

## CHAPTER 273—H. F. No. 751

*An act relating to appeals to the district court; amending Minnesota Statutes 1957, Section 112.80; adding Subdivisions thereto; repealing Minnesota Statutes 1957, Section 112.81.*

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

Section 1. Minnesota Statutes 1957, Section 112.80, is amended to read:

**112.80 Appeals to district court.** Subdivision 1. An appeal may be had to the district court by any party aggrieved by an order of the managers made in any proceeding and entered upon its record determining any of the following matters:

- (1) The amount of benefits determined;
- (2) The amount of damages allowed;
- (3) Relative to the allowance of fees or expenses in any proceeding, or
- (4) Which affects a substantial right.

*Subd. 2. In all cases of appeal, the amount awarded by the jury as finally determined shall stand for and in the place of the amount from which the appeal was taken.*

*Subd. 3. If an appeal is taken from an order authorizing an improvement, the trial of any appeals from benefits or damages in such proceedings shall be stayed pending the determination of such appeal. If the order authorizing be affirmed, any such appeal from benefits or damages shall then stand for trial as provided by this section. If such appeal be from an order refusing to authorize an improvement, and if the court thereafter orders the improvement the secretary of the district shall give notice by publication of the filing of the order. Such notice shall be sufficient if it refers to the proposed improvement by general description and recites the substance of the order and the date of filing in the court.*

*Subd. 4. Any person appealing on the first or second ground named in subdivision 1, may include and have considered and determined benefits or damages affecting property other than his own. Notice of such appeal shall be served upon the owner or occupant of such other property or upon the attorney who represented such owner in the proceedings. Such notice of appeal shall be served upon the auditor of the county wherein the property is situate and upon the clerk of the district court of the county wherein the principal place of business of the district is located.*

*Subd. 5.* To render the appeal effectual, the appellant shall file with such clerk of the district court within 30 days of the date of such final order a notice of appeal which shall state the grounds upon which the appeal is taken. The notice of appeal shall be accompanied by an appeal bond to the district where the property is situate of not less than \$250 to be approved by the clerk of district court, conditioned that the appellant will duly prosecute the appeal and pay all costs and disbursements which may be adjudged against him and abide the order of the court.

*Subd. 6.* The issues raised by the appeal shall stand for trial by a jury and shall be tried and determined at the next term of the district court held within the county in which the notice of appeal was filed, or in such other counties in which the appeal shall be heard, beginning after the filing of the appeal; and shall take precedence over all other court matters of a civil nature. If there is more than one appeal triable in one county, the court may, on its own motion or upon the motion of a party in interest, consolidate two or more appeals and try them together, but the rights of the appellants shall be separately determined. If the appellant fails to prevail, the cost of the trial shall be paid by the appellant. In case of appeal as to damages or benefits to property situate in the county other than the county where the principal place of business of the district is located, and if the appellant so requests, the trial shall be held at the next term of the district court of the county wherein the lands are situated. In such case, the clerk of the district court where the appeal is filed, shall make, certify and file in the office of the clerk of district court of the county where the trial is to be had, a transcript of the papers and documents on file in his office in the proceeding so far as they pertain to the matter on account of which the appeal is taken. After the final determination of such appeal, the clerk of the district court where the action is tried, shall certify and return the verdict to the district court of the county where the proceedings were instituted.

*Subd. 7.* The clerk of the district court shall file a certified copy of the final determination of any such appeal with the auditor of the county affected and with the secretary of the board of managers.

*Subd. 8.* An appeal taken from an order of the managers authorizing or refusing to establish a project and improvement in whole or in part shall be reviewed by the water resources board as authorized by section 112.791, before an appeal may be taken to the district court.

Sec. 2. *Minnesota Statutes 1957, Section 112.81, is hereby repealed.*

Approved April 16, 1959.

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CHAPTER 274—H. F. No. 1046

*An act relating to wild animals; regulating the taking of muskrats and other fur bearing animals; amending Minnesota Statutes 1957, Section 100.27, Subdivision 4.*

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

Section 1. Minnesota Statutes 1957, Section 100.27, Subdivision 4, is amended to read:

Subd. 4. **Muskrats, season.** Muskrats may be taken for a period not exceeding 60 days in the aggregate for the area, otter for a period not exceeding 15 days, only by trapping, and mink for a period not exceeding 90 days, in such areas of the state and during such times and subject to such regulations as the commissioner shall prescribe, between November 1st and April 30th following, and beaver may be taken, by trapping only, for a period, or periods, not exceeding a total of 45 days, in such areas of the state and during such times and subject to such regulations as the commissioner shall prescribe, between November 1st and May 31st following.

Approved April 16, 1959.

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CHAPTER 275—H. F. No. 1062

[Not Coded]

*An act relating to the salaries of the county auditor and county treasurer of McLeod County.*

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

Section 1. **Auditor's and treasurer's salary.** The salary of the county auditor and county treasurer of McLeod county shall be not less than \$5,000 annually nor more than \$7,500 annually, as set by the board of county commissioners of McLeod county.

Sec. 2. Nothing contained in section 1 shall limit the right of the county auditor or the county treasurer to collect