

Exhibit "A"

P E T I T I O N .

To the Board of County Commissioners of the County of Mille Lacs, State of Minnesota:--

The undersigned respectfully represent:--

1. That they are all voters residing within the territory hereinafter described and proposed to be incorporated as a village.

2. That the territory proposed to be incorporated as a village is all of Sections eight (8) and seventeen (17), in Township forty-two (42) North, Range Twenty-five (25) West, in Mille Lacs county, in the state of Minnesota, according to the government survey thereof.

3. That none of the territory so proposed to be incorporated into a village is within the limits of any incorporated village or city; that a part of said territory, to-wit: a part of Lots one (1) and two (2), and the southeast quarter of the northeast quarter (SE¹ of NE¹), and the northwest quarter of the southeast quarter (NW¹ of SE¹) of said Section seventeen (17) has heretofore been platted into lots and blocks, which plat has been duly named and designated as Wahnkon; that Lot three (3) of said Section seventeen (17) has heretofore been platted into lots and blocks, which plat has been duly named and designated as Potts Town; that a part of Lot four (4) in said Section seventeen (17) has heretofore been platted into lots and blocks, which plat has been duly named and designated as Lawrence; that each of said plats has been heretofore duly and legally certified to according to the laws of the state of Minnesota, and filed in the office of the register of deeds in and for said Mille Lacs county; that all the land within said Sections eight (8) and seventeen (17) which has not been platted into lots and blocks as aforesaid are adjacent to and adjoin said platted portions of said Sections eight (8) and seventeen (17) and are so situated and conditioned as properly to be subject to village government.

4. That during the week ending September 14, 1912, your said petitioners caused a true census of the resident population of said Sections eight (8) and seventeen (17) to be taken; that as a fact and according to said census so taken, there is within said Sections ~~xxxx~~ ~~xxx~~ a resident population of less than three thousand (3000) and more than two hundred (200), the number of actual residents within said sections in fact and according to said census being two hundred fifty-nine (259); that the quantity of land embraced within said Sections eight (8) and seventeen (17) is five hundred ninety-five and twenty-five one-hundredths acres (595.25), and the name of the village which is proposed to be incorporated is "Wahnkon."

WHEREFORE, Your petitioners pray that you will call an election for the determination of such proposed incorporation of said village, pursuant to the statute in such case made and provided.

(Signed)

H. Ash
Geo. E. Sloan
G. R. Zickrick
Frank P. Morneau
C. M. Halgren
John L. Bezanson
J. L. Travers
T. B. Potts
Wm. Droeger
J. W. Thorstad
S. F. Wilson
I. M. Huftelen
Calvin Bezanson
W. H. Sanborn
Wesley Clin
George R. Haggard
W. A. Robbins
Wm. D. Ferguson
O. A. Ladson

D. H. McGuig
R. A. McGuig
Chas. Tierney
D. G. Wilkes
F. C. Stalker
Jas. Conat
E. M. Morneau
H. E. Kallher
P. G. Kibbey
J. L. Gerrish
Peter Bersaw
H. E. O. Ayres
T. R. McCormic
Alf. E. LeBlanc
Vollie Behn
George Matlocks
Peter Hiller
George Wilkins

Filed in my office this
18th day of Sept. 1912.
Chas. Doane
County Auditor.

2421

Exhibit "A." (Cont)

State of Minnesota, {
County of Mille Lacs. } ss.

Geo. E. Sloan, T. R. McCormic and G. R. Zickrick, being duly sworn, each for himself, deposes and says:

That he is one of the signors of the foregoing petition; that he has read said petition and knows the contents thereof, and that the same is true; that during the week ending September 14, A. D. 1912, said Geo. E. Sloan, T. R. McCormic, ^{and G. R. Zickrick} ~~and G. R. Zickrick~~ took a true and accurate census of the actual resident population of the territory proposed to be incorporated as a village, to-wit: Sections eight (8) and seventeen (17), in Township forty-two (42) north, of Range twenty-five (25) west, in Mille Lacs county, Minnesota, according to the government survey thereof; that as a fact, and according to said census, there is within said territory a resident population of less than three thousand (3000) and more than two hundred (200); and that the number of actual residents within said territory as a fact and according to said census is two hundred fifty-nine (259).

(Signed) Geo. E. Sloan.
T. R. McCormic.
G. R. Zickrick.

Subscribed and sworn to before me this sixteenth day of September, 1912.
P. H. Morneau,

Notary Public, Mille Lacs County, Minn.
My commission expires February 3rd 1917.

(Notarial Seal, Mille Lacs Co., Minn.)

Filed in my office this
18th day of ~~Sept~~ 1912
J. A. Doane
County Auditor.

Exhibit "B"

RESOLUTION.

Whereas, a petition signed by more than twenty-five voters residing within Sections eight (8) and seventeen (17), in Township forty-two (42) north, of Range twenty-five (25) west, in Mille Lacs county, Minnesota, has been presented to the Board of County Commissioners of said county, petitioning said Board of County Commissioners to call an election for the determination of the proposition to incorporate said Sections eight (8) and seventeen (17) as a village, to be known as the village of Wahkon, which petition, verified as required by law, sets forth the boundaries of the territory proposed to be incorporated as such village, the quantity of land embraced therein, the number of ^{actual} residents thereon, and the name of the proposed village;

Now, therefore, be it resolved, by the Board of County Commissioners of said Mille Lacs county, that said petition be and the same hereby is approved.

Be it further resolved, that an election be held from nine o'clock in the forenoon to five o'clock in the afternoon on

Saturday day, the 26th day of October, 1912,

within the territory so proposed to be incorporated, to-wit: in Hiller's Hall, being the ground floor of the building situated upon the front of Lot thirteen (13), in Block sixteen (16) in the townsite of Wahkon, in said county, according to the recorded plat thereof in the office of the register of deeds of said Mille Lacs county, for the determination of the proposition to incorporate said territory into a village, at which election the voters residing within said territory so proposed to be incorporated may vote upon the question of the incorporation of said territory as a village to be known as Wahkon; and

that T. E. Potts, & G. R. Giesbrecht
and J. L. Dejean, residents of said territory,

be and they are hereby appointed inspectors to act as judges of said election, and to conduct the same according to law.

Be it further resolved, that a notice stating the time and place of holding said election, signed by the chairman of said Board of County Commissioners and the county auditor of said county, with a copy of said petition attached thereto, be posted in three public places within the boundaries of the said territory proposed to be incorporated into said village, not less than twenty (20) days nor more than thirty (30) days before the time hereinbefore fixed for said election; and that said notice, with a copy of said petition, be published prior to said election for two weeks in the Wahkon Enterprise, a newspaper published within the boundaries of said territory so proposed to be incorporated.

Dated this 1st day of October, 1912.

G. B. Bates

Chairman of the Board of County Commissioners,
Mille Lacs County, Minnesota.

Attest: G. W. Stone

County Auditor and ex-officio Clerk of Board.

Filed in my office this
1st day of Oct, 1912
G. W. Stone
County Auditor.

NOTICE OF ELECTION.

Exhibit B

WHEREAS, A petition has been presented to the Board of County Commissioners of Mille Lacs County, Minnesota, petitioning said Board of County Commissioners to call an election for the determination of the proposition to incorporate as a village, all of Sections eight (8) and seventeen (17), in Township forty-two (42) North, Range twenty-five (25) West, in said Mille Lacs county, according to the government survey thereof, a copy of which petition is hereto attached; and

WHEREAS, By a resolution duly adopted, said Board of County Commissioners has approved said petition and has fixed a time and place for holding an election for the purpose specified in said petition, and has ordered notices of said election to be given,

NOW, THEREFORE, Notice is hereby given, pursuant to said resolution, that an election will be held from nine o'clock in the forenoon until five o'clock in the afternoon on Saturday day, the 26th day of October ~~Dec~~, 1912, within the territory so proposed to be incorporated, to-wit: In Hiller's Hall, being the ground floor of the building situated upon Lot thirteen (13), Block sixteen (16), in the Townsite of Wahkon, in said county, according to the recorded plat thereof, for the determination of the proposition to incorporate said territory, said Sections eight (8) and seventeen (17), into a village to be known as the Village of Wahkon, at which election the voters resident within said territory so proposed to be incorporated may vote upon the question of the incorporation of said territory as such village.

By order of said Board of County Commissioners.

Attest: *W. C. Boone*
County Auditor.

H. C. Carter Chairman.

Dated at Princeton, Minn., this 1st day of October ~~Dec~~, 1912.

[Handwritten signature]

State of Minnesota,)
) SS.
County of Mille Lacs.)

Philip W.

We, the undersigned, G. R. Zickrick, J.L. Bezanson and

T. E. Potts, certify:-

That we are the persons named as inspectors and judges of election in a resolution passed and adopted by the Board of County Commissioners of Mille Lacs County on October 1st, 1912, in proceedings for the incorporation of the Village of Wahkon, in said County, a copy of which resolution is hereto attached;

That we acted as such inspectors and judges of election, that before acting as such we each took and subscribed an oath which is hereto attached;

That pursuant to said resolution we caused a notice of said election with the petition therefor to be posted in three public places within the territory proposed to be incorporated as the Village of Wahkon, affidavit and proof of such posting being hereto attached; and we caused said notice of election and petition therefor to be published twice in the Wahkon Enterprise, a newspaper published within said territory, affidavit and proof of which publication is also hereto attached, and said notice of election, together with a copy of said petition, are also hereto attached;

That said election was held at the time and place mentioned in said resolution and in said notice of election, to-wit:-from nine o'clock in the forenoon to five o'clock in the afternoon on Saturday, the 26th day of October, 1912, at Hiller's Hall, being the ground floor of the building situated upon the front of Lot Thirteen (13), in Block Sixteen (16), in the Townsite of Wahkon in said county, according to the recorded plat thereof in the office of the Register of Deeds of said County;

That we canvassed the ballots cast at said election; that the number of ballots cast FOR the proposition of incorporating said Village of Wahkon was Thirty-four (34), and that the number of ballots cast AGAINST the proposition of incorporating said Village of Wahkon was Five (5).

IN WITNESS WHEREOF, We have hereunto set our hands this 26th day of October, 1912.

G. R. Zickrick
John L. Bezanson
T. E. Potts

Inspectors and Judges of said Election.

State of Minnesota,)
) SS.
County of Mille Lacs.)

G. R. Zickrick, J.L. Bezanson and T.E. Potts, being duly sworn, each for himself, deposes and says, that the statements made in the foregoing certificate, subscribed by him, are true.

Subscribed and sworn to before me this 26th day of October, 1912.

G. R. Zickrick
John L. Bezanson
T.E. Potts.

Frank P. Morneau
Notary Public, Mille Lacs Co., Minn.
My Commission expires June 14th, 1914.
(Notarial Seal.)

State of Minnesota,)
) SS.
County of Mille Lacs.)

I, G. R. Zickrick, appointed by resolution of the Board of County Commissioners of Mille Lacs County, Minnesota, as an inspector and judge of election in proceedings for the incorporation of the Village of Wahkon, do solemnly swear that I will perform the duties of said judge and inspector of election according to law and the best of my ability, and will studiously endeavor to prevent fraud, deceit and abuse in conducting said election. So help me God.

G. R. Zickrick

Subscribed and sworn to before me this 26th day of October, 1912.

Frank P. Morneau,
Notary Public, Mille Lacs Co., Minn.
My Commission expires June 14th, 1914.
(Notarial Seal.)

Filed in my office this
27th day of Oct. 1912
W. A. Moore
County Auditor.

NOTICE OF ELECTION

WHEREAS, A petition has been presented to the board of county commissioners of Mille Lacs County, Minnesota, petitioning said board of county commissioners to call an election for the determination of the proposition to incorporate as a village, all of Sections Eight (8) and Seventeen (17), in Township Forty-two North (42), Range Twenty-five (25) West, in said Mille Lacs County, according to the government survey thereof, a copy of which is hereto attached; and

WHEREAS, By a resolution duly adopted, said board of county commissioners has approved said petition and has fixed a time and place for holding an election for the purpose specified in said petition, and has ordered notices of said election to be given,

NOW, THEREFORE, Notice is hereby given, pursuant to said resolution, that an election will be held from nine o'clock in the forenoon until five o'clock in the afternoon on Saturday, the 1st day of October, 1912, within the territory so proposed to be incorporated, to-wit:—In Miller's Hall, being the ground floor of the building situated upon Lot Thirteen (13), Block Sixteen (16), in the Townsite of Wahnkon, in said county, according to the recorded plat thereof, for the determination of the proposition to incorporate said territory, said Sections Eight (8) and Seventeen (17), into a village to be known as the Village of Wahnkon, at which election the voters resident within said territory so proposed to be incorporated may vote upon the question of the incorporation of said territory as such village.

By order of said Board of County Commissioners.
F. C. CATER,
Chairman.
Attest: W. C. DOANE,
County Auditor.

{ Official Seal }
Dated at Princeton, Minnesota, this 1st day of October, 1912.

PETITION.

To the Board of County Commissioners of the County of Mille Lacs, State of Minnesota:—

The undersigned represent:—

1. That they are all voters residing within the territory hereinafter described and proposed to be incorporated as a village.
2. That the territory proposed to be incorporated as a village is all of Sections Eight (8) and Seventeen (17), in Township Forty-two (42) North, Range Twenty-five (25) West, in Mille Lacs County, in the State of Minnesota, according to the government survey thereof.
3. That none of the territory so proposed to be incorporated into a village is within the limits of any incorporated village or city; that a part of said territory, to-wit:—a part of Lots One-1 and Two-2, and the Southeast Quarter of the Northeast Quarter -SE $\frac{1}{4}$ of NE $\frac{1}{4}$ -, and the Northwest Quarter of the Southeast Quarter -NW $\frac{1}{4}$ of SE $\frac{1}{4}$ - of said Section Seventeen-17- has heretofore been platted into lots and blocks, which plat has been duly named and designated as Wahnkon; that Lot Three-3- of said Section Seventeen-17- has heretofore been platted into lots and blocks, which plat has been duly named and designated as Potts Town; that a part of Lot Four-4- in said Section Seventeen-17- has heretofore been platted into lots and blocks, which plat has been duly named and designated as Lawrence; that each of said plats has been heretofore duly and legally certified to according to the laws of the State of Minnesota, and filed in the office of the Register of Deeds in and for said Mille Lacs County; that all of the lands within said Sections Eight-8- and Seventeen-17-, which has not been platted into lots and blocks as aforesaid are adjacent to and adjoin said platted portions of said Sections Eight-8- and Seventeen-17- and are so situated and conditioned as properly to be subject to village government.
4. That during the week ending September 14th, 1912, your said petitioners caused a true census of the resident population of said Sections Eight-8- and Seventeen-17- to be taken; that as a fact and according to said census so taken, there is within said sections a resident population of less than three thousand-3,000- and more than two hundred-200-, the number of actual residents within said sections in fact and according to said census being two hundred fifty-nine-259-; that the quantity of land embraced within said Sections Eight-8- and Seventeen-17- is five hundred ninety-five and twenty-five one-hundredths-595.25-acres, and the name of the Village which is proposed to be incorporated is "Wahnkon."

WHEREFORE, Your petitioners pray that you will call an election for the determination of such proposed incorporation of said Village, pursuant to the statute in such case made and provided.

PETITIONERS.

E. Ash	D. H. McCuaig
Geo. E. Sloan	R. A. McCuaig
G. R. Zickrick	Chas. Tierney
Frank P. Morneau	D. G. Wilkes
C. M. Halgren	F. C. Stalker
John L. Bezanson	Jas. Conat
J. L. Travera	P. M. Morneau
T. E. Potts	N. E. Kallher
Wm. Droeger	P. G. Kibbey
J. N. Thorstad	J. L. Gerrish
S. F. Wilson	Peter Bersaw
I. M. Huftele	H. O. Ayres
Carvin Bezanson	T. R. McCormic
W. H. Sanborn	Aif. E. LeBlanc
Wesley Olin	Volle Dehn
George R. Haggard	George Mattocks
W. A. Robbins	Peter Hiller
Wm. D. Ferguson	George Wilkins.
O. A. Ladsen	

STATE OF MINNESOTA,) ss,
County of Mille Lacs.

Geo. E. Sloan, T. R. McCormic and G. R. Zickrick, being duly sworn, each for himself, depose and says:—

That he is one of the signers of the foregoing petition; that he has read said petition and knows the contents thereof, and that the same is true; that during the week ending September 14, 1912, said Geo. E. Sloan, T. R. McCormic and G. R. Zickrick actually took a true and accurate census of the actual resident population of the territory proposed to be incorporated as a village, to-wit: Sections Eight—8— and Seventeen—17—, in Township Forty-two—42—North, of Range Twenty-five—25—West, in Mille Lacs County, Minnesota, according to the government survey thereof; that as a fact, and according to said census, there is within said territory a resident population of less than three thousand—3,000—and more than two hundred—200—; and that the actual residents within said territory as a fact and according to said census is two hundred fifty-nine—259.

Signed GEO. E. SLOAN.
 T. R. McCORMIC.
 G. R. ZICKRICK.

Subscribed and sworn to before me this 16th day of September, 1912.

P. M. MORNEAU,
Notary Public, Mille Lacs Co., Minn.
My commission expires February 3, 1917.
{ Notarial Seal, Mille Lacs County, Minn. }

Advertisement.

State of Minnesota,)
County of Mille Lacs.) SS.

I, J. L. Bezanson, appointed by resolution of the Board of County Commissioners of Mille Lacs County, Minnesota, as an inspector and judge of election in proceedings for the incorporation of the Village of Wahkon, do solemnly swear that I will perform the duties of said judge and inspector of election according to law and the best of my ability, and will studiously endeavor to prevent fraud, deceit and abuse in conducting said election. So help me God.

John L. Bezanson

Subscribed and sworn to before me
this 26th day of October, 1912.

Frank P. Morneau
Notary Public, Mille Lacs Co., Minn.
My Commission expires June 14th, 1914.

(Notarial Seal.)

State of Minnesota,)
County of Mille Lacs.) SS.

I, T. E. Potts, appointed by resolution of the Board of County Commissioners of Mille Lacs County, Minnesota, as an inspector and judge of election in proceedings for the incorporation of the Village of Wahkon, do solemnly swear that I will perform the duties of said judge and inspector of election according to law and the best of my ability, and will studiously endeavor to prevent fraud, deceit and abuse in conducting said election. So help me God.

T. E. Potts

Subscribed and sworn to before me this
26th day of October, 1912.

Frank P. Morneau

Notary Public, Mille Lacs County, Minn.
My Commission expires June 14th, 1914.

(Notarial Seal.)

PRINTER'S AFFIDAVIT OF PUBLICATION. *Exhibit C*

State of Minnesota,)
County of Mille Lacs.) SS.

George E. Sloan, being duly sworn, deposes and says:-

That he is the printer, publisher and proprietor of the Wahkon Enterprise, a newspaper printed and published within the limits of the Townsite of Wahkon, in Mille Lacs County, Minnesota, and within the territory described in the annexed petition for incorporation of the Village of Wahkon and in the annexed notice of election, and is the only newspaper which has been printed or published within said territory at any of the times hereinset forth;

That said newspaper is and at all times herein mentioned has been qualified as a medium of official and legal publications, pursuant to the requirements of Section 5515 of the Revised Laws of Minnesota for the year 1905 as amended;

That said Wahkon Enterprise is and during all the times herein mentioned has been published in the English language at said place on Thursday of each week, and is a weekly newspaper;

That the annexed notice of election and petition for incorporation of the Village of Wahkon was printed and published in said Wahkon Enterprise for two successive weeks, to-wit:- on the 10th day of October, 1912 and the 17th day of October, 1912, and was so published pursuant to an order and resolution of the Board of County Commissioners of Mille Lacs County, Minnesota;

That the annexed printed copy of notice and petition was cut and taken from the columns of said paper.

Geo. E. Sloan

Subscribed and sworn to before me this
26th day of October, 1912.

A. J. Wagner

Notary Public, Mille Lacs Co., Minn.
My commission expires March 14th, 1917

Filed in my office this
27th day of Oct. 1912
Geo. E. Sloan
County Auditor.

State of Minnesota,)
(SS.
County of Mille Lacs.)

Handwritten signature or initials in the top right corner.

Geo. E. Sloan, being duly sworn, deposes and says:-

That he is a citizen of the United States of the age of more than twenty-one (21) years, and a resident of the territory which it is proposed in the annexed petition and notice of election to incorporate as a village; that on the 5th day of October, 1912, affiant posted a copy of the annexed petition and the notice attached thereto, fixing the time and place for holding an election, in each of three public places in the boundaries, described in said petition, which it is proposed to incorporate into a village.

That one of said copies of petition and notice of election was posted by affiant at said time on the front of "Halgren's Cash Store", (the said building also being occupied by the United States Post Office), on Main Street, in the Townsite of Wahkon, according to the recorded plat thereof;

That another of said copies of petition and notice of election was at said time posted by affiant upon the south side of a barn belonging to T. E. Potts, said barn being located on and immediately adjacent to the main travelled road through and within the Townsite of Potts Town, according to the recorded plat thereof;

That another of said copies of petition and notice of election was at said time posted by affiant upon the front door of the building commonly known as the "Haggard Blacksmith Shop," said building being located on and immediately adjacent to the main travelled road (or street) through and within the Townsite of Lawrence, according to the recorded plat thereof.

Affiant further says that each of the places where he posted said petitions and notices, as hereinbefore set forth, is and was, at the time of posting the same, a public place within the boundaries described in said petition and in said notice of election hereto attached, which it is proposed to incorporate into the Village of Wahkon.

Geo. E. Sloan.

Subscribed and sworn to before me this
26th day of October, 1912.

A. J. Wagner,

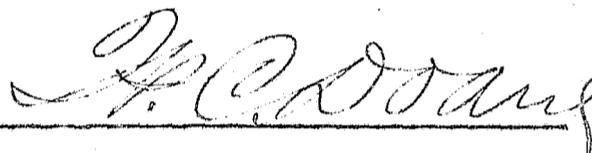
Notary Public, Mille Lacs County, Minn.
My commission expires March 14th, 1919.

(Notarial Seal.)

Filed in my office this
29th day of Oct. 1912
A. J. Wagner
County Auditor.

State of Minnesota,)
) (SS.
County of Mille Lacs.)

I, W. C. Doane, Auditor of said County of Mille Lacs, in the State of Minnesota, do hereby certify that I have carefully compared the copies hereto attached marked Exhibits "A", "B", "C", "D", "E", and "F", respectively, with their respective originals now on file in my office, and that each of said copies is a true and correct copy of its respective original, and every part thereof, including all signatures, filings and endorsements thereon, and that the whole is a complete, true, and correct copy of the document showing the incorporation of the Village of Wahkon in said County and that this certified copy is made in pursuance to Section 704, R.L. 1905 as amended.



County Auditor,
Mille Lacs County, Minn.

2421

Charter of the City of Duluth

CHAPTER I.

Name and General Powers.

Section 1. The City of Duluth, in the County of St. Louis and State of Minnesota shall continue to be, upon the adoption of this charter, a municipal corporation of the same name, and with the same boundaries as it now has, to-wit: Commencing at a point where the north line of section twenty-five (25), township fifty-one (51) north of range thirteen (13) west, in St. Louis County, Minnesota, intersects the shore line of Lake Superior; thence west to the northwest corner of section twenty-six (26), in said township fifty-one (51) north of range thirteen (13) west; thence south to the quarter corner post on the west line of said section twenty-six (26); thence west to the center of section twenty-seven (27) in said township fifty-one (51) north of range thirteen (13) west; thence south to the quarter corner post on the south line of said section twenty-seven (27); thence west to the northwest corner of section thirty-five (35) in township fifty-one (51) north of range fourteen (14) west; thence south to the southwest corner of said section thirty-five (35); thence west to the northwest corner of township fifty (50) north of range fourteen (14) west; thence south to the southwest corner of said township fifty (50) north of range fourteen (14) west; thence west to the northwest corner of section two (2) in township forty-nine (49) north of range fifteen (15) west; thence south to the southwest corner of section fourteen (14) in said township forty-nine (49) north of range fifteen (15) west; thence west to the northwest corner of section twenty-two (22) in said township forty-nine (49) north of range fifteen (15) west; thence south to the southwest corner of section thirty-four (34) in said township forty-nine (49) north of range fifteen (15) west; thence west on the town line between township forty-eight (48) north of range fifteen (15) west and township forty-nine (49) north of range fifteen (15) west, to the southwest corner of said township forty-nine (49) north of range fifteen (15) west; thence south on the range line between township forty-eight (48) north of range fifteen (15) west and township forty-eight (48) north of range sixteen (16) west, to the center line of the channel of the St. Louis River; thence along the center line of the channel of said river to the state boundary line be-

tween the States of Minnesota and Wisconsin; thence along said state boundary line to the mouth of the St. Louis River at the entry of the Bay of Superior between Minnesota and Wisconsin Points; thence in a straight line to the place of beginning.

By and in its corporate name, it shall have perpetual succession; save as herein otherwise provided and save as prohibited by the Constitution or statutes of the State of Minnesota, it shall have and exercise all powers, functions, rights and privileges possessed by the City of Duluth prior to the adoption of this charter; also all powers, functions, rights and privileges now or hereafter given or granted to municipal corporations of the first class having "home rule charters" by the Constitution and laws of the State of Minnesota; also all powers, functions, rights and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree; also all municipal power, functions, rights, privileges and immunities of every name and nature whatsoever; and in addition, it shall have all the powers, and be subject to the restrictions contained in this charter. In its corporate name, it may take and hold, by purchase, condemnation, gift or devise, and lease and convey any and all such real, personal or mixed property, within or without its boundaries as its purposes may require, or as may be useful or beneficial to its inhabitants.

CHAPTER II.

Elective Officers.

Section 2. The legislative and executive authority of the City shall be vested in a mayor and four commissioners, who shall constitute the City Council. The terms of office of the mayor and commissioners shall each be four (4) years and until their successors are elected and qualified, except that at the general municipal election in 1913, two of the commissioners shall be elected for two (2) years and two for four (4) years; and on the ballots and the petitions for nominations used for said 1913 election, the candidates for commissioners shall be designated as "short term" and "long term" candidates respectively.

Section 3. All powers of the City, unless otherwise provided in this charter, shall be exercised by, through and under the direction of the mayor and commissioners as the City Council. The mayor and commissioners shall be elected by the voters at large in said City and shall be subject to the control and direction of the people at all times, by the initiative, referendum and recall, provided for in this charter.

The mayor and commissioners shall devote their entire time, during business hours, to the service of the City, and shall not hold any other public office during their terms as such mayor and commissioners.

No person shall be eligible to the office of mayor or commissioner unless he be a citizen of the United States and of the State of Minnesota, and a resident of Duluth.

Section 4. The office of mayor or commissioner shall be deemed vacant in case of failure to qualify within ten (10) days after election, or by reason of death, resignation, removal from office, removal from the City, continuous absence from the City for more than three (3) months, conviction of a felony, or violation of any of the duties of office, which, by the provisions of this charter, render the office vacant.

If any such vacancy occurs (other than by recall or resignation after recall petition is filed), the council shall without delay appoint an eligible person to fill the same until the next municipal election, when the office shall be filled by election for the unexpired term.

Section 5. The mayor and commissioners shall each be paid a salary of Four Thousand Dollars (\$4000.00) per annum until the City has a population of one hundred thousand (100,000) inhabitants, after which such salary shall be forty-five hundred dollars (\$4500.00) per annum until the City has a population of one hundred and fifty thousand (150,000) inhabitants, after which such salary shall be five thousand dollars (\$5000.00) per annum. The salary in each case shall be payable in equal monthly installments. The population in each case shall be determined by the next preceding federal or state census.

CHAPTER III.

Council and Legislation.

Section 6. At its first regular meeting in 1913, and at its first meeting each second year thereafter, the council shall elect, by a majority vote, from among the four commissioners, a president, who shall be mayor and president of the council in the absence of the mayor, or in case of his inability to serve. The mayor shall be president of the council, and the chief executive officer of the City. He shall sign all bonds and contracts, and all other obligations required to be signed by the chief executive of the City. He shall, upon service of notice, summons or process upon him in any action or proceeding against the City, forthwith inform the council thereof, in writing, and the council shall thereupon notify the city attorney. In the absence or disability of both mayor and president of the council, the other members of the council shall select one of their number to perform the duties of president and mayor. The council shall determine its own procedure.

Section 7. —All meetings of the council shall be public. It shall keep a journal of its proceedings, which shall be a public record. The council shall hold at least one legislative meeting each week, and may hold meetings daily. At any meeting of the council, three members shall constitute a quorum, but a less number may adjourn from time to time. The council shall provide by ordinance a means by which a minority may compel the attendance of absent members. Each commissioner and the mayor shall be entitled to vote, but the mayor shall have no veto power. The manner in which each member of the council votes upon all propositions, shall be entered upon the journal of the proceedings.

Section 8. Except as in this charter otherwise provided, all legislation and appropriations of money shall be by ordinance, save that where obligations have been incurred by ordinance, payment thereof may be ordered by resolution, and save also that licenses may be granted, salaries fixed, and the powers conferred by Chapter IX. hereof exercised, by resolution. Every ordinance and resolution shall be in writing, and read in full at a council meeting before a vote is taken thereon; and upon every such vote the ayes and nays shall be called and recorded.

Section 9. The subject of every ordinance shall be set out clearly in the title thereof, and no ordinance, except one making appropriations, shall contain more than one subject. Ordinances making appropriations shall be confined to the subject of appropriations.

Section 10. The enacting clause of all ordinances shall be in the words "THE CITY OF DULUTH DOES ORDAIN."

Section 11. Every ordinance, other than emergency ordinances, shall have three public readings, not more than two of which shall be on the same day. At least three days shall elapse between the introduction and the final passage of any ordinance, except as otherwise provided in this charter. Every ordinance appropriating money in excess of \$1000.00, and every ordinance and resolution authorizing the making of any contract involving a liability on the part of the City in excess of \$1000.00, shall remain on file at least one week before its passage, except an emergency ordinance or resolution. An emergency ordinance or resolution is an ordinance or resolution for the immediate preservation of the public peace, health or safety, in which the emergency is defined and declared in a preamble thereto, separately voted on, and receiving the affirmative vote of all members of the council; provided that no grant of any franchise shall be construed to be an emergency ordinance or resolution. An emergency ordinance may be enacted without previous filing.

Section 12. Every ordinance passed by the council shall be signed by the mayor or two commissioners, and attested by the clerk.

Section 13. Every ordinance shall be published at least once in the official paper of the City within ten days after its passage.

Section 14. Every ordinance, after its enactment, shall be recorded in a book kept for that purpose, which record shall be attested by the clerk.

Section 15. Ordinances making the annual tax levy, ordinances relating to local improvements and assessments, and emergency ordinances, shall take effect immediately upon their passage. All other ordinances enacted by the council shall take effect thirty days after the date of their last publication, as required by this charter, unless a later date is fixed therein, in which event they shall take effect at such later date.

Section 16. Ordinances adopted by the electors of the City shall take effect at the time fixed therein, or, if no such time is designated therein, at the date of the adoption thereof.

Section 17. Amendments and repeals of ordinances, or sections thereof, shall be by ordinance. An amending ordinance shall contain the entire ordinance or section amended.

CHAPTER IV.

Administration of City Affairs.

Section 18. The executive and administrative powers, authority and duties not otherwise provided for herein, shall be distributed among five divisions as follows:

- (a) DIVISION OF PUBLIC AFFAIRS.
- (b) DIVISION OF FINANCE.
- (c) DIVISION OF PUBLIC WORKS.
- (d) DIVISION OF PUBLIC SAFETY.
- (e) DIVISION OF PUBLIC UTILITIES.

The distribution of duties among the various divisions shall be made, and may be changed, by resolution.

Section 19. At the first regular meeting after the election of any member of the council, the council shall designate one of its members to have charge of each division; which designation may be changed, and a transfer of any member of the council from one division to another may be made whenever it appears that the public service will be benefited thereby. The head of each division shall have the supervision and control of all the affairs and property which belong to his division, subject to the provisions of this charter. Each division of the City shall be under the supervision, control and direction of the head of that particular division.

PROVIDED, that the council may appoint such non-salaried boards as it sees fit, to have the management, under its direction, of any department or sub-division of the City's affairs which it shall see fit to make. The members of any such boards shall serve without pay, and for such times as the council shall direct, and the council shall make rules and regulations by ordinance for the government and direction of each such non-salaried board.

Section 20. The council shall prescribe the powers and duties of officers and employes, and may assign particular officers to one or more of the divisions, and may require an officer or employe to perform duties in two or more divisions.

The council shall make such rules and regulations as may be necessary and proper for the efficient and economical conduct of all the business of the City.

Section 21. The council, after each general election, shall appoint a clerk, an auditor, an assessor, and an attorney, and may, in its discretion, appoint a purchasing agent. The council may remove any of said appointees at any time.

Each member of the council shall have power to appoint and remove the administrative heads of all sub-divisions in his division, except

those mentioned in this section, and also all deputies, clerks, assistants, laborers and servants necessary to transact the business of the City in his division, subject to the civil service provisions of this charter; except that the attorney shall have the power to appoint and remove his own assistants; provided, that by a four-fifths (4-5) vote of the council, it may remove any appointee of any member of the council.

Section 22. The council shall fix the compensation of the officers and employes, and may change the same, and shall cause to be filed with the city auditor a list of the names of all officers, servants and employes of the City, together with a statement of the salary or compensation which each is to receive.

Section 23. The clerk shall be the clerk of the council, and shall perform such duties as are usually performed by clerks of municipal corporations, and all such as are required by the laws of the State, and by this charter, and, in addition, shall perform all such other duties as are required of him by the council. He shall be the custodian of the official seal of the City.

Section 24. The auditor shall be the accountant of the City, and shall perform all other duties imposed upon him by the council, by the laws of this State, or by the provisions of this charter.

Section 25. The treasurer shall be the custodian of the funds of the City, and shall perform such duties as shall be required by the council.

Section 26. The attorney shall be the legal adviser of the council and of the officers of the City. He shall, under the direction of the council, prosecute all suits for, and defend all suits brought against, the City, and shall prosecute all persons accused of any violation of the City ordinances. He shall perform such other and further duties as are required by the laws of the State, by the provisions of this charter, or by the council. The council may employ special counsel to assist the attorney in special matters at a compensation to be fixed in advance. The attorney and each of his assistants shall be citizens of Duluth, and attorneys admitted to practice in all of the courts of the State of Minnesota.

Section 27. The engineer shall be a person educated in the profession of civil engineering, and shall perform such duties as shall be prescribed by the council.

Section 28. The council may, from time to time, create other departments or sub-divisions of the City's affairs, and appoint heads, superintendents or chiefs therefor. Every officer, before he enters upon the duties of his office, shall make and file with the clerk an oath or affirmation to support the Constitution of the United States and of the State of Minnesota, and to perform faithfully, honestly and impartially the duties of his office.

Section 29. The mayor and each commissioner shall furnish a good and sufficient bond in the sum of Twenty-five Thousand Dollars (\$25,000.00) for the faithful performance of his duties; and the council

may require any of the appointive officers of the City to give to the City such bonds for the performance of their several duties, as it shall see fit. Such bonds shall be bonds of a surety corporation, and the cost thereof shall be paid by the City. All bonds of any of the officers of the City shall be approved by the council. All other bonds shall be approved by the mayor. All bonds shall be approved as to form by the attorney, and shall be filed with the auditor.

Section 30. No officer or employe of the City shall solicit or receive, any pay, commission, money, or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from, or by reason of, any improvement, alteration or repair required by authority of the City, or any contract to which the City shall be a party, except his lawful compensation or salary as such officer or employe. No officer or employe of the City, except as otherwise provided in this charter, shall solicit, accept or receive, directly or indirectly, from any public service corporation, or the owner of any public utility or franchise, in the City, any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted the public generally. A violation of any of the provisions of this section shall disqualify the offender to continue in office or employment of the City, and he shall be removed therefrom. Any contract in which any officer or employe of the City is, or becomes, directly or indirectly, interested, personally, or as a member of a firm, or as an officer, director or stockholder of a corporation, shall be and become absolutely void; and any money which shall have been paid on such contract by the City may be recovered back from any or all the persons interested therein, by a joint or several action.

Section 31. In all cases of work to be done by contract, or of the purchase of property of any kind, when the amount involved is more than \$100.00, unless the council, by an emergency resolution, shall provide otherwise, it shall advertise for bids in the official paper of the City. When such probable expenditure shall be more than \$100.00, and less than \$1000.00, in amount, such notice shall be published once in said official paper, and when more than \$1000.00, the same shall be published in at least two issues of said paper. Contracts shall be let to the lowest responsible bidder, and purchases shall be made from the responsible bidder who offers to furnish the article desired for the lowest sum. The council may, however, reject any and all bids; and nothing contained herein shall prevent the City from contracting for the doing of work with patented processes, or from purchasing patented appliances. The council shall regulate the making of bids and letting of contracts by ordinance.

Section 32. All written contracts, bonds and instruments of every kind and description, to which the City shall be a party, shall be executed in the name of the City by the mayor, or commissioner designated by the council for that purpose, and shall be attested by the clerk, and, when necessary, shall be acknowledged.

Section 33. The council shall annually provide, by resolution, for the publication of all matters required by this charter to be published, and to that end shall annually designate the official paper in which all such publications shall be made.

Section 34. The fiscal year shall be the calendar year. At the end of each year the council shall cause a complete examination and audit of all books and accounts of the City to be made by a competent accountant, who shall not otherwise be an officer or employe of the City. The result of such examination and auditing, and the general details thereof, shall be published in the official paper of the City.

CHAPTER V.

Civil Service.

Section 35. There is hereby established a civil service board, which shall consist of three members, who shall be appointed by the council, and shall serve without compensation, and whose term of office shall be for six years, except as herein next provided. The council first elected under this charter, as soon as practicable after its election, shall appoint one member of said Board to serve for two years, one member to serve for four years, and one member to serve for six years. Any vacancies in the Board shall be filled by the council for the unexpired term.

Section 36. The Board, with the approval of the council, shall make rules and regulations for the proper conduct of its business, and shall provide for the classification of all employes, except day laborers and the officers appointed by the council mentioned in Section 21 of this charter, the managers and heads of departments and sub-divisions created by the council, and officers of election boards, special policemen, special detectives and other temporary employes; for open competitive and free examination as to fitness; for an eligibility list from which vacancies shall be filled; for a period of probation before employment is made permanent; and for promotion on the basis of merit, experience and record. Employes within the scope of this chapter, who are in office at the time of the adoption of this charter, shall retain their positions, unless removed for cause. The council may, by ordinance, confer upon the commission such further rights and duties as may be deemed necessary to enforce and carry out the principles of this chapter.

CHAPTER VI.

Elections.

Section 37. A municipal election shall be held on the first Tuesday of April, A. D. 1913, and on the first Tuesday of April in each second year thereafter, which shall be known as the general municipal election. All others shall be known as special municipal elections. Each officer elected under this charter shall assume the duties of the office to which he is elected on the second Monday next succeeding his election at twelve o'clock noon.

Section 38. The second Tuesday in March of each year in which a general municipal election is to be held and the next succeeding Saturday shall each be registration days, at which times the names of the electors of said City, qualified to vote under the general election laws of the State, shall be registered. The council shall establish necessary voting precincts and make suitable provision for the registering of the voters in each voting precinct in the City and shall appoint the necessary judges of election. The judges of election shall appoint the clerks of election. The judges and clerks of election shall constitute the judges and clerks of registration. Suitable books shall be provided in which to register the names of the voters and the qualifications of the voters shall be ascertained in the same manner and the registration proceedings conducted the same as provided by the general election laws of the State. No person shall be allowed to vote at any municipal election unless his name be registered as herein provided, except that any qualified voter of the City, whose name does not appear among the registered voters, may, at the time he offers his ballot on election day, deliver to the judges of election his affidavit in which he shall state that he is a resident of the election district in which he offers to vote, naming the same, and that he is entitled to vote therein; that he has resided in said election district thirty (30) days next preceding said election and shall give the street number of his residence; that he is a citizen of the United States; that he is twenty-one years of age; that he has resided in the State six months immediately preceding said election, which said affidavit shall be substantiated by the affidavit of two freeholders and electors in such district corroborating all the material statements therein, and in case any person offering to vote at such election shall submit such affidavit so corroborated, the judges of election shall receive his vote although his name does not appear upon the registration rolls.

In case of special elections, the council shall fix the time of holding the same and may provide registration days similar, as near as

may be, to those herein provided for general municipal elections and shall appoint the necessary judges of election, who shall appoint the necessary clerks of election; and the Council shall provide all means for holding such special election in the same way and under the same conditions as herein enumerated for general municipal elections.

Section 39. The nomination of all elective officers shall be by petition.

(a) The petition for the nomination of each candidate shall consist of not less than fifty (50) individual certificates. Each certificate shall be of uniform size, to be determined by the clerk; shall be signed and verified by one elector, and shall contain the name of only one candidate.

If an elector sign more certificates than there are offices to be filled, only those certificates equal in number to the offices to be filled, which are first filed with the clerk, shall be valid.

(b) The form of the certificate shall be substantially as follows:

INDIVIDUAL NOMINATION CERTIFICATE.

I do hereby join in a petition for the nomination of.....
..... whose residence is at No.....
..... Street, Duluth, for the office of
..... to be voted for at the municipal
election to be held in the City on the..... day of
....., 19....; and I certify that I am qualified to vote for candidates for said office, and am not at this time a signer of more certificates nominating candidates for City elective officers than there are offices to be filled; that my residence is at No. Street, Duluth, and that my occupation is

(Signed).....

STATE OF MINNESOTA, }
County of St. Louis. } ss.

....., being first duly sworn, deposes and says that he is the person who signed the foregoing certificate, and that the statements therein are true.

(Signed).....

Subscribed and sworn to before me this.....
day of....., A. D. 19.....

Notary Public, St. Louis County, Minnesota.

The petition of nomination of which this certificate forms a part, if found defective, shall be returned to.....
at No. Street, Duluth.

(c) The petition, consisting of, at least, fifty (50) sufficient certificates, shall be presented to the clerk for filing not earlier than forty (40),

and not later than thirty (30), days before the election. The clerk shall endorse thereon the date of its presentation and by whom presented. If the petition be sufficient, he shall file the same at once.

(d) If, upon examination by the clerk, the petition be found not to conform to the provisions of this charter, he shall state immediately, in writing, on said petition, why it cannot be filed. He shall then, within ^{three} ~~two~~ days, return the defective petition, personally or by mail, to the person designated for that purpose therein. Within five days of its return by the clerk, the petition may be amended and again presented for filing. The procedure in the case of an amended petition shall be the same as in the case of an original petition.

(e) Any person nominated under this article shall file his acceptance with the clerk not later than twenty (20) days before the day of election; and in the absence of such acceptance, the name of the candidate shall not appear on the ballot. Such acceptance shall be substantially in the following form:

STATE OF MINNESOTA, }
County of St. Louis. } ss.

I,, having heretofore been nominated for the office of..... of the City of Duluth, do hereby accept said nomination. I am not a candidate as a nominee or representative of, or because of any promised support from, any political party, or any committee or convention representing or acting for any political party or organization.

(Signed).....

Subscribed and sworn to before me this.....
day of....., A. D. 19.....

Notary Public, St. Louis County, Minnesota.

(f) Any person who has filed such acceptance may withdraw his name from nomination at any time not less than five (5) days before the election, by written notice to the clerk.

(g) It shall be the duty of the clerk, upon application, to furnish a reasonable number of forms of such individual certificates, and of acceptance, or rejection, of nomination.

(h) The clerk shall preserve in his office, for a period of four (4) years, all papers relative to nominations.

Section 40. The clerk, on the fifteenth day before every election, shall prepare and file in his office a certificate, containing a complete list of the offices to be filled, stating whether for a full or an unexpired term, and the candidates for each office who are entitled to have their names appear upon the ballot. The clerk shall cause to be published, in all succeeding issues of the official paper of the City before the day of election, an election notice, which shall contain a copy of the certificate above described, and also the time and place of holding such election.

A copy of such notice shall be posted at all polling places seven (7) days before the day of election.

Section 41. The clerk shall cause ballots for each general and special election to be prepared, printed and authenticated. The ballots shall contain a complete list of the offices to be filled and the names of the candidates nominated therefor. When the number of candidates is more than three times the number of offices to be filled, the form of ballot shall be substantially as follows:

**GENERAL (OR SPECIAL) MUNICIPAL ELECTION.
CITY OF DULUTH (INSERTING DATE THEREOF).**

INSTRUCTIONS.

To vote for any person, mark a cross (X) in a square to the right of the name.

Vote your first choice in first column.

Vote your second choice in second column.

Vote only one first choice and only one second choice for any one office.

Vote in the third column for all the other candidates whom you wish to support.

Do not vote for more than one choice for one person, as only one choice will count for any candidate.

Any distinguishing mark makes the ballot void.

If you wrongly mark, tear or deface this ballot, return it and obtain another from the election officers.

	First Choice.	Second Choice.	Additional Choices.
For Mayor Vote for one first choice			
For Commissioners Vote for..... first choices or ballot will be void.			
For other Officers.			

(Charter amendments, ordinances or other referendum matters to be voted upon to appear here).

When the number of candidates is more than two times the number of offices to be filled, and not more than three times the number of offices to be filled, the ballots shall give first and second choice columns only; and the instructions to voters on the ballots shall be modified correspondingly.

When the number of candidates is not more than two times the number of offices to be filled, only one column for marking votes shall appear; and the instructions to voters on the ballot shall be modified correspondingly.

No votes shall be counted on the election of commissioners unless the votes mark as many first choices as there are commissioners to be elected, and instructions to that effect shall be printed in an appropriate place on the ballot.

Section 42. All official ballots used at any election shall be identical in form. Space shall be provided on the ballot for charter amendments or other matters to be voted upon at municipal elections. The names of candidates shall be arranged in alphabetical order of surnames, nothing on the ballot shall be indicative of the source of the candidacy, or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any party or political designation or mark, or anything indicating his views or opinions.

Section 43. The clerk, at least, ten (10) days before the election shall cause to be printed not less than two thousand (2000) sample ballots, upon paper of different color but otherwise identical, except numbering, with the ballot to be used at the election, and shall distribute the same to registered voters at his office. Sample ballots shall be posted at the polls on election day.

Section 44. Canvass of Returns and Determination of Results of Elections:

(a) As soon as the polls are closed, the precinct election officers shall open the ballot boxes, take therefrom and count the ballots and enter the total number thereof on the tally sheets provided therefor. They then shall count and enter the number of the first, second and third choice votes for each candidate on said tally sheet and make return thereof to the clerk, as provided by law.

(b) If a ballot contain more than one vote for the same candidate, only the one of such votes highest in rank shall be counted. All ballots shall be void which do not contain first choice votes for as many candidates for commissioners as there are commissioners to be elected. If a ballot contain either first or second choice, votes in excess of the number of offices to be filled, no vote in the column showing such excess shall be counted.

(c) The foregoing portion of this section shall be printed conspicuously on the tally sheets furnished by the clerk to the election officers.

(d) Candidates receiving a majority of first choice votes for any office shall be elected. If the full number of candidates to be elected do not receive such a majority of the first choice votes for such office, a canvass shall then be made of the second choice votes received by those candidates for said office who are not elected by first choice votes; said second-choice votes shall be added to the first choice votes

received by such candidates, and candidates who, by such addition, shall receive a majority, shall be elected.

(e) If by the count of either first choice votes or first and second choice votes, as above provided, more candidates than there are offices to be filled shall receive a majority, the candidate or candidates equal in number to the number of offices to be filled having the highest vote shall be elected.

(f) If the full number of candidates to be elected do not receive a majority by adding first and second choice votes, as above directed, a canvass shall then be made of the third choice votes received by those candidates for said office who are not elected, either by first choice votes or by adding first and second choice votes, said third choice votes shall be added to the first and second choice votes received by such candidates, and the candidates, equal in number to the number of offices remaining to be filled, who receive the highest number of votes by said election, shall be elected.

(g) A tie between two or more candidates shall be decided in favor of the one having the highest number of first choice votes. If they are also equal in that respect, then the highest number of second choice votes shall determine the result. If this does not decide, then the tie shall be determined by lot, under the direction of the canvassing board.

(h) Whenever the word "majority" is used in this section, it shall mean more than one-half of the total number of ballots cast at such election.

Section 45. No informalities in conducting municipal elections shall invalidate the same, if they be conducted fairly and in substantial conformity with the requirements of this charter.

Section 46. Expenditure of Money on Elections:

(a) All expenditure of money in aid of the election of candidates, except for holding public meetings and printing and distributing literature, is prohibited, and the total expenditure on behalf of any one candidate, whether directly or indirectly, and whether by himself alone or otherwise, shall not exceed Five Hundred Dollars (\$500.00).

(b) No candidate or any other person, association or organization on his behalf, directly or indirectly, shall pay or cause any person to be paid, in cash, or by any other material inducement, for work for his election at the polls on election day. No candidate shall directly hire, use or cause to be hired in aid of his candidacy, on the day of the municipal election, any automobile, carriage or other vehicle for the purpose of transporting voters to or from the polls.

(c) A violation of any of the provisions of this section by any candidate or by any person, association or organization in his behalf, shall disqualify him for holding the office for which he is a candidate.

(d) Every elective officer, at the time he takes his oath of office, shall make and file with the clerk an oath that he has not violated any of the provisions of this section, which oath shall enumerate specifically the prohibitions in this section, and shall contain a complete itemized

statement of expenditures of money, or of the giving of any other consideration or promise, by him or by any other person in his behalf in such election.

(e) If any person, directly or indirectly, shall pay, or cause any person to be paid, in cash or by other material inducement, for work for any candidate at the polls on election day, he shall be guilty of a misdemeanor, and the council shall provide, by ordinance, for the enforcement of this provision by suitable penalties.

Section 47. The provision of any state law, now or hereafter in force, relating to the qualifications and registration of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other provisions with respect to the management of elections, except as otherwise provided in this charter, so far as they may be applicable, shall apply to all municipal elections.

Section 48. The Common Council and clerk of the City of Duluth, at the time of the adoption of this charter, shall make preparation for, and cause to be held, the first election hereunder, and said Common Council shall constitute the canvassing board for the canvass of the votes at said first election; all subsequent elections shall be under the supervision and control of the officers provided for in this charter and the council herein constituted shall be the canvassing board for all such subsequent elections.

Section 49. Whenever it becomes necessary to hold a special election under this charter, the same shall be called by resolution of the council, which resolution shall fix the time therefor and state the offices to be filled or the questions to be decided thereat and shall direct the clerk to give the necessary notice and make the necessary preparation for the holding of such election.

CHAPTER VII.

Recall, Initiative and Referendum.

Section 50. The holder of any elective office, in the City of Duluth, may be removed at any time by the electors qualified to vote for a successor of such incumbent, in the following manner: A petition signed by such electors equal in number to at least twenty-five per centum of the total ballots cast at the last preceding general municipal election, demanding a special election of a successor of the person sought to be removed, shall be filed with the clerk, which petition shall contain a general statement, in not more than two hundred words, of the grounds on which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall state his place of residence and street number. One of the signers of each such paper shall make oath that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose signature it purports to be.

Within ten days from the date of filing such petition, the clerk shall ascertain from the voter's register whether or not said petition is signed by the requisite number of qualified electors. The clerk shall attach to said petition his certificate, showing the result of said examination. If by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said clerk's certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition is deemed sufficient, the clerk shall submit the same to the council without delay, and thereupon the council shall order the same filed, and a copy thereof delivered to the person sought to be recalled.

Within ten days after the filing of said petition, the council shall fix a date for holding said special election not less than forty (40) days, nor more than fifty (50) days, from the date of said filing. In the published call for the election there shall be printed, in not more than two hundred words, the reason for demanding the recall of the officer, as set forth in the recall petition, and in said call, in not more than two hundred words, the officer may justify his course in office.

Except as herein otherwise provided, such special election shall be conducted, returned, and the result thereof declared, in all respects as are general municipal elections. The candidates to be voted for at such special election, other than the then incumbent of the office, shall be nominated, and their names placed upon the ballot, in the same manner, and with like restrictions and qualifications, as in this charter else-

where provided for the nomination of candidates to be voted for at general municipal elections. Any person sought to be removed may be a candidate to succeed himself, and unless he request otherwise in writing, the clerk shall place his name on the official ballot without nomination.

At such election, if some other person than the incumbent be elected, the incumbent shall thereupon be deemed removed from the office; otherwise, he shall continue in office. The successor of any officer so removed shall hold office during the unexpired term of his predecessor.

No recall petition shall be filed against any officer until he has actually held his office for at least three months. No person who has been recalled from office, or who has resigned from such office, while recall proceedings were pending against him, shall be elected or appointed to any office in the City within one year after such recall or resignation.

If a majority of the council shall fail or refuse to act in such recall proceedings, compliance with the provisions of this Section may be enforced by proceedings in the District Court of St. Louis County, at the suit of any citizen of this City.

Initiative.

Section 51. Any proposed ordinance of the City may be submitted to the council by a petition signed by electors of the City, as hereinafter required.

The provisions of Section 50 of this charter, respecting the forms and conditions of the petition, the mode of verification, certification and filing, shall be substantially followed, with such modifications as the nature of the case requires.

If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per centum of the total ballots cast at the last preceding general municipal election, and contains a request that said ordinance be submitted forthwith to a vote of the people, at a special election, then the council shall, except as herein provided, either:

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

(b) Within twenty-five days after such certification, proceed to call a special election, to be held not less than forty (40), nor more than fifty (50), days after such call, at which said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least ten (10), but less than twenty (20), per centum of the total ballots cast at the last preceding general municipal election at which members of the council were elected, and said ordinance be not passed by the council, as provided in the preceding paragraph (a), then such ordinance, without alteration, shall be submitted to a vote of the people at the next general municipal election, occurring at any time after twenty-five (25) days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

Upon any ordinance being submitted to the council, as in this section provided, the council may, however, within ten (10) days after attachment of the clerk's certificate of sufficiency, pass an alternative ordinance covering the same subject matter. If within ten (10) days after the passage of such alternative ordinance, not less than fifty per centum of the petitioners for the submitted ordinance shall file with the clerk a petition for the withdrawal of their names from such petition, the ordinance petitioned for shall not be submitted to a vote of the people, as petitioned for, and the alternative ordinance shall thereupon become effective. If a petition for withdrawal of names of at least fifty per centum of the petitioners for the ordinance be not filed with the clerk within said ten (10) days after the passage of such alternative ordinance, the ordinance petitioned for shall be submitted to a vote of the people, as in this section provided. In such event the council may at the same time submit said alternative ordinance, and the one receiving the highest number of votes at said election shall thereupon become the ordinance of the City.

Whenever any ordinance or proposition is to be submitted to the voters of the City at any election, the council shall either cause the ordinance or proposition to be printed and mailed by the clerk, with a sample ballot to each voter, at least three days prior to the election, or order such ordinance or proposition to be printed in the official newspaper, and published at least once at least three (3) days prior to the election.

The council shall prepare suitable ballots for the submission of any ordinance provided for in this section. If a majority of the electors voting on any such ordinance, submitted by petition, vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this Section.

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

There shall not be held under this section of the charter more than one special election in any period of six (6) months; nor shall any such special election be called to be held within sixty (60) days prior to any general municipal election.

Referendum.

Section 52. No ordinance passed by the council shall go into effect before thirty (30) days from the time of its last publication, except when otherwise required by the general laws of the State, or by the provisions of this charter.

If during said thirty (30) days a petition, signed by qualified electors

of the City equal in number to at least ten (10) per centum of the total ballots cast at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation; and it shall be the duty of the council to re-consider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance, as provided in Section 51 of this charter, to a vote of the electors of the City, either at the next general municipal election, or at a special election called for that purpose, and such ordinance shall not become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Sections 50 and 51 of this charter, respecting the forms and conditions of the petition, and the mode of verification, certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

No action of the council making any contract or other provision for the furnishing of heat, light, power, transportation, or any other public utility, to the City, or its inhabitants, or for the acquisition of any property for any such purpose, shall be taken, except by ordinance; and no such ordinance shall be construed to be an emergency ordinance.

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

CHAPTER VIII.

City Finances.

Section 53. All disbursements, except the principal and interest on bonds and certificates of indebtedness, shall be made only upon the order of the mayor and clerk, countersigned by the auditor, duly authorized by a resolution of the council, and every such resolution and order shall specify the purpose for which the disbursement is made and the fund out of which it is to be paid. Each such order shall be payable to the order of the person in whose favor it is drawn. But no such order shall be issued until there is money sufficient to pay the same to the credit of the fund out of which it is to be paid, together with all then outstanding orders against such fund. Any order or resolution for the payment of money violating any provision of this section shall be void, and any officer of the City violating any provision of this section, shall be personally responsible for the amount of such payment if any such payment is made contrary to the provisions hereof. No contract requiring the payment of money by the City shall be valid unless the particular fund out of which the same is to be paid is specified in such contract.

Section 54. There shall be maintained in the City treasury the following funds for the support of which the Council may levy an annual tax:

1. An interest fund for which there shall be levied a sum sufficient for the payment of the interest to become due during the next fiscal year upon bonds and debts of the City, and out of this fund such interest only shall be paid.

2. A sinking fund for the purchase, or payment when due, of any bonds or any other funded debt of the City.

3. A public safety fund for the maintenance and operation of the fire department, the police department and the health department.

4. A library fund for the support of the public library. Into this fund shall be paid all gifts or devises made for the support of such library.

5. A public welfare fund for the acquisition and maintenance of public parks, playgrounds, baths, gymnasiums, halls and similar places of public recreation, convenience and amusement, and workhouses, work-farms, detention homes, lodging houses, houses of refuge and similar institutions for the well being of the unfortunates and delinquents of the City. Into this fund shall be paid all moneys from whatever source received, including gifts and devises, to be used for any such purposes.

6. A public works fund for the maintenance and repair of the highways of the City. Into this fund shall be paid all taxes or fees imposed upon vehicles.

7. A permanent improvement fund for the payment of the cost of all real property which the City shall acquire, payment for which is not otherwise provided for out of other funds, and for the payment of such

proportion of the cost of local improvements as shall devolve upon the City.

8. A public utility fund for the acquisition, construction, support, maintenance and operation of any public utility owned or operated by the City, including the payment of the interest on any bonds or other indebtedness which may be a lien upon such utility. There shall be paid into this fund all moneys derived from the sale of bonds issued on account of any utility, and from the operation of such utility, and from the sale of any property acquired for or used in connection with any such utility. There shall be paid out of this fund the cost of the purchase, construction, extension, operation, maintenance and repair of such utility, including the interest upon all bonds or other indebtedness which may be a lien upon such utility. Any surplus in said fund may be used for the purchase of any bonds or certificates of indebtedness issued against said utility, and for the payment of such bonds or other indebtedness upon their maturity. Separate accounts shall be kept for each such utility operated separately.

9. A general fund for the support of such other funds and for the payment of such expenses of the City as the council may deem proper. Into this fund shall be paid all moneys not herein provided to be paid into any other fund.

10. A permanent improvement revolving fund, which shall not be supported by taxation. There shall be paid into this fund moneys received on special assessments heretofore or hereafter levied by the City for local improvements, and also the proceeds of the sale of the one hundred fifty thousand dollars (\$150,000.00) par value of bonds authorized herein. Except as in this charter otherwise provided, the council may, by resolution, determine the aggregate amount of the assessments for local improvements which in its judgment will be extended for payment, as is provided for in Chapter IX of this charter, but in no case shall such aggregate amount exceed seventy-five per cent (75%) of the total estimated cost of such improvement, and order the issuance and sale of extended assessment certificates representing such aggregate sum, which shall entitle the holder thereof to demand and receive from the City of Duluth, upon the surrender of such certificates to the treasurer on or after the date of payment thereof, the amount of money named to be paid therein, with the rate of interest stipulated to be paid thereon to the due date thereof and not after such date. Such certificates may be issued in such amounts and become due on such dates as the Council may determine, but none of the same shall be payable more than five (5) years from the date of the same. The proceeds of the sale of said certificates shall be paid into the permanent improvement revolving fund. Said certificates shall bear a rate of interest not exceeding six per cent (6%) per annum. The Council may, in its discretion, either sell said certificates direct to investors, or may contract for the sale of all such certificates that may be issued during any calendar year. No sale of such certificates, by contract, shall be made except after advertising for bids, at least, one week prior to sale in the official newspaper of the City, and such sales shall be made to the highest responsible bidder. Bids may be asked on the basis

of a rate of interest specified in the proposals and on the net interest basis on which the bidder will pay par for the same.

The aggregate amount levied by general taxation in any one year for all of said funds, not including funds numbered 1 and 2, shall not exceed thirteen mills on the dollar of the assessed valuation of all taxable property in said City, and a levy in excess of such limitation shall be void as to such excess.

There shall be levied, each year by general taxation for fund number 2 an amount, at least, equal to one mill on the dollar of the assessed valuation of all taxable real property in said City.

Section 55. The City of Duluth may issue bonds or certificates of indebtedness by ordinance as follows:—

1. To pay, fund or refund any debts of the City.

2. To purchase, construct, extend, improve and maintain public utility plants. Such bonds or certificates of indebtedness so issued shall be a specific lien upon such plants named in such ordinance authorizing the issuance of said bonds or certificates of indebtedness.

3. In an amount not exceeding one hundred fifty thousand dollars (\$150,000.00) for the benefit of the permanent improvement revolving fund.

Section 56. It is hereby made the duty of the County Treasurer of St. Louis County, Minnesota, to keep his accounts so as to show at all times the amount of money received for the City in the collection of taxes and special assessments, specifying all such taxes by the respective years for which they were levied and the respective portions thereof, which are for interest and penalties, and specifying all such assessments by roll or contract numbers, as the same are certified to the County Auditor by the auditor. It is hereby made the duty of the County Auditor of St. Louis County quarterly to draw his warrant on the County Treasurer in favor of the treasurer for all money in the County Treasury for taxes belonging to the City and another warrant for all money collected on account of special assessments belonging to the City, and upon presentation of the same to the County Treasurer of St. Louis County, he shall pay the same respectively out of the moneys received by him for the City for taxes and for special assessments respectively. Said County Auditor shall at the same time transmit to the treasurer and auditor a statement showing the separate amounts so paid over on account of each separate local improvement. No county official shall have any authority or power to refund, reduce or abate any special assessment.

Section 57. Whenever the expense and obligations incurred, chargeable to any particular fund of the City, in any fiscal year, are sufficient in the aggregate to absorb eighty per cent (80%) of the entire amount embraced in the tax levy for that year, together with eighty per cent (80%) of the amount estimated, in the apportionment of the current year to be received by said fund from other sources, including such amount as may remain in the fund from the levy of any prior year or years, no officer, board or official body of the City shall have any power, and no power shall exist, to create any additional indebtedness (save as the remaining twenty per cent (20%) of said tax levy is collected), which

shall be a charge against that particular fund, or which shall be in any manner a valid claim against the City, but said additional indebtedness attempted to be created shall be a personal claim against the officer or the members of the municipal board or body voting for or attempting to create the same.

Section 58. On or before the 20th day of September of each year, the mayor and commissioners shall send to the commissioner in charge of the division of finance a detailed estimate in writing of the amount of money which, in their opinions, will be required for the business and proper conduct of their respective divisions during the next ensuing fiscal year. On or before the first day of October in each year, the commissioner in charge of the division of finance shall submit to the Council an estimate of the probable expenditures of the City government for the next ensuing fiscal year, stating the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the City, and showing specifically the amounts necessary to be provided for each fund and each department; also an estimate of the amount of income from all other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation to defray all such expenses and liabilities of the City. The City Council shall thereupon determine the sum to be raised by taxation and make appropriations in detail for the next ensuing fiscal year. The council shall, not later than October 10th, transmit to the County Auditor of St. Louis County a statement of the amounts so to be raised by taxation, and the County Auditor shall thereupon raise the same by tax levy as by law provided.

Section 59. As soon as said statement is transmitted to the County Auditor of St. Louis County, as aforesaid, the Council, by ordinance, first directing the same, may issue and sell certificates of indebtedness in anticipation of the collection of taxes for any special fund named in said statement, for the purpose of raising moneys for such special fund; but no power shall exist to issue certificates for any of said special funds exceeding eighty per cent (80%) of the amount named in said statement, to be collected for the use and benefit of said fund. No certificates shall be issued to become due and payable later than December 31st of the next succeeding fiscal year.

CHAPTER IX.

Local Improvements and Special Assessments.

Section 60. The City of Duluth shall have power to create, provide for, construct, maintain and do, directly, by the employment of labor, or by contract, all things of the nature of local improvements, which by the laws of the State are made, or may be made, chargeable by special assessments upon the property specially benefited thereby, or which not being prohibited by the laws of the State, may inhere in, or pertain to, municipal corporations. It also shall have power, under the conditions hereinafter specified, to provide for the payment of the whole, or any part, of the cost of any such improvement by special assessments upon the property specially benefited thereby. The amount assessed to the property specially benefited, to pay for such local improvements authorized by this section, shall not exceed the amount of benefits received by such property.

The City shall have power to do any of the things in this section authorized, at a cost in excess of the benefits received by the property to be assessed therefor, whenever it is provided that such excess shall be paid by general taxation, and to pay for the whole, or any part, of such things by general taxation.

Section 61. The council may, by a four-fifths vote, order the construction of any sidewalk or sewer, or the sprinkling of any highway, which it deems necessary for public convenience or safety, and may cause the cost of such construction or sprinkling, or any portion of such cost, to be assessed against the property specially benefited thereby.

Section 62. The council may, upon the petition of not less than twenty-five (25) per cent of the owners, owning not less than twenty-five (25) per cent of the real estate to be assessed therefor, as shown by the records in the office of the Register of Deeds, or Registrar of Titles, of St. Louis County, cause to be made any improvement authorized by law, or by this charter, to be made by the City, and may thereupon assess the cost of such improvement, or any portion thereof, against the property specially benefited by such improvement.

In case the council shall at any time deem it necessary that any highway in the City should be improved, it may, without petition therefor, upon a four-fifths vote of its members, declare by resolution the necessity of such improvement, and its determination to have the same made. In such resolution it shall particularly describe the highway to be improved, and the cost thereof, as previously estimated by the city engineer, and shall state therein what portion of such cost it is proposed to assess against the property specially benefited by such improvement, and the territorial limits within which such assessment is proposed to be made. Upon the passage and publication of such resolution, a period of sixty

(60) days shall elapse before any further action shall be taken by the council in the matter of such improvement. If, within said sixty (60) days period a remonstrance against such improvement be filed with the council, signed by not less than twenty-five (25) per cent of the owners, owning not less than twenty-five (25) per cent of the property proposed to be assessed for such improvement, protesting against the making of the improvement, the council shall not make such improvement at the expense of the property benefited, unless, in the meantime, there be filed with the council a petition asking that the improvement be made, signed by other property owners in number and amount of interest equal to those signing the remonstrance; in which event the council may proceed with such improvement at the expense of the property benefited, notwithstanding the remonstrance.

Section 63. The cost of grading, paving and otherwise improving the intersections of streets, avenues and alleys with other streets, avenues and alleys, shall be paid by general taxation, and no assessments for benefits for any such improvements shall ever be made.

Section 64. Any party interested in any property assessed under this chapter may appeal from such assessment to the District Court of St. Louis County, Minnesota, within thirty (30) days after the publication of the notice of confirmation thereof by the council. Such appeal is hereby declared to be the exclusive way in which such assessment can be in any wise revised, modified, amended or annulled.

Section 65. Said appeal shall be made by filing a written notice with the clerk, stating that the party appeals to 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 said District Court, within ten (10) days thereafter, a copy of said notice of appeal. In case of an appeal, the council shall cause a copy of the assessment roll to be made and filed with the clerk of the District Court within ten (10) days from the time of the service of the notice of appeal. In case the return so made to the District Court shall in any respect be defective, or insufficient, the court may require a further and fuller return to be made. The cause shall be entered by the clerk of the District Court in the name of the person taking the appeal against the City as an "appeal from assessments," and it may be brought on for hearing by either party, the same as other causes in said District Court.

Section 66. Such appeal shall be tried by the District Court without a jury, at a general or special term, without pleadings other than as above stated. Upon such trial the 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, 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 assessment roll shall, when confirmed by the council, in all cases, whether on an 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, but no costs, may, in the discretion of the District Court, be allowed upon an appeal from assessments as in other civil cases, but the judgment entered therefor against said City shall be a separate judgment and paid out of the general fund of the City. From the determination of such appeal by the District Court, either party may appeal to the Supreme Court of the State.

Section 67. If an assessment shall be set aside by the District Court for any cause, jurisdictional, or otherwise, the council shall proceed de novo to make another or new assessment, and it shall proceed in like manner as herein required, in relation to the first assessment. Provided, however, that if the assessment as to any parcel 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 pieces or parcels of land as to which the first assessment shall not have been set aside or appealed from, or on which the assessment shall have been paid. As often as an assessment, or re-assessment, against a piece or parcel 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 proportionate share of the benefits accruing from said improvement.

Section 68. As soon as said assessment is confirmed, the council shall insert in the official paper of the City a notice briefly describing the improvement for which the assessment is made, and stating that the assessment is payable at the treasurer's office at any time within forty (40) days from the publication of said notice, and that unless the same is so paid within said forty (40) days, or an application is made to the council for the extension of the time of payment, as herein provided, within thirty (30) days after the publication of said notice, a penalty of ten (10) per cent will be added to such assessment. Within said thirty (30) days after the publication of said notice, upon application in writing to the council by any owner of real estate against which the assessment is made, when such assessment exceeds twenty-five dollars (\$25.00) for each Three Thousand Five Hundred (3500) square feet of property benefited by the improvement, and upon payment to the treasurer of twenty-five (25) per cent of such assessment, and when the remaining portion of such assessment does not exceed the assessed valuation of such real estate, and when the applicant waives all defenses and questions as to the legality of such assessment, whether such defenses be interposed in proceedings by the State for collection of general taxes, or otherwise, the council may, by resolution, extend the time for paying the remaining portion of such assessment into not exceeding three installments payable in one, two and three years from the first day of October next following the date of the passage of such resolution. In case such assessment is made between October first and December thirty-first, and the applicant is granted an extension of the time within which to pay the same, the first in-

stallment of such extended assessment shall be due and payable on the first day of October next thereafter. Each of said installments of extended assessment shall bear interest at the rate of seven per cent (7%) per annum from the date the original assessment would be payable without penalty. Such installments of extended assessments, together with the accrued interest thereon to the first Monday in January following, shall be considered to be delinquent under the next section of this charter when they shall severally become due and payable, but not before. Any such installment of extended assessments may be paid at any time prior to its maturity, with interest to date of payment only. No assessment for the construction of sidewalks shall be payable in installments, unless the sidewalk is constructed in connection with other street improvements. The ownership of any property upon which application for extension of assessment is made hereunder, shall be determined according to the records in the office of the Register of Deeds or Registrar of Titles of St. Louis County.

Section 69. Each assessment not paid on or before forty (40) days after the publication of the notice directing payment shall be deemed delinquent, and a penalty of ten per cent (10%) shall thereupon be added, unless an extension of the assessment shall have been made by the council, as provided for in the next preceding section. All installments of extended assessments shall be deemed delinquent if not paid at the time fixed for payment in the extension, and when delinquent a ten per cent (10%) penalty shall in each case be added. Every assessment shall be a lien upon the property against which the assessment is made, from the time such assessment is confirmed by the council.

Section 70. In each year the council shall cause to be made a certified statement of the several pieces of land against which assessments have been made and are delinquent, describing the land affected and giving the amount of assessment with penalties added, which certified statement shall be filed with the County Auditor of St. Louis County, Minnesota, on or before the 10th day of October of each year. It shall be the duty of said County Auditor to extend said assessments with penalties, as shown by said certified statement, upon the tax rolls of the said County of St. Louis for the taxes of the particular year in which said assessment is filed, and the same for each year ending October 15th shall be carried into the tax becoming due or payable in January of the following year, and shall be 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, except that in court proceedings to enforce the collection of taxes, no defense as to the validity of any such assessment shall be permitted. Such assessment, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes for State and County purposes under the general laws of the State.

Section 71. All assessments with penalties and interest thereon paid to the County Treasurer, shall belong to the City of Duluth, and shall be

turned over to the treasurer by said County Treasurer in the manner provided by law.

Every franchise granted to any public service corporation shall contain a provision that such corporation shall to the extent of such franchise be subject to all the provisions of this chapter in all respects the same as any other person or corporation.

CHAPTER X.

Eminent Domain.

Section 72. The City of Duluth is hereby empowered to acquire, by purchase, gift, devise or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said City for any public use or purpose, and the fact that the property so needed has been acquired by the owner under the power of eminent domain, or is already devoted to public use, shall not prevent its acquisition by said City. In addition to the power to acquire property for other public purposes, said City may also acquire, as herein provided, any line or lines of street railway within said City, and all the rolling stock, equipment and other properties of any person, company or corporation owning, or operating, such line or lines of street railway, and may also acquire any gas, water, heat, power, light, telephone or other plant, or other public utility; but no proceedings to acquire any such street railway system or other plant or utility shall be consummated unless the City has the money in its treasury to pay for the same or unless provision for paying for the property proposed to be acquired has been made by vote of the people.

Section 73. The necessity for the taking of any property by the City shall be determined by the Council and shall be declared by resolution, which shall describe such property as nearly as may be and state the use to which it is purposed to be devoted. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain by the laws of Minnesota, except as otherwise provided in this chapter.

Section 74. Whenever an award of damages shall be confirmed in any proceeding for the taking of property under this chapter, or whenever the court shall render final judgment in any appeal from any such award, and the time for abandoning such proceedings by the City shall have expired, the City shall be bound to and shall, within one (1) year of such final determination, pay the amount of such award with interest thereon at the rate of five per cent (5%) per annum from the date of the confirmation of the award or judgment of the court, as the case may be; and if not so paid, judgment therefor may be had against the City.

Section 75. The City may, by resolution of the Council, at any stage of the condemnation proceedings, or at any time within thirty (30) days after any commissioners appointed by the court hereunder shall have filed their report with the clerk of said court, or in case of an appeal to the District or Supreme Court at any time within thirty (30) days after final determination thereof, abandon such proceedings as to

all or any parcel of the property sought to be acquired and shall thereupon pay all costs thereof.

Section 76. In case the City shall condemn any system of street railway or other public utility, which is operated at the time of the commencement of condemnation proceedings, as one property or one system, it shall not be necessary in such condemnation proceedings, or any of the proceedings of the Council, to describe or treat separately the different kinds of property composing such system, but all of the property, lands, articles, franchises and rights, which enter into and go to make up such system, may, unless otherwise ordered by the court, be treated together as constituting one property and an award for the whole property in one lump sum may be made by the commissioners in condemnation or other body assessing the damages.

Section 77. No public utility owned by the City, whether acquired prior to the adoption of this charter or thereafter, shall be sold, leased or otherwise disposed of by the City, unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefor, shall have been published in the official paper of said City once a week for six (6) successive weeks, before final action of the Council, and submitted to a vote of the people for ratification or rejection at the next general municipal election, and ratified by, at least, a two-thirds majority vote of electors voting thereon.

No real property of the City shall be disposed of except by ordinance. The proceeds of the sale of any property belonging to the City and used for purposes mentioned in sub-division 5 of section 54 shall be used only for the purchase or improvement of property of the character mentioned in said sub-division 5.

Section 78. Easements for slopes, fills, sewers, building lines, poles, wires, pneumatic tubes and pipes and conduits for water, gas, wires, heat and power may be acquired by proceedings to be conducted by the Council in the manner provided by Chapter 194 of the General Laws of Minnesota for the year 1903, enabling municipalities to establish and acquire a building line easement along streets, highways, parks and parkways.

CHAPTER XI. Franchises.

Section 79. The word "franchises," as used in this chapter, shall be construed to mean any special privilege granted for the purpose of profit to any person, co-partnership or corporation in, over, upon or under any of the highways or public places of the City of Duluth, whether such privilege has been, or shall hereafter be, granted by the City of Duluth, or by the State of Minnesota. The term "public service corporation, co-partnership or person," as used in this chapter, shall be construed to mean any person or corporation exercising any franchise within the City of Duluth, except those operating steam railroads.

Section 80. The Council may, by ordinance adopted by the affirmative vote of four-fifths of all its members, grant rights in, over, upon or under any highway or public place for the purpose of constructing or operating street and other railways, or for telephoning or telegraphing or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants, or any portion thereof, water, light, heat or power, or for any other purpose, but subject always to the limitations and conditions in this chapter prescribed.

Section 81. No perpetual or exclusive franchise shall ever be granted, nor shall any franchise be granted except by ordinance. 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 no franchise shall be granted for a longer period than twenty-five (25) years.

Section 82. Every ordinance granting any franchise shall contain all the terms and conditions of the franchise and shall be published verbatim in the official paper of the City, at least, once a week for four successive weeks after its passage and shall take effect thirty (30) days after its last publication, subject to the referendum provisions of this charter.

Section 83. The City of Duluth shall have the right and power to regulate and control the exercise by any person, co-partnership or corporation of any franchise, whether such franchise has been, or shall hereafter be, granted by the City of Duluth or by the State of Minnesota.

Section 84. Every corporation, co-partnership or person exercising any franchise in the City of Duluth shall file annually on the first Monday in February in each year, in the office of the auditor, a statement, subscribed and sworn to by, at least, two officers of such corporation, or by the individual in control, in case such franchise is exercised by a person or co-partnership, setting forth in detail for the preceding calendar year the then actual cost, to said corporation, co-

partnership or persons, of the plant or business operated by such corporation, co-partnership or person, the actual encumbrances, debts and obligations thereon, if any, the amount of stock issued, and to whom issued, and the consideration therefor, the gross earnings, the expenses and nature thereof, and the net income, after deducting all proper costs and expenses, the names and residences and the amount of the stock of all stockholders of such public service corporation; if any bonds have been redeemed and not cancelled, that fact shall also be stated. This duty may be enforced by appropriate legal proceedings. Every such corporation or person, who fails to comply with the provisions of this section, shall also be liable to the City of Duluth in the sum of One Hundred Dollars (\$100.00) for each day of such failure, to be recovered in a civil action in any court of competent jurisdiction, and the end of sixty (60) days, if such default shall continue, the Council may forfeit such franchise.

Section 85. No public service corporation shall increase the amount of its capital stock or issue bonds, or increase the amount of its bonded indebtedness, without first obtaining permission to do so from the Council. And in making application for such permission, such public service corporation shall file with the Council a verified statement stating the purpose for which such issue of stock or bonds is desired, and the same shall be published once in the official paper of the City, at least, one week prior to the hearing on such application.

Section 86. The Council may, by ordinance, regulate and control the maximum price to be charged by any corporation or person exercising any franchise for the service rendered by it to the City and to any other person or corporation, but such price shall be fair and reasonable to such public service corporation or person and to the public. When any person or corporation against whom any order is directed under the provisions of this section shall believe such order to be unjust and unreasonable, he or it may test its justice or reasonableness by proper action in the courts, commenced within thirty (30) days after the service of such order, and in such action such order shall be entered in the premises as shall be warranted by the facts developed upon the trial and the law applicable thereto.

Section 87. If any controversy, dispute or disagreement shall arise between any public service corporation, operating in the City of Duluth, and its employees, which, in the opinion of the Council, interferes or threatens to interfere with the service which said public service corporation owes to the City, or its inhabitants, the Council shall have the power to compel the parties involved in such controversy, dispute or disagreement, to submit the same to arbitration under such procedure as may be provided by ordinance, and the findings of such arbitral authority shall be advisory or mandatory as such authority may determine in each case.

Section 88. Every franchise, which does not contain the provision prescribed in this section, shall be absolutely void and incapable of

ratification by estoppel or otherwise. Every franchise shall contain a provision:

1. That the grantee shall be subject to and will perform on its part all the terms of sections 83, 85, 86 and 87 of this charter.

2. That the grantee of such franchise will comply with all the terms of section 84 of this charter and will, for failure to do so, pay the penalty prescribed therein, and if such failure continues for a period of sixty (60) days, will, upon demand of the Council, surrender the franchise.

3. That the council shall have the right:

(a) To hear and determine what are just, fair and reasonable rates, fares and charges for public service, and to order that only reasonable charges shall be imposed, and to make effective such order by penalties and forfeitures. The granting of a franchise shall not be deemed to confer any right to include in the charge for service any return upon the value of the franchise or grant.

(b) To require reasonable extensions of any public service system.

(c) To make such rules and regulations as may be required to secure adequate and proper service, and to provide sufficient accommodations for the public.

4. That the grantee shall not issue any capital stock on account of the franchise, or the value thereof, and that the grantee shall have no right to receive, upon a condemnation proceeding brought by the City to acquire the public utility using such franchise, any return on account of the franchise, or its value.

5. That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed in the office of the clerk, an instrument, duly executed, reciting the fact of said sale or lease, accepting the terms of said franchise, and agreeing to perform all the conditions required by the grantee thereunder. The assignee or lessee shall also file a bond in such amount and with such conditions as the Council may require, which bond shall run to the City as obligee, with sureties satisfactory to the Council, and shall obligate the grantee, or lessee, to discharge all obligations and liabilities imposed by said franchise.

6. That said franchise, and all things constructed thereunder, or used in connection therewith, other than rolling stock and power, shall be subject to common use by the grantee or assignee of any other franchise, whenever there shall be necessity therefor, upon payment or tender of compensation for such use. The question of compensation, and all other questions relating thereto, shall be judicial questions, but no judicial proceeding shall suspend or postpone such use if the person or corporation desiring such common use shall deposit in the court such sum as the court, in a preliminary hearing, may determine.

Every franchise granted to any railroad or street railway company shall also contain a provision that the Council may require the elevation or depression of tracks at the expense of the owner of the franchise.

Every franchise granted to any street railway company shall con-

tain a provision that the Council may enforce a system of interchangeable transfers without additional charge.

Every franchise granted for the erection of poles or masts on or along the highways or other public places of the City, for the conduct of electricity, or for any telegraph or telephone purpose, shall also contain a provision that the upper arm of all such poles or masts shall be for the exclusive use of the City, and any franchise, granting the right to construct conduits in or under such places for said purposes, shall also contain a provision reserving a definite and reasonable portion thereof for the exclusive use of the City, and that the Council may require the placing underground, or in any other safe or convenient position, of wires carrying electricity, and other wires.

The violation by the owner of any franchise of any of the express provisions prescribed by this section shall be cause for forfeiture of the franchise by the Council.

Section 89. The enumeration and specification of particular matters, which must be included in every franchise or renewal or extension of any franchise, granted, shall not be construed to impair the right of the City to insert in such franchises such other and further conditions and restrictions as the Council may deem proper to protect the City's interest, nor shall anything contained in this chapter limit any right or power possessed by the City over existing franchises. The extension or renewal of any franchise shall be granted only on the same terms as an original franchise.

CHAPTER XII.

Municipal Court.

Section 90. The municipal court of the City shall be and remain as established at the time of the adoption of this charter, and the practice and mode of procedure, and manner of holding court therein, shall in no way be modified or changed by the adoption of this charter, except that the terms of office of the judges of said court shall hereafter be four years and an additional judge, to be known as Assistant Municipal Judge, shall hereafter be elected, and terms of said court, in the territory known as West Duluth, shall hereafter be held, as in this chapter provided.

Section 91. At the first election to be held under this charter in April, 1913, there shall be elected a successor to the present special judge of said municipal court, which successor shall assume office in 1914, upon the expiration of the present term of office of the said special judge, and which successor shall hold said office until the general municipal election in the year 1917 and until his successor is elected and qualified. There shall also be elected at said April, 1913, election an additional judge of said municipal court, who shall be known as Assistant Municipal Judge and who shall hold his office for four (4) years, and until his successor is elected and qualified. The successor to the present judge of the municipal court shall be elected at the general municipal election to be held in 1915, and thereafter all the judges of said municipal court shall hold their offices for terms of four (4) years, as aforesaid.

Section 92. The powers, duties and salaries of the judge and special judge of the municipal court shall remain as now fixed by law. The Assistant Municipal Judge shall have all the powers of the other judges of said court, but shall not be required to hold court in the City proper, unless directed to do so because of the inability of the other judges to do the business of said court, or because of the sickness or inability to serve of one of the other judges. In case said Assistant Judge does hold court at the regular municipal court rooms in the City proper, he shall receive Ten Dollars (\$10.00) per day for each and every day court is so held by him, in addition to the salary herein provided.

Section 93. Each of the judges of the municipal court shall be a resident of St. Louis County and a person admitted to practice law in the courts of the State. The Assistant Judge of the municipal court shall receive a salary of Fifteen Hundred Dollars (\$1500.00) per year, to be paid in monthly installments.

Section 94. There is hereby established a branch, or division, of the municipal court, to be held monthly in that portion of the City known as West Duluth. The Council shall provide a suitable place for

holding court in West Duluth and a place where the business of the clerk, having in charge that division of the court's business, may keep his office and attend to the business of the court. The clerk of the municipal court shall assign to some deputy of his office the work of attending to the business of the West Duluth division, and, if necessary, the Council shall allow the clerk of the municipal court an additional deputy for that purpose.

Section 95. The Assistant Judge of the municipal court shall hold a term of the court at the place provided by the Council in West Duluth on the first Wednesday of each month and may hold sessions for the care of criminal business as often as necessary. In case of sickness or inability of the Assistant Judge of the municipal court to hold any term of court or hear any case, the same may be held or heard by either of the other judges of said court.

Section 96. A calendar and record of cases tried and to be tried in said West Duluth division of said court shall be kept by the clerk the same as the record of cases is kept in said municipal court proper, and all papers, records and documents pertaining to causes tried, and to be tried, in said West Duluth division of said court, shall be kept on file in the West Duluth office unless ordered elsewhere by the judge of said court.

Section 97. Any and all causes, civil or criminal, which are subject to the jurisdiction of the municipal court, may be brought and tried in said West Duluth division. The practice and mode of procedure in the West Duluth division of said court shall be the same in all respects as that in the municipal court proper, except that on all papers pertaining to causes tried, or to be tried, thereat there shall be added on the face and back thereof wherever the name of the court occurs the additional words: "WEST DULUTH DIVISION."

Section 98. The Assistant Judge of the municipal court may practice in the municipal court proper and act as attorney in any case to be tried in said court, except one in which he sits, or is expected to sit, as the presiding judge.

CHAPTER XIII.

Miscellaneous.

Section 99. The Council shall biennially designate depositories of moneys in the City treasury by competitive proposals. Such depositories shall be designated only within the State of Minnesota and upon condition that fidelity surety bonds are first given by such depositories to the City for the safe-keeping and prompt payment of such deposits; provided, that the amount deposited in any such depository shall not at any time exceed the assessed value of the capital stock of such depository as the same shall appear on the duplicate tax list. Whenever any of the funds of the City shall be deposited by the treasurer in any such depository, the sureties on his official bond shall, to such extent, be exempt from all liability thereon for loss of any such deposited funds by reason of the failure, bankruptcy or any other act or default of such depository.

Section 100. The Council shall have the exclusive power to vacate or discontinue highways within the City. No such vacation or discontinuance shall be ordered by the Council except upon petition of a majority of the owners owning a majority of the property upon the portion of the line of such highway proposed to be vacated, together with the distance of three hundred (300) feet in direct extension of such highway from the ends of such portions so proposed to be vacated. The Council, by four-fifths vote of all of the members thereof, may declare such highway vacated and a record thereof shall be made in the office of the Register of Deeds or the Registrar of Titles of St. Louis County. Such vacation may be made on such terms and by such procedure as the Council may, by ordinance, provide.

Section 101. All assessments made by the City prior to the time when this charter goes into effect shall be collected and the lien thereof enforced in the same manner that they would have been collected and enforced if this charter had not been adopted. The laws in force when any condemnation proceedings are commenced shall apply throughout such proceedings.

Section 102. It shall be unlawful to license or permit the sale of intoxicating liquors within four hundred (400) feet of any park or parkway belonging to the City. Nothing in this charter shall be so construed as to repeal or modify in any manner whatsoever any provisions of law which now prohibit vending, dealing in or disposing of spirituous, vinous, fermented or malt liquors or the granting of license to vend, deal in or dispose of such liquors within any specifically defined territory within the City of Duluth.

Section 103. No action shall be maintained against the City on