

SEC. 2. The board of trustees of the Greenvale Cemetery Association are hereby authorized and empowered, at any regular or special meeting thereof called for that purpose by resolution, to negotiate, bargain and sell the land composing the said blocks, streets, alleys and walks hereby vacated, upon such terms as to them, or a majority of them, may seem proper, and without restriction as to the purpose to which said lands are to be applied or used, and in pursuance thereof to make, execute and deliver a deed or deeds of conveyance thereof to the purchaser or purchasers of said lands accordingly, and apply the proceeds of such sales to the purposes mentioned in section one hundred and seven of chapter thirty-four of the general statutes.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1874.

CHAPTER CXLVI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT IN RELATION TO THE CITY OF MANKATO, PROSCRIBING [PRESCRIBING] THE MANNER OF TAKING PRIVATE PROPERTY FOR PUBLIC USE, AND LEVYING ASSESSMENTS THEREFOR, AND FOR OTHER LOCAL IMPROVEMENTS, APPROVED FEBRUARY TWENTY-EIGHTH, EIGHTEEN HUNDRED AND SEVENTY-THREE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section six, of chapter eleven, of the special laws of eighteen hundred and seventy-three, be amended so as to read as follows, to-wit:

Sec. 6. When the city commissioners shall have reported to the common council in relation to any proposed improvement involving the doing of any work, or the furnishing of any material, the common council may direct the city recorder to advertise for proposals for doing such work or furnishing such material; a plan and profile of the work to be done, accompanied with specifications for doing the same, in all cases where such plan, profile and specifications may be necessary for perfect description of the work to be done, being first placed on file in the office of the city recorder, which plans,

profiles and specifications shall at all times be open for public inspection, the city commissioners may for the sake of convenience or accuracy in making the assessments as hereinafter provided, divide the proposed work or improvement into several divisions or sections, and indicate the same in their report to the common council, and in such case the plan, profile and specifications shall correspond as near as may be with, and indicate such divisions or sections; bids for doing any work or making any improvement, as provided herein, shall name a gross sum for the whole work or improvement, or some specified section or division thereof, and the contract, when awarded, shall be for the doing of the work or making the improvement, or some specified section, portion or division thereof, at a gross sum for the whole, or for such specified part thereof; upon being directed to advertise for proposals, as above provided, the city recorder shall cause an advertisement to be published for at least two weeks in the official paper of the said city, stating briefly, in general terms, the nature of the work to be done, stating where the plan, profile and specifications may be examined, and within what time bids for the doing of such work will be received, such bids shall be directed to the common council of the city of Mankato and shall each be accompanied by a bond to the said city in a sum equal to thirty per cent. of the amount of the bid as liquidated damages and signed by the bidder and two responsible sureties to the satisfaction of the common council, conditioned that the bidder shall execute the work for the price mentioned in his bid and according to the plan and specifications, in case the contract shall be awarded to him, and in case of default on his part to execute the contract and perform the work in accordance with its terms, said bond may be sued and judgment recovered thereon by said city for the full amount thereof, in any court having jurisdiction of the amount; *Provided*, That the amount of such bond may in the discretion of the common council be fixed at any other sum, or percentage than the herein before prescribed. Said bids shall be opened by the common council at their next meeting, after the time for receiving bids shall have expired, or at any other appointed, regular or special meeting thereafter. Upon the opening of said bids or at any time thereafter, the common council may award the doing of the work or any part thereof, to the lowest reliable and responsible bidder or bidders, who shall have complied with the above requirements, and who shall have sufficiently guaranteed to the satisfaction of the common council the faithful performance of said work. The common council may let such contract upon such conditions or provisions not inconsistent with the provisions of this act as they may deem proper, the acceptance of any such bid by the vote of the common council shall perfect the contract between such bidder and

the city, and no signature of any officer of said city or the affixing of the corporate seal thereof shall be necessary to the validity of such contract. In case any person or persons with whom such contract may have been made, shall fail or neglect to complete the same within the time and in the manner prescribed, the common council of said city may at any time after such default, in its discretion and at its election, instead of causing action to be brought upon such bond for the recovery of the amount thereof on account of such default, by vote declare such contract forfeited, and the city may then complete the work by contract or otherwise, and the cost of completing the same shall be considered as forfeited, and as liquidated damages between such contractor and said city for such breach of contract, and shall be deducted and withheld from the contract price, which such contractor was to have received for doing the whole of such work.

SEC. 2. That section twenty-nine of said act be amended by adding at the end thereof the following, to-wit: The title to any lands that may be acquired by said city under any such sale may, after the time for redemption shall have expired, upon the affirmative vote of two-thirds of all the members comprising the common council, be re-conveyed by deed to any person who shall present to the common council an abstract of title, certified by the register of deeds of Blue Earth county, and showing to the satisfaction of the common council the title of such lands to be in the applicant, (except for the title acquired by said city,) and upon the payment into the city treasury of the amount for which such land was struck to said city at such sale, with interest thereon from the time of such sale at the rate of two per cent. per month. When any such tract of land shall be owned by several tenants in common, and any one of such several owners shall make application and proof as herein before provided, for the conveyance of his proper undivided part of such lands, a conveyance of the same may be made in the same manner and upon the same terms as elsewhere in this section prescribed, upon the payment by such applicant of such proportion of the sum charged at and by such sale upon the whole of such tract as the undivided ownership of the applicant bears to the whole title to such land. The common council may, in their discretion, annex any such other or further conditions to the making of any such conveyance as they may deem proper. All conveyances shall be executed by the mayor and city recorder under the corporate seal of said city. At any time after the expiration of the time for redemption of any lands from any such sales, no redemption having been made, the common council of said city may, by a two-thirds vote of all the members thereof, direct a sale at public auction or otherwise of such lands or interest therein as may have been

acquired by said city under this act, and may, by the same two-thirds vote, prescribe the manner of making such sales.

SEC. 3. That section thirty-six of said act be amended by adding at the end thereof the following, to-wit: No extension of the time for the doing of any work contracted for, or any other change in respect to such contract, not materially affecting the property rights of the person complaining of or pleading such change, shall invalidate any proceeding or assessment had or made under this act.

SEC. 4. That section two of said act be amended by striking out the proviso at the end thereof.

SEC. 5. That this act shall take effect and be in force from and after its passage.

Approved March 2, 1874.

CHAPTER CXLVII.

AN ACT TO DETACH CERTAIN TERRITORY FROM THE TOWN OF ROCKFORD, IN WRIGHT COUNTY, MINNESOTA, AND TO ATTACH THE SAME TO THE TOWN OF FRANKLIN, IN SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That all that portion of township one hundred and nineteen, range twenty-five, in the township of Rockford, in Wright county, Minnesota, lying south of the center of the north fork or branch of the Crow River, be and the same is hereby detached from said township of Rockford, and is hereby attached to the township of Franklin in said county, for all purposes whatsoever; *Provided*, That at the next annual election the question whether said territory shall be attached to the township of Franklin, shall be submitted to the legal voters of said townships of Rockford and Franklin, and that a separate ballot box shall be provided for that purpose by the judges of election in said towns. The tickets used shall be "for addition to the township of Franklin," or "against addition to the township of Franklin," and said tickets may be written or printed or partly written and partly printed, and the judges of election shall count the said votes in the same manner and make return thereof in the same manner as provided by law for the counting and returning of votes for county officers, and in case a majority of such votes be