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GENERAL STATUTES OF MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

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tion proceedings or of such vacation or abandonment, as the case may be, and the name of the city, village or board by whom such proceedings are prosecuted or such vacation is made, and a description of the real estate and lands affected thereby. Any failure to file such notice shall not invalidate or make void any such condemnation proceeding for such vacation or abandonment of any public street, highway, park or public grounds or any portion thereof. ('17 c. 416 § 1)

Section 2 repeals 1915 c. 322.

6851. When deed not defeated by defeasance—

A purchaser of land from the grantee in an absolute deed, without notice that the deed was given as security for a debt, is protected, as against the grantor and the holder of a subsequent judgment against such grantor, where the latter is in possession of the land and informs the purchaser that he holds as tenant only (123-293, 143+720). Judgment, ⚡787.

CHAPTER 64

PLATS

6856. Survey and plat—Monument—Rivers, lakes, etc.—

A plat held effective as the dedication of a street (126-456, 148+501). Dedication, ⚡19(1). The boundary line of a street held to be in accordance with the finding of the trial court (126-456, 148+501). Boundaries, ⚡37(3).

6857. Dedication—Certification—Approval—Verification—

No proof of acceptance of a statutory dedication is necessary (126-456, 148+501). Dedication, ⚡31.

Under village plat dedicating street, and providing that fee should not be included in any lot, fee remained in platter, and did not pass to subsequent purchasers of abutting property, but passed by platter's conveyance (162+453). Dedication, ⚡53.

The plat of Tuttle's addition to St. Anthony held to sufficiently describe the land platted. Failure of the owner to sign a plat, and the failure of the notary to attach his seal to the acknowledgment, held cured by Laws Ex. Sess. 1881 c. 57 § 1, validating plats (123-344, 144+150). Municipal Corporations, ⚡43.

6863. Vacation of plats—Upon the application of the owner or owners of land included in any plat, and upon proof that all taxes assessed against such land have been paid, and a notice hereinafter provided for given, the district court may vacate or alter all or any part of such plat, and adjudge the title to all streets, alleys and public grounds to be in the persons entitled thereto; but streets or alleys connecting separate plats or lying between blocks or lots, shall not be vacated between such lots, blocks or plats as are not also vacated, unless it appears that the street or alley or part thereof sought to be vacated is useless for the purpose for which it was laid out. The petitioner or petitioners shall cause two weeks' published and posted notice of such application to be given, the last publication to be at least ten days before the term at which it shall be heard; and said petitioner or petitioners shall also serve personally, or cause to be served personally, notice of such application, at least ten days before the term at which said application shall be heard, upon the mayor of the city, the president of the village, or the chairman of the town board of the town where such land is situated. The court shall hear all persons owning or occupying land that would be affected by the proposed vacation, and if, in the judgment of the court, the same would be damaged, the court may determine the amount of such damage and direct its payment by the applicant before the vacation or alteration shall take effect. A certified copy of the order of the court shall be filed with the county auditor, and recorded by the register of deeds; provided, however, that the district court shall not vacate or alter any street, alley or public ground dedicated to the public use in or by any such plat in any city, town or village organized under a charter or special law which provides a method of procedure for the vacation of streets and public grounds by the municipal authorities of such city, town or village. (Amended '17 c. 38 § 1)

A judgment vacating a portion of a plat, not including the plaintiff's property, did not bar a recovery of consequential damages by him. Evidence held to show consequential damages to

one not in the vacated part of a plat, resulting from closing of streets, and the amount thereof (135-175, 160+771). Municipal Corporations, [§671\(3, 4\)](#).

This section, as amended, deprives the district court of the authority to vacate or alter the public streets or alleys of the city of St. Paul, since the charter of said city provides a method for vacation of streets dedicated to the public by the city authorities under the first proviso of said section as amended (129-305, 152+643). Municipal Corporations, [§657\(5\)](#).

The title of the act from which this section is derived does not so limit or restrict the act as to exclude the subject of vacation of plats or streets (129-305, 152+643). Statutes, [§123\(4\)](#).

This act is not invalid, in that it makes an arbitrary classification of municipalities, in that it excepts cities of the first class having a special charter from its operation, for, irrespective of the proviso, such cities would not have their special charters repealed or affected by implication (129-305, 152+643). Statutes, [§93\(4\)](#).

CHAPTER 65

REGISTRATION OF TITLE

6868.

Application of rule as to abatement of action on the ground of another action pending (see 127-416, 149+735). Abatement and Revival, [§7](#).

6871. Applicant's interest—No land, the title to which is derived from any tax or local assessment sale, shall be registered until such title has been adjudged to be valid by a court of competent jurisdiction, and a certified copy of the decree duly recorded with the register of deeds: Provided, however, that any person may make the application when for at least fifteen years the land has been in the adverse possession of the applicant or those through whom he claims title. No lesser estate than a fee simple, and no mortgage, lien or other charge upon land, shall be registered, unless the estate in fee simple therein is registered; but the fact that the estate or interest of the applicant is subject to any outstanding lesser estate or to a mortgage, or other charge or lien, shall not prevent its registration, and whenever a dock or harbor line has been established by Federal authority, the interest and estate of a riparian proprietor in the submerged lands lying between the original shore line and such established dock line may be registered under this act, subject, however, to the rights of the State of Minnesota in its sovereign capacity in the same and such registration shall not in any manner affect or change the rights of the state with respect to such lands. (Amended '15 c. 242 § 1)

Land, title to which is in the United States, cannot be registered (130-456, 153+871). Courts, [§489\(5\)](#); Records, [§9\(1, 4, 13\)](#).

6880. Reference to examiner—Reports—

The state cannot be made a party unless, in the opinion of the examiner, it has an interest in or lien upon the land (123-397, 143+981, L. R. A. 1916D, 1). Records, [§9\(6\)](#).

In spite of § 8450, the examiner is not justified in relying on a receipt or certificate to an entryman by a local land office as establishing that the United States has parted with its title. Omission of duty by examiner as affecting right to compensation out of assurance fund (see 130-456, 153+871). Records, [§9\(10\)](#). See, also, note under § 6943, ante.

6888. Dismissal—

Pendency of registration proceedings as ground for abatement of action to determine adverse claims (see 127-416, 149+735). Abatement and Revival, [§7](#).

6889. Decree of registration—Effect—

Where judgment is procured by fraud on the part of an applicant for registration in failing to name as parties or to serve claimants known to him, it is not binding on such omitted claimants, and where such defect appears on the face of the judgment roll, it is open to collateral attack; but if such defect does not appear the judgment cannot be attacked collaterally (123-182, 143+324, L. R. A. 1916D, 4). Records, [§9\(13\)](#).

Where the existence of a claimant omitted from the registration proceedings by the fraud of the applicant does not appear from a judgment roll, one who purchases from the registered owner for a valuable consideration without notice takes the title free from all incumbrances and adverse claims (123-182, 143+324, L. R. A. 1916D, 4). Records, [§9\(13\)](#).

Where the holder of tax certificates and the county were parties, a judgment adjudging the tax sales and certificates void held conclusive as against the county, and not open to collateral attack (123-397, 143+981, L. R. A. 1916D, 1). Records, [§9\(13\)](#).