

James C. Child
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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
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(3.) SEC. III. And if any person, or persons shall willfully or maliciously, and without lawful authority, cut down, root up, sever, injure, or destroy any fruit or ornamental trees, cultivated root or plant, or other vegetable production, standing or growing in, or being attached to the lands of others, or shall willfully, and without lawful authority, cut down, root up, destroy or injure, any fruit or ornamental trees, or shrubbery planted, or growing in any street, lane or alley, or public grounds, in any city or incorporated town, every such person so offending, shall be deemed guilty of a misdemeanor; and on conviction thereof, shall be punished by fine of not more than one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, at the discretion of the court, and shall, moreover, be liable in damages to the party injured.

Penalty for injuring fruit or ornamental trees, &c

(4.) SEC. IV. In case of prosecution for any of the above offenses, if the land there referred to shall be owned, or occupied in common, by two or more tenants, the complaint shall be sufficient if any one or more of such tenants in common, shall be named therein.

Name of one joint tenant sufficient to be stated in complaint.

(5.) SEC. V. All prosecutions under this chapter shall be commenced within one year from the time any such offense shall have been committed, before some justice of the peace of the county wherein the same shall have been committed; and all fines collected under the provisions of this chapter shall be paid into the treasury of the county where the offense shall have been committed, for the use of the common schools of said county.

When and before whom prosecutions under this chapter to be brought, and fines when paid.

CHAPTER 26.

TOWN PLOTS.

SECTION

1. Towns to be surveyed and plotted.
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9. Penalty for selling or leasing lots before the

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- provisions of this chapter are complied with.
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11. Penalties under this chapter, how to be recovered.
12. District court may alter or vacate town.
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An Act providing for the record of Town Plots.

✓ [Chapter 31, Revised Statutes.]

(1.) SEC. I. When any person wishes to lay out a town in this territory, or an addition or subdivision of out lots, such person shall cause the same to be surveyed, and a plot 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.

Towns to be surveyed and plotted.

Lots how numbered, &c.

(2.) SEC. II. All the in lots intended for sale shall be numbered in progressive numbers or by the squares in which they are situated, and their precise length and width shall be stated on said map or plot; 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 plot or map, together with any streets, alleys or roads which shall divide or border the same.

Stones to be placed at the corners of lots, &c.

(3.) SEC. III. The county commissioners, proprietor or proprietors of the town, addition or subdivision of out lots by themselves or agents, shall at the time of surveying and laying the same, plant and fix at a corner of the public ground, or at the corner of a public lot, if any there be, and if there be 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 shall direct for a corner, from which to make future surveys; and the point or points where the same may be found, shall be designated on the plot or map.

Plot to be acknowledged and recorded.

(4.) SEC. IV. The plot or map, after having been completed shall be certified by the surveyor, and the officers and every person or persons whose duty it may be to comply with the foregoing requisitions shall at or before the time of offering such plot or map for record, acknowledge the same before any person authorized to take the acknowledgment of deeds. A certificate of such acknowledgment, shall by the officer taking the same be indorsed on the plot or map, which certificate of the survey and acknowledgment shall also be recorded and form a part of the record.

Title to land marked on plot, &c., as donations to the public, &c., vested in public.

(5.) SEC. V. When the plot or map shall have been made out and certified, acknowledged and recorded as required by this chapter, every donation or grant to the public or any individual or individuals, religious society or societies, or to any corporation or body politic, marked or noted as such on said plot or map, shall be deemed in law and equity a sufficient conveyance to vest the fee simple of all such parcel or parcels of land, as are therein expressed, and shall be considered to all intents and purposes a general warranty against such donor or donors, their heirs or representatives to said donee or donees, grantee or grantees, for his, her or their use, for the uses and purposes therein named, expressed and intended, and no other use and 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 to, and for the use and purposes set forth and expressed or intended.

Plot when to be recorded.

(6.) SEC. VI. If the county in which said town or addition is situated shall not be organized, then and in that case, the plot or map shall be recorded in the register's office of that county to which the county in which said town is situated shall at the time be attached for judicial purposes.

Plots heretofore laid off to be recorded.

(7.) SEC. VII. When any town, addition or subdivision of out lots has been heretofore laid out, and lots sold, in this territory, either by county agents, commissioners or other persons, and a plot or map of the same has not been acknowledged and recorded in conformity to the acts heretofore in force, it shall be the duty, and it is hereby required of the present county commissioners or a majority of them in such county, or other person or persons, proprietor or proprietors who have laid out the same, or his, her or their legal representatives to 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 individual societies, bodies politic, or for common or public purposes: *provided*, that if the lots shall have been differently numbered and sales made and they

cannot well be changed, they shall be returned as originally stated, but in all other respects the plot or map shall conform to the requisitions of this chapter.

(8.) SEC. VIII. (a.) The surveyors who shall lay out, survey and plat any town, or addition thereto, shall be entitled to receive twenty-five cents for each and every in and out lot the same may contain, unless otherwise agreed, and every register of the county 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 or 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.

Fees of surveyors and register of deeds.

(9.) SEC. IX. If any person or persons shall dispose of, offer for sale, or lease for any time any out or in lots, in any town or addition to any town or city, or any part thereof, which shall hereafter be laid out, until all the foregoing requisitions of this chapter shall have been 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.

Penalty for selling or leasing lots before the provisions of this chapter are complied with.

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

Penalty for neglect to comply with requisitions of this chapter.

(11.) SEC. XI. All forfeitures and liabilities which may be incurred or arise under this chapter, shall be prosecuted for, and recovered in the name of the county treasurer; and any officer or officers 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.

Penalties under this chapter how to be recovered.

(12.) SEC. XII. The district courts are hereby authorized and empowered, on application made by the proprietor or proprietors of any town within their proper county, to alter or vacate the same, or any part thereof.

District court may alter or vacate town.

(13.) SEC. XIII. If any proprietor or proprietors of a town, shall be desirous of altering or vacating the same, or any part thereof, such proprietor or proprietors shall give notice in writing of such intended application, in at least two of the most public places in the county wherein such town may be situated, and insert a copy thereof in a newspaper printed, or in circulation in said county, if there be one, at least sixty days prior to the sitting of the court to which he or they intend to make such application.

Notice of application to vacate or alter town plot to be given.

(14.) SEC. XIV. If such applicant or applicants, shall produce to said court satisfactory evidence, that the notice required by the preceding section of this chapter has been given, the court shall proceed to hear and determine said petition, and may alter or vacate said town, or any part thereof, and order their proceedings therein to be recorded by the clerk, with the records of said court.

Proceedings of court upon such application.

(a) This section was amended on page 33 of the amendments of 1852 to the revised statutes, and is here given as again amended by the laws of 1856, page 10.