

## CHAPTER 59.

S. F. No. 129.

*An act to provide for the filing and recording in offices of registers of deeds of attested copies of wills and of the probate thereof, affecting lands or interests in lands, and to legalize any such record heretofore made.*

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

SECTION 1. An attested copy of every will and of the probate thereof, devising lands or any interest in lands, shall be recorded in the office of register of deeds of the county in which such land is situated.

Wills devising lands.

SEC. 2. That in all cases where any duly attested or authenticated copy of any will and the probate thereof affecting lands or interest in lands has heretofore been actually recorded in the office of the register of deeds in the county in this state where any of the lands affected by such will are situated, such record is hereby in all respects legalized and made valid; and such record shall be admissible in evidence and shall have the same force and effect in all respects as though such recording was duly authorized by law at the time of the making of the same. Nothing in this section of this act shall apply to any action or proceeding now pending in any court.

Legalizing record.

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

Approved March 14, 1903.

## CHAPTER 60.

S. F. No. 177.

*An act to amend sections two thousand three hundred and fifteen (2315) and two thousand three hundred and seventeen (2317) of the General Statutes of one thousand eight hundred and ninety-four (1894) relating to the vacation of town plats.*

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

SECTION 1. That section one (1) of chapter thirty-one (31) of the General Laws of one thousand eight hundred and sixty-nine (1869), the same being section two thousand three hundred and fifteen (2315) of the General Statutes of one thousand eight hundred and ninety-

four (1894) be and the same is hereby amended so as to read as follows:

Section 2315. The district courts are authorized and empowered upon application made by one or more of the proprietors of any city, town or of any addition to any city or town, or of any part of any city, town or addition thereto, within their district, to alter or vacate the same, or any part thereof, including streets, alleys and public squares, and to adjudge and declare the title to such streets, alleys and public squares in such persons as are entitled to the same; *provided*, that no decree or order of vacation shall be granted until all taxes assessed against the property to be vacated shall have been paid.

SEC. 2. That section fourteen (14) of chapter twenty-nine (29) of the Revised Statutes of one thousand eight hundred and sixty-six (1866), the same being section two thousand three hundred and seventeen (2317) of the General Statutes of one thousand eight hundred and ninety-four (1894) be and the same is hereby amended so as to read as follows:

Section 2317. If such proprietor produces to said court satisfactory evidence, that the notice required by law has been given, the court shall proceed to hear and determine said petition, and may alter and vacate said city or town or additions, or any part thereof, by its order and decree, which shall be recorded by the clerk of said court in the records of said court, a certified copy of which shall be recorded in the office of the register of deeds of the county in which said city, town or addition is situated, and also filed in the office of the county auditor of such county. But no street or alley, or any part thereof, shall be vacated between blocks or lots or which connect two parts of the city, town or addition, except such blocks or lots or one part of the city, town or addition so connected, is also vacated, unless, however, it appears to the satisfaction of the court that such street or alley or part thereof, sought to be vacated is useless for the purpose for which the same was laid out or dedicated; *provided*, that if, upon the hearing of said application any objection is made by any person owning or occupying contiguous land, and whose interest will be injuriously affected by such proposed vacation, the court shall hear him, and give judgment as seems right and proper; *provided further*,

Vacating  
streets and  
alleys.

Court to  
hear  
evidence.

Streets or  
alleys which  
connect two  
parts of  
city cannot  
be vacated.

that whenever, in the judgment of the court, the parties resisting such vacation or alteration will sustain, by the same damages greater than [than] the benefits resulting therefrom, the court is empowered to assess the said damages or cause the same to be assessed, and require the payment of the same by the parties making the application, before the said vacation or alteration shall take effect.

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

Approved March 14, 1903.

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### CHAPTER 61.

S. F. No. 131

*An act providing for the transportation and instruction of scholars of one school district in an adjoining district or districts.*

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

SECTION 1. When, in the opinion of the board of trustees of any school district of this state, it would be for the best interests of said district to dispense with the holding of school in said district, it is competent for said board of trustees, and it shall be the duty of said board of trustees to arrange with the board of trustees of any adjoining district or districts for the instruction of such children of said district who may attend school in such other district. It shall be the duty also of the board of trustees in said district in which no school is held to provide for the transportation of the children of their school district to and from the school in such district or districts to which they may be sent. The cost and expense of such instruction and transportation of such children shall be paid by the board of trustees of said district in which no school is held out of any funds belonging to such district. The clerk of the district, where no school is kept, shall furnish to the teacher of such adjoining district or districts a register, and it shall be the duty of the teacher to keep a separate daily record of attendance of the scholars from such adjoining district and of such other matters as the law requires, and such teacher, in addition to the reports required by law to be made for the district in which the school is kept, shall make similar separate re-

Trustees of one school district to arrange with trustees of another.

Clerk to keep record.