

twenty years or more used such plot or definite parts thereof and has failed to keep the same clear of weeds or brush, shall be prima facie evidence that such party has abandoned the same.

**Sec. 4. Copy of judgment to be filed with register of deeds.**—A certified copy of the judgment in such action quieting title may be filed in the office of the register of deeds in and for the county in which said parcel is situate.

**Sec. 5. Effective Nov. 1, 1921.**—This act shall take effect and be in force from and after November 1st, 1921.

Approved April 18, 1921.

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#### CHAPTER 359—H. F. No. 922.

*An act providing for the perpetuation of the location of government section and quarter section corners which may hereafter be obliterated by the construction of highways.*

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

**Section 1. Commissioner of highways and county boards to mark corners.**—Whenever by reason of the construction of a public highway it may become necessary to destroy or obliterate a known section or quarter section corner it shall be the duty of the Commissioner of Highways, in case of trunk highways, and the county board in case of other roads, to provide for a permanent marking of such corners and the placing of reference or witness monuments by means of which such corners can readily be located.

The permanent marking of such corners and establishment of reference or witness monuments shall be in the manner following, to-wit: At the exact location of any such corner there shall be placed a stone, concrete or cast-iron marker not less than four inches in diameter at the top and not less than eighteen inches deep. In the case of a paved highway there shall also be placed over the marker and in the surface of the pavement a metallic plug not less than one inch in diameter and two inches in depth.

Reference or witness monuments evidencing the location of the corner shall be established, before the obliteration of the corner, at at least two places most practicable and shall consist of stone, concrete or cast iron.

**Sec. 2. Records and reference to be filed with register of deeds.**—Records of markers and reference or witness monuments, herein provided for, shall be preserved by the filing in the office of the Register of Deeds of the proper county or counties of certificates made by the engineer or surveyor placing and establishing such markers and monuments. Each certificate shall contain only the record of markers and monuments at one corner. The Register of Deeds for filing such certificates shall be entitled

to charge and receive a fee of twenty-five cents for each certificate so filed.

Sec. 3. Form of certificate.—Such certificates shall be on sheets of durable paper, which sheets shall be in size eleven by eleven inches with a margin at the left for binding of one and one-half inches. Such certificates shall be substantially in the following form, to-wit:

I hereby certify that on the ..... day of .....  
..... I found the ..... corner of .....  
which was evidenced by .....  
..... and I further certify that to perpetuate the location of such corner I did at the exact location thereof place a permanent marker consisting of .....

I further certify that I established ..... reference or witness monuments consisting of ..... which reference or witness monuments are located in the manner following:

.....  
.....  
.....  
.....  
.....

Dated at ..... this ..... day of .....  
19.....

.....  
County Surveyor

In cases where such markers are placed and monuments established by a person other than an officer, the affidavit of the engineer or surveyor of substantially the foregoing form shall be filed with the same force and effect as certificates made by officers.

Sec. 4. Expense—How paid.—The expense of placing such markers and monuments and the filing fee herein provided for shall in case of trunk highways be paid out of the State Trunk Highway Funds. In case of other roads such expense and fee shall be paid by the county or counties wherein the location of the corner perpetuated is situated, and such claims against counties shall be itemized, verified and audited as provided for by law and payment thereof made from the county general revenue fund.

Sec. 5. Penalties for removal or destruction.—Every person who shall wrongfully displace, remove, injure or destroy a marker, metallic plug or monument placed or established, as herein provided, shall be guilty of a misdemeanor.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 18, 1921.

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CHAPTER 360—H. F. No. 950.

*An act validating probate proceedings in cases of lost or destroyed will heretofore had in this state, and validating the final decree entered therein.*

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

Section 1. Probate Court proceedings legalized in certain cases.—That all proceedings in any Probate Court in this state heretofore had and completed prior to the year A. D. 1912, and the final decree entered therein, shall be and the same hereby is validated and rendered binding, conclusive and effective in the following cases and against the following objections, viz:—

(a). In case of a lost or destroyed will, where the petition for the probate thereof does not set forth or embody the provisions of such lost or destroyed will, in accordance with the provisions of Section 3688, Revised Laws, 1905 and acts ammendatory thereof or supplementary thereto.

(b). In case of a lost or destroyed will, where the notice of hearing of the petition for the probate thereof does not set forth or embody the provisions of such lost or destroyed will in accordance with the provisions of Section 3688, Revised Laws, 1905 and acts ammendatory thereof or supplementary thereto.

Sec. 2. Same.—In all the cases set forth in Section one hereof, all such probate proceedings and the final decree entered therein be and the same and each thereof hereby is declared to be valid and sufficient for all purposes to the same extent as if said provisions of said section 3688, Revised Laws, 1905, and supplementary or ammendatory acts had been in said probate proceedings specifically complied with.

Sec. 3. Not to affect pending actions.—This act shall not affect any action or proceedings now pending in any of the courts of this state directly brought for the purpose of testing any such defective probate proceedings.

Sec. 4. This act shall be in force and effect from and after its passage.

Approved April 18, 1921.

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CHAPTER 361—H. F. No. 959.

*An act relating to the salary, compensation and allowances of county officers, their deputies and assistants.*