

statutes of one thousand eight hundred and seventy-eight (1878), and the acts amendatory thereto relating to appeals from the award of damages in the laying out of highways, shall be applicable to an appeal from award of damages in laying out or constructing ditches under the provisions of this act, and such appeals shall be conducted under the provisions of said laws.

Provisions of general statutes in cases of appeal.

SEC. 8. Whenever the supervisors shall have laid out, or authorized the construction of said ditch or drain in conformity with the provisions of this act, the parties petitioning therefor shall have full power to construct such ditch or drain, provided, however, that before they shall enter upon the lands of others to open such ditch or drain the petitioners shall pay or cause to be paid such sums of money as may have been assessed by the supervisors as damages to the owners thereof.

Damages to be paid before construction of ditch.

SEC. 9. That chapter ninety-nine (99) of the general laws of one thousand eight hundred and eighty-seven (1887), be and is hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved April 24, 1889.

CHAPTER 169.

[H. F. No. 678.]

AN ACT TO DETACH CERTAIN TERRITORY FROM SHERBURNE COUNTY AND TO ATTACH THE SAME TO STEARNS COUNTY, AND TO CHANGE THE LINE BETWEEN SAID COUNTIES.

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

SECTION 1. That sections one (1) and twelve (12) of township thirty-five (35), range thirty-one (31), and sections six (6) and seven (7) of township thirty-five (35), range thirty (30), all in the county of Sherburne, Minnesota, be and the same hereby are detached from said Sherburne county and attached to the county of Stearns, for all purposes whatsoever, and that the county line between said counties be and the same is hereby changed accordingly.

Change of boundary line between Sherburne and Stearns counties.

SEC. 2. That the adoption of the proposition to change said county line shall be submitted to a vote of the people of said Stearns and Sherburne counties, at the next general election, notice of which shall be given at the time of giving notice of the next general election by the officers required by law; but no failure to give or irregularity in

Shall be submitted to vote of people.

such notice shall in any way invalidate the vote on such question.

Ballots, form of.

SEC. 3. The ballots used at said election in favor of said proposition shall have written or printed, or partly written and partly printed thereon, the words, "for change of county line by annexing four (4) sections of Sherburne county to Stearns county, Yes" and those used against said proposition shall have written or printed or partly written and partly printed thereon, the words, "for change of county line by annexing four sections of Sherburne county to Stearns county, No." But no ballot shall be thrown out or held invalid for failure to conform to the above requirements, if it substantially complies therewith, and if the intention of the voter is clearly ascertainable therefrom.

Such votes shall be received and canvassed at the same time, in the same manner, and returned to the same officers by the judges of election as votes for county officers.

Votes, how canvassed.

SEC. 4. The county canvassing board of each of said counties to whom the returns of election are made, shall canvass the returns upon said question in the same manner and at the same time as returns for officers, and the abstracts thereof shall be made in a separate sheet and signed and certified in the same manner as in the case of abstracts of votes for said officers and shall be deposited in the office of the county auditor immediately thereafter, and a copy thereof duly certified by the said auditor, forwarded by him to the secretary of state.

If upon the return of the votes so certified, it be found by said secretary of state that a majority of the electors of said counties have adopted said proposition to change said county line, he shall thereupon certify the same to the governor of the state and the governor shall forthwith make proclamation to that effect in such manner as he shall deem advisable, and said change of county line shall thereafter be in force.

Taxes.

SEC. 5. That all real and personal taxes assessed for town, county and state purposes and remaining uncollected upon said property at the time said change of county line goes into effect shall be collected and enforced by the authorities of said Stearns county and paid over to the treasurer of said Sherburne county.

When act to take effect.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 8, 1889.