

South Stillwater, and that upon any hearing or trial before such justice or justices, the said by-laws and ordinances or any part of the same, may be read in evidence without proof of the passage or publication of such by-laws or ordinances, and all of said by-laws and ordinances heretofore passed and now in force, shall be taken and deemed as valid and binding by-laws and ordinances of said village of South Stillwater.

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

Approved Feb. 25th, 1887.

CHAPTER 390.

[H. F. No. 324.]

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF NORTHFIELD.

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

SECTION 1. That the southeast quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section thirty-five (35), in township number one hundred and twelve (112) north of the base line, and range in twenty (20) west, of the fifth (5th) meridian, being in Rice county, Minnesota, be attached to and embraced within the corporate limits of the city of Northfield.

SEC. 2. That said portion of said section thirty-five (35) be included in and form a part of ward number three (3) in said city.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved February 21st, 1887.

CHAPTER 391.

[H. F. No. 417.]

AN ACT RELATING TO PARTITION FENCES IN RICE COUNTY.

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

SECTION 1. The owners or lessees for one or more years, of lands within the county of Rice, shall build, keep up, and maintain in good repair all partition fences between their own and the next adjoining

lands, in equal shares, so long as both parties continue to occupy or improve the same.

SEC. 2. Whenever either of the parties whose lands are divided by a partition fence of any kind, determines to no longer occupy or improve his land, such person may remove his share of such partition fence on giving two (2) months notice in writing of such intention to remove to the party owning or occupying the adjoining enclosure, or to his agent, if such party is not a resident of said county, unless such person shall, within said two (2) months pay for such fence the value thereof as agreed between the parties or ascertained and declared in writing by a majority of the supervisors of the township wherein such fence is located.

SEC. 3. All fences four and one-half ($4\frac{1}{2}$) feet high and in good repair, consisting of rails, timber, boards or stone walls, or any combination thereof, and all brooks, rivers, ponds, creeks, ditches and hedges, or other things which shall be equivalent thereto, in the judgment of the supervisors of the township within whose jurisdiction the same may be, or any fence consisting of three (3) barbed wires and one (1) smooth wire, which shall be the bottom wire upon the posts, and all securely fastened to and tightly drawn between posts firmly set in the ground not more than two (2) rods apart, the top wire whereon shall be not less than fifty-four (54) inches, and the bottom wire not more than twelve (12) inches, above the ground; or any such fence as the parties interested may agree upon, shall be deemed a legal and sufficient fence.

SEC. 4. Whenever a complainant has recovered a judgment for building up or repairing any partition fence as provided in section five (5), seven (7) and twenty-six (26), of chapter eighteen (18) of the general statutes of one thousand eight hundred and seventy-eight (1878), and shall file a duly certified transcript thereof with the register of deeds of said county, and which transcript shall contain a description of the adjoining lands of the defendant whereon such fence was built or repaired, said judgment shall thereupon become and be a lien upon such lands, of the nature and force, of a mortgage lien, and which shall be superior to any claim for exemption thereon, and in the foreclosure thereof the cost of recording such transcript together with a reasonable attorney fee, shall be allowed the complainant.

SEC. 5. It shall be the duty of the register of deeds of said county at and upon the filing in his office of such transcript of judgment as provided in the next preceding section, to forthwith duly record the same in the book of mortgages in his office, and he shall be entitled to the same fees therefor as for recording mortgages or other instruments.

SEC. 6. When any unoccupied land is afterwards occupied or improved, the owner or lessee thereof for one (1) or more years, shall pay for one-half ($\frac{1}{2}$) of each partition fence standing upon the line between his land and the land of any other owner or occupant, and the value thereof, if the parties cannot agree, shall be ascertained by a majority of the supervisors of the town in which such land is situ-

ated, in writing under their hands, and if such owner or lessee neglects or refuses, for sixty (60) days after the value of such fence has been determined and demand made, to pay such value to the proprietor of such fence, such proprietor may maintain a civil action for such value, and the cost of ascertaining the same.

SEC. 7. The provisions of sections four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), seventeen (17), eighteen (18), nineteen (19), twenty-one (21), twenty-two (22), twenty-five (25) and twenty-six (26), respectively, of chapter eighteen (18) of the general statutes of one thousand eight hundred and seventy-eight (1878), shall apply to and be in force in said county of Rice; and sections one (1), two (2), three (3), fifteen (15), and sixteen (16) and twenty (20) of said chapter shall be of no force or effect in any township of said county adopting this act as in the next section provided.

SEC. 8. This act shall not take effect or be in force in any part of said Rice county until after the same has been submitted to a vote of the qualified electors of the several townships of said county.

It shall be the duty of the auditor of said county to duly notify the clerk of each township within said county, at least seven (7) days prior to the time of the annual town meeting for the year one thousand eight hundred and eighty-seven (1887), that the question whether this act shall be adopted by such township shall be submitted to the legal voters of such township at its next ensuing town meeting election, and at the same time such auditor shall also furnish to each such clerk not less than twenty (20) printed copies of this act.

Notice that such question will be submitted at the said election shall, together with a printed copy of this act, be posted by said town clerk in not less than three (3) of the most conspicuous places in such township, not less than five (5) days prior to the time of such election, and said clerk shall have at such town meeting, for general distribution, the remainder of such printed copies of this act so furnished him.

Such vote shall be taken on such question by separate ballot, written or printed, containing the words, "For partition fence act," or "Against partition fence act," as the case may be, and shall be duly canvassed and the result thereof declared in manner and form as in the election of township officers. If a majority of all the ballots cast upon such question in any township be "For partition fence act," then this act shall take effect and be in force in every such township in said county from and after the first (1st) day of May, one thousand eight hundred and eighty-seven (1887).

The cost of printing copies of this act and of the service of the same and of notice of election as herein provided, shall be paid out of the county treasury of said county upon the order of the board of county commissioners. *Provided*, That in any township where at such election a majority of the votes cast was "Against partition fence act," then at any subsequent annual town meeting in such township, upon a written request therefor by ten (10) legal voters, freeholders of such township, addressed to the clerk of such township twenty (20) days prior to the time of such town meeting, said clerk shall include

in his regular notice of such meeting a notice that the question of whether this act shall be adopted, shall be voted upon at the next ensuing annual town meeting; and thereupon such question shall be submitted to a vote at such meeting, and shall be canvassed and declared, in manner and form as provided herein for the vote thereon to be held at the annual town meeting of one thousand eight hundred and eighty-seven (1887), and, *provided, further*, that if between the date of the passage of this act and the date of the annual town meeting next ensuing, sufficient time does not intervene to make and post the notices of such vote to be taken on the adoption of this act, as herein provided, then this act may be submitted for adoption, either at any ensuing annual town meeting or any special town meeting of such township, upon the written request therefor of ten (10) legal voters, freeholders of such township, addressed to the clerk of such township, twenty (20) days prior to the time of such meeting, and notice whereof shall be duly given by said clerk in manner as specified in the next preceeding proviso, and such vote shall thereupon be taken, canvassed and declared in manner and form as herein above provided.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 7th, 1887.

CHAPTER 392.

[H. F. No. 775.]

AN ACT TO PREVENT THE DEPOSITING OF SAWDUST OR ANY OTHER REFUSE IN OR ON THE BANKS OF LAKE FRANCIS, IN THE TOWNSHIP OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA.

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

SECTION 1. That it shall be unlawful for any person or persons to deposit any sawdust or any other refuse of any kind in or on the banks of a lake known as Lake Francis, in the township of Elysian, Le Sueur county, Minnesota.

SEC. 2. Any person or persons violating any of the provisions of the preceeding section shall be guilty of a misdemeanor and upon conviction thereof shall suffer and pay a fine of not less than five dollars (\$5) nor more than thirty dollars (\$30), together with all costs of prosecution, and in default of payment thereof may be imprisoned in the county jail not exceeding thirty (30) days.

SEC. 3. All prosecutions under the provisions of this act, shall be commenced immediately upon complaint being made before any justice of the peace within said county, and all fines shall be paid into the county treasury for to be expended on roads and bridges.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 23, 1887.