

89022

GENERAL STATUTES OF MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

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CHAPTER 52

PARTITION FENCES

6017. **Legal fences**—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. ('15 c. 282, amended '17 c. 408 § 1)

Cited (130-513, 153+1086).

6018. **Occupants to maintain**—The adjoining owners or occupants of lands in this state when the land of one or both of such owners is in whole or in part improved and used, and one or both of such owners desires his or their land to be in whole or in part fenced, shall build and maintain the partition fence between their lands in equal shares. (Amended '15 c. 173 § 1)

6019. **Neglect—Complainant may build or repair**—In case any person neglects to build repair or rebuild any partition fence which of right he ought to build or maintain the aggrieved party may complain to the fence viewers who, after notice to the parties, shall examine such fence or into the need of such proposed fence and if they determine that the fence then existing is insufficient or a new fence is necessary, they shall notify the delinquent owner or occupant in writing to that effect and direct him or them to build, repair or re-build the fence within such time they deem reasonable and if the delinquent fails to comply with such directions, the complainant may build repair or re-build such fence at his own expense subject to reimbursement as herein after provided. (Amended '15 c. 173 § 1)

6020. **Value of cost and repairs, etc., recoverable**—When any such new or deficient fence built, repaired or re-built by the complainant under the provisions of Section 2751, is adjudged sufficient by the fence viewers, they, after giving the occupants reasonable notice and an opportunity to be heard shall ascertain the expense thereof and give to the complainant building, repairing or re-building the same a certificate of their decision under their hands and of the amount of such expense together with their fees; and thereupon, such complainant may demand, either of the owner or occupant of the land where the fence was wanting or deficient double such ascertained expense together

with such fees; and in case of failure to pay the sum so due within one month after demand, the complainant may recover the same, with interest in a civil action. (Amended '15 c. 173 § 1)

CHAPTER 53

ESTRAYS AND BEASTS DOING DAMAGE,

MISCHIEVOUS DOGS

6052. Injury by dogs—All owners or keepers of any dog or dogs, that kill, wound, or worry any domestic animal or animals, shall be jointly and severally liable to the owner of such animal or animals for all damages done by such dog or dogs, without proving notice to or knowledge, by any such owner or keeper of such dog or dogs, that any or either of them was mischievous or disposed to kill or worry any domestic animal. (Amended '15 c. 344 § 1)

Section 2 repeals inconsistent acts, etc.

CHAPTER 54

UNCLAIMED PROPERTY

6075. Unclaimed baggage, etc.—Delivery to warehouseman—
124-530, 144+1134.

6077. Sale—Notice—

A sale within a year from receipt of the goods is a conversion (124-530, 144+1134). Trover and Conversion, Ⓒ9(7); Warehousemen, Ⓒ33.

CHAPTER 56

AUCTIONEERS

6083. Licensed by county board or auditor for state—The county board or auditor may license any voter in its county as an auctioneer. Such license shall be issued by the auditor and shall authorize the licensee to conduct the business of an auctioneer in the state of Minnesota for the period of one year. It shall be recorded by the auditor in a book kept for that purpose. Before such license is issued the licensee shall pay into the county treasury a fee of ten dollars (\$10.00). Provided, that any person may be licensed as an auctioneer for the purpose of making sales of pure bred or grade live stock only upon the payment of the fee and the giving of the bond as above provided. (Amended '17 c. 87 § 1)

Sections 6083-6088 are not violative of Const. art. 1 § 2, or Const. U. S. art. 4 § 2, or Amendment 14 § 1; nor are they invalid as delegating legislative power to the county board or county auditor (127-150, 149+9, L. R. A. 1915B, 151). Constitutional Law, Ⓒ63(3), 206(4), 208(6), 230(3).

The sureties on the bond of a county auditor are not liable to the county for money received by the auditor under this section, and converted by him, since the money is not payable to the auditor, and his receipt of the same was outside his official duties (133-274, 158+394). Counties, Ⓒ98(1).

6088. Unlicensed sales—

See notes under § 6083.