

S. F. No. 662.

## CHAPTER 256.

Defining a newspaper for publication of laws and legal notices.

*An act to amend section one (1) of chapter thirty-three (33) of the laws of the State of Minnesota for the year one thousand eight hundred and ninety-three (1893) as amended by chapter one hundred and twenty-one (121) of the general laws of the State of Minnesota for the year eighteen hundred and ninety-five (1895), defining what shall constitute a newspaper for the publication of the laws of the state and legal notices.*

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

SECTION 1. That section one (1) of chapter thirty-three (33) of the laws of the state of Minnesota for the year one thousand eight hundred and ninety-three (1893) as amended by chapter one hundred and twenty-one (121) general laws of the state of Minnesota for the year one thousand eight hundred and ninety-five (1895), be and the same is hereby amended by adding at the end thereof the following:

*Provided, further, that in order to constitute a legal newspaper under the provisions of this act it shall not be necessary that such paper be published or issued upon Sundays or holidays.*

*And provided, further, that in newly organized counties, during the first fifteen months after such organization, any newspaper which does not comply with this act as to length of time of publication and number of papers printed and published, shall, nevertheless, be considered a legal paper upon complying with all the other requirements of this act.*

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

Approved April 23, 1897.

S. F. No. 651.

## CHAPTER 257.

Defining rights of shore owners and partition of such lands on meandered waters.

*An act to define the right of shore owners in the beds of meandered streams or lakes within the state and to provide for the partition of such lands between the respective owners thereof.*

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

SECTION 1. All lakes and streams in this state which have been or may hereafter be meandered in the government surveys are hereby classified into public waters and private waters. All such meandered rivers, and all meandered lakes of more than one hundred and sixty (160) acres in extent which are of sufficient depth and volume to be capable of any beneficial public use for fishing, fowling, boating or furnishing water supply for domestic, municipal or agricultural purposes, shall be known as public waters.

Public and private waters.

All meandered lakes and streams not included in the above classification shall be known as private waters.

SEC. 2. In all cases where any lake belonging to the class of private waters above mentioned has been so meandered in the government survey, the owners of the lands abutting upon the shores of said lake shall be the owners in common of the bed thereof; and for the purpose of this act the bed of such lake shall be deemed to include all the lands within the meander lines established by such government survey, and the rights of the respective shore owners in case of the partition of such lake bed as hereinafter provided, shall be in proportion to the length of the meander line upon the tract or tracts owned by each. And in all cases where such meandered lakes come within the classification of public waters the bed and waters thereof shall belong to the state and in its sovereign capacity, in trust for the people for public use, and the shore owners shall own in common the fee in the lands to the water's edge thereof. *Provided*, that whenever the waters of any such lakes so far recede or dry up as to reduce said lake within the classification of "private waters," as above defined, the title of the state and its trusteeship shall cease, and the bed of said lake shall pass to and be divided among the owners of the shore of the same as if said lake had always belonged to the class of private waters.

Defining lines of ownership for individuals and the state on meandered lakes.

SEC. 3 In all cases where any river or other stream including any marsh or swamp appurtenant thereto has been or may hereafter be meandered in the United States government survey of any of the land within this state, the owner of lands abutting upon said stream or river shall be the owner of the bed of said stream, with all accretions or relictions, or intervening islands to the thread of said stream; or if said stream dries up then to the point where the thread thereof was located; and the lateral boundaries of said shore owners shall be straight lines extended from the widest point on the meander lines across the tract of said shore owners to the thread of said stream, running parallel with the lines of the government survey, and intervening irregularities of the ac-

Defining ownership on meandered streams, including marsh or swamp land.

tual shore line of said stream shall be disregarded if they cross or conflict with such straight lines so extended. *Provided*, that if by reason of the convolutions of said meander line such straight lateral lines so extended in the direction of the thread of said stream would intersect before reaching said stream with some other point of said meander line, said lateral line shall nevertheless be extended straight to such point of intersection, and from such point the intersecting meander shall be the boundary line of such tract to the point constituting the extremity of the narrowest clear space between such exterior meander line and said stream, and from thence a new lateral line shall be extended parallel to the first to the thread of said stream. *Provided further*, that in all cases where such stream or river comes within the classification of public waters, as above defined, the title to the actual bed of said river and the waters therein shall be held in trust by the state in its sovereign capacity for public use, during all the time while said river is adapted to any such public use, and upon the drying up of the same such trusteeship of the state shall cease. But such trusteeship shall not in any manner interfere with establishing the boundaries of the lands adhering to the lands of any shore owner by reason of accretions or reliction as above provided.

SEC. 4. The shore owners of the bed of any such lake, the waters of which are or have become private, under the above classification, may have the same divided and partition of the whole thereof made between the several owners at any time after the same or any part thereof dries up, or any of the waters thereof recede; and if said owners are unable to agree upon a division which is acceptable to all, either of said owners or any person having an actual interest or title in any part of abutting shore land, may bring an action in the district court in any county where the said lake bed or some part thereof is situated, against all other persons owning or having any interest or title in the same, to have partition thereof made according to the respective rights of said shore owners. And in said action for the purpose of making such partition said district court may appoint one or more disinterested competent surveyors to ascertain the quantity of land in said lake beds, and the number of acres to which each shore owner is entitled upon the basis aforesaid, and said surveyors may be directed to further if practicable, subdivide said lake bed into distinct tracts of convenient form containing the quantity of land to which each such shore owner is entitled contiguous as far as practicable to the tract owned by each such shore owner outside of

Division of  
land where  
waters have  
receded.

If owners  
disagree on  
partition  
district court  
to act.

said meander line, and so that the same will be accessible to each owner from his holding beyond said meander line. And if such division is impossible because of the form of said lake bed and such course is necessary and recommended by said surveyors, said court may by its decree locate and establish a suitable and convenient highway, into or through such portion of said lake bed as may be necessary to enable all such owners to conveniently reach the tract set apart to him or to which he may be adjudged entitled in said partition proceedings. And if in the opinion of the court upon a full examination of the case no just and equitable division can be made of said lake bed between said shore owners in the manner herein provided because of the difference in value in different portions of said lake bed or other case, the court may direct the said lake bed to be subdivided into convenient tracts so as to readily [be] marketable for the purposes for which it is best adapted, and thereupon said district court may in said action in such manner as it shall deem for the best interests of all concerned, direct said lake bed or the several tracts into which the same may have been sub-divided, to be sold at public auction to the highest bidder by a receiver appointed for that purpose, and after deducting the expenses of all said proceedings the proceeds of said sale remaining shall be distributed among the respective owners of said abutting lands in proportion to the rights of each as above set forth. And for the purpose of better carrying out the purpose and intent of this act the several district courts of this state are hereby vested with full power and authority to make such orders and cause such steps not herein enumerated to be taken in any case contemplated by this act as may be necessary in furtherance of the spirit and intent hereof, and with a view to meting out substantial justice between the parties.

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

Approved April 23, 1897.

If division of land not practical, court may make sale and divide proceeds.