No person shall be eligible to appointment in the police department who is not a citizen of the United States, or able to read and write the English language understandingly, or who has been convicted of a crime. Nor shall any person be eligible to any appointment in any department, who shall not have been a resident of the city for at least one year immediately preceding his appointment. Any person appointed to the office of chief or patrolman shall, before entering upon the discharge of the duties of such office, execute a bond to the city in such sum as the council may direct, for the faithful performance of his duty.

POWERS OF POLICE OFFICERS.

Sec. 108. The chief of police shall possess the powers of constable at common law and under the statutes of this state and shall have the power to serve and execute any warrant, summons or other process issued out of any justice court of the city, and shall have the authority to pursue and arrest, in the city or beyond the limits thereof, or in any part of the state any person charged with or who has committed any violation of any ordinance of the city, or any other offense or crime within the city, but no such officer shall have power to arrest without such warrant, except, in cases in which arrests without a warranty are authorized by the general statutes of the state, and the violation of any city ordinance shall be deemed a public offense.

CONSERVATORS OF THE PEACE.

Sec. 109. The mayor or acting mayor, the aldermen, the chief of police, the sheriff of the county and all police officers shall be the conservators of the peace. They may command the peace and suppress in a summary manner all riotous or disorderly behavior or proceedings within the city limits and for such purpose may require the assistance of all bystanders, and if need be, of all citizens, and in suppressing any riotous or disorderly behavior or proceedings, the authority to command shall be in the officer present, in the order in this section named.

PENALTIES.

Sec. 110. If any bystander or citizen shall refuse to aid in preserving the peace or in suppressing riotous behavior or proceedings, when thereto required as provided in the preceding section, he shall be guilty of a misdemeanor and be punished by a fine of not more than fifty dollars or imprisonment for not more than thirty days.

If any person shall, without lawful authority, assume to act as a police officer of the city or falsely pretend to be authorized so to act, or wear a badge of a police officer within the city, he shall be liable to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding ninety days.

GRATUITY OR REWARDS PROHIBITED.

Sec. 111. Any member of the police department who shall accept, directly or indirectly, from any person while in his custody, or after he shall have been discharged any gratuity or reward, or any kind of intoxicating drink, or who shall receive from any person, without the written permission of the mayor any reward for the arrest of any thief, or recovery of any goods or money or compensation for damages sustained while in the discharge of his duties shall be deemed guilty of a misdemeanor and shall be subject to a fine of not exceeding one hundred dollars or imprisonment not to exceed ninety days.

COMPENSATION TO BE FIXED BY THE COUNCIL.

Sec. 112. Except as otherwise herein provided, the compensation of the chief of police, patrolmen and other employes of the police department, shall be fixed by the council in the same manner as the compensation of city officers.

CHAPTER 10.

Contracts.

DEFINITIONS.

Sec. 113. All contracts for commodities or service to be furnished or performed for the city or any department thereof, involving an expenditure of more than five hundred dollars shall be made as in this chapter provided, and not otherwise.

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

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

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

ESTIMATE, AMOUNT OF CONTRACT.

Sec. 114. 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, work or services to be done or furnished, and shall fix the estimated cost thereof, and in order to determine such estimated costs may require estimates from any officer or employe of the city.

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

In all cases where such estimated cost shall exceed the sum of five hundred dollars, said commodities, or service shall only be furnished or done upon public bids or procured in open market.

PLANS AND SPECIFICATIONS.

Sec. 115. Before advertising for bids the council shall cause to be prepared by the proper department, or officer of the city and filed with the clerk, detailed plans and specifications and the proposed contract for commodities and service.

ADVERTISING.

Sec. 116. After filing the same the council shall direct the clerk to advertise for bids for doing or furnishing said commodities or service in accordance with such contract, plans or specifications. Such advertisement shall be published in the columns of the official papers, and in such other papers and at such other times, and in such other manner as the council may direct.

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

CERTIFIED CHECKS.

Sec. 117. In advertising for any bids, the council shall require any bidder to deliver his bid and a certified check upon some reputable bank in this state payable to the City of St. James, for at least ten per cent of the total amount of such bids which check and the amount thereof shall be forfeited to the City of St. James, as liquidated damages, if the bidder, upon the letting of the contract to him, shall fail to enter into the contract so let. All advertisements for bids shall reserve the right to reject any and all bids.

RECEIVING AND OPENING BIDS.

Sec. 118. At the time and place mentioned in the advertisement for bids, the council shall meet in public session and publicly receive, open and read all bids that may be presented. Before any of said bids are opened they shall be numbered consecutively and no further bids shall be received after any bid has been opened. The council shall give all persons, who desire the same an opportunity to inspect all bids when they are opened. No bids shall be considered when not accompanied by a certified check.

ACTION BY COUNCIL.

Sec. 119. The council shall act upon such bids and determine which one shall be accepted. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements, provided that the council may reject any bids which it may deem unreasonable or unreliable, and the council in determining the reliability of a bid shall consider the question of the responsibility of the bidder and his ability to perform his contract,

without any reference to the responsibilities of the sureties upon his bond, and any person who shall have defaulted in any contract awarded by the city, except, as to time, or who shall have refused to enter into a contract after the same shall have been awarded to him shall not be considered a reliable and responsible bidder. In case the lowest responsible bidder shall be more than the estimated cost of such commodities or service, the council may reject all bids and abandon the proposed contract, or it may require the clerk to re-advertise for new bids in the manner hereinbefore provided.

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

PERFORMANCE OF CONTRACTS.

Sec. 120. After the acceptance by the council of any bids, it shall direct the execution of a contract by the proper officer in accordance therewith and also in accordance with the said plans, specifications and proposed contract, and such contracts shall be carried out by the proper department or officer of the city, as in this charter provided.

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

BOND.

Sec. 121. Every person to whom a contract is awarded for an amount exceeding five hundred dollars shall give a bond in such sum as the council may direct, and with such sureties as the council may approve, for the faithful performance of such contract.

In the case of all other contracts, the council may require a bond and, in all cases of contracts coming within the purview of Section 8245 of the General Statutes of the State of Minnesota for the year 1913, and the amendments thereto, it shall require such bond as is required by such law.

EXPENDITURES.

Sec. 122. It shall be the duty of each officer or head of a department to report to the council, quarterly, the commodities, work and service likely to be needed for the operation of his department or office, during the remainder of the then fiscal year, and not heretofore contracted for.

EMERGENCIES.

Sec. 123. In case of emergency, and when the delays provided for in this charter will cause great damage to the public interest, or endanger public safety, the head of any department with the written approval of the council, may make necessary repairs by day labor and procure materials therefor in the open market.

CONTRACTS NOT TO BE ASSIGNED.

Sec. 124. No contract for which a bond or deposit is required as provided in this chapter shall be assigned or transferred in any manner and any assignment or transfer thereof, except by operation of law, and except by consent of the council expressed by resolution, shall fully end and determine such contract and shall make the same null and void as to any other or further performance thereof by the contractor or his assigns, without any act on the part of the city; and the city, through its proper authorities, may at once proceed to re-let such contract, or may, at its discretion, proceed to complete the same as the agent and at the expense of such contractor and his sureties.

PENALTY.

Sec. 125. Any contract made in violation of the provisions of this charter shall be absolutely void, and any money paid on account of such contract by the city, or any department or officer thereof may be recovered by the city, without restitution of the property of the benefits received or obtained by the city thereunder.

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

CHAPTER 11.

Salaries and Bonds.

Sec. 126. The following officers shall receive salaries, to-wit: Mayor, aldermen, treasurer, attorney, health officer and assessor. Provided, that the mayor's salary shall not exceed one hundred dollars per year; that the aldermen's salaries shall not exceed one hundred dollars per year. And provided, further that the salary of the mayor for the first term under this charter is fixed at one hundred dollars per year; and the salary of each alderman at one hundred per year.

EMPLOYEES.

Sec. 127. The compensation of all employes of the city shall be fixed by the council except as herein otherwise provided, and such compensation shall be paid monthly in the discretion of the council.

SALARIES NOT CHANGED.

Sec. 128. The salaries of the officers of the city shall not be increased or diminished during the term for which any such officers shall be elected or appointed, nor during the period intervening between the election or appointment of any such officer and the commencement of his term of service.

GIFTS.

Sec. 129. No officer or member of any board or employe of the city shall directly or indirectly, in or about the performance of his office or position ask and receive any gift, compensation, gratuity, reward or other valuable thing whatever, excepting the salary or fees prescribed herein.

BONDS.

Sec. 130. The council may require bonds from any officer or employe of the city in those cases where a bond is not required by the terms of this charter and may affix the amount of the bond so required by it, and make any regulations it may deem proper in regard to the sureties thereon.

CORPORATE SURETIES.

Sec. 131. The sureties on all bonds required of officers and employees and others, by the terms of this charter, may be surety corporation, authorized under the general laws of the state to do surety bond business and to give such bond; but such bond must be approved by the council.

CHAPTER 12.

Eminent Domain and Local Improvements.

POWER TO ACQUIRE PROPERTY.

Sec. 132. The city of St. James is hereby empowered to acquire by purchase, condemnation proceedings or otherwise, any property, corporeal or incorporeal, wheresoever situated, either within or without the limits of the city, which may be needed by the city or any board department thereof for any public purpose whatsoever.

And the fact that the property so needed has been obtained by the owner under eminent domain or is already devoted to a public use, shall prevent its acquisition by the city.

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

The City of St. James is hereby empowered, except as hereinafter specified, to levy assessments upon any property benefited by any improvement which may be made by the council under the provision of this chapter, to the extent of such benefits, without regard to valuation.

LIMITATIONS.

Sec. 133. Except in cases of improvements to abate a nuisance, no real estate shall be assessed for benefits resulting from the taking or injuring of real property, unless the owners of at least one quarter of the real estate to be assessed therefor, as appears by the last assessment for general tax levy found in the office of the Auditor of Watonwan County, Minnesota, at the time of the presentation to the council of the petition for improvements, shall petition therefor, which petition shall be in writing and filed with the clerk.

In case of condemnation of lands, for parks, parkways or boulevards, at least one-half of the total damages and expense thereof shall be a general charge on the city and payable out of the general fund.

In all cases where the total damage and expense of taking or injuring real estate for any improvement shall not exceed one hundred and fifty dollars the same shall be a general charge upon the city and payable out of the appropriate fund and if there be no such fund, then out of the general fund. Two or more improvements described in the foregoing sections may be combined in one proceeding, if deemed best and so ordered by the council.

DIVISION 1:

Procedure Where There May Be An Assessment For Benefits.

COUNCIL TO DETERMINE NATURE AND EXTENT OF IMPROVEMENTS.

Sec. 134. When the Council, shall by resolution declare that for public improvement it is necessary to take, damage, injure or destroy any private property, or property devoted to a public use, it shall determine by resolution in a general way the nature and extent of the proposed improvement.

CITY ENGINEER TO BE NOTIFIED TO MAKE PLAT.

Sec. 135. The council shall thereupon notify the City Engineer of such determination; and thereupon it shall be the duty of the Engineer to make and present to the Council, a plat and survey of such proposed improvement, showing the nature, course and extent of same, and the property necessary to be taken, damaged, injured or destroyed, or benefited thereby together with the name of the owner or owners of each parcel of such property as the same appears by the last assessment list in the office of the Auditor of the County in which said lands are situate at the date of said resolution of the Council, together with such other statements as may be proper to explain such survey and the nature and extent of such proposed improvement.

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

COUNCIL TO ADOPT PLAT, ORDER IMPROVEMENTS AND GIVE NOTICE.

Sec. 136. When such plat and survey shall finally describe the proposed improvements to the satisfaction of the

Council, it shall by resolution adopt the same and order the making of the improvements. The council shall then give fifteen days' notice by one publication in the official newspaper of the city, of the time and place when it will meet to make an award of damages and assessments of benefits, or an award of damages or assessments of benefits as the case may be, in which notice, it shall describe the land or property to be condemned, by general descriptions, and shall specify what such assessment, if any, is to be for, and in a general way what property will be assessed therefor. It shall cause a copy of such notice to be served in the 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 in which the land is situate; 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 said county, appearing to be interested in said land, addressed to the last known postoffice address of such non-resident and if such address is unknown to the Council; such notice shall be addressed to such person of St. James, Minnesota. Proof of the service and mailing of such notice shall be made by the affidavit of the person serving or mailing the same, which shall state the time, place and manner of serving or mailing the same, and how each notice so mailed was addressed and such affidavit shall be filed and preserved in the office of the City Clerk.

HEARING.

Sec. 137. All persons interested in any property so to be condemned, or in any real estate to be assessed for such improvement, may be present and hear and adduce evidence, as may the City Attorney, before said Council at said hearing.

DAMAGES, HOW AWARDED, INTEREST.

Sec. 138. The Council, in making such assessment, shall determine and appraise to the owner or owners the value of the real estate or interest therein taken, damaged, injured or destroyed for the improvement, and the damage arising to them respectively from the condemnation thereof which shall be awarded to such owners, respectively, as damages, after making due allowances therefrom for any benefit which such owners may respectively derive from such improvement.

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

DAMAGES IN EXCESS OF BENEFITS.

Sec. 139. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, the Council shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the differences only shall in any case be collected from them or paid to them.

APPRAISEMENT WHERE THERE ARE BUILDINGS ON THE LAND.

Sec. 140. In case there are buildings or improvements upon any land proposed to be taken in such proceedings, the award shall be for damages to the land and improvements separately.

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

If the owner is not known, or is a non-resident of the city, 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 may at any time, within ten days after such notice notify in writing the Council of his selection to take such building or improvement or such part thereof at its appraised value, and in such case the amount of such appraisal shall be deducted by the Council from the estimated damages for the building or improvement, and the owner shall have such reasonable time for the removal of such building or improvement, after the confirmation of the assessment, as the Council may allow.

If the owner shall refuse to take the building or improvement at such appraisal, or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the Council, shall, after the confirmation of the assessment and after the money is in the hands of the treasurer

ready to be paid to the owner for his damages, proceed to sell such building or improvement, or part thereof, at public auction for cash, giving ten days' notice of sale by one publication in the official paper, and cause such building or improvement or part thereof to be removed. The proceeds of such sale shall be paid into the city treasury to the credit of the fund chargeable with such improvement.

JOINT OWNERS. LAND SUBJECT TO LEASE.

Sec. 141. If the land and buildings belong to different persons, or if the land is subject to lease, lien or mortgage, the damages done to such persons, respectively, may be awarded to them by the Council less the benefits resulting to them, respectively, from the improvement.

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

Sec. 142. Having ascertained the damage and expenses of such improvement as aforesaid, the Council shall thereupon apportion and assess the same, except such amount, if any, as has been appropriated by the Council in payment of same, together with the costs of the proceedings, upon the real estate and property, it deems benefited by such improvement, in proportion to such benefits, if any be assessable therefor, but in no case shall the amount of such assessment exceed the actual benefit to the lot or parcel so assessed.

ASSESSMENT ROLL.

Sec. 143. The assessment roll shall contain a brief description of each tract or parcel of property taken, injured or assessed, the name or names of the owners thereof, as far as known to the Council, or if unknown shall so state and the amount of damages awarded, and benefits, if any, assessed, against each parcel or property. The assessment roll shall show both the total damages awarded and the total benefits assessed if any. If the whole amount of such compensation and damages awarded, together with the costs of the proceedings, shall exceed the actual benefit to the property subject to assessment, the Council shall so state on such assessment roll, and shall specify the amount of such excess. The council shall also note on the assessment roll the total amount included in the assessment to cover the expense of the proceedings.

NOTICE OF COMPLETION OF ASSESSMENT ROLL.

Sec. 144. 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 of such objections must be filed in writing with the City Clerk at least one day prior to the time so specified and that unless cause is shown to the contrary, the same will be confirmed.

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

OBJECTION—HOW MADE.

Sec. 145. All objections shall be in writing and filed with the City Clerk at least one day prior to the time specified in said notice.

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

ADJOURNMENT OF PROCEEDINGS.

Sec. 146. Should the Council not be present at the time and place appointed, the proceedings may be adjourned by the City Clerk, to such other convenient time and place as may be deemed expedient.

NEW NOTICE MAY BE GIVEN.

Sec. 147. Nothing herein contained shall preclude the Council from causing a new notice as aforesaid to be given, specifying a time and place at which it will hear objections to said assessment in case the previous notice shall be found imperfect, or in case of the absence of the Council, or for any other reason which shall be satisfactory to the Council for so doing.

COUNCIL TO HAVE POWER TO ADJOURN HEARING AND REVISE ASSESSMENT.

Sec. 148. The Council shall have power to adjourn such hearing from time to time and in its discretion to revise and correct the said assessment, and to confirm or 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.

PROCEDURE AFTER CONFIRMATION OF ASSESSMENT.

Sec. 149. When said assessment is confirmed, it, together with all affidavits of publication and service of notices connected therewith shall be entered into a book kept for that purpose by the Council. A warrant for the collection of said assessment shall issue as provided in Section 174, in cases of other assessments, except said assessment shall not be payable in installments.

NOTICE OF CONFIRMATION OF ASSESSMENTS.

Sec. 150. As soon as practicable, after an assessment of damages and benefits has been confirmed the Council shall cause a brief notice by one publication of the fact of such confirmation to be published in the official paper of the city.

RE-ASSESSMENT.

Sec. 151. 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 as herein required in relation to the first assessment, and all persons in interest shall have like rights and the said Council shall perform like duties and have like powers in relation to any subsequent assessment as are hereby given in relation to the first assessment. Provided, however, that if the assessment of damages or benefits as to any parcel or parcels of land shall not be appealed from, or said assessment thereon shall have been paid, there shall be no re-assessment thereof. As often as an assessment against any piece or parcel of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property has paid its share of benefits accruing from the said improvement.

APPEAL TO THE DISTRICT COURT.

Sec. 152. Any person interested in any property taken

or damaged in these proceedings, may appeal to the District Court of Watonwan County, from an award of damages or assessment of benefits, in the same manner as provided for by Section 174, and the sections following in this Charter. Thereupon the City Clerk shall forthwith transmit to the Clerk of said Court a duly certified copy of all papers and records in his office pertaining to such proceedings, and if more than one appeal be taken, it shall not be necessary to transmit more than one copy.

DIVISION 2.

WHERE THERE CAN BE NO ASSESSMENT FOR BENEFITS. PROCEDURE.

Sec. 153. Whenever in the condemnation of any property as set forth in Section 132 of this Charter, where there can be no assessment for benefits, all of the proceedings required to be had under Division 1 of this chapter, shall be had under Division 2 hereof where there can be no assessment for benefits, except that the Council in the latter case shall in no event make any assessment of benefits. And all the provisions of said Division 1 of this Chapter, shall so far as applicable apply to and be in force hereunder in Division 2 hereof, to condemn property where there can be no assessment for benefits.

EFFECT OF AWARD.

Sec. 154. 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 assessment 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, or the person damaged refuses to accept the same, the amount so awarded and in doubt or so refused shall be by the Council appropriated and set apart in the city treasury for whosoever shall establish his right thereto by some judicial proceeding. Before payment of any such award the owner of such property or the claimant of the award, shall furnish satisfactory evidence of his right to such award; provided however, that the Council may by resolution at any time before confirmation of any award of damages made by it, or in case of an appeal within twenty days after final determination thereof, abandon such proceedings and shall thereupon pay the cost thereof.

DESCRIPTION OF PROPERTY TAKEN TO BE RECORDED.

Sec. 155. 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 or lien holder thereof, and cause its Mayor and City Clerk to acknowledge the same for the city, and cause the same to be recorded in the office of the Register of Deeds of Watonwan County.

LOCAL IMPROVEMENTS AND ASSESSMENT.

Grant of Powers.

IMPROVEMENTS, THE COST OF WHICH MAY BE DEFRAYED BY ASSESSMENT.

Sec. 156. The city is hereby authorized to grade, pave, repave, curb, gutter, wall, bridge, gravel, macadamize, sprinkle, plank, sweep or repair any street, avenue, alley, or highway; to grade, improve, protect and ornament any public park, square, or grounds; to construct, improve and ornament parkways, and grass plats; to plant and protect shade or ornamental trees along its streets and avenues; to construct, lay, re-lay and repair sidewalks, retaining walls, gutters, sewers, and drains, in, over, or under any streets, alley or highway; to abate nuisances; to drain marshes, swamps and low grounds within the city when they constitute a nuisance;

sance; and the whole or any part of the expense of any such improvement may be subject to the provisions hereinafter contained, defrayed by an assessment upon the real estate benefited thereby, in proportion to such benefits, without regard to cash valuation, to be determined and levied in the manner hereinafter provided.

COST PAID BY ASSESSMENTS. EXCEPTIONS.

Sec. 157. The cost of any improvements mentioned in the foregoing section shall be defrayed, save as herein otherwise provided, by an assessment upon the real estate benefited thereby to be levied in the manner hereinafter prescribed; provided, that the construction, re-construction or maintenance of cross walks, over public streets or alleys and sidewalks adjacent to public squares, public grounds and public parks, and the cost of improving or ornamenting public grounds, squares and parks, and the curbing, guttering, paving, repaving, macadamizing and grading of the space occupied by street intersections and the intersections of the alleys with the street, shall be paid out of the appropriate fund or the general fund of the city.

ASSESSMENT OF CORNER LOTS.

Sec. 158. The Council may, in its discretion, where any lot fronting on two streets has been previously assessed, and the assessment paid, for laying any water or sewer pipe upon a street other than the one in which such proposed improvement is to be extended, remit from the assessment of such corner lot such portion of such second assessment not exceeding the amount of assessment for a frontage of fifty feet on such lot, as it may deem just under all the circumstances of the case.

AMOUNTS ASSESSABLE AGAINST THE CITY, PUBLIC OR EXEMPT PROPERTY.

Sec. 159. The amounts which would otherwise be assessed 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.

SEWER AND WATER PIPES MAY BE INCLUDED IN CONTRACT AND ASSESSMENT.

Sec. 160. The Council may, when any contract is let for improving any street, alley or highway within the city, include in such contract, the laying of sewer or water pipes to the curb line, and the cost of the same may be assessed against the lots and parcels of land for which said sewer or water pipes are laid as part of the assessment for such improvement.

PROCEDURE WHERE TWO IMPROVEMENTS ARE MADE AT THE SAME TIME.

Sec. 161. If two or more improvements are included in one contract, the expense of each improvement shall be separately apportioned and assessed upon the lots and parcels of land benefited by such improvements, in proportion to such benefits, but such two or more improvements may be included in one assessment proceeding.

Procedure For Making Assessments.

APPLICATIONS AND PETITIONS FOR IMPROVEMENTS.

Sec. 162. All applications or propositions for any improvement authorized in section 156 of this chapter, shall be made to or emanate from the Council. If a majority of the owners of the property abutting on any proposed improvement shall petition therefor in writing, the Council shall cause plans and specifications for such improvement to be made and filed in the office of the City Clerk and shall, when such plans and specifications are so filed, give notice of the time and place when and where the Council will meet and hear reasons for and against such improvement, which notice shall be published at least once in the official paper, and the last publication shall be at least ten days prior to the time of such meeting. Said notice shall contain a brief description of the improvement and the several tracts of land to be affected thereby. Provided, that the Council by a four-fifths vote of all its members may, without petition, in cases where in its judgment public necessity requires it, cause plans and specifications for such improvement to be made and filed in the office of the City Clerk, and shall give like notice as is required in case of a petition of a majority of the property owners abutting on such improvement.

HEARING.

Sec. 163. If upon such hearing the Council believe said improvement necessary and proper, they shall order the improvement made and assess the cost thereof on property benefited thereby, provided, that the Council may order a proportion of the cost of said improvement paid out of the appropriate fund, or the general fund.

COUNCIL TO LET CONTRACT AND MAKE ASSESSMENT.

Sec. 164. When the Council shall determine to make any improvement described in section 156 of this charter, 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 shall proceed at once to assess the estimated cost thereof, except that portion to be paid out of the appropriate fund or general fund, on the property to be benefited thereby, in proportion to the benefits resulting thereto, but in no case in excess of such benefits. In making such assessment roll the Council shall describe each parcel of property assessed, and shall state the amount assessed against the same, and state the name of the owner thereof, so far as known to the Council. No mistake in, or omission of such owner's name shall in anywise 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 in the same manner to pay the same.

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

ASSESSMENTS AGAINST RAILWAYS OR STREET RAILWAYS.

Sec. 165. When in any case any portion of the cost of making any improvement mentioned in section 156 shall by virtue of any valid law, ordinance or contract, be chargeable to any railway or street railway company the amount so chargeable may be assessed against such railway company, and the remainder only upon the real estate benefited thereby; 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 said railway company and subject to assessment and deemed benefited by said improvement, shall be assessed as in other cases.

NOTICE TO BE GIVEN BEFORE MAKING ASSESSMENT.

Sec. 166. Before proceeding to make an assessment for any improvement mentioned in section 154, 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 for, and the amount to be assessed. The Council shall also give at least four days' notice to the same effect to all property owners interested or person in possession or their agents residing in the city, if known to said Council. The notice required by this section may be made by deposition in the Postoffice a postal card or letter addressed to each property owner to be assessed, or his agent residing in the city, or to person in possession, at least four days prior to the making of an assessment, upon which card or letter shall be either printed or written substantially the notice above specified; but failure to give such personal notice shall in no wise affect the validity of said assessment or of any of the proceedings.

HEARING BEFORE MAKING ASSESSMENT.

Sec. 167. All persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel, and the Council may receive any legal evidence and may adjourn the hearing, if necessary, from time to time, and place to place.

NOTICE OF HEARING, OBJECTIONS, HEARING ASSESSMENT.

Sec. 168. 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 powers in relation to such assessments

as are herein given in relation to assessments for the condemnation of real estate.

ASSESSMENT FINAL AND CONCLUSIVE.

Sec. 169. When said assessment is confirmed, it shall be final and conclusive upon all parties not appealing therefrom.

NOTICE OF CONFIRMATION.

Sec. 170. When any assessment of benefits has finally been confirmed by the Council, it shall forthwith cause a brief notice of the fact of such confirmation to be published once in the official paper.

ASSESSMENTS PARAMOUNT LIEN.

Sec. 171. All assessments levied under the provisions of this Charter shall be a lien on the real estate upon which the same may be imposed, from the date of the confirmation of such assessment, and of equal rank with the lien of the state for taxes which have been or may be levied upon said property under the general laws of the state; and the general rules or law 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 of time of the attaching of either of said liens, and a sale or perfecting title under either shall not bar or extinguish the other.

CITY CLERK SHALL KEEP RECORD OF ALL ASSESSMENTS.

Sec. 172. The City Clerk shall keep in his office, in books provided for that purpose, a correct record of all assessments, confirmed by the Council; the said books to be properly ruled and headed so as to contain at all times a substantial description and history of each assessment on each lot and parcel of ground, whether payable in installments, as hereinafter provided, and whether paid to the city or county treasurer or whether remaining unpaid.

ASSESSMENTS PAYABLE IN INSTALLMENTS.

Sec. 173. When such assessment is fully completed and has been confirmed and established, the council shall by resolution in writing, provide the manner in which such assessment shall be paid.

THE COUNCIL MAY BY SUCH RESOLUTION PROVIDE:

(1.) That such assessment shall be paid within thirty days from the date of the notice provided by Section 170.

(2.) That such assessment may be paid in any manner as provided by the Statutes of the State of Minnesota as in such case made and provided;

(3.) 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 six annual installments. If paid in 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 177 of this Charter.

WARRANT FOR ASSESSMENT.

Sec. 174. 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 as provided in Section 173 of this Charter.

WARRANT DELIVERED TO CITY TREASURER.

Sec. 175. 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 warrant and place the same on file.

TREASURER TO ORDER NOTICE ON WARRANT:

Sec. 176. Upon the receipt of any warrant for the col-

lection 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. If said assessment is payable in installments, such notice shall state the manner in which such installments are payable. If payable in the manner provided in Section 173, 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 six annual installments.

NOTICE OF ELECTION BY PROPERTY OWNERS.

Sec. 177. If said assessment is payable in installments in the manner provided by Section 173 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 the same time, pay the first installment then due and payable; upon failure to file such notice and pay such first installment, the whole of such assessment shall be due and payable the same as though no extension of time for payment had been provided for.

Upon the filing of such notice by any person interested, the City Treasurer shall divide the said assessment into 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 do so elect within the proper time, and permit any assessment which has become delinquent to be paid in installments as hereinbefore provided.

ELECTION-WAIVER OF DEFECTS.

Sec. 178. Any person making an election to pay in in-

stallments as provided in Section 173, his heirs, personal representatives or grantees, of any lot or parcel of land as to which an extension has been granted, shall be held to have recognized and assented to the validity and regularity of said assessment, and of all proceedings had thereon, prior to the granting of said application, and shall thereby forever be stopped from denying the validity of said assessment or the amount thereof.

INSTALLMENTS, WHEN DUE.

Sec. 179. 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 176 of this Charter.

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

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

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

RETURN OF CITY TREASURER TO CLERK OF DELINQUENT ASSESSMENTS.

Sec. 180. If the assessment charged in any special assessment warrant made for any improvement, or the first installment thereof, shall not be paid within thirty days after the publication of said notice by the City Treasurer, and the owner or person interested in the lot or parcel so assessed has neglected to make and file the notice of election and make the first payment as provided by Section 173, the City Treasurer shall return to the City Clerk, a list, duly certified, of the assessments which still remain unpaid, giving in such list the 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 therefor.

CITY CLERK TO TRANSMIT LIST TO COUNTY AUDITOR.

Sec. 181. The City Clerk shall on or before the first day of November, 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 the time said assessments became delinquent to the first day of October, of the year next following the making of said assessments, added thereto, with a description of the several lots and parcels of land on which the same are made, and the names of the respective owners thereof, if known, to be certified to the Auditor of Watonwan County. It shall be the duty of the said Auditor to enter the several amounts of said unpaid assessments and interest as aforesaid upon the tax duplicate of the County, at the time said duplicates are made up, and the same for such year ending November first, shall be carried to the tax becoming due or payable in January of the following year, and enforced and collected in the manner provided for the enforcement and collection of state and county taxes under and in accordance with the provisions of the general laws of the State. Such assessments when collected shall be paid over by the County Treasurer to the City Treasurer.

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

INSTALLMENTS NOT PAID WHEN DUE.

Sec. 182. If any installment and interest is not paid when due on the first day of October of each year, together with interest to that time on all future installments of the same assessment, the City Treasurer shall add a penalty of five per cent to the total amount thus delinquent and certify the same to the City Clerk, as a special tax on said property. The City Clerk shall thereupon certify the same to the Auditor of Watonwan County, in the same manner at the same time as in case of other delinquent assessments. The County Auditor upon receipt thereof, shall enter and carry out the same upon the proper tax duplicates of the County in the same manner as in other cases of unpaid assessments, certified to him under the provisions of this Charter, and the same shall thereupon be collected and payment thereof enforced the same as other taxes on real estate are collected and enforced and when collected, together with any penalties and interest on same, be paid over to the City Treasurer.

INSTALLMENTS MAY BE PAID BEFORE DUE.

Sec. 183. Any person or persons interested in any land against which an assessment has been levied, may, after such assessment has been divided into installments, pay one or more of the installments at any time before maturity upon the payment of thirty days interest in addition to the interest which has been already accrued.

INSTALLMENTS PARAMOUNT LIEN.

Sec. 184. Every installment, the time of payment of which has been extended, shall constitute and continue to be a paramount lien in favor of the city and against the lots or parcels of land as to which said extension is granted, for the amount so extended for each lot or parcel until the same is fully paid.

INFORMALITIES.

Sec. 185. 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 Watonwan County, as hereinbefore required, unless it shall appear that by reason of such informality or irregularity substantial injury has been done to the person or persons claiming to be aggrieved.

NEW ASSESSMENT. WHEN.

Sec. 186. If for any cause the proceedings of the Council or any of its officers, be found irregular or defective, whether such defects are jurisdictional or otherwise, the Council may make a new assessment as often as need be, upon all real estate benefited on which no payment has been made for said improvement until the full amount of all benefits assessed have been realized from the real estate benefited by such improvement.

POWER TO PURCHASE PROPERTY OR TAKE ASSIGNMENT OF LIENS.

Sec. 187. In order to protect the lien of the city on special assessments, the Council shall, whenever necessary, have power to purchase any lot or parcel of land at any tax sale or take an assignment of any lien on same against which the city has a lien for special assessment, and may

sell and assign any such lien held by the said city, and otherwise take such action as will protect the interests of the city.

COUNCIL MAY ISSUE WARRANTS.

Sec. 188. The Council is hereby authorized in anticipation of the levy, and collection of such assessment, whether divided into installments or not, to issue warrants on the permanent improvement revolving fund, payable at such times, and in such amounts as in the judgment of the Council the said assessments will provide for, which warrants shall bear interest at a rate not exceeding six per cent per annum, payable annually, on the fifth day of October, and may have coupons attached representing each year's interest. Such warrants shall be non-assessable and shall state upon their face for what purpose they are issued, and that they are payable out of the permanent improvement revolving fund, and shall be signed by the Mayor and counter-signed by the City Clerk under the seal of the City, and be in denominations of not more than one thousand dollars each. Such warrants may be used in making payments on contracts for making the improvements for which the assessments are made, or may be sold for cash, at not less than par value thereof, and the proceeds thereof credited to the permanent improvement revolving fund, and used for paying for the said improvement. It shall be the duty of the City Treasurer to endorse on each warrant issued as aforesaid, on presentation to him, the Postoffice address of the owner, and in case of assignment of any such warrant, the holder shall present the same to the City Treasurer for endorsement of the Postoffice address of such assignee. The City Treasurer shall keep a proper record of the Postoffice addresses of the holders of all warrants issued as aforesaid. It shall be the duty of the City Treasurer to pay such warrants and interest coupons as they mature and are presented for payment, out of the fund on which they are drawn and to cancel the same when paid. Any indebtedness created by the issuance of any such warrants, shall not be deemed a part of the total indebtedness of the city, which the city is hereinbefore forbidden to incur to exceed five percent of the total value of the taxable property in such city according to the last preceding assessment for city purposes.

Every warrant as aforesaid shall contain the following proviso:

"The City of St. James reserves the right to pay this warrant 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 warrant, it shall be the duty of the City Treasurer to notify the holder of such warrant that there is money in the city treasury for the payment of the same. Said notice may be given by mail addressed to the last known Postoffice address of the owner of said warranty, and if such address is unknown, such notice shall be addressed to such person at St. James, Minnesota. Proof of such mailing shall be made by the affidavit of the person mailing the same, and shall state the time and manner of mailing and how each notice was addressed, and such affidavit shall be filed and preserved in the office of the City Treasurer. Said warrant shall draw no interest after thirty days from the mailing of said notice.

APPEAL TO THE DISTRICT COURT.

Sec. 189. 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 of Watonwan County, within thirty days after the publication of the notice provided for in Sections 166, 168, 170 and 176 of this Charter.

APPEAL. HOW MADE. PROCEDURE ON APPEAL.

Sec. 190. Said appeal shall be made by filing a written notice with the City Clerk, stating that appellant appeals to the said District Court from said assessment and containing a description of the property of said appellant so assessed and the objection of said appellant to such assessment, and by filing with the Clerk of the 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 Mayor of the city and filed in the office of the Clerk of the District Court. In case of an appeal, it shall be the duty of the City Clerk forthwith to prepare and deliver to the appellant a copy of the assessment roll as confirmed; it shall be necessary to include in said copy only those pages of said roll which are pertinent to the property involved in such appeal, which copy shall within fifteen days after taking of such appeal

be filed by the appellant in the office of the Clerk of said Court. The District Court may for good cause shown, grant further time for filing such certified copy, or may, when necessary require a further return to be made. The cause shall be entered by the Clerk in the name of the person taking such appeal against the City as an "Appeal from Assessments," and may be brought on for hearing by either party and shall have the preference in order of trial over all civil cases pending in said court.

PROCEDURE IN DISTRICT COURT ON APPEAL.

Sec. 191. Such appeal shall be tried by the court without a jury, except that in condemnation proceedings either party may demand a jury trial, at a general or special term, without pleadings other than as above stated. Upon such trial appellant can make no other objections to said assessment than those stated in his notice of appeal, but the Court, may, in its discretion permit such notice to be amended in this respect at any time. The court shall hear such competent evidence as may be offered by either party, and may revise, correct, amend, increase, reduce or confirm the assessment appealed from, or may order a new assessment to be made as to the property concerning which such appeal is taken, and in that event shall direct the Council how to make such new assessment so as to avoid the errors complained of.

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

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

COPY OF ORDER SENT TO THE CITY TREASURER— PROCEEDINGS.

Sec. 192. It shall be the duty of the Clerk, of the District Court within twenty days after such order is filed by the Court, to make a copy of the order made by the Court

in said proceedings and deliver the same to the City Treasurer. Unless the Court orders a new assessment, the City Treasurer shall certify the assessments mentioned in said order of the District Court to the City Clerk in the same manner as other delinquent assessments are certified. And if the Court orders a new assessment, the City Treasurer on receipt of the copy of the order from the Clerk of the District Court as aforesaid shall immediately transmit the same to the City Clerk, and the Council shall thereupon proceed to make a new assessment.

RE-ASSESSMENT.

Sec. 193. If said assessment shall be set aside by the Court for any cause, jurisdictional or otherwise, the Council shall proceed de novo, to make a new assessment and it shall proceed in like manner and give like notice, as herein required, in relation to the first assessment and all persons in interest shall have like rights and the said Council shall proceed in any subsequent assessment, as in case of the first assessment.

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

COLLECTION OF ASSESSMENTS LEVIED BEFORE THIS CHARTER GOES INTO EFFECT.

Sec. 194. All assessments made by the city prior to the time this Charter goes into effect, shall be collected and the lien thereof enforced in the same manner and under the same provisions of law that they would have been collected under and lien thereof enforced if this Charter had not been adopted.

DIVISION 3.

Making of Improvements.

Sidewalks, Street Sprinkling.

PROVISIONS OF CHAPTER 10.

Sec. 195. Except as herein otherwise provided the provisions of Chapter 10 shall apply to contracts mentioned in this chapter in like manner as to other contracts of the city.

PLANS, PROFILES AND SPECIFICATIONS TO BE MADE.

Sec. 196. Whenever any public improvement shall be ordered made for which an assessment is to be made as aforesaid, the Council shall cause a plan or profile of the work proposed, together with specifications for the doing of the same to be prepared by the City Engineer which shall be deposited with the City Clerk and kept at all times open for public inspection. The Council shall, after making and filing of said plans, profiles and specifications, cause proposals for doing such work to be advertised for in the official paper of the city.

BIDS.

Sec. 197. The bids for doing such work shall be directed to the Council and shall be sealed in such manner that they cannot be opened without detection.

BIDS TO BE OPENED.

Sec. 198. Said bids shall be publicly opened by said Council at the time specified in the notice inviting proposals.

BIDS TO BE LET TO LOWEST BIDDER.

Sec. 199. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements. Provided however, that the Council may reject any bids which it shall deem unreasonable, or unreliable, and the Council in determining the reliability of a bid, may consider the question of the responsibility of the bidder, and his ability to perform his contract without any reference to the responsibility of the sureties on his bond; provided, that in case the Council shall deem all

such bids unreasonable, it may re-advertise for proposals; provided further that the Council may reject all bids for contract work made by any person or persons who shall have defaulted in any contract awarded by the city, except as to time, or who shall have refused to enter into a contract after the same shall have been awarded to him or them.

RIGHT TO SUSPEND WORK.

Sec. 200. The right shall be reserved in said contract, to the City Engineer, with the consent of the Council, in case of improper construction, to suspend the work at any time, or to order the entire re-construction of the same if improperly done.

ESTIMATE.

Sec. 201. In the course of the proper performance of the contract, the Council may from time to time not oftener than once a month, as the work progresses, allow to the contractor estimates of the amount already earned, less fifteen per cent thereof, which when ordered paid by the Council shall entitle said contractor to receive the amount so allowed out of the money applicable to the payment of such work. When the work has been completed by the contractor to the satisfaction of the Council and the City Engineer, the balance due may be audited and allowed by the Council.

CITY COUNCIL TO COMPLETE WORK.

Sec. 202. If, in the opinion of the Council, any work under contract does not progress each month so as to insure its completion within the time named in the contract, the Council and City Engineer shall have power to furnish and use men and material to complete the work and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due or to become due such contractor or may be collected from him or the sureties on his bond in a suit by the city.

PROPERTY OWNERS MAY CONSTRUCT STREETS.

Sec. 203. Property owners shall be allowed to construct streets and public improvements upon or through

their own property at their own expense in such cases and upon such terms and regulations as the Council may prescribe by resolution.

Sidewalks.

PLANS AND SPECIFICATIONS.

Sec. 204. The Council shall by resolution adopt and cause to be filed for inspection in the office of the City Clerk general plans and specifications to apply to and govern the building, relaying and repairing of all sidewalks in the city.

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

GRANT OF POWERS. DUTIES OF OWNERS.

Sec. 205. The Council shall have the right to cause to be constructed, sidewalks, along any of the public streets and highways of the city that it may deem necessary, and cause the same to be relaid, repaired or removed when necessary, and it is hereby made the duty of all owners of land adjoining any street or highway to construct, relay or repair or remove such sidewalk along the side of the street or highway next to the land of such owners respectively as may be ordered by the Council and according to the plans and specifications adopted therefor.

HOW ORDERED.

Sec. 206. Whenever the Council shall deem it necessary that any sidewalks in the city shall be built or relaid, it shall by resolution, direct such building or relaying, according to the plans and specifications adopted therefor.

The publication of such resolutions once in the official paper shall be sufficient notice to the owners of the land along which said sidewalk is to be built to construct the same, and unless such owners shall each, along his respective land construct and fully complete such sidewalk within thirty days after the publication of such resolution, the

the Council shall forthwith proceed to build or relay the same by contract as hereinbefore provided, under the direction of the City Engineer.

REPAIR OF SIDEWALKS.

Sec. 207. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the superintendent of the department of streets and alleys to immediately repair the same in a good and substantial manner and to report to the Council the cost of such repairs in each case, with a description of the lot or parcel of land abutting upon the sidewalks on which such repairs are made, and such reports shall be carefully filed and preserved by the City Clerk.

NOTICE OF MAKING ASSESSMENT.

Sec. 208. The said Council shall give ten days' notice by one publication in the official paper to the effect that at a certain time and place, it will proceed to make an assessment for constructing, relaying and repairing said sidewalks. Said notice shall briefly describe the location and nature of said improvements by streets.

ASSESSMENT TO WHAT AMOUNT AND ON WHAT PROPERTY.

Sec. 209. The Council shall assess the amount as nearly as it can, ascertain the same, which will be required to defray the cost of such improvement including the necessary expenses of making and collecting such assessment upon the real estate or lots of land benefited by said improvement to the amount of such benefit.

NOTICE OF CONFIRMATION OF ASSESSMENT.

Sec. 210. When said assessment is completed the Council shall give ten days notice by one publication in the official paper, to the effect that at a time and place therein specified, said assessment will be confirmed unless sufficient cause is shown to the contrary, and that objection must be filed one day before the time specified in said notice with the City Clerk. The Council shall proceed on the hearing in the same manner and shall have the same power to re-

visé, correct and confirm or set aside such assessment or to proceed de novo as in cases of other assessments.

ASSESSMENTS. FINAL AND CONCLUSIVE.

Sec. 211. Said assessment when confirmed shall be final and conclusive, unless appealed from as provided by Section 190, and the sections following of this charter, and shall be collected and enforced as other assessments made under Division 1 of Chapter 12 of this Charter. In case of an appeal said appeal shall not delay or affect the collection of the assessment, except as to the property appealed from. Council may complete or re-let Contract.

Sec. 212. Whenever the contractor shall fail to build, repair or relay any sidewalk within the time, designated by said Council or in any other respect fails to comply with the terms of his contract the Council shall have power to furnish and use man and material to complete the work and charge the expense to the contractor, and the same shall be deducted from any money due or to become due such contractor or may be collected from him or his sureties by suit or the Council may advertise for bids for the completion of the incompleting part of said contract, and let the contract in the same manner as hereinbefore provided in case of the original contract. The decision of the Council that said contractor has failed to comply with said contract shall be final and conclusive as between said contractor and the city, and the defaulting contractor and his sureties shall be liable to the city for all damages resulting from his failure to perform such contract.

ESTIMATES ON CONTRACT.

Sec. 213. In case the contractor shall properly perform his contract, the said Council may, from time to time, not oftener than once a month as the work progresses, allow the contractor estimates of the amount already earned, less fifteen per cent thereof, which may be paid out of the moneys applicable to said work.

Street Sprinkling.

SPRINKLING DISTRICTS.

Sec. 214. The Council may divide the city into sprinkling districts without reference to ward lines. Said districts shall be designated by numbers as follows to-wit:

Sprinkling district number one, sprinkling district number two, etc.

PROPOSALS TO BE ADVERTISED.

Sec. 215. The Council may each year cause proposals to be advertised for, in the official paper, in the same manner as in the case of other public improvements, for the sprinkling of streets, avenues, alleys, parks or other public grounds of any part thereof, in each and all of said sprinkling districts which may be ordered sprinkled by the Council.

PLANS AND SPECIFICATIONS.

Sec. 216. General plans and specifications applicable the day named for the receipt of said proposals, to all sprinkling that may be ordered by the Council shall be made and filed with the City Clerk at least ten days before

CONTRACT—HOW LET.

Sec. 217. Sprinkling contracts shall be let and made in the same manner as provided for in cases of local improvements.

COUNCIL MAY ORDER SPRINKLING. WHEN.

Sec. 218. The Council may order sprinkling to be done whenever and wherever it deems the public interest or sanitary or other causes require.

PROCEDURE AFTER SPRINKLING IS ORDERED TO BE DONE.

Sec. 219. Whenever the Council shall order any sprinkling to be done, it shall cause the sprinkling contractor to be notified thereof and such sprinkling to be done, and it shall be the duty of the superintendent of the department of streets and alleys to cause such sprinkling to be duly inspected and to be done in accordance with the contract, and report the fact to the Council, who shall cause an assessment to be made for said sprinkling in the manner hereinafter provided.

NOTICE OF ASSESSMENT FOR SPRINKLING.

Sec. 220. On the first day of September of each year or as soon thereafter as practicable, the Council shall give

at least ten days notice by one publication in the official paper, to the effect that at a certain time and place it will meet to make an assessment for sprinkling. Said notice shall briefly describe the location of the streets sprinkled, by streets and districts.

ASSESSMENTS. ON WHAT PROPERTY MADE.

Sec. 221. The Council shall assess the amount as nearly as possible which will be required to defray the cost of such sprinkling including the expense of assessment upon the real estate benefited to the amount of such benefit.

NOTICE OF CONFIRMATION OF ASSESSMENT.

Sec. 222. When said assessment is completed, the Council shall give ten days notice by one publication in the official paper, to the effect that at a time and place therein specified, said assessment will be confirmed unless cause is shown to the contrary; and that objections must be filed at least one day before such time, with the City Clerk; such objections shall be made and filed in the same manner and the Council shall proceed in hearing the same, and shall have the same power to revise, correct, confirm or set aside such assessment, and proceed de novo, as in case of other assessments for local improvements.

ASSESSMENTS, FINAL AND CONCLUSIVE.

Sec. 223. Said assessment, when confirmed, shall be final and conclusive unless appealed from as provided by Section 190 and the following sections of this Charter, and shall be enforced as other assessments made under this Charter, and collected as under Sections 180, 181 and 182 of this Charter; provided, a reference in the City Treasurer's notice to the number of the sprinkling district for the sprinkling of which such assessment has been made, shall be deemed a sufficient reference to the territory embraced in such assessment and provided further, that said assessment shall not be divided into installments.

In case of an appeal, said appeal shall not delay or affect the collection of the assessment, except as to the property appealed from.

RIGHT OF CITY IN CASE OF DEFAULT OF CONTRACTOR.

Sec. 224. In case the contractor shall in anywise fail to perform his contract, the Council is hereby empowered to do every act relative to such contract and contractor as in case of a similar default by a contract for the construction of a sidewalk, with like result to such contractor and his sureties.

SPRINKLING BY CITY--ASSESSMENT.

Sec. 225. Nothing herein contained shall prevent the Council from purchasing the necessary tools, equipment and material and sprinkling any street, highway, public place or sprinkling district in the city, and making assessments for said sprinkling as hereinbefore provided. Providing, however, the Council may pay fifty per cent of the assessment for said sprinkling out of the general funds of the city.

CHAPTER 13.

Water Works.

POWER OF COUNCIL.

Sec. 226. The Council shall have power to maintain the waterworks now established, and to enlarge, extend and improve the same or contract for a new system of water works at any time when public necessity demands.

WATER MAINS AND PIPES. WHERE LAID.

Sec. 227. The Council shall have the right to lay water mains and pipes in any and all streets, alleys, highways and public grounds in or outside of the city, and regulate service pipes and designate what kind of material to be used therefor.

CHAPTER 14.

Vacating Streets and Alleys.

POWER OF COUNCIL.

Sec. 228. The Council shall have exclusive power to vacate or discontinue public street, alleys or highways or

any portion thereof in the city, but no such vacation or discontinuance shall be granted or ordered by Council, except upon the verified petition in writing of one or more of the owners of real property on that portion of such street, alley, or highway proposed to be vacated. Such petition shall state the reason for such vacation, and briefly describe the street, alley or portion thereof desired to be vacated. The City Council upon presentation of such petition at any special or regular meeting may thereupon order such petition to be filed with the City Clerk, who shall immediately make and publish in the official paper a notice for the period of two successive weeks, at least once in each week, stating that such petition has been filed with the City Clerk and its object in brief, and that such petition will be heard and considered by the Council at a time and place specified therein, which time and place shall be fixed by the Council at the time of the acceptance of such petition, and the time of hearing such petition shall be at least ten days after the last publication of said notice.

HEARING.

Sec. 229. The Council at the time and place appointed shall investigate and consider the subject involved in said petition and may view the premises and shall hear all testimony offered for or against said petition.

ORDER OF COUNCIL.

Sec. 230. The Council after hearing such petition may by resolution passed by a four-fifths vote of its members grant the prayer of the petition and order and declare such street, alley or highway vacated and discontinued.

PUBLICATION OF RESOLUTION.

Sec. 231. Upon the passage of such resolution and the approval thereof by the Mayor as in other cases, and upon the same being countersigned by the City Clerk, it shall be published once in the official paper of the city.

COPY OF RESOLUTION TO BE FILED WITH THE REGISTER OF DEEDS.

Sec. 232. A copy of such resolution duly certified to by the City Clerk to be a true copy, shall immediately after such publication be filed with the Register of Deeds of the County of Watonwan and duly recorded in his office.

CHAPTER 15.

LIABILITIES FOR CAUSING DEFECTS IN STREETS.

Sec. 233. All persons who shall cause or maintain any obstruction, excavation or defect in any street, alley, bridge, sidewalk, thoroughfare or public ground of the city by means of which a claim for damages shall arise against the city, shall be liable for such damages to whomsoever shall be entitled to recover the same from the city; and no action for such damages shall be brought or maintained against the city unless such person or persons shall be joined as defendants; and in case of judgment against the defendants in such action, execution shall issue only against the defendant causing such deficiency, and the city shall not be required to take steps to pay such judgment, until such execution shall be returned unsatisfied; and if the city shall pay such judgment it shall become the owner thereof, and may enforce payment of the same from the other defendants, and shall be entitled to execution thereon against them and to take such other proceedings as judgment creditors are entitled to take.

SUMMONS PUBLISHED IF CO-DEFENDANT IS A NON-RESIDENT.

Sec. 234. Whenever any party is joined with said city as co-defendant in any action for the insufficiency of any street, alley, bridge, sidewalk, thoroughfare, or public ground, and any such party is not a resident of and cannot be found within the state, service of summons in such action may be made upon such defendant upon like evidence and in like manner as prescribed by general laws for service by publication in other actions.

ACTION AGAINST THE CITY FOR DAMAGES.

NOTICE.

Sec. 235. No action shall be maintained against the city on account of any defect in any street, road, bridge, sidewalk, public utility or other public place, or by reason of the negligence of its officers, agents or servants, unless such street or highway upon which said injury happened is actually open, used and traveled by the public as a street or highway, nor unless the person claiming to have sustained such injury or loss, or his lawful representative, shall within thirty days, or if the alleged injury shall have re-

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sulted in the death or insanity of the person injured, the within sixty days after the happening of such injury or loss present his claim for compensation, damages or other relief on account thereof, to the Council in writing; stating the time when, the place where, and the circumstances under which said injury or loss occurred, and the amount of compensation or the nature of the relief demanded from the city, and give said Council ten days time after such claim is presented, within which to decide upon the course it will pursue with relation to such claim; nor shall any such action be maintained unless the same shall be commenced within one year after happening of such alleged injury or loss.

NOTICE BY THE CITY OF DEFECT.

Sec. 236. In the prosecutions of actions against the city for personal injuries growing out of defective or improperly constructed highways, bridges, culverts, streets, alleys, sidewalks, or public utilities, it shall be necessary in order to maintain said action for the plaintiff to allege and prove that the defect or want of repair complained of existed for more than ten days immediately prior to the time of the happening of the injury, or that said city has actual notice and knowledge of such defect or want of repair at the time such injury happened.

CHAPTER 16.

Franchises.

ORDINANCES, GRANTING FRANCHISE.

Sec. 237. 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 except franchises granted previous to the adoption of this Charter, 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, and before any such ordinance shall be in force it shall be submitted to the qualified voters of the city at some general or special election in the manner that other ordinances are submitted under the provision of section 65 of this Charter.

REGULATION OF RATES.

Sec. 238. 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 services rendered by it to the city, but such prices shall be fair and reasonable to such corporation or person and to the public. The manner in which such rate shall be regulated shall be fixed by the council by ordinance and said council shall have the right and is hereby authorized to prescribe by ordinance for the appointment of commissioners to fully investigate and hear and determine all questions with reference to rates to be charged by such corporation or person, and the council may further provide by ordinance that every person or corporation exercising any franchise in the city, shall pay a gross earnings tax, provide the amount thereof and the method of its collection.

REPORT.

Sec. 239. Every corporation or person exercising any franchise in the City of St. James shall file annually on the first Monday in February, in the office of the clerk, a statement subscribed and sworn to by some officer of such corporation or person who knows the facts, setting forth in detail for the preceding calendar year, the then actual cost of the plant or business operated by such party, the actual incumbrance, debts, obligations thereon, if any, the amount of the stock issued, and to whom, the gross earnings, the expenses and the net income, and the amount of stock of any such corporation. Said statement shall be open to public inspection, and if the owner of any such franchise refuses or neglects to file such report as herein provided, the council may proceed by ordinance to cancel and revoke such franchise.

CHAPTER 17.

Miscellaneous Provisions.

CITY CLERK.

Sec. 240. The City Clerk shall have the power to administer oaths and affirmations, and to take and certify acknowledgments of deeds and other instruments in all cases in which the same are required or sanctioned by law.

INSPECTION OF RECORDS.

Sec. 241. All records, books, and papers pertaining to

the business of the city, or any department thereof, shall be public and open to the inspection of any citizen of the city at all reasonable times and places.

APPROVAL OF PLATS.

Sec. 242. The Council shall have the sole power to accept and approve all plats of property within the city, and to prescribe the width and location of streets and alleys required in such plats. 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.

SUCCESSION.

Sec. 243. When this Charter takes effect the City of St. James, shall be and become the legal successor of the City of St. James as theretofore organized and shall be vested with all franchises, rights, and immunities formerly vested in said city, except as hereinbefore otherwise provided.

All property and property rights and interests of every kind and nature formerly vested in the City of St. James, 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 St. James under this Charter, and all previously existing indebtedness, obligations and liabilities of the City of St. James or any board or department thereof, shall together with all interest accrued or to accrue thereon, be assumed and paid by The City of St. James. Providing however, that nothing herein contained shall be construed as relieving any property heretofore detached from this city from its liability, on account of any outstanding bonded indebtedness of this city, existing at the time of its separation

ORDINANCES, ETC., LEFT IN FORCE.

Sec. 244. Nothing herein shall be understood or construed as repealing, amending or modifying any city ordinance, resolution, rule or order, which may be in force in the City of St. James at the time this Charter goes into effect and becomes operative, except so far as the same 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 herein provided for.

LIBRARY BOARD.

Sec. 245. The Mayor shall appoint a Library Board, and all the provisions of the statutes of Minnesota now, or hereafter, in force shall apply to the library board of the City of St. James, such appointment to be approved by the Council.

ACQUIRING, HOLDING AND SELLING PROPERTY.

Sec. 246. The City Council on behalf of and for the city may purchase and hold real and personal property, for public purposes, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

ADDITIONAL DUTIES.

Sec. 247. The City Council may, at any time, require other and further duties to be performed by any officer, whose duties are prescribed in this Charter; provided that such further duties are not inconsistent with this charter.

PUBLIC IMPROVEMENTS.

Sec. 248. When the council shall determine to make any public improvement which it has authority to make under this charter, and no specific procedure is in this charter provided therefor, the council may proceed to condemn property and to award damages, and in proper cases, to assess benefits, according to any method or procedure prescribed in this charter, applicable thereto.

JAIL FEES.

Sec. 249. The City of St. James, shall not be liable in any case for the board or jail fees of any person who may be committed by any officer or magistrate of the city to the jail of Watonwan County under the state laws.

FINES AND PENALTIES.

Sec. 250. In all cases of the imposition of any fines or penalties or the rendering of judgment by the municipal court when established, or, justice court of said city, pursuant to any statute of the State of Minnesota, or pursuant to any ordinance of said city, as punishment for any offense, or for the violation of any ordinance, aforesaid, the offender shall forthwith be committed to the city prison, the common jail of the county or any other place of detention provided by the city and there be imprisoned for a term not exceeding ninety (90) days in the discretion of the municipal court, or justice court, unless the said fine or penalty be sooner paid or satisfied, (and from time of arrest of any person or persons for any offense whatever) and until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no city prison, in the county jail of the county; provided, that nothing contained herein shall prevent the city council from providing by ordinance for subjecting any male offender to be kept at hard labor upon the public streets.

AMENDMENTS.

Sec. 251. This Charter may be amended at any time by the board of freeholders proposing any amendment to the people, which shall be published as provided by law, and if accepted by three-fifths of the qualified voters of said city voting at the next election, shall be declared adopted and shall thereupon become a part of this Charter; upon the application of ten per cent of the legal voters of said city by written petition addressed to, and filed with the Charter commission of said city, such commission shall submit to the vote of the people any amendment to this charter endorsed by such application and petition which submission shall be made in the manner provided by law.

CHARTER TO BE PUBLIC LAW.

Sec. 252. This Charter is hereby declared to be a public act and may be read in evidence in all Courts in this State, and need not be pleaded or proven.

To The Honorable Ned A. Peck, Mayor of the City of St. James:

We, the undersigned, appointed by the Judge of the District Court of the Sixth Judicial District of Minnesota, as a board of Free Holders to prepare and present a proposed new charter for the City of St. James under the provisions of Section 36 of Article 4 of the Constitution of the State of Minnesota, and Sections 1342 to 1353, inclusive, of the General Statutes of Minnesota for 1913, and the acts amendatory thereof and supplemental thereto, do hereby submit to you the foregoing draft of the proposed new charter of The City of St. James in Watonwan County, Minnesota.

Dated this 30th day of July, 1917.

E. A. GIBBS,
Chairman.

J. K. SONNESYN,
C. C. ANDERSON,
W. G. MANNING,
C. ELLSWORTH,
E. Z. RASEY,
C. T. CROWLEY,
C. H. ENGELBRACHT,
C. E. FULLER,
G. A. SCHOFFMAN,
JOHN PEDVIN,
G. E. GILBERTSON,
J. C. RANSEEN,
THOMAS TONNISSON

J. L. LOBBEN,
Secretary.

STATE OF MINNESOTA }
County of Watonwan } ss
City of St. James }

I hereby certify that the within and foregoing proposed charter, signed by the Board of Freeholders, was delivered to me on the 15th day of January, 1918.

NED A. PECK,
Mayor.

STATE OF MINNESOTA }
County of Watonwan } ss
City of St. James }

This is to certify that the within charter was, on the 26th day of March, 1918, submitted by the Common Council of the City of St. James, to the qualified voters of the City of St. James, at a special election then and there had in accordance with the laws of this state, at which election said charter was duly ratified and adopted by a vote of two hundred and eighty-three for and eight against.

Dated this 28th day of March, 1918.

NED A. PECK,
Mayor.

(Seal of the City of St. James)

STATE OF MINNESOTA)
COUNTY OF WATONWAN) SS.
CITY OF ST. JAMES)

I, Ned A. Peck, Mayor of the city of St. James, do hereby certify that I have compared the within Charter of the city of St. James with the charter signed by the Board of Freeholders for the said city and which was delivered to me on the 15th day of January, A. D. 1918, and that the foregoing is a true and correct copy and duplicate of the same and of the whole thereof.

And I hereby further certify that the said Charter was, on the 23th day of March, 1918, duly submitted by the Common Council of the city of St. James to the qualified voters thereof, at a special election then and there held in accordance with the laws of this state, at which election the said Charter was duly ratified and adopted by a vote of two hundred and eighty-three for, and eight votes against.

Dated this 4th day of April, 1918,

Ned A. Peck

Mayor.

#2431

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STATE OF INDIANA
DEPT. OF REVENUE

Filed in the office of the State of
State this APR 6 1921
of

Julius A. ...
Secretary of State

RE-INDEXED

MAY 12 1921

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