

be thereby absolutely vacated, and the City Council shall thereupon fill the vacancy.

SEC. 57. The City Council shall, when they may deem the same necessary, establish by ordinance a general plan or plans of streets, for any and all portions of the city not laid out into streets; and after such plan or plans shall have been so established, any improvements which may thereafter be made, or erected, or constructed, within the lines of any street contemplated by said plan or plans, shall not be included in any assessment of damages which may be made when the city proceeds to open said streets. Applications for opening any street or streets embraced in any plan heretofore adopted, or to be hereafter adopted, by the City Council, shall be made to the Council by petition in writing, designating the street or any part thereof desired to be opened, which said petition shall be signed by the applicant or applicants, and shall state their places of residence. If the City Council so resolve, it shall direct the City Marshal to give written notice to the owners or the occupants of the land embraced within the lines of said street, or owning or occupying the lands abutting upon the same, which said notice shall briefly state the substance of said petition, and shall require such owners or occupants to appear before such Council, at the time which said Council shall designate by resolution, which shall not be less than twenty days from the adoption of such resolution, and not less than ten days after the service of said notice upon said owners or occupants, then and there to state any objections they may have to the opening of said street: *provided*, however, that whenever the lands embraced within said lines of said streets, or abutting upon the same, are vacant or unoccupied, or the owners or occupants thereof cannot be found within the limits of said city by said Marshal, then, and in that event, it shall be a sufficient service of said notice upon said owners or said occupants to post the same in a conspicuous place upon said vacant or unoccupied lands, and also at the office of the Mayor of said city, at least ten days prior to the said time fixed for said appearance. At the time appointed for said hearing, the parties notified shall appear and briefly state, in writing, their objections, if any they have, to the opening of said street or streets; and if damages are claimed, shall also therein state the amount thereof; if damages are claimed, the Council shall designate a day to determine the same, which shall not be less than ten days after the time so appointed to hear such parties as aforesaid. Upon such designated day, or such other day to which the hearing of the same shall be continued, the Council shall proceed to hear the allegations of the parties, and such process [proofs] as may be produced in support of or against the same, for which purpose the presiding officer at such meeting of said Council shall have power to administer all the necessary oaths or affirmations; and if the party to whom the same is administered shall willfully, corruptly, and falsely swear touching the matter in issue before said Council, he shall be deemed guilty of perjury, and upon conviction thereof