

TOWN SITE ACT OF 1844

5 Stat. at Large, Chapter 17 (1844).

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1. Introduction.

Professor Everett Dick explains the reasons for the Federal Town Site Act of 1844:

Until 1844 an individual town builder or town company—like an individual upon the cutting edge of the frontier—would squat upon a piece of land that gave promise as a townsite, lay out a town, and sell the lots. In some cases a town of considerable size was erected even before the Indian title had been extinguished and often before the land had been surveyed or bought from the government. The Townsite Act of May 23, 1844, however, provided for the entry of 320

acres on condition that it be cut up into lots and disposed of under the rules and regulations established by the territory or state in which the land lay. This was in effect an extension of the Pre-emption Act of 1841, which allowed twice the amount an individual could buy at the minimum price of \$1.25 an acre. If the project was not the work of a town company or an individual promoter, but was simply the desire of a group to form a town, it was quite customary for the laws of the territory to permit the authorities of the town or the county authority to pre-empt the land in behalf of the citizens of the town. Long before passage of the Townsite Act, however, men of foresight were seizing upon the good locations, known as points of "natural opportunity," and building towns.¹

2. Federal Town Site Act of 1844.

TOWN SITE ACT OF 1844

5 Stat. at Large, Chapter 17, at p. 657 (1844).

CHAP. XVII. - An Act for the relief the citizens of towns upon the lands of the United States, under certain circumstances.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any portion of the surveyed public lands has been or shall be settled upon and occupied as a town site, and therefore not subject to entry under the existing pre-emption laws, it shall be lawful, in case such town or place shall be incorporated, for the

¹ Everett Dick, *The Lure of the Land: A Social History of the Public Lands from the Articles of Confederation to the New Deal* 264 (Univ. of Nebraska Press, 1970).

corporate authorities thereof, and, if not incorporated, for the judges of the county court for the county in which such town may be situated, to enter, at the proper land office, and at the minimum price, the land so settled and occupied, in trust, for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sales thereof, to be conducted under such rules and regulations as may be prescribed by the by the legislative authority of the State or Territory in which the same is situated: *Provided*, That the entry of the land intended by this act be made prior to the commencement of the public sale of the body of land in which it is included, and that the entry shall include only such land as is actually occupied by the town, and be made in conformity to the legal subdivisions of the public lands authorized by the act of twenty fourth April, one thousand eight hundred and twenty, and shall not in the whole exceed three hundred and twenty acres; *And provided, also*, That any act of said trustees, not made in conformity to the rules and regulations herein alluded to, shall be void and of none effect: *And, provided, also*, That the corporate authorities of the town of Weston in the county of Platte, State of Missouri or the county court of Platte county, in said State, shall be allowed twelve months, from and after the passage of this act, to enter at the proper land office, the lands upon which said town is situate.

Approved, May 23, 1844.

3. Minnesota Town Site Acts.

The Minnesota Town Site Act was enacted by the Territorial Legislative Assembly on March 3, 1855. See 1855 Laws, c. 7, at 28-34. It was amended on May 23, 1857 by the addition of a section granting former Associate Justices Andrew Chatfield and Moses Sherburne authority to continue to act as judges under the act “in the same manner and subject to the same duties and requirements as they might and would be if still holding their said offices.” 1857 Sp. Laws, c. 92, at 322. It was amended again in 1858 by adding a provision disqualifying a judge from hearing a town site case in which he had an interest. 1858 Laws, c. 97, at 294-95. These acts were repealed on February 17, 1863, but remained in effect until July 31, 1866. See Stat., c. 121, §2, at 842 (1863) (delayed effective date); and Stat., c. 122, at 843, 845, 849, and 853 (1863) (repeals of 1855, 1857 and 1858 laws). The 1858 version of the Act follows:

Minnesota Town Site Act

Stat., c. 33, at 385-391 (1858).

OFFICIAL TRUSTS RELATING TO TOWN SITES.

An Act prescribing rules and regulations for the execution of the trust arising under the act of Congress entitled “An Act for the relief of citizens of towns upon lands of the United States under certain circumstances.”

- SECTION 1. When corporate authorities shall convey lands or lots.
2. How lots or lands shall be conveyed.
 3. When a public notice of the entry of lands shall be given.

4. When claimants shall file a description of lands claimed.
5. Of adverse claimants.
6. Of evidence on the trial of issues joined.
7. Of writs of error.
8. Of the settlement of adverse claims.
9. Nature of a complaint of corporate authorities.
10. When a statement of the expense of getting a title shall be made.
11. How conveyances shall be made.
12. When conveyances shall be executed.
13. How the trust arising from old entries shall be executed.
14. When title shall absolutely vest in a judge.
15. How the rights of adverse claimants shall be determined.
16. Of costs.
17. When this act shall take effect,
18. Of a refusal to convey.

Be it enacted by the Legislative Assembly of Minnesota Territory.

SECTION 1. Whenever the corporate authorities of any town, or the judge or judges of the county court for any county in this Territory in which any town may be situated, shall have entered at the proper land office the land or any part of the land settled and occupied as the site of such, town, pursuant to and by virtue of the provisions of the act of Congress entitled, " An act for the relief of the citizens of towns upon the lands of the United States under certain circumstances," passed May 23d, A. D. 1854 (sic), it shall be the duty of such corporate authorities, or judge or judges (as the case may be) and they are hereby directed and required to depose of and convey the title, to such lands or to the several blocks, lots, parcels or shares thereof to the persons hereinafter described and in the manner hereinafter specified.

SEC. 2. Any such corporate authorities, or judge or judges holding the title to any such lands in trust, as declared in the said act of Congress, shall, by a good and sufficient deed of conveyance, grant and convey the title to each and every block, lot, share or parcel of the same, to the person or persons who shall have, possess or be entitled to the right of possession or occupancy thereof, according to his, her or their several and respective rights or interest in the same, as they existed in law or equity at the time of such entry of such lands, or to his, her or their heirs or assigns; and when any parcel or share of such lands shall be occupied or possessed by one or more persons claiming the same by grant, lease or sale from one or more other persons, the respective rights and interest of such persons in relation to each other in the same, shall not be changed or impaired by any such conveyance. Every deed of conveyance to be made by such corporate authorities, or by such judge or judges, pursuant to the provisions of this act, shall be so executed and acknowledged as to admit the same to be recorded; and if made previous to the issuing of the patent of such lands by the proper officers of the United States, it shall contain a covenant that the grantor or grantors shall, after the issuing of such patent, execute, acknowledge and deliver to the grantee, his, her or their heirs or assigns, such further deed of conveyance as shall or may be, or become necessary to fully vest, and perfect the title to the lands therein described, in the grantee or grantees, his, her or their heirs or assigns.

SEC. 3. Within thirty days after any entry of such, lands, the corporate authorities, or judge or judges entering the same, shall give public notice of such entry by posting notice thereof in at least three public places in such town, and by publishing such notice in a newspaper printed and published in the county in which such town shall be situated, or in case there shall not be any newspaper published in such county, then in some newspaper printed and published at the seat of government of this Territory. Such notice shall be published once in each week for at least

three successive weeks, and shall contain an accurate copy of the description of the lands so entered, as the same is stated in the certificate of entry, or duplicate receipt for the purchase money thereof, given by the land officers at the time of the entry.

SEC. 4. Each and every person or association, or company of persons, claiming to be an occupant or occupants, or to have, possess, or to be entitled to the right of occupancy or possession of such lands, or any block, lot, share or parcel thereof, shall within sixty days after the first publication of such notice, in person, or by his, her or their duly authorized, agent or attorney, sign a statement in writing containing an accurate description of the particular parcel or parts in which he, she or they claim to have any interest, and the specific right, interest or estate therein, which he, she or they claim to be entitled to receive and deliver the same to or into the office of such corporate authorities, judge or judges; and all persons failing to sign and deliver such statement, within the time specified in this section, shall be forever barred the right of claiming or recovering such lands, or any interest or estate therein, or in any part, parcel or share thereof in any court of law or equity.

SEC. 5. [*Added by 1858 Laws, c. 97, at 294-296, effective March 3, 1858*] In case there shall be adverse claimants to such lands, or to any part, parcel or share thereof, and the controversy shall not be settled by agreement in writing between the parties thereto, such controversy may be determined by voluntary submission thereof in writing by the parties, to reference or arbitration, and by the written award or determination of the referees or arbitrators. In case any such controversy shall not be so settled or determined, within three months from the time of the entry of the land, either of the claimants may bring a civil action against the adverse claimant or claimants, in the district court of the judicial district, and in the county in which the said land shall be situated; *Provided, always,* that no Judge of the District Court of this State, who has been or is an adverse claimant,

directly or indirectly, of any portion of the lands embraced within such town, or who is a party to any action brought to determine the right to a conveyance of any portion of the lands within such town, shall entertain, or hear, or determine any proceeding, interlocutory or final, in any action brought to determine such adverse claims to any portion of such lands, by or between any parties whatsoever, but shall order such proceeding or trial to be taken and had before the Judge of another judicial district, whose duty upon such order it shall be to appoint a term in the county and district where such proceedings originated, for such purpose; *provided, also*, that the laws applicable to a change of venue shall apply to actions brought under this Chapter; *and provided also*, that nothing in this Act shall prevent the District Judge of the district in which any such lands are situated, from executing any and all conveyances of such lands, pursuant to the determination of such action. The lots, parcels or shares, and the interest or estate therein, which a party to such action as is herein provided for, claims to be entitled to, shall be stated in the complaint therein, and the fact shall be alleged that the defendant claims some interest or estate in the said lands, or some portion thereof.² Each defendant in such action shall answer

² In 1858, the First Minnesota Legislature made one major amendment to the Town Site Act. In Section 5, above, it inserted the clause above, beginning "*Provided, always....*," ending with the second *proviso*, and replacing the following language:

and the party or parties bringing such action shall in his complaint describe the lots, blocks, parcels or shares of such land, and the interest or estate therein, which he claims to be entitled to receive in such action, and that the defendant also claims to be entitled to the same, or to some share thereof, or some interest or estate therein, but need not allege or state the source or grounds of his, her or their claim.

The new language barred a judge from hearing a case in which he had an interest. It is probable that the legislature was moved by a particular controversy or scandal, the details of which are presently unknown. Significantly, it added the following section which put the disqualification provision into immediate effect:

This act shall apply to all actions now pending in the courts of this state, and shall take effect from and after its passage.

the complaint therein written within twenty days after service of the summons and copy of the complaint on him. Any such defendant may by his answer disclaim all right, interest or estate in the lauds described in the complaint, or in any part or share thereof, and in such case the answer shall determine the action in favor of the plaintiff to the extent of the disclaimer. In case any defendant in such action shall deny the plaintiff's right, or claim in the lands, or in any part, parcel or share of the lands described in the complaint, he or she shall specify the right, interest or estate which he or she claims therein, or the answer to the extent of such denial may be stricken out on motion of the plaintiff, and judgment rendered in his favor. The pleadings in such actions shall be verified by affidavit in the same manner and to the same extent as in other civil actions, and they shall be construed with reference to the substance thereof, disregarding all technical or formal defects, not affecting the substance or merits of the matters in controversy therein.

SEC. 6. This act [referring to Section 5 above] shall apply to all actions now pending in the courts of this state, and shall take effect from and after its passage. [This was added by 1858 Laws, c. 97, at 294-296. Because of this insert the number of each section in the original 1855 Town Site Law after Section 5 was increased by one].

SEC. 7. Upon the trial of any issue joined in such action, either party may give in evidence, the statement mentioned in the fourth section of this act, deposited by the other, or by the person under whom he or she claims, with the corporate authorities, or judge or judges holding the title to the lands in controversy therein, and the person or persons who shall have made the first claim to, and settlement upon such, lands, either in person or by agent, servant, or tenant, or those claiming under him, her, or them, shall in any such action, be deemed to have the prior and permanent right to such lands, and any rule of law or equity which would prevent a determination in accordance with such prior right,

shall be disregarded in such action. In case the parties in such action shall by person or by attorney, in writing, waive a trial by jury, the cause may be brought to a trial and hearing before the judge at any time in term or vacation upon ten days notice thereof to the adverse party, and no postponement of such trial shall be had except for or by consent of the parties. Upon the trial of any such action the evidence of the witnesses shall be reduced to writing and filed with the papers in the cause.

SEC. 8. Any party in such action deeming himself or herself aggrieved by the determination or judgment therein, may bring a writ of error or appeal thereon to the Supreme Court the same as in other cases. In case of an appeal from the judgment in such action, the return thereto from the district court shall include the evidence filed therein, and in such case the supreme court shall, if either party shall require it, review and pass upon the questions and conclusions of fact as well as of law. If in such case the judgment of the district court shall be reversed upon a question of fact, and the cause shall have been tried by a jury, the cause shall be remitted for a new trial in the district court. In all other cases of appeal in such actions the judgment of the supreme court shall be final.

SEC. 9. In case any controversy between adverse claimants to any such lands shall not be settled or determined by agreement, reference, or arbitration, within the time allowed therefor as hereinbefore specified, and shall not be prosecuted within one month after the expiration of such time, if the title to such land shall be held by any such judge or judges, it shall be the duty of such judge or judges to summon the adverse claimants to appear before him or them at a time and place to be mentioned in the summons, and which place shall be within the county in which such lands shall be situated, and make their proof and allegations in reference to such adverse claims. At the time and place of the return of such summons, the judge or judges shall, if the parties appear, proceed to hear their proof and allegations,

and shall thereupon determine in writing the controversy between them. Upon such hearing, the statements of the parties respectively, deposited with such judge or judges as required by the third section of the act, shall stand for their pleadings, and either party may use in evidence the statement made by the other, or by the person under whom he or she claims. The evidence of witnesses sworn upon such trial shall be reduced to writing, and any witness who shall, upon such hearing, wilfully and knowingly testify falsely, shall be deemed guilty of perjury. Any such judge, or any justice of the peace may issue subpoena to compel the attendance of witnesses upon such hearing, and any person served with such subpoena and failing to appear, shall be doomed guilty of contempt of the said judge or judges, and may be attached to answer such contempt and to testify in the case. There shall be no postponement in the hearing of such case, except for cause. The summons issued by the judge or judge, and all subpoenas issued in such cases shall be directed and served in the same manner as in civil actions, and the fees of officers and witnesses in such cases shall be the same as for the like services in civil actions in courts of record. Either party in any such case may appeal from the determination of such judge or judges therein, to the supreme court in the same manner that a party may appeal from a judgment in a civil action in a district court. The judge or judges shall make return to such appeal, and such return shall consist of the statements standing for the pleadings in the case, the evidence, and the determination of the judge or judges, in writing, and the proceedings thereon in the supreme court shall be specified in the cases of appeal mentioned in the seventh section of this act. In case any party lawfully summoned to appear before such judge or judges as mentioned in this section, shall fail to appear at the time and place mentioned in the summons, he shall be deemed to have waived and relinquished all right, title and interest and estate in the lands so in controversy, and each and every piece, parcel and share thereof, and shall be forever barred the right of asserting or claiming any right, title, interest, or estate therein.

SEC. 10. If in a case mentioned in section eight of this act, the title to any such land shall be held by the corporate authorities of any town, such corporate authorities may bring an action in the district court of the judicial district in the county in which the lands in controversy shall be situated, against the adverse claimants thereto, to settle and determine such controversy. The complaint in such case shall be in the nature of a bill of interpleader in a court of equity, and shall set forth a description of the lands thus claimed by adverse claimants, and the character and extent of the right of interest or estate therein, claimed by each, as the same appear by the statements deposited with such authorities pursuant to section three of this act, and shall pray that the several adverse claimants may be required to appear in such court and prosecute their claims or be forever barred thereof. Any party to such action who shall fail to appear and answer such complaint, and thus prosecute his claim to the land described in such complaint, pursuant to the summons in such case and the practice of the district court, shall be forever barred of the right to assert any claim or title to such lands adverse to the other claimants, elsewhere or in any court whatsoever. If the adverse claimants to the lands described in the complaint in such case, shall appear, they shall respectively answer such complaint, and either disclaim any right, title, interest or estate in the land therein described, or set forth the nature, character, and extent of the title, interest or estate which he, or she, or they respectively claim therein. Issues between such adverse claimants made by their answers to such complaint, may be brought to hearing, and shall be determined, and such determination may be reviewed by the supreme court, in the same manner and by the same rules of law and evidence as issues in the cases mentioned in sections five, six, and seven of this act.

SEC 11. As soon as may be, after the expiration of sixty days from the first publication of the notice mentioned in the third section of this act, the corporate authorities, judge or judges, holding the title to the lands described in such

notice, shall make a true statement in writing containing a true account of all moneys by him or them expended in the acquisition of the title and the administration or execution of the trust to that time, including all moneys paid by him or them for the purchase of said such lands, all necessary traveling expenses, all moneys paid for posting and publishing such notices, and for proof thereof, and for all other necessary and proper expenses incident to such trust, and also a true account of his or their charges for time and services employed in the business of such trust to that time. The whole amount of such account for moneys and reasonable charges for compensation, shall be a charge upon the lands so held in trust in favor of the trustee, and shall be paid by the several claimants entitled to such lands, in proportion to the several quantities or shares thereof to which they may be respectively entitled.

SEC. 12. Before the corporate authorities, or judge or judges holding any such lands in trust as aforesaid, shall be required to execute, acknowledge or deliver any deed of conveyance thereof, or of any lot, block, parcel or share thereof, as hereinbefore mentioned, to any person or persons claiming to be entitled to such deed, such person or persons shall pay or tender to him or them the sum of money chargeable upon the part thereof to be conveyed by such deed, according to the statement or account mentioned in the tenth section of this act, the amount to be determined by the proportion which the quantity of the land to be described in such deed shall bear to the whole quantity of the land of which it is a part, compared with the whole amount thus charged upon the whole quantity of land, together with interest on each of the money items of such account at the rate of twenty-five per centum per annum from the time when the same accrued, and also such further sums as shall be a reasonable compensation for preparing, executing and acknowledging such deed, and the fees of the officers taking the acknowledgment thereof.

SEC 13. After the expiration of sixty days from the time of the first publication of the notice mentioned in the third section of this act, the corporate authorities, or judge or judges holding the title to the lands described therein, shall upon a reasonable demand or request, and upon the payment or tender to him or them of the moneys mentioned in the eleventh section of this act, execute, acknowledge and deliver to each and every claimant or affiliation, or company of claimants of such lands, or of any lot, block, parcel or share thereof, a deed of conveyance thereof, as prescribed in the second section of this act, and according to the statement made and deposited by him or them pursuant to the third section of this act: *Provided*, however, that no such deed of conveyance shall be executed, acknowledged or delivered for any part, lot, block or share of such lands, to which there shall be adverse or contesting claimants, until the controversy thereon shall have been settled or determined in the manner hereinbefore prescribed; and whenever any such controversy shall have been be settled or determined, the said corporate authorities, or judge or judges shall, upon the like demand or request, and the like payment or tender, and by the like deed of conveyance, convey the land or interest, or share therein, the right to which shall have been thus ascertained, to the person or persons thereby determined to be entitled to the same.

Sec. 14. In case any entries of land shall have been heretofore made by any town authorities, judge or judges in this Territory, pursuant to the provisions of the said act of Congress, the trust thereby created shall be executed in the manner prescribed in this act, and all the provisions of this act shall apply thereto, except that the notice required by the third section of this act, may and shall be posted and published in the manner therein prescribed, within thirty days after the passage thereof: *Provided*, that the provisions of this act shall not be so construed as to impair or change the terms or effect of any act heretofore passed by the legislative assembly of this Territory, prescribing the

manner in which any specified town site shall be entered under the provisions of the said act of Congress.

SEC. 15. In case any judge who shall have entered any such lands under the provisions of the said act of Congress, and thus become the sole trustee thereof, shall be possessed of, or entitled to the same, or any part, lot, block, or share thereof, according to, and by virtue of the provisions of this act, and his claim or right shall not be claimed adversely to him by any person. He shall be, and be deemed to be, seized and possessed of the title thereto, and estate therein, to his own use in fee simple, absolute, free and discharged of such trust, and no conveyance other than the patent of the lands including the same, shall be necessary to perfect the absolute title thereto. In case any such land or interest or share in such land so claimed by such judge, shall be claimed by any other person or persons, adversely to him, the conflicting claims between him and such other persons shall be adjusted or determined by settlement, reference, arbitration or action as hereinbefore prescribed, and in such case of action at law, the issues therein shall be tried before some other judge who shall be disinterested, and possessed of competent jurisdiction to hold the court for the trial of, and to render judgment in such action.

SEC. 16. For all the purposes of determining the rights of adverse claimants to any lands so entered, pursuant to the said act of Congress, the corporate authorities, or judge or judges hereinbefore mentioned shall be deemed to possess and hold the title to the lands so entered in such trust, from the time of the entry thereof.

Sec. 17. The costs in the actions mentioned in this act, and in such proceedings before the judge as prescribed in the eighth section thereof, shall be regulated and recoverable as in other civil actions.

SEC. 18. This act shall take effect immediately, and shall be published within ten days after its passage, in two weekly

news-papers printed at the seat of government of the Territory.

SEC. 19. Each and every person in whom the title to any lands shall be declared to be vested, under and by the provisions of this act, shall reconvey, by good and sufficient conveyance, to any person or persons, claiming by, through or under him, or them pursuant to any contract or agreement made with such person or persons, upon a reasonable, demand therefor, and upon the payment to said person or persons, of any monies that may be due or unpaid to him or them from the person or persons making such demand, and in case of refusal so to convey, said contract or agreement may be enforced by action against said person or persons, according to law.

J. S. NORRIS,

Speaker of the House of Representatives.

W. P. MURRAY,

President of the Council.

APPROVED—March third, eighteen hundred and fifty-five.

W. A. GORMAN.

I hereby certify the foregoing to be the true copy of the original act on file in my office.

J. TRAVIS ROSSER, Secretary of the Territory of Minnesota.

•∞•

The following sections were passed by the Eighth Territorial Legislature on May 23, 1857, in a Special Session.

(20.) **SEC. I.** A. J. Chatfield and Moses Sherburne, former judges of this territory, are hereby authorized and empowered to discharge and execute all trusts which they severally assumed, while acting as judges, by virtue of the above mentioned acts, in all respects, in the same manner and subject to the same duties and requirements as they might and would be if still holding their said offices.

(21.) **SEC. II.** This act shall take effect from and after its passage. [1857 Sp. Laws, c. 92, at 322 (May 23, 1857)]

4. Town Site Advertisements
in Minnesota Newspapers.
(more will be added when located)

St. Cloud Democrat
Stearns County
September 22, 1859, at 4 (enlarged).

L E G A L.

TOWN SITE ENTRY.—TO C. B. Johnson, Gowan W. Wilson and Anton Embolt: You are hereby notified that Monday the 14th day of August next, at 10 o'clock A. M., at the U. S. Land Office, St. Cloud, evidence will be offered on the part of the Town Authorities of St. Augusta, to show the occupancy of the following described land for town purposes, viz.: The North West $\frac{1}{4}$ of the North West $\frac{1}{4}$, the South $\frac{1}{4}$ of the North West $\frac{1}{4}$, and the North West $\frac{1}{4}$ of the South East $\frac{1}{4}$ lots [1] one, [2] two and [3] three of Section Seven of Township No. 128 North of Range 27 West, and in support of the right of the authorities of said town to enter said land in trust for the several occupants thereof. And you are required to present on said day the evidence you may have in support of your claim to enter any part of said land.

Dated, June 27th 1859. **GOWIN WILSON,**
President of the Town of St. Augusta.
june30-6w

LAND OFFICE, ST. CLOUD, MINN. }
25th June, 1859. }

Representatives of Town Site of Yarmouth present, and none of contestants appearing, by direction of the officers the above case is adjourned until Monday the 15th of August 1859.

W. A. CABOTHERS,
Register.
jul7-6w

Mankato Weekly Independent
August 22, 1857, at 4.

Lexington, Le Seur County, Minnesota.

This new and flourishing town is situated on the North and West shores of Clear Lake, in Township 111 north of Range 24 west, in the very heart of the "Big Woods."

The country around, which but one year ago, was an unbroken wilderness, is now entirely settled by industrious and enterprising citizens. Comfortable dwellings have been erected and improvements commenced on nearly every quarter section for miles around. Lexington has now a HOTEL, POST OFFICE, two STORES, several Private Residences, one resident PHYSICIAN, and Mechanics of various Trades.

A Steam Saw Mill has lately been contracted for, and soon, settlers in the vicinity will have an abundance of lumber at their own doors. Public worship is attended three Sabbaths in each month by an intelligent audience. A school district has been organized, and a school will be opened on the first of July.

The location of Lexington is such as to make it the centering place for several important roads, some of which have already been opened, and others are in progress. Two mail routes pass through this place, connecting southern Minnesota with points on the Minnesota River.

As a residence for the man of leisure, Lexington cannot be surpassed in picturesque scenery, or the means of gratifying the propensity of the angler or the sportsman.

For the capitalist, here is the place to invest, where one of the best locations for an inland town is surrounded by broad acres which cannot be surpassed in the western world in depth and fertility of soil, and which are becoming fruitful fields, requiring a home market into which to pour their prolific treasures. Come and see.

For further particulars, address either of the Proprietors, or S. L. SHIVEL, Agent and Attorney for the Proprietors.

J. G. WIRTLAND, Lexington M. T.

S. L. SHIVEL, " "

JNO. D. TATE, South Bend, "

C. A. POST, Superior, "

BRADLEY & BALDWIN,

Belle Plaine, "

Proprietors.

Mankato Weekly Independent
August 22, 1857, at 4.

CRYSTAL LAKE CITY.

BLUE EARTH COUNTY, MINNESOTA.

THIS is the name of a town lately laid out on the south side of Crystal Lake, which is one of the most clear and beautiful lakes in the Territory, and in beauty it is everything that its name denotes! On east of the town and near to it is Lake Medary, and the north-west, at a little distance from it is Lilly Lake, all of which are clear and beautiful lakes, abounding with the finest fish, on which account it is becoming a great resort for pleasure-seekers.

The town is twelve miles from Mankato, in a south-westerly direction, and on the Military from Mendota to Sioux City, besides which there are five county roads centering into it, and it is also on the line of the Minneapolis and Big Sioux Railroad, and in the midst of one of the finest agricultural regions of the Territory, and well supplied with timber and water, and which is being settled with unprecedented rapidity.

With all these natural advantages, the proprietors hope by their liberality and enterprise, to make a thriving business town; and it is their intention to beautify and adorn it with the works of Art as it is already with the works of Nature. A Store, Hotel, and Shops of different kinds are about being erected, as the facilities for obtaining lumber will soon be abundant.

The proprietors offer very liberal inducements to purchasers, and still more liberal to actual settlers. For further information address the undersigned proprietors.

R. J. SIBLEY, Mankato, M. T.
E. D. BRUNER, " "
J. A. WILLARD, " "
Dr. W. F. LEWIS, " "
JNO. P. HODGSON, " "
HIRAM YATES, Crystal Lake City.

REFERENCES:

GEN. ANTHONY, Springfield, Ohio.
SAMUEL OGDEN, Columbus Ohio.
E. J. RICHARDSON, Utica, N. Y.
J. R. TINKCOM, Mayville, N. Y.
W. F. BAIRD, Cincinnati, Ohio.

June 13, 1857.

tf

St. Cloud Democrat
Stearns County
August 4, 1859, at 4 (enlarged).

To Nicholas Looah, Joseph Henry Tyler,
Henry Grine, E. D. W. Murphie and Nicholas
Rous:

You and each of you are hereby notified that on
the 25th day of June A. D. 1859, at One o'clock
P M of said day at the Land Office at St. Cloud
I shall offer proof in support of my right to enter
as the Town site of the Town of Yarmouth in
trust and for the benefit of the several owners
and occupants thereof

Lots No One, Two, Three and Four and the
N $\frac{1}{2}$ of the S $\frac{1}{2}$ and the S $\frac{1}{2}$ of the N $\frac{1}{2}$
and the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of section No. three
[8] Township No. one hundred and twenty two
North of Range twenty nine west at which time
and place you are notified to appear and show
cause why I should not be allowed to make such
entry.

EDWARD O. HAMLIN,

Judge of 4th Judicial District,

St. Cloud, May 6th, 1859.

may12-6w

LAND OFFICE, ST. CLOUD, MINN. }

25th June, 1859.

Representatives of Town Site of Yarmouth
present, and none of contestants appearing,
by direction of the officers the above case is
adjourned until Monday the 15th of August
1859.

W. A. CARUTHERS,

jul7-6w

Register.

St. Cloud Democrat
December 13, 1860, at 3.

NOTICE OF ENTRY OF TOWN SITE OF the Town of SAINT CLOUD.—Notice is hereby given, that the Corporate Authorities of the Town of Saint Cloud, Stearns county, Minnesota, did, on the 15th day of November, 1860, at the Land Office at St. Cloud, enter in trust for the several use and benefit of the occupants thereof, according to their respective interests, the following pieces or parcels of land, comprising the town site of said Town of St. Cloud, stated and described in the duplicate receipts thereof to be: The west half of south east quarter, and north east quarter of south west quarter of Section eleven, and the south east $\frac{1}{4}$ of south east $\frac{1}{4}$ and lot three of Sec. eleven, and north east $\frac{1}{4}$ of north east $\frac{1}{4}$ Sec. 14, and north west $\frac{1}{4}$ of north west $\frac{1}{4}$ of Sec. 13, and lot one of Section twelve, in Township One hundred and twenty four, north of range twenty eight west.

All parties interested in the land above described, are requested to file the statement required by the statute, with the Corporate Authorities of said town, within sixty days from the date hereof, or their rights will be barred. Said statements may be filed with James C. Shepley, President of the Town Council of said Town, at his office in St. Cloud.

Dated St. Cloud, Nov. 22, 1860.

JAMES C. SHEPLEY, President.

JOSEPH EDLERSOCK,
 LUDWIG ROBBERS, } Trustees.
 PETER KRAMER.

JOSEPH BROKER, Recorder. nov22-5w
 Town Cobncil Town of Saint Cloud.

Mankato Weekly Independent
March 13, 1855, at 3 (enlarged).

Notice of the Entry of Mankato.

NOTICE is hereby given, in pursuance of Section three of an act of the legislature of Minnesota Territory, entitled "An Act prescribing rules and regulations for the execution of the trusts arising under the Act of Congress entitled an act for the relief of citizens of towns upon lands of the United States under certain circumstances," passed March 3d, 1855, that on the 6th day of March, 1858, the subscriber entered at the Land Office at Faribault, M. T. the lands comprising the site of the town of Mankato, in the County of Blue Earth, M. T. in trust for the several use and benefit of the occupants thereof, according to their respective interests, which lands are described in the duplicate receipt of the Receiver, for money received by him in payment thereof, as follows: Lots No's. 1, 2, & 3 and the S. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Section 7, and the N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ and the N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section No. 18, in Township No. 108 of Range No. 26 West, containing three hundred and eighteen acres and eighty-eight hundredths of an acre.

Each and every person, or association, or company of persons, claiming to be an occupant or occupants, or to have, possess, or to be entitled to the right of occupancy or possession of such lands, or any lot, block, parcel or share thereof, is required by the fourth section of said act to file within sixty days after the first publication of this notice, in the office of the subscriber, at Traverse des Sioux, Nicollet County, M. T. a statement in writing, containing an accurate description of the pieces or parts thereof, in which he, she, or they claim to have an interest, and of the specific right, interest or estate which he, she, or they respectively claim to be entitled to receive, or be forever debarred from any right or claim thereto.

CHAS. E. FLANDRAU,

Asso. Just. Sup. Ct. M. T.

& Judge of the county courts

of Blue Earth County.

Business Cards

Red Wing Sentinel
January 5, 1856, at 3 (enlarged).

WILLIAM ROCK,
Civil Engineer & Surveyor.
RED WING, MINNESOTA.

WILL locate Roads and Rail Roads, furnish
Plans and Specifications for Bridges and
other Engineering Structures—Select and Survey
Lands, Lay out and Map Town Sites, &c.

He hopes that by strict integrity and attention
to business he will share a portion of public pat-
ronage.

Red Wing, Dec. 3, 1855. * 20216

