

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 All acts and parts of acts inconsistent with this act are hereby repealed.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

pumps, pipes, tanks, mills and machinery for the proper distribution of water within the limits of said village; *Provided*, that said bonds shall not be sold for less than par, and shall be known as public improvement bonds of said village.

SEC. 2. Before issuing any such bonds, the common council shall submit to the legal voters of said village the proposition to be voted on by them at any general election, or at a special election called for that purpose, which proposition shall distinctly state the amount of bonds to be issued, the purpose for which they are to be issued, the time when payable, and if at said election a majority of the legal voters voting on said proposition shall vote for issuing bonds, then said bonds may be issued in accordance with said proposition and not otherwise.

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

Approved March 11, 1891.

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## CHAPTER 121.

[H. F. No. 318.]

AN ACT AUTHORIZING THE CITY OF MINNEAPOLIS TO VACATE, OR CAUSE TO BE VACATED, A PORTION OF THE EAST SIDE CATHOLIC CEMETERY, SO CALLED, AND TO REMOVE, OR CAUSE TO BE REMOVED, ALL BODIES INTERRED IN SUCH PORTION THEREOF, AND TO PURCHASE, OR CAUSE TO BE CONDEMNED, TAKEN AND APPROPRIATED FOR STREET PURPOSES, SUCH PORTION OF SAID CEMETERY.

WHEREAS, The cemetery in the city of Minneapolis known as the East Side Catholic cemetery, being and consisting of the north three-quarters ( $\frac{3}{4}$ ) of the south half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section eleven (11), in township twenty-nine (29) of range twenty-four (24), containing fifteen (15) acres, more or less, projects into Central avenue as said avenue is now laid out south of said cemetery; and

WHEREAS, Said city of Minneapolis is desirous of opening and widening said Central avenue along and east of said cemetery to the uniform width of one hundred (100) feet, to make said avenue conform in width at said place with the portions of said avenue south of said place; and

WHEREAS, To make said avenue and the boundaries thereof straight and give said avenue a uniform width of one hundred (100) feet in the portion thereof east of said cemetery, it will be necessary to appropriate for street purposes a strip of land off from the east side of said cemetery not exceeding fifty (50) feet in width; therefore,

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

SECTION 1. That the city council of the city of Minneapolis be and is hereby authorized and empowered to purchase, or cause to be con-