

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

General Laws of one thousand eight hundred and seventy-four (1874), and by section one (1) of this act, be further amended by adding thereto the following proviso:

Vote may be taken in Kandiyohi county.

And provided further, that in the county of Kandiyohi, a majority of the voters of said county may determine by ballot, at the next annual town meeting after the passage of this act, whether horses, mules, asses, cattle and swine shall be permitted to run at large or not in said county. And for the purpose of determining such question, those in favor of permitting the same to run at large in said county, shall have written or printed or partly written and partly printed on their ballots the words, "In favor of the running at large of horses, cattle, mules, asses and swine," and those against the running at large of such beasts shall have written or printed, or partly written and [or] partly printed on their ballots the words, "Against the running at large of horses, cattle, mules, asses and swine." Such votes shall be canvassed and returns thereof made in the same manner that votes for county officers are canvassed and returned, and if upon a canvass of said votes by the board of county canvassers, it shall be ascertained that a majority of the voters of said county voting upon said question at said election shall have voted for the running at large of said beasts in said county, then, and in that case the provisions of chapter fifty-three (53) of the General Laws of one thousand eight hundred and seventy-four (1874), and more particularly the first proviso of section two (2) of said act, shall be applicable to the different towns in said county of Kandiyohi without regard to the provisions of section one (1) of this act. But if a majority of the voters of said county voting on said question at such election vote against the running at large of horses, cattle, mules, asses and swine, then and in that case the provisions of section one (1) of this act shall be and remain in full force and effect in said county from and after the first (1st) day of May, A. D. one thousand eight hundred and eighty-one (1881). It shall be the duty of the County Auditor of said county of Kandiyohi to cause a statement of the vote on such question to be published in the official paper of said county for three (3) weeks, as soon as practicable after the same is ascertained. *Provided only*, that this act shall not apply nor be in force in the towns of Burbank, Colfax, Lake Lillian, Norway Lake or Roseville; and that none of said last mentioned towns shall be allowed to vote on such question at said election.

Styles of ballots.

Canvass of votes.

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

Approved February 11, 1881.