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PARTITION FENCES 344.02

may be issued for the village of Falcon Heights provided that its governing body shall have first consented thereto. OAG Feb. 20, 1950 (596-B).

341.09 NUMBER OF LICENSES

HISTORY. 1933 c 7 s 9; 1949 c 482 s 1.

341.10 LICENSE FEES

HISTORY. Amended, 1951 c 56 s 1.

341.11 RULES AND REGULATIONS

The athletic commission should collect from the University of Minnesota ten percent of the gross receipts of amateur boxing bouts where an admission charge is made. OAG May 28, 1947 (596-E-6).

341.12 BONDS

HISTORY. 1933 c 7 s 2; 1953 c 704 s 2.

CHAPTER 343

PREVENTION OF CRUELTY

343.01 PURPOSES; POWERS; COUNTY ORGANIZATION

The Minnesota Society for the Prevention of Cruelty is a state bureau and has power to make rules, regulations, and bylaws. OAG Nov. 16, 1948 (134).

343.04 SOCIETY CONSTITUTED STATE BUREAU

The Minnesota Society for Prevention of Cruelty is a state bureau and has power to make rules, regulations, and bylaws. OAG Nov. 16, 1948 (134).

343.07 ANNUAL MEETING

HISTORY. 1905 c 374 s 4; 1953 c 237 s 1.

CHAPTER 344

PARTITION FENCES

344.01 FENCE VIEWERS

The town board has no authority to fix a boundary line between lands involved in fence viewing proceedings. The supervisors of the town are the official fence viewers. If the fence viewers determine that the property is improved and used, they may make an order as provided in section 344.04. They have no authority to fix the boundary between the lands involved. OAG April 5, 1950 (631-H).

344.02 LEGAL FENCE; REQUISITES; VIEWERS OF PARTITION FENCES

In an action brought by an infant plaintiff for damages for injury against two railroad companies which maintained adjacent parallel rights of way, the trial court

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erred in refusing to instruct that a single legal fence on common boundary between the two railroad's right of way would have been sufficient compliance with the fencing statutes and by giving instead instruction which might have lead the jury to believe that had both railroad companies complied with the fencing statute, there would have been double fence on common boundary between two rights of way. *Strand v Great Northern Ry.*, 233 M 93, 46 NW(2d) 266.

The owner of a triangular parcel of land which has a woven wire fence on two sides but not on the third side may compel adjoining owners to erect a similar fence upon one-half of the unfenced side and share the cost of maintenance. OAG June 22, 1948 (631-H).

If the land of neither of the adjoining land-owners is enclosed on all sides and the side forming the division line between the lands of the adjoining owners had a woven wire fence, section 344.02 does not apply. OAG Oct. 11, 1948 (631-H).

When "A" encloses three sides of a 7-acre tract with a woven wire fence, "B" the owner adjoining on the fourth side, is required to fence one-half the distance of the common boundary of the 7-acre tract with a woven wire fence. OAG June 7, 1949 (631-H).

Where an owner has fenced his 80 acres on three sides with woven wire, intending to use the land as a sheep pasture, the owner of the land on the unfenced side must pay one-half of the expense of fencing on that side. OAG April 8, 1953 (631-L).

344.03 EXPENSES; EQUAL SHARES

Land used as pasture is improved land under the fence law as stated in section 344.03. OAG May 31, 1949 (631-F).

A city-maintained cemetery implements a governmental function and would not be obligated to contribute one-half of the cost of a fence between the cemetery and an adjoining landowner. OAG May 20, 1947 (631-H).

When "A" owns land in a town which is improved and used and desires that his land be in whole or in part fenced, "B" the owner of lands adjoining, is required by statute to build one-half the fence on the line between the two tracts. This includes lands within a village. OAG Aug. 28, 1952 (631-H).

Fence viewers have the duty to determine whether a fence should be repaired or rebuilt and order accordingly. Such viewers have discretion to determine whether the land of one or both of the owners is in whole or in part improved and used and make an order accordingly. OAG Sept. 29, 1949 (631-N).

344.04 NEGLECT TO BUILD OR REPAIR; RIGHTS OF COMPLAINANT

The town board has no authority to fix a boundary line between lands involved in fence viewing proceedings. The supervisors of the town are the official fence viewers. If the fence viewers determine that the property is improved and used, they may make an order as provided in section 344.04. They have no authority to fix the boundary between the lands involved. OAG April 5, 1950 (631-H).

Fence viewers have the duty to determine whether a fence should be repaired or rebuilt and order accordingly. Such viewers have discretion to determine whether the land of one or both of the owners is in whole or in part improved and used and make an order accordingly. OAG Sept. 29, 1949 (631-N).

344.10 LANDS BOUNDED BY STREAM

HISTORY. RS 1851 c 11 s 10, 11; PS 1858 c 8 s 243, 244; GS 1866 c 18 s 10, 11; GS 1878 c 18 s 11, 12; GS 1894 s 2064, 2065; RL 1905 s 2757; GS 1913 s 6025; GS 1923 s 7257; MS 1927 s 7257.

344.18 COMPENSATION OF VIEWERS

HISTORY. Amended, 1949 c 727 s 2.