

GENERAL STATUTES
OF THE
STATE OF MINNESOTA

36

IN FORCE

JANUARY 1, 1889.

COMPLETE IN TWO VOLUMES.

VOLUME 1, the General Statutes of 1878, prepared by GEORGE B. YOUNG, edited and published under the authority of chapter 67 of the Laws of 1878, and chapter 67 of the Laws of 1879.

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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they deem equitable and just, and thereupon may discharge such putative father from all liability for the support of such bastard. (*As amended* 1883, c. 52, § 1.)

CHAPTER 18.

PARTITION FENCES.

§ 1. Legal fence defined.

Cited, *Evans v. St. Paul, etc., R. Co.*, 30 Minn. 439, 492, 16 N. W. Rep. 271.

*§ 2. Wire fences legal.

A partition fence of one smooth wire and two barbed wires, or of five smooth wires, constitutes a legal partition fence. *Oxborough v. Boesser*, 30 Minn. 1, 13 N. W. Rep. 906.

A wire fence, constructed in accordance with the provisions of this section, would be a compliance with Gen. St. 1878, c. 34, § 54, requiring railroad companies to fence their roads. *Halverson v. Minneapolis, etc., Ry. Co.*, 32 Minn. 88, 19 N. W. Rep. 392.

This provision imposes no duty on a railroad company to fence as respects children, but only as respects domestic animals. *Fitzgerald v. St. Paul, etc., Ry. Co.*, 29 Minn. 336, 340, 13 N. W. Rep. 168.

§ 3. (Sec. 2.) Occupants to maintain equal shares.

The respective occupants of lands inclosed with fences shall keep up and maintain partition-fences between their own and the next adjoining inclosures, in equal shares, so long as both parties continue to improve the same: *provided*, that the provisions of this chapter shall not apply to the towns in Meeker county where a majority of the voters have determined, pursuant to law, that horses, cattle, mules, and asses shall not be permitted to run at large. (*As amended* 1887, c. 50, § 1.)

[The amendment adds the proviso; §§ 2, 3, of said c. 50 provide: "§ 2. This proviso shall not apply to partition fences on town lines in said Meeker county where such adjoining towns have not determined, pursuant to law, that horses, cattle, mules, and asses shall not be permitted to run at large. "§ 3. This proviso shall not affect any rights heretofore acquired under section eight of said chapter eighteen of the said statutes of one thousand eight hundred and seventy-eight."]

Cited, *Locke v. First Div. St. Paul, etc., R. Co.*, 15 Minn. 350, 356, (Gil. 283, 290.)

It is enough that the partition fence is located on a line which the parties agree upon as the true dividing line between their lands, and as the place where the fence should be built. *Oxborough v. Boesser*, 30 Minn. 1, 13 N. W. Rep. 906.

§ 7. (Sec. 6.) Neglect to maintain fence.

In the absence of fraud or mistake, the adjudication of the supervisors upon the sufficiency of a fence erected as a lawful fence, and of its value, is final in an action under this section. *Oxborough v. Boesser*, 30 Minn. 1, 13 N. W. Rep. 906.

The party erecting the fence cannot recover double the fees of the supervisors; sufficiency of the demand on delinquent. *Id.*

§ 16. (Sec. 15.) Uninclosed lands—Subsequent inclosure.

Duty of owner of adjacent uninclosed lands to contribute to cost of partition fence, upon inclosing his lands for pasture; effect of subsequent abandonment. *Boenig v. Hornberg*, 24 Minn. 307.

§ 23. (Sec. 22.) Fence-viewers.

In all counties not divided into towns, the county commissioners shall act as fence-viewers, and be governed by the provisions of this chapter: *provided*,

the provisions of this act shall not apply to nor be in force in the towns of McPherson and Medo, in the county of Blue Earth: *provided*, that the provisions of said act shall apply to the respective occupants of lands inclosed with fences for the purpose of pasturage or grazing. (*As amended 1879, c. 37, March 10th, adding the provisos; and see, as to said towns, 1879, c. 36, approved March 7th.*)

***§ 24. Exemption of Goodhue and McLeod counties.**

The provisions of this chapter shall not apply to any part of the counties of Goodhue and McLeod, but said counties shall be and hereby are excepted from the operations and effect thereof: *provided*, that the provisions of this chapter shall apply to the respective occupants of lands in said counties inclosed with fences for the purpose of pasturing. (1878, c. 34, § 1, *as amended 1883, c. 97, § 1.*)

CHAPTER 19.

ESTRAYS, UNCLAIMED PROPERTY, AND BEASTS DOING DAMAGE.

TITLE 1.

ESTRAYS.

***§ 1. Who may take up estrays.**

This and the remaining sections of this title are not inconsistent with c. 10, § 87, in relation to fees and duties of pound-masters, nor with §§ 28, 32, 33, *infra*. Johnston v. Kirchoff, 31 Minn. 451, 18 N. W. Rep. 315.

TITLE 2.

UNCLAIMED PROPERTY.

***§ 27a. Unclaimed baggage, etc.—Delivery to warehouseman.**

When any personal baggage shall have remained, for a period of thirty days, in the possession of any carrier of passengers, at any station of such carrier in this state, to which it may have been carried in performance of the contract of such carrier relative thereto, or when any freight or merchandise shall have remained, for a period of sixty days, after notice given by mail to the consignee thereof, in the possession of any common carrier, at any office or station of such carrier within this state, to which such freight or merchandise may have been consigned, then and in that case such carrier, upon payment of its just charges for the transportation and storage of the same, may deliver such baggage, freight, or merchandise to any warehouseman or storage company doing business in this state. (1885, c. 202, § 1.*)

***§ 27b. Storage—Lien.**

Any warehouseman or storage company receiving any property, as provided in section one of this act, shall provide suitable storage for the same; and

*"An act to provide for the storage and disposal of unclaimed baggage, freight, and merchandise." Approved March 10, 1885.