

CHANGES

IN THE

General Statutes of 1878,

OF THE

STATE OF MINNESOTA,

EFFECTED BY THE GENERAL LAWS OF THE EXTRA
SESSION OF 1881, AND THE REGULAR
SESSION OF 1883.

Arranged with reference to the Chapter and Section Amended.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

Strike out the word "November" in *§ 2, and insert the word "December" instead. (*Id.* § 2.)
See page 303.

*§ 5. **Exportation of game forbidden—penalty.** No person or corporation, or any employe of such corporation, shall, at any time or in any manner, export or carry out, or cause to be exported or carried out, or have in possession for the purpose of carrying out, or attempt in any way to carry out, of the limits of this state [any] of the birds mentioned in section one of this act, or any of the animals or parts of animals mentioned in section two thereof. Any person or corporation offending against any of the provisions of this section shall, for each and every such offense, be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, nor less than five dollars, or by imprisonment in the county jail not exceeding three months; *and provided further*, that, for the purposes hereof, the transportation or attempted transportation, or having in possession therefor, as aforesaid, of each bird or animal or distinct part thereof, shall be and constitute a distinct and separate offense. (*Id.* § 3.)
See page 303.

CHAPTER XXVIII.

AUCTIONEERS.

§ 7. **Official sales excepted.** Nothing in this chapter shall extend to sales made by sheriffs, coroners, constables, collectors of taxes, or sales of personal property under and by virtue of chattel mortgages. (*As amended 1881, Ex. Sess. c. 36, § 1.*)

See page 322.

CHAPTER XXIX.

TOWN PLATS.*

*§ 15. **Town and city plats—how legalized and cured.** All plats, or purporting to be, of additions and subdivisions thereof, to any town or city in this state, or copies thereof, now on file in any register of deed's office in this state, which fail in any respect to comply with the law in force at the time of their making, execution, certification, or recording, with regard to either the making, execution, certification, or recording thereof, or any or all of said matters, are hereby legalized and confirmed, to the same extent and with the same effect, as if the same had been in all respects properly made, executed, certified and filed. (1881, *Ex. Sess. c. 57, § 1.*)
See page 324.

*§ 16. **Certificate of surveyor to be filed.** In all cases where said plats or copies, or any of them, fail to identify or show upon their face the tract of land covered or intended to be covered thereby, the surveyors, or one of them, who laid out or surveyed the same, may, within one year from the passage of this act, make and file in the register's office of the proper county a certificate duly executed and acknowledged by him, as deeds are to be executed and acknowledged, wherein he shall set forth at length a full description of the real estate covered by the plat so made by him; which certificate, so executed, shall be filed, and thereafter remain on file, in said register's office, and shall by said register be recorded at length in a book to be by him provided for that purpose, entitled "Book of Plat Certificates." And said register shall thereupon note upon the plat and copy thereof so filed in his of-

(*An act in relation to plats of additions, etc., approved November 18, 1881. *Laws 1881. Ex. Sess. c. 57.*)

rice, and referred to in such certificate, the fact of filing such certificate, and the book and page where the same is recorded. And said certificate, or the record thereof, shall, together with such plat, be *prima facie* evidence in all cases of the real estate covered by said plat, to the same extent as if originally indorsed thereon. And said register shall receive the same fees as now by law provided for filing and recording such certificate, to be paid by the person offering the same for record. (*Id.* § 2.)

*§ 17. **Affidavit of proprietor—when made.** In all cases where the surveyor above referred to shall have died, or his place of abode be unknown, or be unable for any reason, or refuse, to make and execute said certificate, the same may be so made by any one or more of the proprietors who has signed any such plat; which certificate, so made by such proprietor, shall be sworn to by him as correct in all respects, and shall thereupon, together with such affidavit made thereon, be filed and recorded as above provided, with like effect in all respects. (*Id.* § 3.)

*§ 18. **Owner may apply to court—when.** In case the surveyor or proprietor, above referred to, for any reason fails or neglects to certify to such plat, as above provided, or such certificate be not recorded and filed within three months after the passage of this act, it shall thereupon be lawful for any person, being the owner of or claiming any interest in any lot or tract of land included in, described or intended to be described in or covered by any such plat, to apply to the district court of any county wherein said plat is filed, at any general or special term thereof, by petition in writing, duly verified as a complaint in a civil action, to have established by the judgment of said court the real estate covered or intended to be covered by said plat. Such petition shall set forth the lot or tract claimed by such petitioner, the name of the plat to be corrected or affected, and a full description of the real estate claimed to be covered or to have been intended to be covered by such plat. Said court shall thereupon have jurisdiction of such proceeding and shall thereupon make and enter an order therein, directing notice of the pendency thereof to be given to all persons having or claiming any estate, interest or lien in or to the land mentioned in such petition, or covered or intended to be covered by the plat therein named, by publication of a certified copy of such order in a newspaper printed and published in said city, and named therein, for not less than six successive weeks, at least once in each week. Such order and notices shall set forth the filing of such petition, the name of the applicant, a description of the real estate by him claimed to be covered by such plat, the name of such plat, and the time and place of hearing of such petition, which shall not be less than twenty days after the last day of publication of such notice, and shall be at a general or special term of such court. Proof of the publication of such order and notice shall be made by the printer or publisher of such newspaper, as in cases of foreclosure of mortgages by advertisement, and filed in said court. And said publication shall be deemed and taken to be a personal service upon all persons having or claiming any right, title, estate, interest, or lien in or to the said real estate or any part thereof. Any person having or claiming an interest in any lot or tract within the real estate so described, or in said real estate or in the real estate covered by said plat, as claimed by him, may at any time before the hearing appear in said court, in person or by attorney, and file therein, in writing, objections to the granting of such petition, in whole or in part, and may further affirmatively set up a full description of the real estate claimed by said objector to be covered by said plat. And said court shall thereupon proceed to hear and determine the matter in the same manner, as nearly as may be, as in suits in equity in said court, and give judgment as the facts may appear. A certified copy of such judgment shall thereupon be filed and recorded in said register's office, as above provided for said certificate, with like force and effect in all respects.

The said court shall have full power and control over such proceeding, and shall direct the course of practice therein, and may in its discretion award and apportion costs and disbursements therein as it shall see fit. (*Id.* § 4.)

*§ 19. **Plats, etc., to be evidence.** Such plat or plats and copies thereof, together with such certificate, affidavit, or judgment pertaining thereto, or record thereof, or certified copies thereof, shall thereupon be received in evidence in all cases, with the same force and effect in all respects as if the same had particularly

described thereon the real estate covered thereby, and complied in each particular with the law in force at the time of the making and filing thereof. (Id. § 5.)

See page 324.

CHAPTER XXXII.

LOGS AND LUMBER.

Strike out from § 6, page 334, the word "confirmed" in the seventh line of said section. (1881, *Ex. Sess. c. 45, § 1.*)

CHAPTER XXXIII.

BANKS AND BANKING.

§ 10. **Banks—where to be established—capital.** Any association of persons, not less than three in number, may establish offices of discount, deposit, and circulation, and become incorporated upon the terms and conditions, and subject to the liabilities prescribed in this chapter; but the aggregate of the capital stock of such association shall not be less than twenty-five thousand dollars, and no such association shall be organized in any town containing less than two hundred inhabitants. The full amount of capital stock named in the organization certificate shall be paid in cash before any association shall be authorized to commence business, and such payment shall be certified to the state auditor, under oath, by the president or cashier of the association. (*As amended 1881, c. 77, § 1, and 1883, c. 19, § 2.*)

See page 354.

§ 34. **Quarterly reports filed and published.** Every association shall make to the auditor of the state not less than four reports during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier of such association, and attested by the signature of at least two of the directors. Each such report shall exhibit in detail and under appropriate heads the resources and liabilities of the association at the close of business on any past day by him specified; and shall be transmitted to the said auditor within seven days after the receipt of a request or requisition therefor from him, and in the same form in which it is made to the auditor shall be published in a newspaper published in the place where such association is established, or, if there is no newspaper in the place, then in one published nearest thereto in the same county, at the expense of the association; and such proof of publication shall be furnished as may be requested by the state auditor. The auditor shall also have power to call for special reports from any particular association, whenever, in his judgment, the same are necessary in order to a full and complete knowledge of its condition. Every association which fails to make and transmit any report required under this section shall be subject to a penalty of one hundred dollars for each day after the periods respectively therein mentioned that it delays to make and transmit its report. (*As amended 1883, c. 19, § 1.*)

See page 358.

SAVINGS BANKS.

*§ 72. Change subdivision 2 to read:

In the stocks or bonds of any state in the Union and of the territory of Dakota: *provided*, that such state or territory has not within ten years [prior] to making such investment by such corporation defaulted in the payment of any part of the principal or interest of any debt authorized by any legislature of such state or territory