

## CHAPTER XXXIV.

*An Act to amend Section Twenty-Nine, of Title Three, Chapter Nineteen, of the General Statutes, relating to*  
*Distraining Beasts doing Damage.*

March 5, 1870.

SECTION 1. Amendment to Section Twenty-Nine (29) of Title Three (8) of Chapter Nineteen (19) of the General Statutes. Distraining of beasts doing damage in the night time—who to appraise damages—compensation of appraisers—what to be deemed a lawful fence.

2. When act to take effect.

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

SECTION 1. That section twenty-nine, of title three, of chapter nineteen, of the general statutes, be amended so as to read as follows :

Sec. 29. The owner or occupant of lands may distrain all beasts doing damage upon his lands during the night time, from eight o'clock in the evening until sunrise, and when any such distress is made the distrainer shall keep such beasts in some secure place, other than the public pound, until his damages are appraised, and within twenty-four hours after such distress, unless the same is made on Sunday, in which case before the Tuesday morning thereafter, he shall apply to a justice of the peace of the town, who shall appoint three disinterested inhabitants of such town to appraise the damages. Such appraisers shall receive as compensation for their services one dollar per day for every day actually consumed in making the appraisal, and six cents per mile as mileage in going to and returning from the place whence the damages are done, to be paid in the first instance by the distrainer, distance traveled and time spent to be certified to on oath and made a part of the returns of said appraisers. No damage shall be recovered by the owner of any lands for damage committed thereon by any beasts during the day time, until it shall be proved that said lands were protected on the side

Distraining beasts  
 —who to appraise  
 damages—fees—  
 what deemed a  
 lawful fence.

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