

GENERAL STATUTES ³⁶
OF THE
STATE OF MINNESOTA

IN FORCE

JANUARY 1. 1889.

COMPLETE IN TWO VOLUMES.

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VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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CHAPTER 28.

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.*)

CHAPTER 29.

TOWN PLATS.

§ 4. Plat—Certifying and recording.

A town plat is not entitled to record, and will not operate as a statutory dedication without being acknowledged. *City of Winona v. Huff, 11 Minn. 119, (Gil. 75.)*

As to the sufficiency of the certificate, see *Baker v. City of St. Paul, 8 Minn. 491, (Gil. 436.)*

§ 5. Execution and recording plat—Effect.

A right to have lands entered as a town-site, under the act of congress, may be lost by abandonment of the occupancy, so that other persons may enter upon and occupy them, and become entitled to have them entered as a town-site for their benefit; and this is the case even where the prior occupants made and recorded a town plat of the lands. *Weisberger v. Tenny, 8 Minn. 456, (Gil. 405.)*

Where an owner of lands plats the same as a town, under the statute, the fee of the lands intended for streets or landings does not pass, but only such estate or interest vests in the corporate authorities as the purposes of the trust require. *Schurmeier v. St. Paul, etc., R. Co., 10 Minn. 82, (Gil. 59.)*

Where there is a discrepancy between a town plat and the certificate attached to it as to the block intended for a public square the block which the entire plat shows to have been intended will prevail over that indicated in the certificate. *City of Winona v. Huff, 11 Minn. 119, 120, 131, 135, (Gil. 75.)*

Where a town plat of lands, entered as a town-site under the act of congress, has been executed and recorded, dedicating lands to public use, the plat operates as a conveyance to the public, and no deed from the trustee is necessary. If the trustee convey the fee to a third party it is subject to the dedication. *Id.*

Where land is dedicated by town plat for public squares, streets, or levees, the corporate authorities may maintain ejectment for it. *Id.*

Upon the question of dedication, where town plats have been introduced, it is not error to refuse to charge "that the surveying, platting, and recording towns presupposes ownership in the persons, and the title must be in them perfected." *Village of Mankato v. Meagher, 17 Minn. 265, (Gil. 243.)*

Where several persons, owning different lands in severalty, join in making a town plat of them, no one of such owners acquires by the plat alone any easement or right of way, distinct from that granted to the public, in that part of the public streets marked on the plat, over lands of the other owners. *Patterson v. City of Duluth, 21 Minn. 493.*

Plat of Minneapolis does not dedicate block 62 to the county. *Commissioners of Hennepin Co. v. Dayton, 17 Minn. 260, (Gil. 237.)*

Plat of town of Pepin does not effect the dedication of any land to public use. *Downer v. St. Paul, etc., Ry. Co., 22 Minn. 251.*

See *Carson v. Smith, 12 Minn. 546, (Gil. 458.)*

§ 12. Towns and additions—Vacating and altering.

See *Weisberger v. Tenny, 8 Minn. 456, (Gil. 405.)*