

ard in such a manner that the said red light efficiently outlines the said numbers and characters on said plate or placard, shall be securely attached to the rear of the motor vehicle. The license plate shall be illuminated between the hours of one hour after sunset and one hour before sunrise while the vehicle is being operated or parked upon the public highway, and further or other illumination of the official rear number plate than as herein provided shall not be required.

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

Approved April 21, 1923.

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CHAPTER 441—S. F. No. 1181.

*An act providing for the office of county surveyor, fixing and regulating the salary of such office and his deputies and assistants, prescribing his powers and duties, in all counties of this state now or hereafter having a population of over 150,000 and less than 225,000 inhabitants and an area of over 5000 square miles, and repealing all acts and parts of acts inconsistent with the provisions of this act.*

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

Section 1. **County surveyor in certain counties.**—There shall be elected in every county of this state now or hereafter having a population of over 150,000 and less than 225,000 inhabitants a county surveyor, who shall hold his office for a term of 4 years and until his successor qualifies. Before entering upon his duties, he shall give bond to the county, approved by the County board in the sum of \$1000.00, conditioned as are the bonds of other public officials, which bond with his oath of office, shall be filed of record in the office of the Register of Deeds of such county.

Sec. 2. **Deputies and duties.**—The county surveyor may appoint such deputies as he, with the approval of the county board shall deem necessary for the proper performance of the duties of said office, for the faithful and correct performance of whose duties he shall be responsible. Said county surveyor shall make all surveys within said county ordered by any court, public board or officer, required by any person, firm or corporation. He shall keep a full and correct record of each survey made by himself or any deputy, in a book to be provided by the county board and which record book he shall turn over to his successor in office. He shall number such surveys progressively and preserve a copy of the field notes thereof which shall be complete and accurate, and calculations of each such survey with the number thereof properly endorsed thereon, a copy of which with a fair

and accurate plat together with a certificate of survey shall be furnished by such surveyor to any person requesting the same.

**Sec. 3. Fees.**—The county surveyor shall receive for the use and benefit of the county the following fees for services performed by him or his deputies to wit: \$2.50 for platting each survey in each section over which his survey extends in the county record book of surveys, and 15c per folio for recording and indexing the surveyor's descriptive field notes. Such records of surveys shall be public records and open at all reasonable times to inspection by any person. The county board shall at the expense of the county provide for the county surveyor all proper and necessary books for keeping such records. Such county record book of surveys shall be kept in the office of the Register of Deeds of the county. The fees of said county surveyor for furnishing copies of running notes from the records of his office shall be \$2.50 per section for any number of sections less than a complete township, and \$1.00 per section for said running notes for a complete township of 36 sections. A fee of \$2.00 for each government township plat prepared on the scale of two (2) inches equaling one mile shall be charged and 50c for each additional duplicate blue print of such township plat.

**Sec. 4. Salary of surveyor and deputies.**—That the compensation of the county surveyor in any such county shall be the sum of \$3500.00 per annum in full payment for all services performed by him, and in addition thereto the county surveyor shall be allowed and paid from the county treasury his actual necessary traveling expenses incurred in the performance of his duties, not exceeding the sum of \$1000.00 in any one year, for himself and his deputies. Such salary to be payable in equal monthly installments of the county treasurer as the salaries of other county officials are paid.

The said county surveyor may appoint and employ one regular deputy who shall be paid the sum of \$1800.00 per annum; also one stenographer who shall be paid the sum of \$1080.00 per annum, all of said salaries to be paid in equal monthly installments as the salaries of other county officials are paid. Said county surveyor may also appoint such special deputies as he deems proper, whose compensation shall be fixed by the county board but not to exceed \$5.00 per day for any public work.

**Sec. 5. Re-surveys.**—Whenever it shall be made to appear to the satisfaction of the county board that any section post or quarter-section post or other monuments originally fixed and established by the United States in its surveys of the public lands to mark section, quarter-sections and meandered corners have been destroyed or are becoming obscure, the county board may employ a competent surveyor or may direct the county surveyor to re-locate and re-establish the same. Such surveyor

shall mark each corner re-established by a sufficient iron or stone land mark and make full and accurate notes and data from which his entire survey can be located, and shall file a certified copy of the same and a map of the same in the office of the Register of Deeds. Such land marks shall be prima facie evidence that the points where they are located are the section, quarter-section or meandered corners, as the case may be, established by the original United States survey. Before said county board shall employ a surveyor, or direct the county surveyor to re-locate and re-establish any such section, quarter section or meandered corner, the party applying to said board to have the said work done under the direction of said board shall execute and file with the county auditor of said county a good and sufficient bond or undertaking, with sufficient sureties to be approved by the county board, conditioned to pay to said county forthwith on the completion of said survey and the making of full and accurate notes and data from which his entire survey can be re-located, and the filing of a certified copy thereof and the map of said survey in the office of the Register of Deeds, the cost of making the said survey and plat thereof as fixed by said board, and no county board shall order any such survey to be made until such bond or undertaking shall be so filed.

**Sec. 6. Petition for re-survey.**—That on the petition of any town board in the case of a township, or at least two (2) taxpayers owning land in any section in the case of a section, filed with the county auditor praying therefor, the county board may cause any such township or section to be surveyed or subdivided.

**Sec. 7. Hearing on petition.**—At its next regular meeting after such petition is filed, the county board shall fix a time and place of meeting to consider the same, of which three weeks published notice, containing the substance of the petition, a description of the lands to be affected and the names of the owners thereof as they appeared in the last tax duplicate shall be given. Such notice shall also be personally served on each occupant of land to be affected by such survey.

**Sec. 8. Survey may be ordered.**—Upon the hearing of such petition all parties interested may appear and be heard and the board may grant or reject the application. If granted, it shall appoint a competent surveyor to make a survey, with whom a written contract for the performance of the work shall be made, secured by a sufficient bond executed by such surveyor and approved by such board. Two weeks published notice of the appointment of such surveyor specifying the date when the survey will be begun shall be given. At the time so appointed the work shall be begun and shall continue without unnecessary delay until completed.

**Sec. 9. Surveyor to keep field notes.**—Such surveyor shall keep complete and accurate field notes of all the work, giving dates, names of assistants, lengths and relative directions of all lines, a full description of the evidence by which corners are located, and full data by which the entire survey can be relocated. Distances shall be given in feet and decimals thereof. Substantial iron or stone monuments shall be planted at or near all government corners re-established, and the names of at least three resident witnesses must be given in such notes for each monument. He shall make a plat upon a strong linen paper, showing all the above-mentioned facts, so far as practicable, and also all tracts of land affected, with the name of the owner and acreage of each tract. Such plat shall have indorsed thereon the affidavit of the surveyor to the effect that such survey and plat are correct and accurate.

**Sec. 10. Plat and field notes to be filed.**—If the board approve the plat, its certificate of approval, signed by the chairman, shall be indorsed thereon, and thereupon the plat and field notes shall be filed in the office of the register of deeds, and shall be prima facie evidence that the survey is correct. The surveyor shall pay to the register one dollar for filing and recording said plat and field notes.

**Sec. 11. Expense of survey.**—The surveyor shall thereupon make a certified report to the board, showing in detail the entire expense of such survey, which shall be equitably apportioned and assessed by the board to the several tracts affected, which expense may include a reasonable attorneys fee for attending to such proceeding.

**Sec. 12. Notice of assessment for expense.**—Upon making such assessment, the board shall forthwith cause one week's published notice thereof to be given. Such notice shall contain a description of each tract of land affected, and specify the amount assessed against the same, the name of the supposed owner, and the time and place of meeting of the board to correct and confirm such assessment. At the time and place so fixed, the board, after making all proper corrections and adjustments, shall make an order confirming such assessment.

**Sec. 13. Expense to be assessed against land.**—Upon the filing of such order of confirmation, the county auditor shall enter upon the tax duplicate for the current year, against each such tract of land, the amount so assessed against the same, which shall be collected as other taxes, and go into the county revenue fund.

**Sec. 14. Expense to be paid from county revenue fund.**—After the filing of the order of confirmation, the expense of such survey, not exceeding the amount of the assessment, shall be paid out of the general revenue fund of the county in the same manner as other claims.

**Sec. 15. Appeal to district court.**—Appeals from the order of confirmation may be taken to the district court by any person aggrieved, in like manner as from the determination of the board in laying out roads. On such appeal the court may inquire into and review all matters relating to the survey or assessment or expenses affecting the party appealing, which are specified in the notice of appeal.

**Sec. 16. Not to affect agreed lines or roads.**—Nothing herein shall be construed to authorize the change of any line fixed by agreement of landowners or of any traveled road.

**Sec. 17. County board may contract.**—That the county board, if it shall grant the petition for any survey or subdivision of any township or section as herein provided, may appoint the county surveyor of said county in lieu of any other competent surveyor to make the survey petitioned for, and if such county surveyor shall be appointed as the surveyor, it shall not be necessary to make a written contract with him for the performance of said work. That all the expenses of such survey as made under the direction of said county surveyor, including the value of his services as fixed by the county board and a reasonable attorney's fee if one be employed to attend to the legal work in connection with such survey, by either the county surveyor or other surveyor, also to be fixed by said county board, shall be equitably apportioned and assessed by the county board to the several tracts of land affected, in the same manner as though incurred by a surveyor other than the county surveyor.

**Sec. 18. Inconsistent acts repealed.**—All acts or parts of acts inconsistent herewith are hereby repealed.

**Sec. 19. Effective May 1, 1923.**—This act shall take effect and be in force from and after May 1st, 1923.

Approved April 21, 1923.

CHAPTER 442—S. F. No. 942.

*An act to appropriate money for the current expenses, buildings and improvements at state institutions and for other purposes.*

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

**Section 1. Appropriations for state institutions.**—The sums hereinafter named, or so much thereof as may be necessary, are hereby appropriated from any money in the state treasury not otherwise appropriated to be expended by the State Board of Control for the purposes specified in the following sections of this act, to be available at the time designated opposite each item.

<b>Sec. 2. Anoka State Asylum:</b>	<b>Available for</b>
	<b>year ending.</b>
Improving Grounds .....	June 30, 1924 \$ 1,000