

CHAPTER 381

ESTABLISHING SECTION LINES

381.01 PETITION.

HISTORY. 1895 c. 250 ss. 1, 2; R.L. 1905 s. 458; G.S. 1913 s. 786; G.S. 1923 s. 797; M.S. 1927 s. 797.

The delinquent tax list makes a prima facie case for the state; and upon the record before the court the provisions of chapter 381 are in no way involved; and the defendant, upon whom the burden of showing that the assessment is invalid, has failed to do so. State v Meck, 161 M 334, 201 NW 536.

381.02 MEETING; NOTICE.

HISTORY. 1895 c. 250 s. 2; R.L. 1905 s. 459; G.S. 1913 s. 787; G.S. 1923 s. 798; M.S. 1927 s. 798.

381.03 HEARING; CONTRACT WITH SURVEYOR.

HISTORY. 1895 c. 250 ss. 3, 4; R.L. 1905 s. 460; G.S. 1913 s. 788; G.S. 1923 s. 799; M.S. 1927 s. 799.

381.04 DUTIES OF SURVEYOR.

HISTORY. 1895 c. 250 ss. 5, 6; 1903 c. 51 s. 1; R.L. 1905 s. 461; G.S. 1913 s. 789; G.S. 1923 s. 800; M.S. 1927 s. 800.

381.05 PLAT AS EVIDENCE.

HISTORY. 1895 c. 250 ss. 6, 7; R.L. 1905 s. 462; G.S. 1913 s. 790; G.S. 1923 s. 801; M.S. 1927 s. 801.

381.06 EXPENSES; ASSESSMENT.

HISTORY. 1895 c. 250 s. 8; R.L. 1905 s. 463; G.S. 1913 s. 791; G.S. 1923 s. 802; M.S. 1927 s. 802.

In spreading assessment for expenses of a survey, tax-forfeited and government lands are not assessed. The county board in their discretion, spread the assessment "equitably". OAG Dec. 30, 1943 (404).

381.07 ASSESSMENT; NOTICE; CONFIRMATION.

HISTORY. 1895 c. 250 ss. 8, 9; R.L. 1905 s. 464; G.S. 1913 s. 792; G.S. 1923 s. 803; M.S. 1927 s. 803.

381.08 ASSESSMENT ENTERED ON TAX DUPLICATE.

HISTORY. 1895 c. 250 s. 10; R.L. 1905 s. 465; G.S. 1913 s. 793; G.S. 1923 s. 804; M.S. 1927 s. 804.

381.09 EXPENSES, HOW PAID.

HISTORY. 1895 c. 250 s. 11; R.L. 1905 s. 466; G.S. 1913 s. 794; G.S. 1923 s. 805; M.S. 1927 s. 805.

381.10 APPEALS.

HISTORY. 1895 c. 250; R.L. 1905 s. 467; G.S. 1913 s. 795; G.S. 1923 s. 806; M.S. 1927 s. 806.

MINNESOTA STATUTES 1945 ANNOTATIONS

2351

ESTABLISHING SECTION LINES 381.18

381.11 NOT TO AFFECT LINES FIXED BY AGREEMENT.

HISTORY. 1895 c. 250 s. 7; R.L. 1905 s. 468; G.S. 1913 s. 796; G.S. 1923 s. 807; M.S. 1927 s. 807.

381.12 SECTION CORNERS RELOCATED.

HISTORY. 1871 c. 27 s. 1; 1875 c. 33 s. 1; G.S. 1878 c. 8 s. 125; 1885 c. 47; 1889 c. 102; 1893 c. 168 s. 1; G.S. 1894 s. 697; 1899 c. 126; R.L. 1905 s. 448; G.S. 1913 s. 773; G.S. 1923 s. 784; M.S. 1927 s. 784.

Plaintiff claimed the strip of land as part of his 80-acre tract according to government survey, by adverse possession, practical location of boundary line, and by acquiescence. Monuments placed by the county surveyor, pursuant to section 381.12, show prima facie the section corner and quarter posts of the government survey. The plaintiff, having failed to adduce testimony sufficient to go to the jury of any other definite line than the one indicated by said monuments, it was error to submit the question of government boundary line to the jury. *Roy v Dannehr*, 124 M 233, 144 NW 758.

The corners and boundary lines established by the government survey of the public lands are where they were actually marked on the ground by the government surveyors, and the point where the section post or quarter section post was placed on the ground if satisfactorily established, is controlling and conclusive. This, even though the location of the posts may not accord with the courses and the distances of the plat and field notes. *Lawler v Counties of Rice and Goodhue*, 147 M 234, 178 NW 317, 180 NW 37.

The evidence entitled the jury to find that the east quarter corner of the section involved was not a lost corner; and hence the west boundary line was as claimed in plaintiff's complaint and actually determined by plaintiff's surveyor from a relocation of said quarter corner by sufficient proof at the identical point where the original government survey had placed such corner. *Patnode v May*, 182 M 348, 234 NW 459.

The location of lost section corners and quarter corners of government surveys may be proved by reputation; and the testimony of the county highway engineer and surveyor acquainted with the locality and reputed corners and quarter corners of the section involved, was sufficient to admit his survey in evidence. Upon that survey, the court could find the true boundary line between the farms of the plaintiff and the defendants. *Lenzmeier v Ess*, 199 M 10, 270 NW 677.

There is no statutory or common-law provision requiring that the reestablishment of relocation of government survey corners be done under the direction of the county surveyor of the county in which the lands are situate; but to include the county surveyor in reestablishing survey corners provides a stronger case. 1934 OAG 454, Oct. 10, 1933 (404c).

381.13 TOWNSHIP LANDMARKS.

HISTORY. 1875 c. 32 ss. 1 to 3; G.S. 1878 c. 8 ss. 126 to 128; G.S. 1894 ss. 698 to 700; R.L. 1905 s. 449; G.S. 1913 s. 774; G.S. 1923 s. 785; M.S. 1927 s. 785.

381.14 SECTION OR QUARTER SECTION CORNERS MARKED.

HISTORY. 1921 c. 359 s. 1; G.S. 1923 s. 779; M.S. 1927 s. 779.

381.15 RECORDS AND REFERENCE TO SECTION OR QUARTER SECTION CORNERS FILED WITH REGISTER OF DEEDS.

HISTORY. 1921 c. 359 s. 2; G.S. 1923 s. 780; M.S. 1927 s. 780.

381.16 FORM OF CERTIFICATE.

HISTORY. 1921 c. 359 s. 3; G.S. 1923 s. 781; M.S. 1927 s. 781.

381.17 EXPENSE.

HISTORY. 1921 c. 359 s. 4; G.S. 1923 s. 782; M.S. 1927 s. 782.

381.18 PENALTIES.

HISTORY. 1921 c. 359 s. 5; G.S. 1923 s. 783; M.S. 1927 s. 783.