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comply with a notice to repair, improve or maintain such portions of the streets, alleys or avenues so used, and for which such grantee, or his or its successors, are liable, or for neglect or refusal to pay any legal assessment for repairs or improvements, the conditions of such franchise shall authorize the city to declare by ordinance the immediate forfeiture of such franchise, and in the case of street railways, or other railways or tramways, the road or track constructed thereunder shall likewise be forfeited. If any street or public place be abandoned by the grantee or user of a franchise, that portion of the franchise under which said street or public place was used by the grantee or his successors shall thereafter be null and void, and shall be forfeited without any further action on the part of the city.

Powers of Regulation Over Street and Other Railways.

9. No exclusive franchise or privilege shall be granted and the council of St. Johns shall have at all times power to regulate by ordinance street railroads, tramways and other railroads and the use of tracks and cars; to compel the owners of two or more such roads using or having the right to use the same streets, bridges or elevated roadways, for any distance not exceeding five blocks over said street, and over the entire length of bridges and elevated roadways to use the same tracks and to divide the cost of construction and cost of maintenance thereof equitably between them; to regulate the rates of speed and the use of streets by street railways and other railroads and to pass ordinances to protect the public from danger or inconvenience in the operation of such roads.

Limitation of Time of Grant of Franchises.

10. No franchise shall be granted for any extension over streets or public places of the city to any street railway company or to any one for its use for a longer period than the life of the franchise held, owned by and under which said company is operating which has the longest period to run and no such franchise shall be granted for a longer period than twenty-five years.

Grantee to File Acceptance.

11. Every grantee of any franchise, right or privilege, within thirty days after the ordinance granting the same shall be in force, shall file in the office of the recorder a written acceptance of the same, and a failure on the part of the grantee to file such written acceptance within the time specified shall be deemed an abandonment and rejection of the rights and privileges conferred, and the ordinance granting the same shall thereupon be null and void; such acceptance shall be unqualified and shall be construed to be an acceptance of all the terms, conditions and restrictions contained in the ordinance granting the same.

Ordinance Granting Franchises to Fix Maximum Fare: May Provide That Council May Change Same.

12. Every grant of a franchise which provides for the charging of rates, fares and charges shall contain a provision fixing the maximum rate of fares, rates and charges, which the grantee, his, its or their successors or assigns can charge or collect for services rendered or performed by virtue of and during the life of such franchise and the operation of his or its plant or property thereunder; and said grant may also or in addition provide that the council reserve the right to thereafter from time to time change, alter, regulate and fix fares, rates or charges which the grantee, his, its or their successors or assigns, can charge or collect thereunder during the life of such grant or franchise.

Appropriations; Limitations on Expenditure; No Warrants Without Funds.

Section 76. No money shall be expended or payment made from any fund of the city, except special assessment funds, until a specific appropriation shall be made therefor and an ordinance making an appropriation of money must not contain a provision on any other subject.

All demands for interest on the bonded indebtedness of the city and other fixed charges shall be paid as the same mature or in accordance with the terms of contract.

The council may by ordinance limit the expenditure of every department of the city government, except interest charges and other charges fixed by contract or by this charter, during each fiscal year, or during any month thereof, and any contracts made, debts created or liability incurred in excess of the amounts authorized by the council, where the council may so limit the expenditure of moneys, shall be null and void, and the council shall not authorize any expenditure during any fiscal year, nor shall any liability be incurred by or on account of the city of St. Johns, to be paid in any particular fiscal year (for the payment of which the approval of the council shall be necessary) which singly or in the aggregate shall be in excess of the revenues received during such year applicable, or made applicable by transfer, to the payment of such liability or liabilities. And nothing contained in this charter shall authorize the enforcement against or collection from said city, on account of any debt, contract or liability, of any sum in excess of the limitations prescribed in this section.

The city shall issue no warrants or other evidences of indebtedness, except under special assessment funds, unless there is money in the treasury duly appropriated and applicable to the payment of the same on presentation, and all evidences of indebtedness issued contrary to this provision shall be null and void. Any councilman voting to incur any liability or to cre-

ate any debt in excess of the amount limited and authorized by law, shall be deemed guilty of malfeasance in office, and for such malfeasance such member of the council may be removed from office.

Issue of Bonds for Acquisition of Public Utilities.

Section 77. For the acquisition, either by purchase or construction, of any public utility or for the erection of public buildings, or the purchase of public parks as in this charter provided for, the city of St. Johns is authorized and empowered to issue and dispose of bonds of the city of the denomination of from one hundred dollars to five hundred dollars, as the council may determine, under the seal of the city with interest coupons attached thereto. The said bonds shall be signed by the mayor and attested by the recorder and the city by said bonds when issued and sold shall be held and considered in substance and effect to undertake and promise, in consideration of the promises, to pay the bearer of each of said bonds at the expiration of the time for which they are issued, the sum named therein, in gold coin of the United States together with interest thereon in like coin, at a rate of not to exceed six (6) per cent, per annum, payable half yearly as provided in said coupons. The total amount of said bonds, that is the par value thereof, shall not exceed the cost price of the public utility or property for which they are issued. All such bonds must be sold by the council after advertising the sale thereof in at least one local newspaper and one financial paper in New York City. Sealed bids only shall be taken for such bonds and they shall be sold to the highest responsible bidder, but among equal bidders preference in the sale and allotment shall be given to bidders residing in the state of Oregon. The council shall have power to reject any and all bids and to readvertise for bids for the same. All bonds issued by St. Johns under this act shall be exempt from taxation either by the state of Oregon, or by any county or municipal corporation therein. The council shall fix by ordinance the time when bonds shall be due and payable but no bonds (other than improvement bonds issued in pursuance of an act of the legislature of the state of Oregon, entitled "An act to provide for the issuance of bonds for the improvement of streets and laying of sewers in incorporated cities, and for the payment of the cost of such improvements and laying of sewers by installments," filed in the office of the secretary of state, February 22, 1893, as amended by an act entitled "An act to amend sections 1, 2, 3, 4, 5, 6, and 7 of an act entitled, 'An act to provide for the issuance of bonds for the improvement of streets and laying of sewers in incorporated cities, and for the payment of the cost of such improvements and laying of sewers by installments' filed in the office of the secretary of state, February 22, 1893," filed in the office of the secretary of state, February 28, 1901,) shall be for a shorter period than ten (10) years nor for a longer period than thirty (30) years.

Recorder.

Section 78. 1. There shall be a recorder of St. Johns who shall have been a duly qualified voter of the city for at least two years next preceding his election; he shall be elected by the people and shall hold his office for two (2) years and until his successor is appointed or elected and has qualified. The recorder shall give bonds for the faithful performance of his duties. He shall receive a monthly salary of The recorder shall have one or more deputies or clerks as the council may determine.

2. The recorder is hereby authorized to administer an oath and certify any acknowledgment authorized or required to be taken by any ordinance of St. Johns or law of Oregon, and he may require any person presenting for settlement an account or claim of any kind against the city, to be sworn before him as to the validity of said account or claim, and when so sworn to answer orally as to any facts relative to the merits or justice of said account or claim.

Duties—Of Recorder.

3. The recorder is the accounting and clerical officer of the city. He shall be in personal attendance at his office daily during office hours. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city, its debts, revenues, and other financial affairs. He shall give information as to the exact condition of the treasury and of every appropriation and fund thereof upon demand of the mayor, the council or any committee thereof. He shall be the custodian of the city seal and shall perform such other duties as this charter or the council may direct.

Recorder to Keep Accounts of Moneys; Audit All Demands.

4. The recorder shall keep an account of all moneys paid into and out of the treasury. Any ordinance or resolution providing for the payment of any demand out of the treasury, whether from public funds or from private funds deposited therein, shall always be construed as requiring the auditing of such demand by the recorder before the same be paid.

Recorder to Keep Record of Demands Audited.

5. The recorder shall number and keep an official record of all demands audited by him, showing the number, date, amount, name of the original holder, and against what appropriation drawn and out of what fund payable, and he shall approve no demand unless the same has been allowed by the officer, board, department, or committee required to act thereon.

(To Be Continued)

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