

CHANGES

—IN THE—

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

SAINT PAUL:
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CHAPTER XVIII.
PARTITION FENCES.

Add to *§ 24, p. 294:

provided, the provisions of this chapter shall not apply to nor be in force in the towns of McPherson and Medo, in Blue Earth county: *provided*, that the provisions of said chapter shall apply to the respective occupants of lands inclosed with fences for the purpose of pasturage. (1878, c. 34, § 1, as amended 1879, c. 36, § 1.)

See page 294.

(Fences in Dakota county. See *Sp. Laws* 1879, c. 323.)

CHAPTER XIX.
ESTRAYS, UNCLAIMED PROPERTY, ETC.
DISTRAINING BEASTS DOING DAMAGE.

Add to § 30, p. 299:

provided, the owner of such animals, or his agent, at any time before proceedings have been commenced to appraise such damages under the provisions of this act, or before suit in any court shall have been commenced to recover said damages from such owner or agent, may tender the amount of such damage to the person aggrieved by any depredation, of such amounts as said owner may think has been suffered thereby, and if said tender is accepted no other damages can be recovered in any manner; and if said tender is not accepted and other proceedings are had under the provisions of this act, or otherwise, and the person aggrieved by such depredations fails to substantiate or recover any greater sum as damages than such amount tendered by the said owner, no costs shall be collected or taxed against such owner, and said owner's costs and disbursements shall be paid by said complaining party, to be taxed against him as in like actions and proceedings. (*As amended* 1879, c. 12, § 1.)

See page 299.

§ 37. (SEC. 38.) **Owner of beasts, when liable to action—towns voting to allow cattle to run at large.** In case the owner or occupant of lands shall not distrain the beasts doing damage as provided herein, the owner of such beasts shall be liable in an action at law for all damages done by such beasts, without regard to the sufficiency of the fences on the lands on which damage is done: *provided, however*, that in all cases arising under the provisions of this act, or the statutes to which this act is amendatory, in towns where a majority of the voters at any town or special town meeting called for the purpose shall determine, by by-law of such town, that horses, cattle, mules and asses shall be permitted to run at large, in accordance with subdivision sixth, section fifteen, General Statutes of eighteen hundred and sixty-six, no damage shall be recovered by the owner of any lands for damage committed thereon by any such beasts during the day-time, until it shall be proved that said lands were inclosed by a lawful fence; and every three-rail fence, four feet high, constructed of such materials and in such manner as to constitute a good and sufficient fence as against cattle, horses, asses and mules, one or more years old, that are not breachy, or any fence equal thereto in sufficiency, shall, for the purpose of this act, be deemed a lawful fence; but the word "cattle," as used in the act, shall not be so construed as to include either sheep or swine, or any other domestic animal not exceeding the size of sheep or swine: *provided, further*, that the foregoing proviso shall not apply to or be