

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.

but the rule for ascertaining and fixing such judgment shall be based upon the same principles as the supervisors or commissioners were required to adopt in originally determining the same; and upon judgment being rendered, the clerk of said court shall serve a certified transcript of such judgment upon the chairman on whom the notice of appeal was served as aforesaid. If the determination of the Board of Supervisors or commissioners appealed from be affirmed, or if the amount of damages allowed be reduced in said District Court, the party appealing shall pay all costs and disbursements incurred in said court; but if the amount of damages allowed be increased, or if such determination shall be altered, modified or reversed in said District Court, otherwise than as to the amount of damages, said costs and disbursements shall be paid by the town or county, as the case may be, said costs and disbursements to be taxed and adjusted as in other cases in said District Court, and judgment entered therefor in like manner.

Costs and
disburse-
ments.

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

Approved February 18, 1881.

CHAPTER 24.

AN ACT AMENDING SECTION THIRTY-EIGHT (38) OF TITLE THREE (3) OF CHAPTER NINETEEN (19) OF THE GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX (1866), AS AMENDED BY GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR (1874), CHAPTER FIFTY-THREE (53), RELATING TO DISTRAINING BEASTS DOING DAMAGE.

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

SECTION 1. That section thirty-eight (38) of title three (3) of chapter nineteen (19) of the General Statutes of one thousand eight hundred and sixty-six (1866), as amended by chapter fifty-three (53) of the General Laws of one thousand eight hundred and seventy-four (1874), be amended by inserting after the words "Goodhue county," in said section, the following words: "nor in the county of Kandiyohi, save and except in the towns of Norway Lake, Colfax, Burbank, Roseville and Lake Lillian in said county."

Amendment.

SEC. 2. That said section thirty-eight (38), as the same is amended by section two (2) of chapter fifty-three (53) of the