

CHAPTER 22.

AN ACT TO AMEND SECTIONS NINETEEN (19) AND TWENTY (20) OF CHAPTER ONE (1) OF GENERAL STATUTES OF THE STATE OF MINNESOTA. REVISION OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX, (1866) RELATING TO THE CANVASSING OF VOTES FOR STATE OFFICERS.

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

SECTION 1. That section nineteen (19) of chapter one (1) of the General Statutes. Revision of one thousand eight hundred and sixty-six (1866). be amended so as to read as follows:

The County Auditor and two Justices of the Peace of his county by him selected, constitute a county canvassing board, and on or before the tenth (10th) day after the election, said board shall proceed to open and publicly canvass the several returns made to the Auditor's office. The abstracts of the votes cast for Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, Judges and Clerk of the Supreme Court, and Judges of the District Court, and all other State officers, shall be on one sheet, and being certified and signed by the Auditor and Justices of the Peace, shall be deposited in said Auditor's office, and two (2) copies thereof shall be certified under the official seal of the Auditor, one of which shall be enclosed and directed to the Secretary of State, and forwarded immediately to the seat of government, by mail, and the other also enclosed, directed and forwarded to the Secretary of State in like manner as the first copy, but by different mail, and within five (5) days after such first copy shall have been so transmitted, and in the event that either of such copies so transmitted shall not be received by the Secretary of State within twenty (20) days after the election, the County Auditor shall in like manner transmit immediately upon being notified of such failure a third copy of such abstract to the Secretary of State, if within twenty (20) days after such election no such copy of abstract shall have been received by the Secretary of State from every county in the State, it shall be the duty of the Secretary of State to immediately notify the Auditors of the county or counties from which such returns have not been received of such fact. The County Auditor shall endorse on the outside of the envelopes enclosing each of such duplicates or copies of such abstract certificates of the votes for Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Attorney General, (and any other State officers as the case may be) and the name of the county in which said votes are given.

County canvassing board, how constituted, its duties.

State canvassing boards, how constituted, its duties.

SEC. 2. That section twenty (20) of said chapter is hereby amended so as to read as follows: Within three (3) days after the first (1) day of January following such election, the Secretary of State shall call to his assistance two (2) or more of the Judges of the Supreme Court and two (2) disinterested Judges of the District Court of this State, who shall constitute a board of canvassers, who shall open and canvass said returns and declare the result within three (3) days after such canvass and a certificate of their action in the premises shall be made and filed in the office of the Secretary of State.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 12, 1881.

CHAPTER 23.

AN ACT TO AMEND SECTION SIXTY-TWO (62) OF CHAPTER THIRTEEN (13) OF THE GENERAL STATUTES, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO ROADS, CARTWAYS AND BRIDGES.

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

SECTION 1. That section sixty-two (62) of chapter thirteen (13) of the General Statutes, one thousand eight hundred and seventy-eight (1878), be so amended as to read as follows :

Appeal to district court, how taken.

Section 62. In case the amount of damages claimed exceed one hundred (100) dollars, appeal may be taken within thirty (30) days to the District Court of the county in which said damages are sustained, by filing in the office of the clerk of such court, a bond, to be approved by the Judge of such District Court, or the Court Commissioner or the County Auditor of the county, of the same nature as provided in the two (2) preceding sections of this chapter, and by the service of a written or printed notice of such appeal upon the Chairman of the Board of Supervisors or the County Commissioners, as the case may be, signed by the party making the appeal, or his attorney. Such appeal shall bring before the appellate court the propriety of the amount of damages, and all matters referred to in such notice of appeal. Unless the parties otherwise agree, the matter shall be submitted to a jury, and tried as other appeal cases are tried, and the court or jury, as the case may be, shall re-assess the damages aforesaid, and make the verdict conform to the justice and facts in the case,

Trial by jury.