

the letters appointing such executor, administrator or guardian, and such order, license or direction shall be *prima facie* evidence that proper letters have been duly issued.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved November 22, 1881.

CHAPTER 57.

AN ACT IN RELATION TO PLATS OF ADDITIONS, OR SUBDIVISIONS THEREOF, TO ANY TOWN OR CITY NOW ON FILE IN ANY REGISTER OF DEEDS OFFICE IN THIS STATE, OR COPIES THEREOF SO ON FILE, TO LEGALIZE THE SAME AS IF PROPERLY MADE, EXECUTED, CERTIFIED TO AND RECORDED; TO PROVIDE FOR THE IDENTIFICATION OF THE REAL ESTATE COVERED THEREBY, AND TO GIVE EFFECT TO THE SAME, TOGETHER WITH SUCH IDENTIFICATION OF THE REAL ESTATE COVERED THEREBY, AS EVIDENCE.

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

SECTION 1. All plats, or purporting to be, of additions or subdivisions thereof, to any town or city in this State, or copies thereof, now on file in any Register of Deeds 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.

SEC. 2. 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

Legalizing
plats.

Certificate to
be filed.

copy thereof so filed in his office, 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 endorsed 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.

Certificate
prima facie
evidence.

SEC. 3. In all cases where the surveyor, above referred to, shall have died, or his place of abode be unknown, or he 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.

Affidavit.
Judgment to
issue.

SEC. 4. 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 notice 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

Jurisdiction.

Publication
and proof.

Objections of claimants.

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.

Plats to be received as evidence.

SEC. 5. 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.

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

Approved November 18, 1881.

CHAPTER 58.

AN ACT RELATING TO LOCATING, ESTABLISHING AND VACATING HIGHWAYS AND CARTWAYS IN GOODHUE COUNTY, AND TO AMEND SECTION FORTY-NINE (49), CHAPTER THIRTEEN (13), GENERAL STATUTES.

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

Petition

SECTION 1. That section forty-nine (49), chapter thirteen (13), General Statutes, be and the same is hereby amended to read as follows: "If twenty-four (24) freeholders of any county containing one hundred (100) and more legal voters,