

justice court, shall be brought and tried in the county in which such bond for costs, or security for costs, is filed, unless the court for cause other than the place of residence of the defendants change the place of trial to any other county as now provided by law.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved April 20th, 1899.

S. F. No. 400.

CHAPTER 336.

Annoying
fences:
nuisances.

An act in relation to fences and other structures erected for the purpose of annoying the owners or occupants of adjoining property, and for the abatement of the same as nuisances.

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

Fence, when
a nuisance.

SECTION 1. Any fence, or other structure in the nature of a fence, unnecessarily exceeding six (6) feet in height, maliciously erected or maintained for the purpose of annoying the owners or occupants of adjoining property shall be deemed a private nuisance.

Action for
abatement
of; damages.

SEC. 2. Any such owner or occupant injured, either in his comfort or in the enjoyment of his estate by such fence, may have an action of tort for the damage sustained thereby, and may have such nuisance abated.

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

Approved April 20th, 1899.

S. F. No. 403.

CHAPTER 337.

Collection of
vital sta-
tistics.

An act to amend sections 437, 438, 439 and 441 of chapter six (6), General Statutes of Minnesota 1894, relating to the collection of vital statistics.

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

SECTION 1. That section four hundred and thirty-seven (437) of chapter six (6) of the General Statutes of Minnesota, one thousand eight hundred and ninety-four (1894), relating to the collection of vital statistics, be and the same is hereby amended so as to read as follows:

"Sec. 437. Parents shall give notice to such clerk or health officer of the births and deaths of their children; every householder shall give like notice of every birth and death happening in the house; the oldest persons next of kin shall give such notice of the death of his kindred; the keeper or other proper officer of every workhouse, poorhouse, reform school, jail, prison, hospital, asylum, or other public or charitable institution, shall give like notice of every birth or death happening among the persons under his charge. Whoever neglects or refuses to give such notice for the period of ten (10) days after the occurrence of a birth or death shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five (\$5) dollars nor more than twenty-five (\$25) dollars."

Vital statistics, how collected; duty of parents and keepers of public institutions.

SEC. 2. That section four hundred and thirty-eight (438) of said chapter be and the same is hereby amended so as to read as follows:

"Sec. 438. Any physician having attended a person during his last illness shall, within ten (10) days after the decease of such person, furnish, for registration, to such clerk or health officer, a certificate of the duration of the last illness, name of the deceased, his age, the disease of which the person died, and the date of his decease. Any physician or midwife having attended a case of confinement shall, within ten (10) days thereafter, furnish for registration to such clerk or health officer, a certificate of the date of birth, sex, and the color of the child, with the names, dates and places of birth of the parents. If any physician or midwife neglects to make such certificate he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars, or by imprisonment for not less than ten (10) days nor more than thirty (30) days."

Duty of physicians and midwives.

SEC. 3. That section four hundred and thirty-nine (439) of said chapter be and the same hereby is amended so as to read as follows:

"Section 439. Such clerk or health officer shall, on or before the fifth (5th) day of each month, transmit to the secretary of the state board of health and vital statistics, upon blanks to be furnished by said board, a certified copy of the registry of births and deaths which have occurred within such town, village, borough or city during

Duty of clerks or health officers; fees of.

the calendar month immediately preceding. For obtaining, registering and returning the facts herein required, such clerk or health officer shall be entitled to receive from the county treasurer of his county twenty-five (25) cents for each birth or death so obtained, registered and reported. And for any neglect to perform such duties as herein required he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25) dollars nor more than fifty (\$50) dollars, or by imprisonment for not less than ten (10) nor more than thirty (30) days. *Provided*, that in cities containing over one hundred thousand (100,000) inhabitants, such health officer shall perform all duties herein required of him without any charge or compensation therefor, and the salary of said officer shall be taken and deemed to be full compensation in addition to his other duties for all the services required of him by this act."

SEC. 4. That section four hundred and forty-one (441) of said chapter be and the same hereby is amended so as to read as follows:

Duty of clerk
of court; fees
of, etc.

"Section 441. The said clerk of the district court shall thereupon file the returns so to him transmitted in his office, and shall also issue to each such town clerk and health officer a certificate showing the amount due to them respectively for the obtaining, registering and reporting the births and deaths aforesaid, as the same may appear from the said certificate of said secretary of the state board of health and vital statistics. For all his said services said clerk of the district court shall be entitled to receive from the county treasurer of his respective county, for recording such births and deaths and making such abstracts thereof as he may by law be required to make, the sum of ten (10) cents for each birth or death. And for his failure to perform any of the duties herein provided for such clerk of the district court shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25) dollars nor more than fifty (\$50) dollars, or by imprisonment for not less than five (5) or more than twenty (20) days. *Provided however*, that where any county contains a city having over one hundred thousand (100,000) inhabitants said district clerk shall not issue any such certificate to the health officer of said city, nor shall said clerk of the district court receive any compensation for or on account of any of the duties hereby required to be performed by him in connection with the births or deaths occurring with[in] the limits of said city."

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 20th, 1899.