

where the breach or entry was made by a lawful fence; every three rail fence, four feet high, constructed of such materials and in such a manner as to constitute a good and sufficient fence as against cattle, horses, asses, and mules, two or more years old, that are not breachy, or any fence equal thereto in efficiency, shall for all purposes of this title be deemed a lawful fence; but it is not intended that the word "cattle," as used in this section, shall be so construed as to include either sheep or swine, or any other domestic animals not exceeding the same in size.

When act to take effect.

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

Approved March 5, 1870.

## CHAPTER XXXV.

Feb'y 24, 1870.

### *An Act to amend Section Thirty-Six, of Chapter Thirteen, of the General Statutes, Relating to Roads.*

SECTION 1. Amendment to Section Thirty-Six (36) of Chapter Thirteen (13) of the General Statutes. Survey when made—plat to be filed with Town Clerk.

2. When act to take effect.

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

SECTION 1. That section thirty-six, of chapter thirteen, of the general statutes, be amended so as to read as follows:

Survey when made—plat to be filed.

Sec. 13. Whenever the supervisors determine to lay out any new road or alter any old one, they shall cause a survey to be made by a competent surveyor, who shall make a report to them of such survey, accompanied with a plat particularly describing the route by metes and bounds, courses and distances; they shall incorporate such report and survey, accompanied with the plat, in an order to be signed by them declaring such road so altered or

laid out to be a public highway, which order, together with the petition, shall be deposited with the town clerk within twenty days from the time of such serving, who shall note the time of filing the same, but on refusal shall note the fact on the back of the petition.

SEC. 2. This act to take effect from and after its passage.

When act to take effect.

Approved February 24, 1870.

## CHAPTER XXXVI.

### *An Act to amend Section Fifty-One, of Chapter Thirteen, of the General Statutes, Relating to Roads.*

March 7, 1870.

SECTION 1. Amendment to Section Fifty-One (51) of Chapter Thirteen (13) of the General Statutes. Road districts—how allotted.

2. When act to take effect.

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

SECTION 1. That section fifty-one, chapter thirteen, of the general statutes, be and the same is hereby amended by adding thereto the following :

Or they may, in their discretion, form a single road district including portions of each of said towns and the same may be allotted to either of said towns, as may be agreed upon by said supervisors.

Road districts—  
how allotted.

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

When act to take effect.

Approved March 7, 1870.