

Statutes  
1878

THE  
GENERAL STATUTES  
OF THE  
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY  
GEORGE B. YOUNG.

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EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS  
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

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FOURTH EDITION.

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WITH SUPPLEMENTS,  
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF  
THE LEGISLATIVE SESSION OF 1883.

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1883.

§ 5. **Penalty for selling without license.** If any person, not licensed and qualified as an auctioneer, as prescribed in the preceding sections, sells or attempts to sell any real or personal property at public auction, he is guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars for each offence.

§ 6. **Penalties on occupants of buildings.** The tenant or occupant of any house or store, having the actual possession and control of the same, who knowingly permits any person to sell any real or personal property at public auction in his said house or store, or in any apartment or yard appurtenant to the same, contrary to the provisions of this chapter, shall forfeit a sum not exceeding one hundred dollars.

§ 7. **Official sales excepted.** Nothing in this chapter shall extend to sales made by sheriffs, deputy sheriffs, coroners, constables or collectors of taxes.

§ 8. **Duration of license.** No license granted as aforesaid, shall remain in force more than one year from the date thereof.

CHAPTER XXIX.

TOWN PLATS.

Ch. XXVIII, § 7. See ISS: Sup't, p. 43.

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SECTION.

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§ 1. **Town or addition to be platted.** When any person wishes to lay out a town or an addition or subdivision of out-lots, he shall cause the same to be surveyed, and a plat thereof made, which shall particularly describe and set forth all the streets, alleys, commons or public grounds, and all in and out-lots or fractional lots within, adjoining, or adjacent to said town, giving the names, width, courses, boundaries and extent of all such streets and alleys.

§ 2. **Plat, what to show.** All the in-lots shall be numbered in progressive numbers, or by the squares in which they are situated, and their precise length and width stated on said plat; and out-lots shall not exceed ten acres in size, and shall in like manner be surveyed and numbered, and their precise length and width stated on the plat, together with any streets, alleys or roads which divide or border the same.

§ 3. **Monuments to be fixed at certain corners.** The proprietor of the town, addition or subdivision of out-lots shall, at the time of surveying and laying [out] the same, plant and fix at a corner of the ground, or at the corner of a public lot, if there is any, and if none, then at the corner of some one of the in-lots in the town, and at the corner of each out-lot, a good and sufficient stone, of such size and dimensions, and in such manner as the surveyor directs, for a corner from which to make further surveys; and the point where the same may be found shall be designated on the plat.

§ 4. **Plat to be certified and recorded.** The plat, after being completed, shall be certified by the surveyor; and the officers, and every person whose duty it is to comply with the foregoing requisitions, shall, at or before the time of offering such plat for record, acknowledge the same before some person authorized to take acknowledgment of deeds. A certificate of such acknowledgment shall, by the officer taking the same, be indorsed on the plat, which certificate of the survey and acknowledgment shall also be recorded and form a part of the record: *provided*, that whenever any part of the lands embraced in such plat are within the limits of any incorporated city, the plat shall not be so recorded until the plat shall have been approved by the common council of such city, and a certificate of such approval put thereon by the clerk of such common council, which certificate shall also be recorded, and form a part of the record of such plat. (*As amended 1871, c. 39, § 1.*)

*City of Winona v. Huff, 11 M. (119).*

§ 5. **Effect of execution and record of plat.** When the plat is made out, certified, acknowledged and recorded as required by this chapter, every donation or grant to the public or any individual, religious society, or to any corporation or body politic, marked or noted as such on said plat, shall be deemed in law and equity a sufficient conveyance to vest the fee simple of all such parcels of land as are therein expressed, and shall be considered, to all intents and purposes, a general warranty against such donors, their heirs or representatives, to said donees or grantees, for their use, for the uses and purposes therein named, expressed and intended, and no other use or purpose whatever; and the land intended to be for the streets, alleys, ways, commons, or other public uses in any town or city, or addition thereto, shall be held in the corporate name thereof, in trust for the uses and purposes set forth and expressed or intended.

8 M. 436 (491); *Schurmeter v. St. Paul & Pacific R. R. Co.*, 10 M. (82);  
*City of Winona v. Huff*, 11 M. (119); 17 M. 260; 21 M. 493; 22 M. 261.

§ 6. **Where recorded.** If the county in which said town or addition is situated is not organized, the plat shall be recorded in the register's office of that county to which the county in which said town is situated is attached for judicial purposes.

§ 7. **Powers of county commissioners in certain cases.** When any town, addition, or subdivision of out-lots has been heretofore laid out, and lots sold, either by county agents, commissioners or other persons, and a plat of the same has not been acknowledged and recorded in conformity to the acts heretofore in force, the present county commissioners or a majority of them in such county, or other persons or proprietors who have laid out the same, or their legal representatives, shall have the same fairly, fully and clearly made out, certified and acknowledged, and recorded in the proper county, in the form and manner required by this chapter; noticing and particularly describing the donation of lands, or otherwise, to individuals, societies, bodies politic, or for common or public purposes: *provided*, that if the lots have been differently numbered and sales made, and they can not well be changed, they shall be returned as originally stated; but in all other respects the plat shall conform to the requisitions of this chapter.

§ 8. **Fees of surveyors and registers.** The surveyors who lay out, survey and plat any town or addition thereto shall receive twenty-five cents for each and every in and out-lot the same may contain, unless otherwise agreed; and every register of deeds recording the same shall receive the sum of five cents for each and every lot as aforesaid; the plat and survey to be by him transcribed and copied into a book, or upon suitable paper, to be formed into an unbound volume with covers for careful preservation, to be provided by the county commissioners for that purpose: *provided*, that the original of said plat and survey may be incorporated in said volume, and shall in all respects form the true record of the same, in which case the register shall receive the sum of two cents for each and every lot as aforesaid.

§ 9. **Penalty for selling lots, etc.** If any person disposes of, offers for sale, or leases for any time, any out or in-lot, in any town or addition to any town or city, or any part thereof, before all the foregoing requisitions of this chapter are complied with, every person so offending shall forfeit and pay the sum of twenty-five dollars for each and every lot or part of a lot sold or disposed of, leased or offered for sale.

§ 10. **Penalties on county officers.** If any county officer or other person, whose duty it is to comply with any of the requisitions of this chapter, neglect or refuse so to do, they shall each forfeit and pay a sum of not less than ten, nor more than one hundred dollars, for each and every month they delay a compliance.

§ 11. **Forfeitures how collected.** All forfeitures and liabilities which are incurred or arise under this chapter shall be prosecuted and recovered in the name of the county treasurer; and any officer paying over any money to the said treasurer, received under any of the provisions of this chapter, shall take his receipt therefor, and forthwith file the said receipt with the clerk of the board of county commissioners, and the said clerk shall charge the amount of said receipt in account against said treasurer, on the books of the county commissioners.

§ 12. **Alteration and vacation of towns and additions.** The district courts are authorized and empowered, upon application made by one or more of the proprietors of any city or town, or of any addition to any city or town, or of any part of any city or town or addition thereto, within this district, to alter or vacate the same, or any part thereof, including streets 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. (*As amended 1869, c. 31, § 1.*)

§ 13. **Notice of application to be posted.** If such proprietor is desirous of obtaining such vacation, he shall post notices in writing of such intended application, in at least two of the most public places in the county in which such city, or town, or addition is situated, and insert a copy thereof in a newspaper printed or in circulation in said county, at least thirty days prior to the sitting of the court to which he intends to make such application.

§ 14. **Proceedings on hearing.** If such proprietor produces to said court satisfactory evidence that the notice required by the preceding section 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, and order its proceedings to be recorded by the clerk in the records of said court, and in the office of the register of deeds of the county in which said city, town or addition is situated. 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*, that whenever, in the judgment of the court, the parties resisting such vacation or alteration will sustain, by the same, damages greater 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 such application, before the said vacation or alteration shall take effect.