

(as the case may be,) which vote shall be canvassed and returned as is by law prescribed for canvassing election returns; and if such returns show that a majority of the votes cast at said election, shall be against license, then and in such case the common council of said village shall grant no license to sell beer, spirituous, vinous, malt or fermented liquors in said village of Lyle, except to persons legitimately and *bona fide*ly engaged in the business or occupation of druggist, and then only for medicinal and mechanical purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1878.

## CHAPTER 60.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND SECTION THREE (3) OF CHAPTER SEVEN (7) OF AN ACT ENTITLED AN ACT TO REDUCE THE ACT INCORPORATING THE CITY OF ROCHESTER IN THE COUNTY OF OLMDSTED AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, AND THE ACT TO ORGANIZE A BOARD OF EDUCATION FOR THE CITY OF ROCHESTER AND THE SEVERAL ACTS AMENDATORY THEREOF, TO ONE (1) ACT AND TO AMEND THE SAME, APPROVED MARCH NINTH (9th) ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN (1867), AND TO ADD CERTAIN NEW SECTIONS TO SAID CHAPTER RELATING TO THE GRADING OF STREETS AND BUILDING SIDEWALKS, APPROVED FEBRUARY TWENTY-FOURTH (24th), ONE THOUSAND EIGHT HUNDRED AND SEVENTY (1870).

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

SECTION 1. That section three (3) of chapter eighteen (18) of special laws of the the year one thousand eight hundred seventy (1870), be amended so as to read as follows:

Section 3. The cost and expense of surveying streets, alleys side-walks, sewers, and estimating work thereon, and repairing and cleaning streets and alleys, shall be chargeable to and payable out of the street and alley fund of said city. Grading, graveling, planting, macadamizing, guttering or paving streets and alleys to the centre thereof, including the intersections of streets and alleys intersecting the streets to be improved, shall be chargeable to and payable by the lots fronting on such street or alley so improved, within the line of improvement so far as the work extends, and each lot on the line of such improvement shall be assessed and

chargeable with the cost of improvement made, in proportion to their fronts on such street or alley; *Provided*, That when the streets or alleys intersecting the street or alley to be improved are improved at the same time, the cost of improving the intersections shall be chargeable in equal proportions upon the streets and alleys so improved in proportion to their frontage thereon, within the line of improvement; *provided further*, that for the purpose of such assessment the sides of all lots adjoining said improvement shall be deemed fronts.

SEC. 2. That section eight (8) of said chapter eighteen (18) be amended so as to read as follows:

Section 8. Whenever the common council of said city shall deem it necessary to construct or rebuild any sidewalk in said city, they shall, by resolution, require the street commissioner to publish a notice to all owners or occupants of any lot or parcel of land adjoining such proposed sidewalk, to construct or rebuild so much thereof as adjoins their several lots at his or their own proper expense and charge, within a certain time designated in such notice, not less than thirty (30) days from the first publication thereof; the said notice shall be published in the official paper of said city not less than two (2) weeks, and shall contain a substantial description of the locality where such sidewalk is to be constructed or rebuilt, the nature of the work to be done and the time within which the owners or occupants are required to do the same; and when from any cause, it shall become necessary to repair any sidewalk in said city, the street commissioner shall serve a written or printed notice on the owners or occupants of the lots adjacent to the sidewalk to be repaired, requiring the owner or occupant, within a time certain, to be designated in said notice, not less than five days from the service thereof, to repair the same at his or their own expense and charges, and if the premises adjacent to the said sidewalk to be repaired are vacant or unoccupied, the street commissioner shall post up at the place or near where the said repairs are to be made, a notice requiring the owners of said lots to repair the said sidewalk within a time to be therein designated, not less than five (5) days from the posting of the said notice, at his own proper cost and charges; and the said street commissioner shall file in the office of the city recorder, a copy of the said notice with his affidavit, of the time and place of posting the same, which shall be deemed to be a sufficient notice to the owner of said lot or lots to repair the said sidewalk and within the time specified in the said notice.

SEC. 3. That section nine (9) of said chapter eighteen (18), be amended so as to read as follows:

Section 9. If any such work or any part thereof is not done in the manner provided for in section eight (8) as prescribed by the resolution of the common council or the notice of the street commissioner of said city and within the time designated, the street commissioner shall repair the said sidewalk, and the common council

may order the sidewalks built at the expense of the lots adjoining such sidewalk, and the expense of the building such sidewalk or the repair thereof, with interest on the cost thereof, at the rate of two (2) per cent. per month from the time of performing the said work until the first day of June next thereafter, shall be assessed upon such lots so chargeable in such manner that each lot shall be charged with the whole expense and interest as aforesaid on the cost of the sidewalk or the repair thereof adjacent thereto, by the street commissioner and returned to the common council; and such assessment shall be a lien upon said lot or lots, as in the case of city, county, and State taxes; and the common council shall cause a statement of such assessment to be returned to the auditor of Olmsted county at the same time with the city taxes levied by them (if any): and such assessment when so transmitted to said county auditor, shall be collected and payment thereof enforced in like manner as city, county and State taxes are collected and payment thereof enforced.

SEC. 4. That section twelve (12) of said chapter eighteen (18) be amended so as to read as follows:

Section 12. No error or informality in the proceeding under this chapter shall vitiate the assessment made by virtue hereof, and any objection to any assessment shall be made to the common council before the return thereof to the auditor of the county of Olmsted; *Provided*, The notices hereinbefore provided for, shall have been given, and proof thereof filed with the city recorder of said city.

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

Approved March 12, 1878.

---

## CHAPTER 61.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF BENSON, SWIFT COUNTY, STATE OF MINNESOTA," THE SAME BEING CHAPTER SIX (6) OF THE SPECIAL LAWS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SEVEN (1877).

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

SECTION 1. That section one (1) of chapter six (6) of the special laws of the year eighteen hundred and seventy-seven be amended