

CHAPTER 118.

[S. F. No. 217.]

AN ACT TO AMEND "AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ANOKA, IN THE COUNTY OF ANOKA, AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, INTO ONE ACT, AND TO AMEND THE SAME," APPROVED APRIL EIGHTEENTH (18TH), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889).

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

SECTION 1. That section two (2) of chapter one (1) of said act be and the same is hereby amended so as to read as follows:

Sec. 2. The territory included within the following boundaries and limits shall constitute the city of Anoka, viz.: All of fractional township number thirty-one (31) north of range number twenty-five (25) west of fourth (4th) principal meridian, and the fractional west three-fourths ($\frac{3}{4}$) of sections number six (6) and seven (7), in township number thirty-one (31) north of range number twenty-four (24) west of fourth (4th) principal meridian, in said county of Anoka, Minnesota.

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

Approved March 7, 1891. °

CHAPTER 119.

[S. F. No. 250.]

AN ACT TO AMEND CHAPTER TWENTY-EIGHT (28) OF THE SPECIAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), ENTITLED "AN ACT TO INCORPORATE THE CITY OF MOORHEAD, CLAY COUNTY, MINNESOTA."

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

SECTION 1. That chapter seven (7) of Chapter twenty-eight (28) of the Special Laws of the state of Minnesota for the year one thousand eight hundred and eighty-one (1881) be amended by adding to said chapter seven (7) section twelve *a* (12*a*) which shall read as follows:

Sec. 12*a*. It is hereby made the duty of all owners of land adjoining any street, lane or alley in said city, to construct, reconstruct and maintain in good repair the sidewalks along the street, lane or alley next to the lands of said owners respectively, as may have been heretofore constructed, or as shall hereafter be constructed or directed by the city council to be built, and such sidewalks shall be constructed and maintained so as to comply with the city ordinance which regulates the width of sidewalks in different localities, and provides for the materials of which they shall be constructed.

SEC. 2. That section fifteen (15) of said chapter seven (7) be amended so as to read as follows:

Sec. 15. Whenever the city council shall deem it necessary to construct or reconstruct any sidewalks in said city of Moorhead, they shall require the street commissioner to notify all owners and occupants of any lot or parcels of land adjoining such sidewalk, to construct or reconstruct the same, at his or their own proper expense and charge, within a certain time designated in a notice which shall be published once in each week, for two (2) successive weeks, in the official newspaper of said city, and which notice shall set forth the place where said sidewalk is to be constructed or reconstructed and the time within which the same is to be done.

SEC. 3. That section sixteen (16) of said chapter seven (7) be amended so as to read as follows:

Sec. 16. If said work is not done, and the sidewalks not constructed or reconstructed, in the manner and within the time prescribed, the city council may order the same to be done by the street commissioner, at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable by the street commissioner, and returned by him to the city council; and said assessment so made and returned, if approved by the city council, shall become a lien upon said lots and parcels of land as in case of city, county and street taxes.

SEC. 4. That said chapter seven (7) be amended by adding thereto a section numbered nineteen (19), which shall read as follows:

Sec. 19. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner immediately to repair the same in a good, substantial and thorough manner, and to report to the city council, in writing, the costs of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made; and if said report is accepted and approved by the city council, they shall then and thereupon assess upon such lots and parcels of land so reported by the street commissioner, the expenses of repairing said sidewalks in like manner as provided by section sixteen (16) of said chapter seven (7), and said assessment shall become a lien upon said lots and parcels of land as in case of city, county and state taxes. Said assessment shall be returned as a tax upon said lots or parcels of land to the auditor of Clay county, as provided by section seventeen (17) of said chapter seven (7). In case any such sidewalks shall become so out of repair as to become dangerous, and cannot be made safe without being rebuilt, it shall be the duty of the street commissioner to remove the same entirely, and the expense of such removal shall be collected in the same manner as the expenses for repairs.

SEC. 5. That said chapter seven (7) be amended by adding thereto a section numbered twenty (20), which shall read as follows:

Sec. 20. No assessment in this chapter provided for shall be set aside or held invalid by reason of any informality or irregularity in the proceedings prior to the entry thereof on the tax lists of the auditor of said county of Clay as herein required, unless it shall appear that by reason of any such informality or irregularity an injustice has been done to the party or parties claiming to be aggrieved.

SEC. 6. That said chapter seven (7) be amended by adding thereto a section numbered twenty-one (21), which shall read as follows:

Sec. 21. All persons who shall cause or maintain any obstruction, excavation or defect in any street, alley, bridge, sidewalk, thoroughfare or public ground of said city, by means of which a claim for damages shall arise against the city, shall be liable for such damages to whomsoever shall be entitled to recover the same from said city; and no action for such damages shall be brought or maintained against said city unless such person or persons shall be joined as defendants; and in case of judgment against the defendants in such action, execution shall be issued only against the defendant causing such deficiency, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied; and if the city shall pay such judgment, it shall become the owner thereof and may enforce payment of the same from the other defendants, and shall be entitled to execution thereon against them and to take such other proceeding as judgment creditors are entitled to take.

SEC. 7. That said chapter seven (7) be amended by adding thereto a section numbered twenty-two (22), which shall read as follows:

Sec. 22. Whenever any party is joined with said city as co-defendant in any action for the insufficiency of any street, alley, bridge, sidewalk, thoroughfare or public ground, and any such party is not a resident of, and cannot be found within, the state, service of summons in such action may be made upon such defendant upon like evidence and in like manner as prescribed by general law for service by publication in other actions.

SEC. 8. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after the date of its passage.

Approved February 27, 1891.

CHAPTER 120.

[H. F. No. 488.]

AN ACT TO AUTHORIZE THE CORPORATE AUTHORITIES OF THE VILLAGE OF ADRIAN, NOBLES COUNTY, MINNESOTA, TO ISSUE BONDS FOR THE CONSTRUCTION AND MAINTENANCE OF WATER WORKS IN SAID VILLAGE.

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

SECTION 1. The common council of the village of Adrian, Nobles county, Minnesota, is hereby authorized to issue the bonds of said village, with interest coupons attached, to an amount not exceeding the sum of ten thousand (10,000) dollars, in such denominations as may by said council be deemed proper, payable in not more than twenty (20) years, and to bear interest not greater than seven (7) per cent per annum, for the purpose of procuring a water supply for said village, the erection of water works, with all necessary