

CHAPTER 249.

H. F. No. 561.

An act to permanently establish and perpetuate the section and quarter section corners of the United States government survey.

Section corners

95 C 249
97 - 277
65-M - 310
67-NW 997

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

SECTION 1. Whenever a majority of the resident land owners, in any government section in this state wish the corners of the said section permanently marked, and the sub-divisional lines definitely located and the notes of the same duly recorded in the record books of the surveyor's office of the county; they shall, after giving at least ten (10) days' notice, to each of the resident land owners of such intention notify the county surveyor that they wish to have the section subdivided; the corners permanently marked and the notes of the same recorded.

County surveyor to establish and record.

SEC. 2. The surveyor shall at his earliest convenience set a time when he will make such survey, and at the appointed time he, or one of his deputies shall appear and proceed to make such survey, according to the laws now made and provided for the subdivision of sections, *provided* that all the section corners of said section can be proven.

Same.

SEC. 3. But should any section corner have become obliterated, and its original location is a matter of dispute so that the same cannot be restored by evidence the surveyor shall proceed to restore said corner by proportional measurement from the nearest known corners, north and south and east and west, in proportion to the distances given in the government field notes.

Lost corners.

Provided, however that no line of any highway already existing or laid out or of any lands bordering thereon shall be affected by any such location or relocation.

SEC. 4. The surveyor shall place at each of the corners of said section an iron monument two and a half ($2\frac{1}{2}$) inches square and thirty (30) inches long, and at each of the one-fourth ($\frac{1}{4}$) section corners, an iron monument one and a half ($1\frac{1}{2}$) by two and a half ($2\frac{1}{2}$) inches square and thirty (30) inches long or stone monuments six (6) inches square and thirty (30) inches long and it shall be the duty of the boards of county commissioners of the several counties of this state to furnish such iron monuments to the several county surveyors as fast as such permanent surveys are made.

How marked—iron monuments.

Record—what to contain.

SEC. 5. The surveyor shall record in the county surveyor's record books the evidence taken to restore or prove an obscure corner. The distances between all government corners on the boundary lines of the section the length of both the north and south and the east and west quarter section lines, the angles at each corner and at the center of said section, together with an accurate plat of the section on a scale of not less than eight (8) inches per one (1) mile, together with the names of the assistants.

Compensation.

SEC. 6. The surveyor shall receive four (4) dollars per day for each day spent in making said survey and recording the field notes and plat, including the time necessarily spent in going to and returning from the field. The said surveyor shall also be paid for two chainmen and one axman at the rate of two (2) dollars per day each.

Cost—how paid

SEC. 7. The cost of the survey shall be divided and paid in the following manner: The surveyor shall keep a careful account of the work done on the several parts of the section, and of the help furnished, and at the conclusion of the work apportion the costs in as equitable a manner as possible, for the relocation of a section corner to the four (4) sections adjacent and for the subdivision of the section to each subdivision according to the costs and the benefits received.

Same.

SEC. 8. The surveyor shall file with the county auditor a certificate of the costs of making such survey and the apportionment to each section and sub-divisional parts of the section, who shall assess the same against the property as other taxes, and a bill for the whole amount due the surveyor shall be audited and paid by the commissioners out of the general funds of the county.

Prima facie evidence.

SEC. 9. The record and plat of such survey after being properly certified to by the surveyor shall be admitted as prima facie evidence of the location of such corners, and the lengths of such lines in the courts of this state.

Penalty for defacing.

SEC. 10. It shall be unlawful for any person to remove, destroy or deface said landmarks and upon conviction of the same shall be deemed guilty of a misdemeanor and be punished by a fine and imprisonment, or both, in the discretion of the court, not more than one hundred (100) and not less than twenty-five (25) dollars, and not more than thirty (30) days' imprisonment in the county jail of the county.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved April 23rd, 1895.