

under or by virtue of any execution, to-wit: All engine houses or houses where any fire apparatus is kept, and the grounds on which the same are situated; all fire engines, carriages, hooks, ladders, buckets, hose or any other fire apparatus used by any fire company, organized by and acting under authority of the village council; school houses and furniture therein, and the office rooms of the village council and of officers of the village and the furniture therein.

SEC. 11. If any election of the people for village officers for any cause, shall not be held in the manner and at the time herein prescribed, it shall not be considered a reason for arresting, suspending or absolving said corporation, but such election may be held any subsequent day, and if any of the duties enjoyed by this act or the ordinances, by-laws, rules or regulations of the said village council, to be done by any officer at any specified time, be not done or performed at that time, the said council may appoint another time at which the said acts may be done and performed.

SEC. 12. Chapter thirteen (13) of the special laws of one thousand eight hundred and seventy-two (1872), and chapter thirteen (13) of the special laws of one thousand eight hundred and seventy-four (1874) and the amendments thereto, are hereby repealed.

SEC. 13. This act is hereby declared to be a public act any may be read in evidence in all courts of law without proof.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved March 9, 1878.

CHAPTER 31.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF MANKATO," THE SAME BEING CHAPTER TWENTY-SEVEN (27) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT (1868).

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

SECTION 1. That section four (4) of chapter three (3) of chapter twenty-seven (27) of the Special Laws of one thousand eight hundred and sixty-eight (1868) be amended as follows:

Strike out at the end of said section the following words: "He shall not be interested directly or indirectly in any contract or job to which the city is a party, or in which the city is interested, and

any contract in which he may be interested, shall be void," and insert the words following: "He shall make a full and complete report of the finances and condition of the city, which shall be kept on file and a copy thereof he shall cause to be published in the city newspaper, at least fifteen (15) days prior to the annual election."

SEC. 2. That section six (6) of said chapter three (3) of said chapter twenty-seven (27) be amended to read as follows:

Sec. 6. The treasurer shall receive all moneys belonging to the city, including licence money and fines, and keep accurate and detailed account thereof, in such manner as the common council shall from time to time direct. The treasurer shall exhibit to the common council at least twenty (20) days before the annual election, or sooner if required by them, a full and detailed account of the receipts and expenditures, from and after the date of the last annual report, and also of the state of the treasury. He shall also report to the common council at such times and in such manner as they may require.

SEC. 3. That section seventeen (17) of said chapter three (3) of said chapter twenty-seven (27) be amended to read as follows:

Sec. 17. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for, but no officer elected or appointed by the common council, or appointed by the mayor as hereinbefore provided, shall be appointed for a longer term than one year, and until his successor is elected or appointed and duly qualified.

The common council shall have power unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution, except the city recorder who shall receive the sum of six hundred dollars (\$600) per annum, to commence with the next fiscal year after the passage of this act, which shall be in full for all his services including that of clerk of the common council, and all duties imposed upon him, and shall be paid monthly at the termination of each month. The compensation of officers shall be fixed for the fiscal year in the month of April of each year, except for such offices as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such office, nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter, shall be a party to, or interested in any contract in which the city is interested, made while such officer is holding office. *Provided*, That the mayor and aldermen shall receive no compensation for their services as such officers.

SEC. 4. That section one (1) of chapter six (6) of said chapter twenty-seven (27), be amended by adding at the end of said section the following: But this section shall not be so construed as

to prevent the vacation of streets, lanes and alleys in the city without first submitting the question of such vacation to a vote of the electors of the city, and the common council shall have full power to vacate streets, lanes and alleys in the city as hereinafter prescribed in this act.

SEC. 5. That said chapter six (6) of said chapter twenty-seven (27) be amended by adding at the end thereof the following new section, to be numbered section four (4):

Sec. 4. The common council shall have exclusive power to vacate or discontinue public streets, lanes, alleys and highways in said city, or any portion thereof, no such vacation or discontinuation shall be granted or ordered by the common council, except upon the verified petition in writing of one or more of the owners of real property on the line of the street, lane, alley or highway. Such petition shall state the reasons for such vacation, and briefly describe the street, lane, alley, highway or portions thereof desired to be vacated. The common council, upon the presentation of such petition at any regular or special meeting, if it is deemed expedient that the matter should be proceeded with, shall order such petition to be filed with the city recorder, who shall immediately make and publish in the official paper of the city, a notice for the period of four (4) successive weeks at least once in each week, stating that such petition has been filed with the city recorder, and its object in brief, and that such petition will be heard and considered by the common council at a certain time and place to be specified therein, which time and place shall be fixed by the common council at the time of the presentation of said petition, and the time of the hearing of such petition shall be fixed within fifteen (15) days after the expiration of the publication of said notice.

The common council at the time and place appointed, shall investigate and consider the matter involved in said petition, and if they desire to view the premises in question, and shall hear testimony on either or both sides, if offered. The common council after the hearing of such petition, may by a resolution passed by a two-thirds vote of its members, grant the prayers of the petitioners, and declare such street, alley, lane or highway, or so much thereof as is in question in the proceeding, vacated and discontinued, and the same shall thereby become duly vacated and discontinued upon the passage of such resolutions and the approval thereof by the mayor, as in other cases. A copy of such resolution duly certified by the recorder, shall be forthwith filed with the register of deeds of Blue Earth county, and duly recorded in his office. Such petition may be heard at any regular or special meeting of the city council, and the hearing thereof postponed from time to time, as the council may direct.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 12, 1878.