drunken person, or any person in the habit of becoming intoxicated, and to define who is such person, and to designate who are such persons.

25. To restrain or prohibit the smoking of opium, or the running of opium houses or places for smoking opium; to define what is an opium house or place for smoking opium; and to punish the proprietors and keepers thereof; and opium smokers and frequenters of such houses.

26. To suppress, restrain or prohibit bawdy and assignation houses, houses of ill-fame and prostitution, gaming and gambling houses, gaming and gambling, all model artist exhibitions, and other shows of an immoral nature, and to define and declare by ordinance what shall constitute the same; to punish by fine or imprisonment or both, any person who, owning, controlling or being in possession of any house or rooms therein, uses the same or any part thereof, or knowingly permits the same or any part thereof to be used as a bawdy or assignation house, or house of ill-fame or prostitution, a gaming or gambling house, or for a model artist exhibition, or other show of an immoral character; to punish, fine, fine and imprisonment, or both, any and all persons who occupy, visit or resort to such house or houses, and to punish by fine and imprisonment, or both, any persons or person who engage in gaming or gambling, as the same is defined by ordinance; to punish by fine or imprisonment, or both, any person or persons who loiter about or inhabit or frequent any house of ill-fame or ill-repute or live with a prostitute or woman of ill-repute, as the same may be defined by ordinance. Common reputation shall be competent evidence and proof of the character of such house.

27. To define vagrancy, and to provide for the punishment, support, restraint and employment of vagrants and paupers and to provide a work house and place of detention for the keeping of vagrants and vicious persons, and to provide rules and regulations for the government thereof.

28. To take, purchase, hold and sell real estate when sold for any assessment for municipal purposes, either general or special.

29. To license, tax and regulate dance houses, theatrical exhibitions and other shows and amusements and prohibit the same when indecent or liable to excite lust, and to define what shall constitute such exhibitions and amusements.

30. To provide for the collection and disbursement of all money to which the city is or may become entitled by law, or which may be assessed, levied or authorized to be collected for city purposes within the city.

31. To provide for the erection, control, and repair of such buildings as may be necessary for city purposes, within or without the city.

32. To provide punishment by fine, imprisonment and hard labor for the violation of any city ordinance, but no fine shall exceed the sum of $50 and no term of imprisonment or hard labor shall exceed twenty days; and, where fine and costs are imposed the person adjudged to pay the same may be imprisoned one day for each $2.50 fine and costs, or kept at hard labor one day for each $2.50 of said fine and costs, if he fail or refuse to pay the same.

33. To provide by ordinance for the granting of franchises; provided, that no franchise be granted for a longer period than twenty years and before any grant, or any franchise or right to use any highway, avenue, street, lane, or alley, or other public property, either on, above or below the surface of the same shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all the terms and conditions, including all provisions as to rates, fares, charges, if any, which proposed ordinance shall be published in full at the expense of the applicant for the franchise, at least twice in a newspaper published in said city. Such publication shall take place and be completed not less than twenty nor more than ninety days before the final passage of such ordinance, and such ordinance shall require for its passage the affirmative vote of at least three-fourths of all the members of the council, as shown by "yeas" and "nays," and the approval of the mayor, before it shall be valid for any purpose; but if the same is vetoed by the mayor it shall not become operative unless passed by a unanimous vote of the councilmen. No amendments to any franchise after publication shall be valid unless the ordinance, as amended, shall be republished in like manner and for like time as the original. No franchise shall be granted or put on its final passage within sixty days of its introduction, and no franchise shall be granted whch by its terms will not go into effect within one year after its passage. The council is hereby granted power to impose by ordinance other conditions and regulations for the granting of franchises and to revoke the same for violation of such ordinances or regulations.

34. Whenever herein any right or authority is given said city council to regulate or prohibit any act, such provision shall include the right to punish all persons guilty of any violation of the ordinance regulating or prohibiting said act or acts.

Health, Safety, Welfare.

35. To make regulations to prevent the introduction of contagious, infectious or other diseases into the city and to remove and quarantine persons afflicted with such disease; to establish, provide, regulate and maintain hospitals within or without the city limits and for this purpose to purchase, lease or otherwise acquire property within or without the city.

36. To appoint and constitute a board of health and define their duties and to prescribe sanitary regulations for the city.

37. To regulate the plumbing, drainage and sewerage of buildings and property and to appoint an officer or committee for the supervision and inspection of such work, and to prohibit the maintenance and provide for the removal of any such plumbage, drainage, sewerage that is not constructed or maintained according to the regulations provided by ordinance and to make the cost of such removal a lien upon the property upon which the same is found or fixed and to provide by ordinance for the collection of the same.

38. To fill up or drain any lots, blocks, or parcels of land where any stagnant water stands, and to declare the same a nuisance, and to make the cost of filling up or draining the same a lien upon the property so filled or drained. Such liens may, upon the order of the council, be entered in the docket of city liens and thereafter collected in the same manner as assessments for improvements, or may be collected in such other manner as the council may direct.

39. To prohibit the deposit or accumulation of filth, garbage or refuse of any kind in any part of the city and to prohibit the throwing of any filth, garbage, refuse or impurities of any kind into any water or stream, natural or artificial, within the limits of the city or the doing of any other act by which the water supply of the city might be contaminated or the general health of the inhabitants impaired.

40. To determine and prescribe by ordinance the number and size of all places or entrance and exit to and from public halls, churches, theaters, schools and other buildings used for public gatherings; also to prescribe and regulate the size and manner of hanging doors thereto and the manner of lighting and heating said places, entrances and exits.

41. To compel all persons erecting or maintaining privies or cesspools within one hundred feet of any streets in which a sewer has or may hereafter be constructed to connect the same therewith.

42. To regulate, prevent and prohibit public criers, advertising noises, steam whistles, the ringing of bells and playing of bands.

43. To regulate the rate of speed of all automobiles, trains, cars, locomotives, vehicles and horses; and to punish all persons driving or managing any such automobile, train, car, locomotive, machine, vehicle, or horse or riding any horse in said city at any greater speed than designated in said ordinance.

44. To require all automobiles, motor bicycles, bicycles, tricycles, motorcycles, engines, cars, locomotives, etc., to provide and adopt proper safety appliances, lights and warning signals for the protection of human life and the lessening of danger thereto; and to enforce such regulations by fine and imprisonment or both.

45. To prohibit or regulate the sale and use of bean shooters, sling shots, air guns, pistols, firearms, missile weapons, fireworks, bombs, rockets, firecrackers and detonating works of all descriptions and to prohibit the carrying of deadly weapons in a concealed manner and to define what shall constitute such weapon and carrying.

46. To establish and define the fire limits, and to prohibit and regulate the erection, removal and repair of wooden buildings within the fire limits; to define and establish the class of material of which buildings within the fire limits must be constructed; to regulate the height, construction and inspection and repair of all private and public buildings within the city and provide by ordinance regulations in regard to moving the same.

47. To provide for the establishment, equipment and maintenance of a fire department and fire companies, and for their regulation.

48. To provide for the prevention and extinguishment of fires and the preservation of property exposed to danger on account thereof; to construct cisterns and wells for water for the extinguishment of fires, and to prescribe by ordinances such other powers, provisions, rules and regulations as shall be necessary or expedient for the occasion.

49. To require adequate fire escapes, apparatus and appliances for protection against fire, to be provided in buildings.

50. To provide the manner and regulate the wiring of houses, buildings and other structures for light, power, telegraph, telephone and any other purposes for which electricity is now or may be hereafter used.

51. To regulate and prohibit the manufacture, storage, sale, transportation and use of gunpowder, blasting powder, dynamite, nitro-glycerine and all other combustible and explosive materials.

52. To regulate and prohibit the use, manufacture, transportation and storage of oil, acids, gas, candles, lamps and other lights in stores, shops, stables and other places; to prevent, remove or make secure any fireplace, flue, stove or stove pipe, chimney, oven, boiler, furnace or other apparatus which may be considered by said council as dangerous in causing fires and to make the cost of such removal or securing a lien upon the property whereon or in connection with which the same is located and provide for the manner of collecting the same.

53. To regulate and prohibit the building of party walls, fences and partitions.

54. To make secure or remove dangerous, unsafe, insecure and unsightly buildings and to make the cost of such securing and removal a lien upon the premises and providing for the collection therof.

55. To prevent, restrain, prohibit and regulate the running at large of any and all domestic or other animals, poultry or fowl within the city limits or any part thereof; and to provide punishment for the owners or keepers of such animals, poultry or fowl who allow or permit the same to run at large in violation of any ordinance or regulation for such purpose; and to provide for the impounding and selling of any or all such animals, poultry or fowl found running at large within the city limits and the time and manner of such sale, and the disposition of the proceeds of such sale.

56. To regulate and prohibit the driving or herding of any or all domestic or other animals over, upon or through any of the streets, alleys, avenues, boulevards or other highways of the city.

57. To regulate and prohibit the erection and maintenance of hitching racks, hitching posts and all other hitching fixtures on the streets, curbs, sidewalks and other highways of the city.

58. To provide and regulate the manner and prohibit the hitching or fastening of any domestic or other animals upon the streets, alleys or other highways of the city and to prohibit the leaving of domestic or other animals, with or without carriage or other vehicle attached, in the streets, alleys or other highways of the city, without being securely fastened according to the regulation provided by ordinance and to provide the time that such animals may be so hitched or fastened; and to prohibit the staking or fastening of domestic or other animals upon the streets, alleys or other highways or public grounds of the city for feeding or grazing.

59. To prevent cruelty to animals and to define what shall constitute the same and provide punishment therefor.

60. To regulate and restrain the keeping and running at large of dogs; to punish those persons who allow their dogs to be unlicensed, or to run at large the against regulations established, and to provide for the impounding of dogs, and for the killing of the same when kept against such regulations, or on which no license has been obtained or tax paid, as provided by the council.

61. To prohibit the keeping or feeding of any hogs within the city limits or any part thereof.

62. To regulate, remove and prohibit the erection and maintenance of stock-yards, tanneries, slaughter houses, hog pens, wash houses, laundries and all other offensive trades, businesses or occupations carried on; and to provide for their exclusion from the city or any part thereof, and to prohibit their maintenance beyond the city limits when their proximity to the corporate boundaries is such as to be an annoyance or nuisance to those residing within the corporate limits.

63. To prevent, remove and abate nuisances, and to declare what shall constitute the same, and to punish, by fine or imprisonment, or both, persons committing or suffering nuisances, and to provide the manner of their removal, and to make the costs of such removal a lien upon the property where such nuisance existed. Such liens may, upon the order of the council, be entered in the docket of city liens, and thereafter collcted in the same manner as assessments for street improvements, or may be collected in such other manner as the council may direct. Every act or thing done, or anything exisiting within the city limits, which is or may be declared by the law of this state, or any ordinance of said city to be a nuisance, shall be, and the same is hereby declared to be a nuisance, and shall be considered and treated as such in all actions, suits and proceedings whatsoever, unless such law or ordinance be declared void by a court of competent jurisdiction. To punish by fine or imprisonment, or both, any person or persons who shall cause or continue any nuisance within the city limits, or suffer any nuisance to exist upon any property occupied or controlled by such persons or persons within the city, or in any street, alley or public highway contiguous to such property when the owner or occupant of such property is the author or continuer of such nuisance. The powers herein conferred upon council for the abatement or removal of nuisances shall not be held to bar or hinder suits, prosecutions, nor proceedings under the general laws of this state.

CHAPTER XIII.

Establishing and Changing Streets; Power of Council Over Streets.

Section 87. The terms of this chapter shall not be construed to include or apply to any improvement specified in Chapter XIV of this charter.

Section 88. The city council of the City of Jacksonville is hereby granted power and authority within the limits of the City of Jacksonville, whenever it may deem it necessary or expedient, to open, lay out, establish, widen, alter, straighten, vacate or close streets and to appropriate and condemn property therefor and to levy special benefit assessments for such purposes.

Section 89. The term "street" whenever used in this article or chapter shall be deemed to include streets, sidewalks, alleys, footways and all other thoroughfares and highways.

Section 90. Whenever the council shall deem it expedient or necessary to open, lay out, establish, widen, alter, straighten or change any street, it shall by resolution, direct the city surveyor to make a survey of such street or change, and to make a plat of the same, and a written report containing a full and complete description of such street and change, and of the boundaries thereof, and of the portions of each lot and tract of land to be appropriated therefor. The city surveyor shall make such survey report and plat and file the same with the recorder within twenty days from the date the same was ordered by the council, unless said council grant him further time. Should the council deem said survey, plat and report satisfactory, it shall adopt the same by ordinance, embodying such report. But if said reportt, survey and plat be not satisfactory to the council they may have another survey, plat and report made and filed or revise and amend the original survey, plat and report so as to make the same satisfactory to said council.

Section 91. Thereafter and within sixty days from the adoption of said report, the council shall appoint three disinterested freeholders of the City of Jacksonville who shall have the qualifications of a juror of the Circuit Court of Jackson County, to view such proposed street or change and make an assessment of damages and benefits, as provided in the next and following section of this charter, and shall assign a day and place for them to meet; and the recorder shall send by mail, postpaid, a notice of the appointment of said viewers, giving their names and the time and place of meeting, and specifying, with convenient certainty the boundaries and termini of the proposed street or change to each of the property owners whose property is proposed to be appropriated, or to the agent of such owner, when the post office address of such owner or agent is unknown to him, and if such postoffice address be unknown, then such notice shall be directed to such owner or agent at Jacksonville and the recorder shall give further notice of the matters herein contained by posting a like notice in three public places in said town for the period of two weeks or by publication for a like period in a newspaper published in said town, and at the next regular meeting of the council, after the completion of such notice, present to it the said report, plat and survey, and attach thereto a copy of said notice with proof of publication or posting and mailing of the same endorsed thereon.

Section 92 The recorder shall at least five days before the day set for such meeting, cause said viewers to be notified of their appointment, and of the time and place of such meeting, and said viewers shall meet at the time and place designated and shall then be sworn to discharge the duties assigned them. They shall then or any subsequent day to which they may adjourn (which adjournment shall not exceed more than one week at a time), proceed to view the proposed street or change and to determine and assess how much, if any, less valuable the lands or other property, or any part thereof, through or over which the proposed street is to be opened, laid out, established, widened, altered, straightened, will be rendered thereby; and shall also ascertain the respective interests of all persons claiming to be owners of lands, or other property aforesaid, or of the improvements thereon, or to have any interest in such lands or improvements, and the damages which each of the said owners respectively will sustain, but the right and title of the owners of such improvement shall not be affected by such proceedings, and the appropriation of such lands, if such owners shall within sixty days after the appropriation of such lands be completed, or within such further time as the council may allow therefor, remove such improvements from said lands, otherwise such improvements shall become the property of the City of Jacksonville. Said viewers shall also make a just and equitable estimate and assessment of the value of the benefits and advantages of said proposed street or change to the respective owners, and other persons interested in all lands or other property which said viewers shall deem specially benefitted by such change. Said viewers shall thereafter, at their earliest convenience, report the assessment for the damages and benefits as in this section required to the council, but any failure to state the name of the owner, or a mistake in the name of any owner, or a statement of a name other than that of the true owner, in such report, or in such assessment, or in the ordinances adopting such report, or in the docket of city liens, shall not render void nor in any way affect the lien of such assessment upon the property assessed.

Section 93. The viewers shall receive as compensation for their services the sum of $2.50 each for each day actually engaged in said service, to be paid by the city and charged as costs and assessed as part of the benefits by said viewers.

Section 94. When the viewers shall file their report the recorder shall forthwith send by mail, post paid, a notice of each assessment of damages and benefits, stating the time when the same will be considered by the council, and directing all persons interested to present in writing the objections, if any they have, to the said assessment of damages and benefits and which objections will be then and there heard and determined by said council, to the owners (if known) of each lot or part thereof, or tract of land assessed, and any part of which is appropriated for the proposed street or change, or to the agent of such owner, when the post office address of such owner or his agent is known to him, and if such post office address be unknown to him, then such notice shall be directed to such owner or agent at Jacksonville, Oregon. If such report shall appear to the council to be in all respects reasonable and just, it may be adopted by ordinance or resolution embodying such report, or if it shall appear to the council that the damages or benefits assessed are unreasonable, unjust, or insufficient, in any respect, the council may send back to the viewers for further consideration, and the viewers may alter and revise the same as they shall deem proper and again report the same to the council, who may thereupon reject or adopt the same; or said council may appoint new viewers with like powers, duties and obligations as the first viewers, to make such assessment and awards, and to report the same to the council, which shall have the same power over such report as over that of the original.

Appeal.

Section 95. Any person feeling aggrieved by the assessment of such damages as herein provided, within thirty days from the adoption of the report of the viewers by the council may appeal from such report to the Circuit Court of the State of Oregon for Jackson County. Any number of persons may join in such appeal, and the only question to be determined on such appeal, shall be the amount of damages such appellants are entitled to on account of the change in such street.

Section 96. Such appeal shall be deemed and be heard and determined, and the judgment thereon enforced, so far as practicable, in the same manner as an action at law; and, in case two or more join in said appeal, the jury shall hear the evidence concerning the damages sustained, and in their verdict find the amount of damages, if any, sustained by each appellant. The verdict of the jury shall be a final and conclusive determination of the matter of such assessment.

Section 97. The appeal shall be taken by serving a notice of appeal within thirty days from the adoption of the report of the viewers by the council, upon the mayor or recorder of the city, and filing an undertaking with one or more sureties, who shall possess the qualifications of bail upon arrest in a civil action, and shall justify in like manner, conditioned that the appellant will pay all costs and disbursements that may be awarded against him on appeal, not exceeding $300, together with the proof of service of such notice, in the office of the clerk of the Circuit Court. Said notice may be served by the appellant or by the city marshal.

Section 98. If the appellant, or any of them, fail to recover greater damages or to secure a more favorable assessment of benefits, as the case may be, than were assessed by the viewers, judgment shall be rendered against him and his sureties on appeal for his proportion of the costs of such appeal to be paid pro rata according to the respective amount of damages and benefits assessed.

Section 99. The same costs and fees shall be taxed and paid upon such appeal as are allowed by law in other actions.

Section 100. The council at the expiration of the time limited for appeal if no appeal be taken, or immediately after judgment is rendered on appeal, if an appeal be taken, and if it shall deem it advisable to make such change in pursuance of said judgment, shall, by resolution, direct the recorder to enter in the docket of city liens the respective sums of benefits over damages so assessed, upon each particular lot or parcel of land, and the names of the owner or other parties interested in the lands or other property benefitted and assessed in like manner as assessments for street improvements are entered in said lien docket, and when so docketed said sums shall be a lien or charge upon the estate and interest of the respective owners and parties interested in such lands or other property and also the said owners and parties as aforesaid, shall be respectively and severally liable to pay said assessments, and in case no appeal or other proceedings in court be taken as to any such assessment of benefits or damages, the said excess so assessed shall be paid to the city treasurer of the City of Jacksonville within ten days from the time of entering the same on the docket of city liens, or the same shall be deemed delinquent and thereupon shall be collected in like manner as provided for the collection of delinquent assessment by this charter, excepting that if all the property upon which assessments are due and delinquent is not sold at any sale, proceedings may be taken for a subsequent sale immediately after the returns of a sale are made. All moneys arising from such assessment of benefits shall be kept in a separate fund and be applicable to the satisfaction of the excess of damages over benefits assessed to owners and other persons interested in the property taken or damaged for the purpose of making such change in such street, and for the payment of expenses incurred by the city for surveying, advertising and viewers in said proceedings.

Section 101. Whenever the full amount of the assessment of benefits in the docket of city liens is paid to the city treasurer, warrants shall be drawn on the treasurer payable out of the fund to be provided for that purpose, for the amount of excess of damages or of damages and costs assessed, or in favor of the owner or owners, or other persons in interest, and when said warrants therefor are drawn and ready for delivery to the parties entitled to the same, such property shall be deemed appropriated for the purpose of such street or change, and not otherwise; provided, that no process of any court shall issue to compel any appropriation for damages or the issuing of warrants for the same. And unless such assessments are collected, and the said warrants are drawn and ready for delivery within nine months after the termination of the time limited for appeal, if no appeal be taken, or within nine months from the date of the rendition of final judgment on appeal, if any appeal be taken, all acts and proceedings under such survey and view shall be null and void.

Section 102. When said street is established, laid out or the change therein completed the city surveyor shall record a plat of the same in the record of city surveys, which is a book that the council must provide for the recording of all plats and surveys that are required to be made by the city surveyor.

CHAPTER XIV.

Section 103. The opening, laying out, establishing, altering, straightening, vacating or closing of streets as specified in Chapter XIII of this Charter shall not be construed to include or apply to any improvement thereof as specified in this chapter.

Section 104. The city council of the City of Jacksonville is hereby authorized and empowered whenever it may deem it necessary, expedient or convenient, for public welfare, to establish, construct, improve and repair streets, sidewalks, crosswalks, ditches, drains, curbs, gutters and to