

21079
65

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.

ONE HUNDRED COPIES ORDERED PRINTED.



SAINT PAUL:

FREDERICK DRISCOLL, STATE PRINTER.

(PRESS PRINTING COMPANY.)

1865.

27

D

1 SECT. 13. If any female is delivered of a bastard
 2 child, which is a public charge, or likely to become a pub- C. S. p. 345, Sect. 11.
 3 lic charge, or is pregnant of a child, likely to be born a
 4 bastard and to become a public charge, the board of com- *c 19*
 5 missioners of the county where such female resides, or
 6 any of them, may, upon application for aid in supporting
 7 such child by the mother thereof, or if they deem proper
 8 without such application, apply to some justice of the peace
 9 of the same county to make inquiry into the facts and cir-
 10 cumstances of the case.

1 SECT. 14. The justice shall examine such female on
 2 oath respecting the father of such child, the time when, and
 3 the place where said child was begotten, and such other C. S. p. 345, Sect. 12.
 4 circumstances as the justice deems necessary for the discov- *c 19*
 5 ery of the truth; and shall thereupon issue his warrant to
 6 apprehend the reputed father; and the same proceedings
 7 shall be thereupon had, as if complaint had been made by
 8 such female, as prescribed in the foregoing provisions of this
 9 chapter, and with the like effect; any warrant issued under
 10 the provisions of this chapter, may be executed in any part
 11 of this state; and in all cases said commissioners and the
 12 accused may require the attendance of such female to testi-
 13 fy, the same as witnesses in other cases.

1 SECT. 15. The county commissioners before judgment
 2 in any case under this chapter, may make such compromise C. S. p. 345, Sect. 13.
 3 and arrangement with the putative father of any bastard *c 19*
 4 child in such county, relative to the support of such child,
 5 as they deem equitable and just; and thereupon may dis-
 6 charge such putative father from all liability for the sup-
 7 port of such bastard.

CHAPTER XVIII.

PARTITION FENCES.

1 SECTION 1. All fences four and a half feet high and in
 2 good repair, consisting of rails, timber, boards, or stone C. S. p. 223, Sect. 234.
 3 walls, or any combination thereof, and all brooks, rivers, *c 8*
 4 ponds, creeks, ditches, and hedges, or other things which
 5 shall be equivalent thereto, in the judgment of the fence
 6 viewers, within whose jurisdiction the same may be, shall
 7 be deemed legal and sufficient fences.

1 SECT. 2. The respective occupants of lands, inclosed

c8
C. S. p. 223, Sect.
235.

2 with fences, shall keep up and maintain partition fences be-
3 tween their own and the next adjoining inclosures, in equal
4 shares, so long as both parties continue to improve the
5 same.

c8
C. S. p. 223, Sect.
236.

1 SECT. 3. In case any party neglects to repair or rebuild
2 any partition fence, which of right he ought to maintain,
3 the aggrieved party may complain to the town supervisors
4 or a majority of them, who after due notice to each party,
5 shall proceed to examine the same; and if they determine
6 that the fence is insufficient, they shall signify the same in
7 writing to the delinquent occupant of the land, and direct
8 him to repair or rebuild the same within such time as they
9 judge reasonable; and if such fence is not repaired or re-
10 built accordingly, it shall be lawful for the complainant to
11 repair or rebuild the same.

c8
C. S. p. 224, Sect.
237.

1 SECT. 4. When any deficient fence, built up or repaired
2 by any complainant as provided in the preceding section,
3 is adjudged sufficient by two or more of said supervisors,
4 and the value of such repairing, or building up, together
5 with their fees, is ascertained by a certificate under their
6 hands, the complainant shall have a right to demand either
7 of the occupant or owner of the land, where the fence was
8 deficient, double the sum so ascertained; and in case of ne-
9 glect or refusal to pay the sum so due for one month after
10 demand thereof is made, the complainant may recover the
11 same, with interest at one per cent. a month, in a civil
12 action.

c8
C. S. p. 224, Sect.
238.

1 SECT. 5. When any controversy arises about the rights
2 of the respective occupants in partition fences, or their ob-
3 ligation to maintain the same, either party may apply to a
4 majority of the supervisors of the town where the lands lie,
5 who after due notice to each party, may, in writing assign
6 to each, his share thereof, and direct the time within which
7 each party shall erect or repair his share of the fence, in
8 the manner before provided; which assignment being re-
9 corded in the registry of deeds, shall be binding upon the
10 parties, and upon all the succeeding occupants of the lands;
11 and they shall be obliged always thereafter to maintain their
12 respective portions of said fence.

c8
C. S. p. 224, Sect.
239.

1 SECT. 6. In case any party refuses or neglects to erect
2 or maintain the part of any fence assigned to him as afore-
3 said, the same may be erected and maintained by the ag-
4 grieved party, in the manner before provided; and he shall
5 be entitled to double the value thereof ascertained in the
6 manner aforesaid, and to be recovered in like manner.

1 SECT. 7. All divisions of fences made by town supervi-
 2 sors according to the provisions of this chapter, or which C. S. p. 224, Sect.
 3 shall be made by owners of adjoining lands, in writing, 240. c 8
 4 witnessed by two witnesses, signed, sealed and acknow-
 5 ledged by the parties making the same, being recorded in
 6 the registry of deeds, shall be good and valid against the
 7 parties thereto, and their heirs and assigns.

1 SECT. 8. When in any controversy that may arise be-
 2 tween occupants of adjoining lands, as to their respective C. S. p. 225, Sect.
 3 rights in any partition fence, it appears to the supervisors, 241. c 8
 4 that either of the occupants had before any complaint made
 5 to them, voluntarily erected the whole fence, or more than
 6 his just share of the same, or otherwise become proprietor
 7 thereof, the other occupant shall pay for so much as may
 8 be assigned to him, to repair and maintain, the value of
 9 which shall be ascertained and recorded in the manner pro-
 10 vided in this chapter.

1 SECT. 9. All partition fences shall be kept in good re- C. S. p. 225, Sect.
 2 pair throughout the year, unless the occupants of the lands 242. c 8
 3 on both sides otherwise mutually agree.

1 SECT. 10. When lands of different persons which are
 2 required to be fenced, are bounded upon or divided by any
 3 river, brook, pond or creek, which of itself, in the judg- C. S. p. 225, Sect.
 4 ment of the supervisors, is not a sufficient fence, and it is 243. c 8
 5 in their opinion impracticable without unreasonable expense
 6 for the partition fence to be made in such waters, in the
 7 place where the true boundary line is; if in such case the
 8 occupant of the land on one side, refuses or neglects to join
 9 with the occupant of the land on the other side, in making
 10 a partition fence on the one side or the other, or if such
 11 persons disagree respecting the same, then two or more su-
 12 pervisors of the town in which such lands lie, on applica-
 13 tion to them made, shall forthwith proceed to view such
 14 river, brook, pond or creek.

1 SECT. 11. If such supervisors determine that such river,
 2 brook, pond or creek will not answer the purpose of a suf- C. S. p. 225, Sect.
 3 ficient fence, and that it is impracticable, without unreason- 244. c 8
 4 able expense, to build a fence on the true boundary line,
 5 they shall, after giving notice to the parties, determine how,
 6 or on which side thereof, the fence shall be set up and main-
 7 tained, or whether partly on one side and partly on the
 8 other side, and shall reduce such determination to writing
 9 and sign the same; and if either party refuses or neglects
 10 to make or maintain his part of the fence, according to the
 11 determination of said supervisors, the same may be made
 12 and maintained by the other party as before provided in
 13 this chapter, and the delinquent party shall be subject to
 14 the same charges and costs, to be recovered in like manner.

c 8

C. S. p. 226, Sect.
246.

1 SECT. 12. When any lands belonging to different per-
2 sons in severalty have been occupied in common without a
3 partition fence between them, and one of the occupants is
4 desirous to occupy his part in severalty, and the other occu-
5 pant refuses or neglects, on demand to divide with him the
6 line where the fence ought to be built, or to build a suffi-
7 cient fence on his part of the lines when divided, the party
8 desiring it may have the same divided and assigned by a
9 majority of the supervisors of the same town, in the manner
10 provided in this chapter.

c 8

C. S. p. 226, Sect.
246.

1 SECT. 13. Upon the division and assignment as pro-
2 vided in the preceding section, the supervisors may, in
3 writing under their hands, assign a reasonable time for mak-
4 ing the fence, having regard to the season, of the year; and
5 if either party shall not make his part of the fence, within
6 the time so assigned, the other party may, after having com-
7 pleted his own part of the fence, make the part of the other,
8 and recover therefor, double the ascertained expense there-
9 of, together with the fees of the supervisors, in the manner
10 provided in this chapter.

c 8

C. S. p. 226, Sect.
247.

1 SECT. 14. When one party ceases to improve his land,
2 or opens his inclosure, he shall not take away any part of
3 the partition fence belonging to him; and adjoining the next
4 inclosure, if the owner or occupant of such adjoining in-
5 closure will within two months after the same is ascertained,
6 pay therefor, such sum as a majority of the supervisors
7 shall, in writing under their hands, determine to be the
8 value of such partition fence belonging to such parties.

c 8

C. S. p. 226, Sect.
248.

1 SECT. 15. When any uninclosed grounds are afterward
2 inclosed, the owner or occupant thereof, shall pay one-half
3 of each partition fence, standing upon the line between his
4 land and the inclosure of any other owner or occupant, and
5 the value thereof shall be ascertained by a majority of the
6 supervisors of the town in writing under their hands, in
7 case the parties do not agree; and if such owner or occu-
8 pant neglects or refuses for sixty days after the value has
9 been so ascertained, and demand made, to pay for one-half
10 of such partition fence, the proprietor of each fence may
11 maintain a civil action for such value, and the cost of ascer-
12 taining the same.

c 8

C. S. p. 226, Sect.
249.

1 SECT. 16. In all cases where the line upon which a par-
2 tition fence is to be made, or to be divided, is the boundary
3 line between towns, or partly in one town and partly in
4 another, a supervisor shall be taken from each town.

1 SECT. 17. When a partition fence running into the wa-

2 ter is necessary to be made, the same shall be done in equal
 3 shares, unless otherwise agreed by the parties; and in case
 4 either party refuses or neglects to make or maintain the
 5 share belonging to him, similar proceedings shall be had as
 6 in case of other fences, and with like effect.

C. S. p. 226, Sect.
250.

c 8

1 SECT. 18. In all cases where the line upon which a par-
 2 tition fence to be built between unimproved lands, has been
 3 divided by the supervisors, or by agreement in writing be-
 4 tween the owners of such lands, recorded in the office of
 5 the register of deeds of the county where such lands lie, the
 6 several owners thereof, and their heirs and assigns forever,
 7 shall erect and support said fences agreeably to such di-
 8 visions.

C. S. p. 226, Sect.
251.

c 8

1 SECT. 19. If any person determines not to improve any
 2 of his lands adjoining any partition fence that may have
 3 been divided according to the provisions of this chapter, and
 4 gives six months' notice of such determination to all the ad-
 5 joining occupants of lands, he shall not be required to keep
 6 up or support any part of such fence during the time his lands
 7 are open and unimproved; and he may thereafter remove his
 8 portion thereof, if the owner or occupant of the adjoining
 9 inclosure will not pay therefor, as provided in the four-
 10 tenth section of this chapter.

C. S. p. 227, Sect.
252.

c 8

1 SECT. 20. Any supervisor who shall, when requested un-
 2 reasonably, neglect to view any fence, or to perform any
 3 other duty required of him in this chapter, shall forfeit the
 4 sum of five dollars, and shall also be liable to the party in-
 5 jured for all damages consequent upon such neglect.

C. S. p. 227, Sect.
253.

c 8

1 SECT. 21. Each supervisor shall be paid by the person
 2 employing him, at the rate of one dollar a day for the time
 3 he is so employed; and if such person neglects to pay the
 4 same within thirty days after the service is performed, each
 5 supervisor having performed any such service may recover
 6 in a civil action double the amount of such fees.

C. S. p. 227, Sect.
254.

c 8

1 SECT. 22. In all counties not divided into towns, the
 2 county commissioners shall act as fence viewers, and be
 3 governed by the provisions of this chapter.

New.