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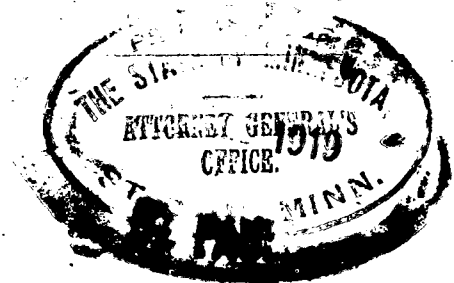
# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE  
THE STATUTES OF THE STATE, BY ACT OF THE  
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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1 SECT. 6. If any person, not licensed and qualified as an  
 2 auctioneer, as prescribed in the preceding sections, sells or  
 3 attempts to sell, any real or personal property at public  
 4 auction, he is guilty of a misdemeanor, and shall be punish-  
 5 ed by a fine not exceeding one hundred dollars, for each  
 6 offense. C. S. p. 853, Sect. 6.

c 132

1 SECT. 7. The tenant or occupant of any house or store,  
 2 having the actual possession and control of the same, who  
 3 knowingly permits any person to sell any real or personal  
 4 property at public auction in his said house or store, or in  
 5 any apartment or yard appurtenant to the same, contrary to  
 6 the provisions of this chapter, shall forfeit a sum not ex-  
 7 ceeding one hundred dollars. C. S. p. 853, Sect. 7.

c 132

1 SECT. 8. Nothing in this chapter, shall extend to sales  
 2 made by sheriffs, deputy sheriffs, coroners, constables, or  
 3 collectors of taxes. C. S. p. 853, Sect. 8.

c 132

1 SECT. 9. No license granted as aforesaid, shall remain  
 2 in force more than one year from the date thereof. C. S. p. 853, Sect. 9.

c 132

CHAPTER XXIX.

TOWN PLATS.

1 SECTION 1. When any person wishes to lay out a town  
 2 or an addition or subdivision of out lots, he shall cause the  
 3 same to be surveyed, and a plat thereof made, which shall  
 4 particularly describe and set forth all the streets, alleys,  
 5 commons or public grounds, and all in and out lots or frac-  
 6 tional lots within, adjoining, or adjacent to said town, giv-  
 7 ing the names, width, courses, boundaries and extent of all  
 8 such streets and alleys. C. S. p. 869, Sect. 1.

c 26

1 SECT. 2. All the in lots shall be numbered in pro-  
 2 gressive numbers, or by the squares in which they are sit-  
 3 uated, and their precise length and width stated on said  
 4 plat; and out lots shall not exceed ten acres in size, and  
 5 shall in like manner be surveyed and numbered, and their  
 6 precise length and width stated on the plat, together with  
 7 any streets, alleys or roads which divide or border the  
 8 same. C. S. p. 870, Sect. 2.

c 26

1 SECT. 3. The proprietor of the town, addition or subdi-  
 2 vision of out lots, shall at the time of surveying and laying

c 26

C. S. p. 370, Sect. 3.

3 the same, plant and fix at a corner of the public ground, or  
 4 at the corner of a public lot, if there is any, and if none,  
 5 then at the corner of some one of the in lots in the town,  
 6 and at the corner of each out lot a good and sufficient stone  
 7 of such size and dimensions, and in such manner as the sur-  
 8 veyor directs, for a corner, from which to make further sur-  
 9 veys; and the point where the same may be found shall be  
 10 designated on the plat.

c 26

C. S. p. 370, Sect. 4.

1 SECT. 4. The plat after being completed shall be certi-  
 2 fied by the surveyor, and the officers and every person  
 3 whose duty it is to comply with the foregoing requisitions,  
 4 shall, at or before the time of offering such plat for record,  
 5 acknowledge the same before some person authorized to  
 6 take acknowledgment of deeds. A certificate of such ac-  
 7 knowledgment, shall, by the officer taking the same, be in-  
 8 dorsed on the plat, which certificate of the survey and  
 9 acknowledgment shall also be recorded and form a part of  
 10 the record.

c 26

C. S. p. 370, Sect. 5.

1 SECT. 5. When the plat is made out, certified, acknowl-  
 2 edged and recorded as required by this chapter, every do-  
 3 nation or grant to the public or any individual, religious so-  
 4 ciety, or to any corporation or body politic, marked or no-  
 5 ted as such on said plat, shall be deemed in law and equity  
 6 a sufficient conveyance to vest the fee simple of all such  
 7 parcels of land as are therein expressed, and shall be con-  
 8 sidered to all intents and purposes, a general warranty  
 9 against such donors, their heirs or representatives, to said  
 10 donees, or grantees, for their use, for the uses and purpo-  
 11 ses therein named, expressed and intended, and no other  
 12 use or purpose whatever; and the land intended to be for  
 13 the streets, alleys, ways, commons or other public uses in  
 14 any town or city, or addition thereto, shall be held in the  
 15 corporate name thereof, in trust for the use and purposes  
 16 set forth and expressed or intended.

c 26

C. S. p. 370, Sect. 6.

1 SECT. 6. If the county in which said town or addition is  
 2 situated is not organized, the plat shall be recorded in the  
 3 register's office of that county to which the county in which  
 4 said town is situated, is attached for judicial purposes.

c 26

C. S. p. 371, Sect. 7.

1 SECT. 7. When any town, addition or subdivision of  
 2 out lots has been heretofore laid out, and lots sold either  
 3 by county agents, commissioners or other persons, and a  
 4 plat of the same has not been acknowledged and recorded  
 5 in conformity to the acts heretofore in force, the present  
 6 county commissioners or a majority of them in such coun-  
 7 ty, or other persons, or proprietors who have laid out the  
 8 same, or their legal representatives, shall have the same

9 fairly, fully and clearly made out, certified and acknowl-  
 10 edged and recorded in the proper county, in the form and  
 11 manner required by this chapter; noticing and particularly  
 12 describing the donation of lands, or otherwise to individual  
 13 societies, bodies politic, or for common or public purposes:  
 14 *provided*, that if the lots have been differently numbered  
 15 and sales made, and they cannot well be changed, they shall  
 16 be returned as originally stated, but in all other respects  
 17 the plat shall conform to the requisitions of this chapter.

1 SECT. 8. The surveyors who lay out, survey and plat  
 2 any town, or addition thereto, shall receive twenty-five  
 3 cents for each and every in and out lot the same may con- C. S. p. 371, Sect. 8. c 26  
 4 tain, unless otherwise agreed, and every register of deeds  
 5 recording the same, shall receive the sum of five cents for  
 6 each and every lot as aforesaid; the plat and survey to be  
 7 by him transcribed or copied into a book, or upon suitable  
 8 paper, to be formed into an unbound volume, with covers  
 9 for careful preservation, to be provided by the county com-  
 10 missioners for that purpose; *Provided*, That the original of  
 11 said plat and survey may be incorporated in said volume,  
 12 and shall in all respects form the true record of the same,  
 13 in which case the register shall receive the sum of two cents  
 14 for each and every lot as aforesaid.

1 SECT. 9. If any person disposes of, offers for sale, or  
 2 leases for any time any out or in lots, in any town or addi- C. S. p. 371, Sect. 9. c 26  
 3 tion to any town or city, or any part thereof, before all the  
 4 foregoing requisitions of this chapter are complied with;  
 5 every person so offending, shall forfeit and pay the sum of  
 6 twenty-five dollars for each and every lot or part of a lot  
 7 sold or disposed of, leased or offered for sale.

1 SECT. 10. If any county officers, or other persons whose  
 2 duty it is to comply with any of the requisitions of this C. S. p. 371, Sect. 10. c 26  
 3 chapter, neglect or refuse so to do, they shall each forfeit  
 4 and pay a sum of not less than ten, nor more than one hun-  
 5 dred dollars, for each and every month they delay a com-  
 6 pliance.

1 SECT. 11. All forfeitures and liabilities which are in-  
 2 curred or arise under this chapter, shall be prosecuted, and  
 3 recovered in the name of the county treasurer; and any C. S. p. 371, Sect. 11. c 26  
 4 officer paying over any money to the said treasurer, receiv-  
 5 ed under any of the provisions of this chapter, shall take  
 6 his receipt therefor, and forthwith file the said receipt with  
 7 the clerk of the board of county commissioners, and the  
 8 said clerk shall charge the amount of said receipt in account  
 9 against said treasurer, on the books of the county commis-  
 10 sioners.

c 68

1860—p. 242, Sect. 1.

1 SECT. 12. The district courts are authorized and em-  
 2 powered, upon application made by one or more of the  
 3 proprietors of any city or town, or of any addition to any  
 4 city or town, or of any part of any city or town or addition  
 5 thereto, within their district, to alter or vacate the same, or  
 6 any part thereof.

c 68

1860—p. 242, Sect. 2.

1 SECT. 13. If such proprietor is desirous of obtaining  
 2 such vacation, he shall post notices in writing of such in-  
 3 tended application, in at least two of the most public places  
 4 in the county in which such city, or town, or addition is sit-  
 5 uated, and insert a copy thereof in a newspaper printed or  
 6 in circulation in said county, at least thirty days prior to  
 7 the sitting of the court to which he intends to make such  
 8 application.

c 36

c 47

1862—p. 34, Sect. 1,  
1863—p. 89, Sect. 1,  
combined &  
amended.

1 SECT. 14. If such proprietor produces to said court sat-  
 2 isfactory evidence that the notice required by the preceding  
 3 section has been given, the court shall proceed to hear and  
 4 determine said petition and may alter and vacate said city  
 5 or town or additions, or any part thereof, and order its pro-  
 6 ceedings to be recorded by the clerk in the records of said  
 7 court and in the office of the register of deeds of the county  
 8 in which said city, town or addition is situated. But no  
 9 street or alley, or any part thereof, shall be vacated be-  
 10 tween blocks or lots, or which connect two parts of the  
 11 city, town or addition, except such blocks or lots or one  
 12 part of the city, town or addition so connected is also va-  
 13 cated, unless, however, it appears to the satisfaction of the  
 14 court that such street or alley or part thereof sought to be  
 15 vacated is useless for the purpose for which the same was  
 16 laid out or dedicated. *Provided*, That if upon the hear-  
 17 ing of said application, any objection is made by any per-  
 18 son owning or occupying contiguous land, and whose inter-  
 19 ests will be injuriously affected by such proposed vacation,  
 20 the court shall hear him and give judgment as seems right  
 21 and proper. *Provided further*, that whenever in the judg-  
 22 ment of the court, the parties resisting such vacation or al-  
 23 teration, will sustain by the same, damages greater than the  
 24 benefits resulting therefrom, the court is empowered to  
 25 assess the said damages, or cause the same to be assessed,  
 26 and require the payment of the same by the parties making  
 27 such application, before the said vacation or alteration shall  
 28 take effect.