

CHANGES

—IN THE—

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

CHAPTER XVIII.
PARTITION FENCES.

Add to *§ 24, p. 294:

provided, the provisions of this chapter shall not apply to nor be in force in the towns of McPherson and Medo, in Blue Earth county: *provided*, that the provisions of said chapter shall apply to the respective occupants of lands inclosed with fences for the purpose of pasturage. (1878, c. 34, § 1, *as amended* 1879, c. 36, § 1.)

See page 294.

(Fences in Dakota county. *See Sp. Laws* 1879, c. 323.)

CHAPTER XIX.
ESTRAYS, UNCLAIMED PROPERTY, ETC.
DISTRAINING BEASTS DOING DAMAGE.

Add to § 30, p. 299:

provided, the owner of such animals, or his agent, at any time before proceedings have been commenced to appraise such damages under the provisions of this act, or before suit in any court shall have been commenced to recover said damages from such owner or agent, may tender the amount of such damage to the person aggrieved by any depredation, of such amounts as said owner may think has been suffered thereby, and if said tender is accepted no other damages can be recovered in any manner; and if said tender is not accepted and other proceedings are had under the provisions of this act, or otherwise, and the person aggrieved by such depredations fails to substantiate or recover any greater sum as damages than such amount tendered by the said owner, no costs shall be collected or taxed against such owner, and said owner's costs and disbursements shall be paid by said complaining party, to be taxed against him as in like actions and proceedings. (*As amended* 1879, c. 12, § 1.)

See page 299.

§ 37. (SEC. 38.) **Owner of beasts, when liable to action—towns voting to allow cattle to run at large.** In case the owner or occupant of lands shall not distrain the beasts doing damage as provided herein, the owner of such beasts shall be liable in an action at law for all damages done by such beasts, without regard to the sufficiency of the fences on the lands on which damage is done: *provided, however*, that in all cases arising under the provisions of this act, or the statutes to which this act is amendatory, in towns where a majority of the voters at any town or special town meeting called for the purpose shall determine, by by-law of such town, that horses, cattle, mules and asses shall be permitted to run at large, in accordance with subdivision sixth, section fifteen, General Statutes of eighteen hundred and sixty-six, no damage shall be recovered by the owner of any lands for damage committed thereon by any such beasts during the day-time, until it shall be proved that said lands were inclosed by a lawful fence; and every three-rail fence, four feet high, constructed of such materials and in such manner as to constitute a good and sufficient fence as against cattle, horses, asses and mules, one or more years old, that are not breachy, or any fence equal thereto in sufficiency, shall, for the purpose of this act, be deemed a lawful fence; but the word "cattle," as used in the act, shall not be so construed as to include either sheep or swine, or any other domestic animal not exceeding the size of sheep or swine: *provided, further*, that the foregoing proviso shall not apply to or be

in force in the counties of Wabasha, Dodge, Steele, Lac qui Parle, Martin, Yellow Medicine, Lyon, Polk county, except that portion of territory organized as the town of Fossum, the Seventh Senatorial District, (Winona county,) and Goodhue county; nor in the county of Kandiyohi, save and except in the towns of Norway Lake, Colfax, Burbank, Roseville and Lake Lillian in said county, Brown, Dakota, and the north half of the town of Pilot Mound, Fillmore county, towns of Cocato and Stockholm in Wright county, and the townships in ranges twenty-two and twenty-three, in Freeborn county: *provided*, that the townships of Marshan, Ravenna and Hastings, in the county of Dakota, shall not be affected by this act: *provided*, that the provisions of this act shall not apply to the thirtieth, thirty-first, thirty-second, thirty-fifth, thirty-ninth, except Stevens county, forty-first, except Otter Tail county and Polk county, twenty-eighth, twenty-ninth, thirty-sixth and twenty-seventh senatorial districts: *and provided, further*, that nothing contained in this act shall apply to the townships of Deerfield, Medford and Aurora, in the county of Steele: *and provided, further*, that in the county of Kandiyohi, a majority of the voters of said county may determine by ballot at the next annual town meeting after the passage of this act, whether horses, mules, asses, cattle and swine shall be permitted to run at large or not in said county, and for the purpose of determining such question, those in favor of permitting the same to run at large in said county shall have written or printed, or partly written and partly printed on their ballots the words, "In favor of the running at large of horses, cattle, mules, asses and swine," and those against the running at large of such beasts shall have written or printed, or partly written and partly printed on their ballots the words, "Against the running at large of horses, cattle, mules, asses and swine." Such votes shall be canvassed and returns thereof made in the same manner that votes for county officers are canvassed and returned, and if, upon a canvass of said votes by the board of county canvassers, it shall be ascertained that a majority of the voters of said county voting upon said question at said election shall have voted for the running at large of said beasts in said county, then and in that case the provisions of chapter fifty-three (53) of the General Laws of eighteen hundred and seventy-four, and more particularly the first proviso of section two (2) of said act, shall be applicable to the different towns in said county of Kandiyohi, without regard to the provisions of section one (1) of this act. But if a majority of the voters of said county voting on said question at such election, vote against the running at large of horses, cattle, mules, asses and swine, then and in that case the provisions of section one (1) of this act shall be and remain in full force and effect in said county from and after the first (1st) day of May, A. D. eighteen hundred and eighty-one. It shall be the duty of the county auditor of said county of Kandiyohi to cause a statement of the vote on such question to be published in the official paper of said county for three (3) weeks, as soon as practicable after the same is ascertained: *provided, only*, that this act shall not apply or be in force in the towns of Burbank, Colfax, Lake Lillian, Norway Lake or Roseville, and that none of said last-mentioned towns shall be allowed to vote on such question at said election. (*As amended* 1874, c. 53, § 2; 1875, c. 122, § 1; 1876, c. 84, § 1; c. 85, § 1; 1877, c. 64, § 1; 1878, c. 16, § 1; 1881, c. 24, § 1, c. 81, § 1.)

(Section 37 applicable to town of Kerkhoven, Swift county. See *Sp. Laws* 1881.)

(Special provisions as to cattle running at large in counties of Swift, Hennepin, Wilkin, Grant, McLeod, Houston, Rice, Traverse, Clay, Winona, and Washington. See *Sp. Laws* 1881.)

CHAPTER XX.

PRESERVATION OF GAME.

*§ 1. **Season for killing game birds—penalties.** No person shall kill, or pursue with intent to kill, any woodcock, saving only during the month of July, after the third day of said month, and during the months of August, September, and October; nor any prairie hen or chicken, nor any white-breasted or sharp-tailed grouse or prairie