

section 7, of chapter 20, General Laws 1909, be amended so as to read as follows:

Section 20. In the case of sickness or absence of any judge of the municipal court, either of the judges of the district court for the county of Hennepin, may, and hereby is authorized and empowered to hold said municipal court, and perform all the duties and exercise all the functions of municipal judge, and either of said judges of said district court may, upon request of a municipal judge act as the judge of said municipal court, in the trial of any particular cases pending therein.

In case it shall appear from the evidence of either party upon the trial of any cause, that the title to real estate is involved in the action *except forcible entry and unlawful detainer actions*, the municipal court shall not proceed further therein, but shall transfer the action to the district court of said county, and the cause shall be proceeded with in the court to which it shall be transferred as if originally commenced therein.

Approved April 20, 1917.

CHAPTER 408—H. F. No. 466.

An act to amend Chapter 282 of the Session Laws of Minnesota for 1915 defining legal fences.

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

Section 1. **One barbed wire permitted with woven wire as a legal fence.**—That chapter 282 of the Session Laws of Minnesota for 1915 be and the same is hereby amended to read as follows:

2749. All fences consisting of not less than 32-inch woven wire and two barbed wires firmly fastened to well set posts not more than one rod apart, the first barbed wire being above and not more than 4 inches from the woven wire and the second barbed wire being above and not more than 8 inches from the first wire; all fences consisting of not less than 40-inch woven wire and one barbed wire firmly fastened to well set posts not more than one rod apart, the said barbed wire being above and not more than 4 inches from the said woven wire; all fences consisting of woven wire not less than 48 inches in height, *and one barbed wire not more than 4 inches above said woven wire* firmly fastened to well set posts not more than one rod apart; all fences consisting of not less than four barb wires with at least forty barbs to the rod, the wires to be firmly fastened to posts not more than one rod apart, the top wire to be not more than 48 inches high and the bottom wire not less than twelve inches nor more than sixteen inches from the ground; and all fences consisting of rails, timbers, wires, boards, stone walls or any combination thereof or of streams, lakes, ditches, or hedges,

which shall be considered by the fence viewers as equivalent to any of the fences herein described shall be deemed legal and sufficient fences. In all cases where adjoining land owners disagree as to the kind of fence to be built on any division line, the matter shall be referred to the fence viewers who shall determine what kind of fence shall be built on such line and shall order such fence built according to law. Whenever the lands of two persons adjoin, and the land of one of such persons is enclosed on all sides except the side forming a division line between such lands by a woven wire fence, then and in such case each of such persons shall erect a fence of like character and quality along such division line for a distance of one-half the total length thereof, and shall thereafter maintain the same in equal shares.

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

Approved April 20, 1917.

CHAPTER 409—H. F. No. 706.

An act giving the state of Minnesota a claim in certain cases against the estate of insane persons who died while within a state institution.

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

Section 1. **Claim for maintenance of patient in state institutions.**—Whenever any patient in a state institution for the insane dies and does not leave surviving him spouse, children, grandchildren or parents, then and in such case the state shall have a claim for maintenance, treatment and support against the estate of such deceased person, which claim shall be computed at the rate of one hundred twenty dollars per year for the time such person was in such institution and be verified by the superintendent of the institution wherein such deceased person was confined. Provided, however, that the estate of such deceased insane person shall be entitled to a credit upon such claim of any sum or sums of money that may have been paid to the state for his or her maintenance, treatment or support in such institution.

Sec. 2. **Inconsistent acts repealed.**—All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 3. This act shall take effect from and after its passage.

Approved April 20, 1917.