(Continued from page 2.)

of sale, on the amount required in other cases to redeem.

Section 66. The marshal shall receive the same fees for his services in advertising and selling property under this chapter as is required for the sale of similar property upon execution, except the sale of all property shall be at the city hall door; and he shall receive the same compensation therefor as a constable for like services upon execution; and the city recorder shall receive a fee not to exceed $1 for all services, and entries herein provided for, and including the certificate of redemption, such fee to be paid primarily by the purchaser at such sale, but shall be deemed and treated as part of the purchase price bid therefor.

Section 67. That any purchaser or his successor in interest shall, from and after the delivery to him of the certificate of sale, have the rights to the rents and profits of such property, and such rights may be enforced under general laws of Oregon applicable thereto.

Section 68. Each lot or part of lot abutting a street graded, improved or repaired, shall be liable for the full cost of making the same upon the half of the street in front of and abutting upon it, and may also for a proportionate share of the costs of improving the intersection of two of the streets bounding the block in which such lot or part of lot is situated, and the Common Council is hereby authorized to make any and all necessary laws to carry this provision into effect; but when the land adjacent to said street shall not have been laid off into lots and blocks, then the costs of improving such street shall be assessed to the owner or owners of the land lying within one hundred and sixty feet of such improved street.

Section 69. The probable cost of improving such intersection shall be assessed against the lots or part thereof situated in the quarters of the four blocks adjoining such intersection, but only upon or against the lots or parts thereof in the quarters nearest thereto, and in the following proportions: Five-ninths of the cost to the corner lots, and four ninths to the lots or parts of lots inside, in equal proportion per foot; and when any tract adjacent to said improvement is not laid off into lots, the proportionate costs of improving such intersection shall be assessed to the owner or owners, in like proportion as above, of such lands as lie within one hundred and sixty feet of such intersection.

Section 70. If upon the completion of any improvements it is found that the sum assessed therefor upon any lot, part of lot, or tract, is insufficient to defray the expense and cost thereof, the Council shall ascertain the deficit and declare the same by ordinance; and when so declared, the recorder shall enter the sum of the deficit in the docket of city liens in column reserved for that purpose in the original entry, with the date thereof, and such deficit shall thereafter be a lien upon such lot or other property in like manner and with like effect, as in the case of the sum originally assessed, and shall be collected in the same way.

Section 71. Upon the completion of any improvement, if it is found that the sum assessed therefor upon any property is more than sufficient to pay the cost thereof, the Council shall ascertain and apportion the surplus in like manner as in the case of a deficit; and, when so ascertained and declared, it shall be entered as in the case of a deficit in the docket of city liens; and thereafter the person who paid such surplus, or his local representative or assign, is entitled to repayment of the same by warrant on the treasurer.

Section 72. All money collected upon assessments for the improvement of streets and alleys shall be kept as a separate fund, and in no case shall be used for any other purpose whatever.

Section 73. Whenever any property sold under this or the preceding chapter shall bring more than the tax or assessment thereon, with costs and charges of collection, the surplus must be paid to the treasurer; and the person executing the warrant shall take a separate receipt for such surplus and file it with the recorder on the return of the warrant; and at any time thereafter the owner of said property, or his legal representative, is entitled to a warrant on the treasurer for the amount of such surplus.

Section 74. Whenever the grade of any street has been established, the Council may authorize the owner of any property abutting thereon or adjacent thereto to cut down or fill up said street in front of such property according to the established grade, at the expense and cost of such owners and under such terms and conditions as the Council may determine upon.

CHAPTER IX.

Opening Streets.

Section 75. Whenever the Council shall deem it expedient to open, lay out, establish, widen, straighten or extend a street or alley, it shall cause the city surveyor to survey such proposed change or new street or alley, and make a report thereof containing a plat of the survey of such change, extension, street or alley, and the portion of each lot, part of lot, or tract required to be appropriated for such change or new street or alley, and make a report thereof, containing a plat of the survey of such change, extension, street or alley, and the portion of each lot, part of lot, or tract required to be appropriated for such change or new street, or alley, which report, if satisfactory to the Council, shall be adopted by ordinance embodying the same. Provided, that before the adoption thereof the recorder shall give notice of the filing of such report, by publication for two weeks in some newspaper published in the City of Mosier, or by written notices posted for two weeks at three public places in said city, and at the next regular meeting of the Council after the completion of such notice, present to it the said report, and attached thereto a copy of such notice, with the proof of publication or posting indorsed thereon. Thereafter, and within sixty days from the adoption of such report, the Council shall appoint three disinterested freeholders of the City of Mosier, not related by consanguinity or affinity to any owner or person interested in any property to be appropriated, and possessing the qualifications of jurors in courts of justice for Wasco County, to view such proposed street or alley, and make an appraisement of the damages, if any, to the respective owners of the property required to be appropriated, and report the same to the Common Council. The said viewers shall meet at such time as may be designated by the Council, and after having been duly sworn, or affirmed, to discharge their duties faithfully, shall proceed and view the whole distance of said proposed street or alley, and ascertain and determine how much less valuable, if any, the premises of such owners, respectively, would be rendered by the opening or changing of the same. If the Council is satisfied that the amount of damages allowed by the said viewers, or by the circuit court upon appeal as hereinafter provided, is just and equitable, and that the proposed street, alley or change will be of sufficient importance to the public, the Council shall order the damages so assessed and determined to be paid by the city to the said owners, respectively, out of the city treasury; and any person receiving the amount so determined and tendered, shall be forever barred and stopped from making any further claim of damages on account thereof, and from such award or damages; but if, in the opinion of the Council, such street or alley is not of sufficient importance to the public so that such award should be paid by the city, the Council may refuse to open such street or alley, or widen or extend the same, as the case may be, unless the damages or such part thereof as the Council may think proper, shall be paid by private parties.

Section 76. If it shall appear to the Council that the damages awarded are excessive or unreasonable, the Council may set aside such award and order another view under the same regulations as the first view. The viewers shall receive such compensation for their services as the Council shall allow, not exceeding two dollars per day.

Section 77. Any person feeling aggrieved by the assessment of such damages as herein provided, may within thirty days from the adoption of the report of the viewers by the Council, appeal from such report to the circuit court of the State of Oregon of the County of Wasco. Any number of persons interested 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 opening of such street or alley, or making such change thereon.

Section 78. Such appeal shall be taken in the same manner as an appeal from the assessment of damages in the laying out and establishing highways by the county court, except that the notice of appeal shall be served by any person over twenty-one years of age, upon the mayor, not a party to the proceeding, and proof of such service may be made in the same manner as proof of the service of summons.

Section 79. If appellants fail to recover a judgment more favorable than the award appealed from, they shall pay all costs and disbursements of the appeal.

Section 80. In estimating the damages to the premises of any person pursuant to this chapter, the viewers and jurors shall be governed by the differences in the market value, if any, of the premises of such persons, before and after the opening, widening, extending or straightening of such street or alley; and may consider any use of the premises for which it is adapted, including the platting of the same into lots and blocks, and they shall consider only such damages or conveniences caused by such street or alley as affects the use of said premises for the purpose for which it is the most valuable in the market.

Section 81. When two or more persons join in an appeal, and a part only recover damages more favorable than the report appealed from, the circuit court shall apportion the costs among the parties thereto as in its discretion may seem equitable and just.

Section 82. No judgment for damages against the city obtained in any court shall be enforced against said city when the Council shall determine that the street or alley is not of sufficient importance to justify the establishment of the same after the appeal shall have been determined.

Section 83. Such appeal shall be deemed, and be heard and determined, and the judgment thereon enforced so far as applicable, in the same manner as in actions at law; and in case two or more persons join in said appeal, the jurors 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 jurors shall be a final and conclusive determination of the matter of such award.

Section 84. If no further view be ordered, the Council shall within forty days after the expiration of the time herein limited for appeal, or after the judgment of the circuit court is rendered when an appeal is taken, order a warrant drawn upon the treasurer for damages, or damages and costs, awarded to the owner or owners, respectively, of the property appropriated, in favor of such owner or owners—if it shall determine to open, lay out, establish, widen, straighten or extend said street or alley, and cause such report, survey and plan to be recorded in the "Record of City Surveys"; and from thenceforth said street or alley shall be considered laid out, established, widened, straightened or extended, as the case may be, and the Council shall cause an order to issue directing said street or alley to be so opened or changed.

Section 85. The "Record of City Surveys" is a book in which must be entered by the recorder the report and plat of the city surveyor of any survey made by him under the direction of the Council in the matter of opening, laying out, establishing, widening or straightening any street or alley, the date of filing thereof with the recorder, the date of publication or posting the notices thereof, and the final action of the Council in relation to such street, or alley, or change, with the date thereof, and the report of such other surveys made by the city surveyor as the Council may direct.

Section 86. The "Record of City Surveys" is a public writing, and the original or copies thereof, certified to by the recorder, of any matter authorized to be entered therein, are entitled to the force and effect thereof.

Section 87. The Common Council has authority and is hereby authorized, when it shall deem it expedient, to open, establish and locate streets upon the roadbed of any upon or across any county road or public highway within the corporate limits of the City of Mosier, and when so located or established, said county road or public highway shall be and become public streets of said city, and subject to the jurisdiction and control of the Council, the same as though such streets had been dedicated by the owners in the usual way.

CHAPTER X.

Of Water Works, Electric Lights and Sewers.

Section 88. The Common Council shall have power and is hereby authorized to construct or purchase, acquire, maintain, own, manage and operate a complete system of water works, with all the necessary implements and appliances for the supply of water to the city and citizens of the City of Mosier, and vicinity, to be constructed at such time and in such manner as shall seem to the Council most practicable; and the water thereof may be taken from any spring, well or wells, cisterns or other supply which shall be determined upon by the Council, or the said Council may in lieu of constructing such systems anew, purchase any water works in or for the supply of the city now or hereafter in operation or contemplation.

Section 89. The Common Council shall have power and is hereby authorized to construct, erect, acquire, own, maintain, manage and operate a complete system of electric lights, for the purpose of lighting the streets and public buildings of the city, and furnishing lights for private citizens, including the erection upon the streets, alleys and public grounds of the city of all necessary and convenient poles, wires and other appliances, the purchase or construction of the necessary buildings, power, dynamos, machinery, and all other things necessary to the complete equipment and operation of such electric light system; or, instead of the construction of a new system of lights, the Council may purchase any electric light plant, with all its equipments now in existence, or hereafter constructed, and operate the same as hereinbefore provided.

Section 90. The Common Council shall have power and is hereby authorized to construct or repair and lay down all necessary sewers and drains of a character and capacity sufficient to provide a complete system of sewerage covering a whole or any part of the City of Mosier, and to declare by ordinance, before doing the same, whether the cost thereof, or any part of such cost, and if so what part, shall be assessed against the property specially benefited by such drains or sewers, and what part shall be paid out of the sewer fund hereinafter provided for, and the determination of the Council concerning payment for any sewer or drain shall be final; and whenever the Council shall declare that the entire cost of the construction shall be assessed against the property specially benefited thereby, such cost shall be held and construed to include not only the contract price of construction, but also the cost of any right of way therefor, and the plans and specification thereof and the cost and expenses of publishing all notices, and all necessary and proper expenses for legal services in conducting the proceedings in relation thereto, or preparing the necessary papers and writings therefor, and the expense of superintending the work of construction, and also the cost and expense of constructing all manholes, catchbasins, and any other necessary incidental expenses connected therewith, whether specifically mentioned or not; and for the purpose in this section mentioned, the Council shall have the right to purchase and acquire the right of way across any private property within or without the corporate limits of the City of Mosier, which may be requisite or necessary for the construction of any drain, sewer, or sewer system, or any part thereof; or any outfall sewer, and the action of the Council in purchasing or acquiring said right of way shall be final, and in case of failure to acquire said right of way by purchase, the Council shall also have the right to appropriate said right of way across any private property, and in case of failure to agree upon the compensation therefor, the same may be condemned in the manner provided by the general laws of Oregon for appropriation of property by private corporations.

Section 91. Whenever the Council shall declare that a proposed sewer or drain, or sewer system, covering a whole or any part of the city shall be constructed, laid down, or repaired, and that the same be done at the expense, in whole, or in part of the property specially benefited thereby, thereafter the proposed sewer, drain, or sewer system, as to that part of the expense thereof to be assessed against the property specially benefited, shall be deemed an improvement; and Sections 51, 52, 53 and 54, of Chapter VIII of this charter, shall apply to proceedings in relation thereto, excepting that the duties imposed upon the street commissioner and committee on streets in the section referred to shall be performed by the committee on sewers, or any other standing committee, or special committee of the Council to which said matter may be referred, which committee shall view the streets and location of any proposed sewer, drain, or sewer system, and it shall be their duty: (1) To establish a general sewer district for said sewer, drain or sewer system, describing the same by metes and bounds, and including therein all property that will be specially benefited thereby; (2) to recommend that said sewer, drain or sewer system, be constructed as a whole, or that for the purpose of construction the same be divided into sections, and said sewer district subdivided into divisions corresponding with said sections, which sections and divisions shall be numbered consecutively with the same numbers, and section No. 1 shall include the outfall sewer, and division No. 1 shall include all property that will drain directly into section No. 1, and additional sections and divisions shall be formed in a similar manner; (3) to recommend, in case of division into sections, that section No. 1 be first constructed, and that the construction of the remaining sections be postponed until further ordered by the Council; (4) to ascertain and determine what property will derive present special benefits by said sewer, drain or sewer system, or the section thereof to be then constructed, and the extent and portion of said special benefits to and upon each lot, part of lot, or acreage, or unplatted property, proportionately to the benefits which may accrue to other lots, parts of lots, or acreage, or unplatted property, whether the same, if divided into sections, is situated in the division of said sewer district in which the section then to be constructed is situated or not; (5) to procure plans and specifications of said sewer, drain or sewer system, and also an estimate of the probable cost thereof, or if divided, then an estimate of the probable cost to the section thereof to be then constructed, which said plans and specifications, and estimate of the probable cost, shall be submitted with the report of said committee, and shall be filed with the city recorder, and all proceedings thereafter shall be had with reference thereto, and it shall be sufficient to refer thereto in all subsequent proceedings; (6) to report on all matters herein mentioned to the Council in writing, which report shall be filed with the recorder. Provided, that the outfall sewer for any sewer, drain, or sewer system, which may be built in sections, and the trunk sewer, or sewers thereof shall be constructed of sufficient size, not only for the sewage of the several sections as they may be constructed, but of proper and sufficient size for the sewage of all sections thereof when the same shall have been fully completed. And provided further, that when a sewer, drain or sewer system, shall be built in sections, the property in any subdivision of said sewer district which can not drain into a section of a higher number, shall not be assessed for any part of the cost of the construction of said sewer, drain, or sewer system of a higher number.

Section 92. Upon the report provided for in the preceding section being filed with the recorder, he shall give notice thereof, by publication for ten days in some newspaper published in the said city, or by posting notices thereof in three public places in said city for said period of ten days, which notice must specify with convenient certainty the streets or part thereof on which said sewer or drain or sewer system is proposed to be located, and the property ascertained and determined by said committee to be presently specially benefited thereby, and the extent and portion of such benefit proportionately to the benefits which will accrue to other property in the sewer district, and which notice must state and specify that the same will be posted or published (as the case may be) for said period of ten days, and that all interested persons may file their objections, and be heard in relation thereto, within the time and in the manner specified in the next section.

Section 93. Within six days from the final publication of said notice, or the completion of the time for posting the same, the owner of any property ascertained and determined by said committee to be presently specially benefited by said sewer or drain or sewer system, or any section thereof to be then constructed, may file with the recorder any objections he or she may have to the finding or determination of said committee.

Section 94. At the first meeting of the Council after the expiration of the time provided in the preceding section for filing objections to said report, whether the said meeting be the next regular meeting after the expiration of said time, or an adjourned meeting, the recorder shall present the same, with the objections thereto, if any, to the Council, and it shall thereupon proceed to examine and consider said report and the objections thereto, if any, and may adopt said report in whole or in part, modify or reject the same. Provided, that the Council may, by motion or resolution, postpone the consideration of said matter, and thereafter, at any special or regular meeting the Council may consider said matter.

Section 95. Should the Council adopt said report either in whole or in part, or as modified, it shall proceed to assess upon each lot, part of lot, or other property liable therefor, its proportionate share of such cost, based upon the estimated cost of said sewer, drain, or sewer system, or section thereof, to be then constructed, and shall declare the same by ordinance, and enter the same in the docket of city liens, as prodvied in Section 56 of Chapter VIII of the Charter of the City of Mosier, relating to the improvements of streets; and shall also proceed in the manner specified in Sections 51, 52, and 53 of Chapter VIII (excepting as provided in Section 91 of this act), and Sections 57, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67, shall apply to proceedings under Sections 90, 91, 92, 93, 94 and 95 of this act, so far as the same are applicable thereto. If, on the completion of any work it is found that the sum assessed therefor is insufficient to pay the cost thereof, the Council must ascertain the deficiency and declare the same by ordinance, and direct that the same be assessed upon the property assessed in the first instance pro rata according to the amount of the original assessment, and thereupon the recorder shall enter the same in the docket of said liens, and collect the same in all respects the same as the original assessment, and if the sum originally assessed exceeds the actual cost of the work, the overplus shall be divided pro rata among the parties entitled thereto. It is hereby expressly provided that whenever a section of any sewer, drain, or sewer system, shall have been constructed as in this act provided for, and property lying in a subdivision of a sewer district of a higher number shall have been assessed for any part of the cost of the construction of said section of a lower number, for present special benefits therefrom, said property so assessed, and the owners thereof, and their successors in interest, shall have a present vested interest and ownership in the outfall sewer and trunk sewer of the section or sections which may have been constructed, and shall have a present right to drain into the same, and said sewer district as established can not be modified or changed, so as to exclude any property therefrom, and no other property shall be included therein, except upon petition, and, as a condition precedent thereto, the owner of any property petitioning to have the same included in said sewer district shall pay an assessment thereon proportionate in amount to that paid on property similarly situated, and said assessments shall be disposed of in the same manner as any assessment or assessments upon the property similarly situated; and whenever any section of a sewer, drain, or sewer system, shall have been constructed under the provisions of this act, it shall be the duty of the Council to proceed with the construction of any other section thereof whenever the owners of a majority of the property included in the subdivision of the sewer district in which said section is situated shall petition the Council therefor. The notice prescribed in Sections 52 and 53 of this charter shall not be given until the assessment has been entered in the lien docket, and such notice shall also be deemed notice to all interested parties that said assessment has been made, and their failure to challenge the proceedings of the Council by an appropriate proceeding in the proper court, prior to the time of entering into the contract for the performance of the work, shall stop said parties from questioning said proceedings thereafter, and they will be deemed to have waived the right to object to said assessment, and shall be held to have accepted and ratified the same.

Section 96. Should the Council declare that the cost of any proposed sewer or drain should be paid out of the sewer fund, such sewer or drain may be constructed, laid down or repaired, as the ordinance may provide, and be paid for accordingly.

Section 97. In the construction of any waterworks, sewer or drain, the City of Mosier shall have the right to use and divert from its natural course any and all creeks and streams running through the city.

Section 98. The Council has power and is hereby authorized whenever it may deem it expedient or necessary, in order to provide a complete system of water works or sewerage for said city, to lay down and construct pipes, mains, sewers and drains outside of the corporate limits of said city, to regulate the matter of such construction, and to expend the funds of the city therefor, as if the same were constructed, laid down or repaired, within said corporate limits. Provided, all pipes, mains, sewers, or drains, or repairs thereto, laid down or constructed outside of the corporate limits of said city, shall be paid for out of the water or sewer funds hereinafter provided for.

Section 99. The said City of Mosier through its mayor and Common Council, shall have power and authority to acquire, by purchase or otherwise, own and possess, such real property outside of the corporate limits of the city as in the judgment of the Council may be necessary, to enable it to provide for the city a complete system of water works, electric lights and sewerage; and it shall have the right to enter upon any land between the termini of any proposed sewer, drain, water pipe or main, either inside or outside of the city limits, for the purpose of examining, locating and surveying the line of and for such water pipes and mains, or sewer and drain, doing no unnecessary damage thereby; and it may appropriate the use of so much of said lands for the construction or lying down of such pipes, mains, sewers or drain, not to exceed twenty feet in width, and make all necessary cuts and excavations, in order to lay down, construct and repair the same; but all such cuts and excavations shall be filled again as soon as practicable after making the same.

Section 100. Should the city be unable to agree with the owner of the land mentioned in the preceding section as to the compensation to be paid for such right of way, or if the owner thereof be absent from the state, said city may maintain an action in the circuit court against such owner or owners for the purpose of having such right of way appropriated to its use, and for determining the compensation to be paid such owner or owners therefor; and the general laws of the state regulating the mode of proceeding to appropriate land by private corporations shall govern and control the mode of proceeding in such action.

Section 101. The Common Council shall have the power and authority to compel all persons erecting or maintaining privies, water closets, sinks, drains or cesspools within one hundred and sixty feet of any street or alley on which a sewer has or may hereafter be constructed to connect the same therewith at its own cost and expense; and to provide by ordinance that when the persons erecting or maintaining said privies, water closets, cesspools, sinks or drains neglect or refuse after ten days' notice in writing by the recorder or marshal, to so connect the same with said sewer, the city may make such connection and assess the cost thereof against the property upon which such privy, closet, cesspool, sink or drain is situated.

Section 102. For the purpose of raising money with which to pay costs and expenses that may be incurred by the City of Mosier in constructing and laying down such water pipes, mains, reservoirs, sewer pipes and drains, and procuring and constructing pumps, hydrants, and other necessary appliances for a complete system of water works or sewerage, and the erection of electric light poles, and wires, providing buildings, power dynamos, and all other necessary and convenient machinery and appliances for constructing and maintaining a complete electric light system for furnishing lights for public and private use as in this act provided for, said city is hereby authorized and empowered to dispose of the bonds of the city in a sum not exceeding 25 per centum of the assessed valuation of all the taxable property within the limits of the City of Mosier, as shown by the assessment rolls of Wasco County, next preceding the issue and sale of said bonds; said bonds to be of the denomination of from One Hundred to One Thousand Dollars as the purchaser may decide, with interest coupons attached thereto, signed by the mayor and countersigned by the recorder with the seal of the city attached, whereby the City of Mosier shall be held and considered in substance and effect to undertake and promise in consideration of the premises to pay to the bearer of each of said bonds the sum therein named in lawful money of the United States, together with the interest thereon at not to exceed six per centum per annum, and within such time as the Council may determine, interest payable semi-annually or annually as the Council may direct, and as shall be provided in said coupons; but no such bonds shall be issued until the question of their issue specifying the amount and purpose for which they are proposed to be issued, shall have been submitted to a vote of the legal voters of the city at either a general or special election, and a majority of the vote upon a question of their issue to be found to be in favor thereof; provided, however, that no person shall be entitled to vote upon the question of the issue of such bonds who is not, in addition to the other necessary qualifications, a free-holder in said City of Mosier. Provided, further, that the Common Council of the City of Mosier may sell water for domestic purposes outside of the limits of the City of Mosier, to any person laying pipes to its mains, and under the same conditions and at the same prices that said water is supplied to residents within the city limits.

Section 103. Before disposing of any of the bonds provided for in this act, the Council shall require the recorder to advertise for thirty days in at least one newspaper of this state for sealed proposals to purchase said bonds, or any part thereof, which said advertisements shall state the amount of bonds to be sold, the time the same will become due, the date at which proposals will be opened and considered, and that the bonds are issued and disposed of under the provisions of this act.

Section 104. At the time specified in the notice provided for in the preceding section, the Council shall proceed to open all proposals received for the purchase of bonds offered and to be disposed of, and shall sell the said bonds to the person or persons making the best offer or offers therefor. Provided, the Council shall have authority to reject any and all bids and proposals.

Section 105. The fund arising from the sale or disposal of all bonds provided for in this act, shall be known as the water fund, light fund or sewer fund, according to which purpose the said bonds are sold for, and shall be kept separate and apart from all other funds of the city, and shall only be used to pay the costs and expenses that may be incurred by the city in and about the construction or purchase of the system of water works, erection and maintenance of such electric light system, or the construction and laying down of such sewers and drains as the case may be, in this act provided for, and the issuing and disposing of said bonds.

Section 106. The Council shall at the time the tax for general expenses is levied, and at least once in each year after the issuance of such bonds, as provided for in section 102 of this act, levy and collect a special tax on all taxable property within said city sufficient to raise money enough to pay the interest on all bonds issued under this act, and to provide a sinking fund with which to pay the principal of said bonds at maturity. Said tax may be included in the other taxes of said city and considered a part thereof for the purpose of levying and collecting the same, and as the taxes are collected its proportion to the other taxes collected with or included in the sum collected, shall be set apart from the other taxes as a special fund for the purpose and to be used in that manner and for the purpose hereinbefore provided, and shall not be used for any other purpose than that for which the same was levied and collected.

Section 107. The money belonging to the sinking fund provided for by the preceding section of this act shall be by said city invested from time to time in interest-bearing bonds of the United States or of this State or some municipal corporation therein, or loaned on good, unincumbered real estate security, or by order of the Council may be invested in Wasco County warrants, or used in purchasing any outstanding bonds of the city disposed of under this act.

CHAPTER XI.

Miscellaneous Provisions.

Section 108. The corporate limits of the City of Mosier shall embrace, and there is hereby made and constituted thereby, an independent road district, and the authority given by the general laws of the state to the county court of Wasco County to establish, change, manage and control road districts is hereby repealed and revoked so far as it has heretofore applied to the territory embraced in said corporate limits; and all road taxes levied upon or against the property and the persons of the city shall be expended by the street commissioner appointed by the mayor, under the direction of the Common Council; but nothing herein shall be construed to prohibit the expenditure of such portion thereof as the Council may direct upon the roads leading to Mosier and outside the corporate limits thereof, but authority is hereby given to the said Council to so expend such portion thereof outside said city limits as a majority of the Councilmen shall deem expedient and advisable.

Section 109. Authority is hereby given to the Common Council to levy such tax, not exceeding 2 mills in any one year, as it shall deem necessary upon all the taxable property in the city, to be collected at the same time and in the same manner as the other taxes of the city.

Section 110. The City of Mosier shall not in any event be liable in damages to any person for an injury caused by a defect or dangerous place at or in any sidewalk, crosswalk, street, alley, bridge, public grounds, public buildings or ditch, unless the mayor, chairman of the street committee, or commissioner, shall have had actual notice of such defect or dangerous place, and a reasonable time thereafter in which to repair or remove such defect or dangerous place before the happening of such accident or injury, and in no case shall more than $100 be received as damages from the city for any accident or injury.

Section 111. In every action, suit, or proceeding in any court concerning the exercise or enforcement by said city, the Common Council or any committee thereof, or any officer or board of the city, of any power or authority by this act given or delegated to said city, the Common Council, or any of its officers, boards or committees, all acts, proceedings and doings of said city; the Common Council, any committee thereof, or any officer or board of said city shall be presumed to be duly, regularly and duly done or taken from the beginning and no error, defect or omission in any act, proceeding, or thing required to be done or taken by this act or any ordinance of the city shall affect or invalidate such act or proceeding, unless such person attacking the same shall allege and prove that he has been misled by such error, defects or omission to his damage; and the court shall disregard every error, defect or omission which does not affect the substantial rights of such person; and any proceeding, matter or thing by this act committed or left to the discretion or judgment of the Council, such discretion or judgment of the Council when exercised or declared is final, and cannot be reviewed or called into question elsewhere.

Section 112. The Common Council at its earliest convenience after this act takes effect, may provide by ordinance for codifying and publishing in book form this charter, and all ordinances or parts thereof in full force at the time of the codification, and from time to time thereafter as it may deem proper.

Section 113. All general or special taxes or assessments levied or created under this act shall bear legal interest from the time they become delinquent unless otherwise specially provided.

Section 114. All ordinances, laws, rules and regulations heretofore passed or made by the City of Mosier which are in force when this act takes effect, and not inconsistent herewith, shall be and remain in full force and effect after this act takes effect, and thereafter until repealed by the Common Council. All rights vested or liabilities incurred under either the act of incorporation of the City of Mosier or the amendatory acts thereof, or any ordinance when this act takes effect, shall not thereby be lost, impaired or in any way discharged or destroyed.

Section 115. Any person or persons hereafter laying out and platting any addition to the City of Mosier within the limits or adjacent thereto, shall cause the same to conform in size of blocks and width of streets to that portion of the city already laid out and platted adjacent thereto, and to be so laid out that all streets shall correspond with and be a continuance of the streets already laid out in said city. Any person violating the provisions of this section shall forfeit and pay into the City of Mosier such sum as may be prescribed by ordinance, to be collected by action in the name of the city in any court of competent jurisdiction, and any and all such plats shall be void and held for naught.

Section 116. The Common Council shall have power and authority to divide the City of Mosier whenever it may deem it expedient or necessary, into a suitable number of wards, and define the boundaries thereof, and after such wards are so established no person shall vote at any city election in any other ward than that in which he resides.

Section 117. Whenever the Council shall divide the city into wards, as provided in this act, it shall by ordinance provide for the election as nearly as possible of an equal number of councilmen from the residents of each of said wards by the voters thereof; but in case it shall not be practicable to provide for the election of an equal number of councilmen from each of said wards, it shall provide for the election of one councilman from each ward, and the remaining councilmen from the city at large by the voters thereof.

Section 118. Whenever the city shall be divided into wards, the Council shall provide a voting place in and judges and clerks of election for each ward, and prescribe the manner of conducting the election and the return, and canvassing the votes thereat.

Section 119. Until otherwise directed and ordered by the Council, the present division of the City of Mosier shall be and remain in full force and effect.

Section 120. The city Council may from time to time appoint such subordinate officers as they may deem necessary and proper, who shall hold their offices at the will of the Council.

Section 121. No injunction or restraining order shall issue from any court to enjoin or prevent the issuance or enforcement of any warrants for the collection of any street or sewer assessment provided for in this act, after the work for which the assessment is made has been completed, or to prevent the sale of property for any tax.

Section 122. The power and authority granted to the Common Council by this act is granted to the municipal corporation of the City of Mosier, to be exercised according to the provisions of this act.

Section 123. The present councilmen of the City of Mosier shall hold their office for the term for which they were elected, respectively, and the incumbents in the offices of mayor, treasurer, recorder, and all other offices, who shall be in office when this act shall take effect, shall hold under their respective offices until the ends of the terms for which they shall have been elected or appointed and until their respective successors have been elected or appointed and qualified.

STATE OF OREGON,
County of Wasco,
City of Mosier,
ss.

I, P. L. Arthur, City Recorder of the City of Mosier, and custodian of the seal and records thereof, hereby certify that the foregoing is a full, true and correct copy of the proposed charter for the City of Mosier, referred to the people by the Common Council thereof on the 9th day of September, 1914, as the same appears on file in my office.

Dated this 11th day of September, 1914.

P. L. ARTHUR,
City Recorder.

SHOW PAST IN ITS TRUTH

Buildings Which Have Survived Are the Most Valuable Historical Records the World Has.

It has been said that history was the written order of things. No doubt what had been written was of enormous value, but it was not all, and even where we had a literature of the past it was in some cases not the greater part of what conveyed the past to us, said Prof. Flinders Petrie, in London, the Philadelphia Public Ledger states. Where should we be in the understanding of the ancient Greeks if there were no statuary and no sculpture? How could we understand their magnificent sense of accuracy, precision and refinement if there were no architecture to study? Many years ago, with regard to the great question of the restoration of the Parthenon, the objection was made that no person could ever get to know precisely how the columns were put together.

Professor Petrie thought it was only a question of measurements, and he bought a lathe in Athens and did some careful measurements. To his intense surprise he found he could not detect the errors. There were none. He thought he was going to deal with tenths of an inch, but he found he had to deal with hundredths. How the Greeks did it, he did not understand. He could not comprehend the physical means of doing it on that scale. That was only an instance of how much a building could teach them. Who could appreciate the accuracy, the sense of perfection and the sense of beauty, if we had not these material remains?

Then, if they looked a little later, let them consider how miserable was the greater part of the histories of the emperors. What did they understand of Rome? They understood the Coliseum — the majesty of it and the cruelty of it—they could understand the magnificent temples, the great architecture, and they could see from that what Rome was far better than by reading all the imperial historians. And if they looked a little later what was there in the whole writings of the thirteenth century which gave them such a perfect picture of the medieval mind as Salisbury cathedral?

He ventured to give these as illustrations of the value of the material civilization side by side with the civilization of the people, because he thought they would enable them to grasp perhaps more clearly how much they could ascertain and feel and know about the civilization of which they had material remains. They enabled them to understand the feelings, sentiments and ideals of those bygone men from their literature. The question of material evidence might seem a dead and dull thing, but he ventured to think they were as much a key to the mental designs and powers as any other form of expression.

Actress Also Artistic Dancer.

Miss Ruth Stonehouse, screen star, excels in artistic dancing as well as in motion picture acting. She was recently invited to participate in the inauguration of motion pictures in a Denver theater, which has hitherto been devoted to vaudeville exclusively, and was requested to entertain the guests and theater patrons with her artistic dancing at the opening. Miss Stonehouse, whose former home was in Denver, gladly accepted the invitation. She will remain in Colorado about two weeks. Before she entered in the "movies," she was considered one of the best dancers in Chicago.

Petroleum for Germany.

Petroleum deposits of considerable extent have been discovered near Eitape in the southwest of German New Guinea, and the whole territory has, subject to the consent of the Imperial council, been declared a close reserve in order that no mining claims may be established by private individuals or concerns. It is expected that the reichstag will vote $125,000 to be spent by the local authorities in boring and prospecting. Nothing definite so far is known concerning the quality of the petroleum or the extent of the supply.