

## CHAPTER 392—H. F. No. 1063

[Not Coded]

*An act relating to the exchange of certain state lands in Beltrami county.*

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

**Section 1. Lake Bemidji state park; exchange of land.** Notwithstanding any law to the contrary, upon recommendation of the commissioner of conservation and with the approval of the Minnesota Land Exchange Commission, the following described lands forming a part of Lake Bemidji State Park, in Beltrami county, may be included in an exchange of lands with the Bemidji Town and County Club, pursuant to Minnesota Statutes 1957, Section 94.342, Subdivision 3:

Not to exceed eight acres in government lot 1, section 15, township 147 north, range 33 west, lying north of County State Aid Highway No. 14.

Approved April 14, 1961.

## CHAPTER 393—H. F. No. 1206

*An act relating to procedure on appeals to the supreme court; amending Minnesota Statutes 1957, Section 216.25.*

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

Section 1. Minnesota Statutes 1957, Section 216.25, is amended to read:

**216.25 Railroad and warehouse commission; appeals; orders not appealed; proceedings; review by supreme court.** The person serving such notice of appeal shall, within five days after the service thereof, file the same with proof of service, with the clerk of the court to which such appeal is taken; and thereupon the district court shall have jurisdiction over the appeal and the same shall be entered upon the records of the district court and shall be tried therein according to the rules relating to the trial of civil actions so far as the same are applicable. The complainant before the commission, if there was one (otherwise the state of Minnesota), shall be designated as complainant in the district

**Changes or additions indicated by italics, deletions by ~~strike out~~.**

court, and the carrier or warehouseman as defendant. No further pleadings than those filed before the commission shall be necessary. Such findings of fact shall be prima facie evidence of the matters therein stated, and the order shall be prima facie reasonable, and the burden of proof upon all issues raised by the appeal shall be on the appellant. If the court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed and the order enforced as provided by law. If it shall be determined that the order is unlawful or unreasonable, it shall be vacated and set aside. Such appeal shall not stay or supersede the order appealed from unless the court upon examination of the order and the return made on the appeal, and after giving the respondent notice and opportunity to be heard, shall so direct. If such appeal is not taken such order shall become final, and it shall thereupon be the duty of the carriers affected to adopt and publish the rates or classifications therein prescribed. When no appeal is taken from an order, as herein provided, the parties affected by such order shall be deemed to have waived the right to have the merits of such controversy reviewed by a court, and there shall be no trial of the merits or reexamination of the facts of any controversy in which such order was made, by any district court to which application may be made for a writ to enforce the same. *Any party to a proceeding in the district court may appeal to the supreme court of Minnesota from the order or judgment of such district court within the time and in the manner and under the procedure provided in Chapter 605, Minnesota Statutes; provided that if the commission be the appellant, no bond upon such appeal shall be required.*

Approved April 14, 1961.

---

CHAPTER 394—H. F. No. 1355

[Coded in Part]

*An act defining manufacturing and changing certain licensure fee provisions of the pharmacy act by amending Minnesota Statutes 1957, Sections 151.01, 151.07, 151.08, 151.12, 151.13, 151.19 and 151.25.*

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

Section 1. Minnesota Statutes 1957, Section 151.01, is amended by adding a Subdivision 14 as follows:

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**