

CHAPTER XXIX.

An Act to Amend Chapter Seven (7) of the Compiled Statutes Relating to Appeals from the Decisions of the Board of County Commissioners.

- SECTION 1.** Amendment to section 17. In case claim disallowed, how to proceed.
2. Amendment to section 13. County auditor to file with clerk of court certified copy of claim without fee.

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

SECTION 1. That section 17 of chapter 7 of the compiled statutes be amended so as to read as follows:

Claims disallowed how to proceed

Sec. 17. When the claim of any person against a county shall be disallowed in whole or in part by the board of county commissioners, such person may appeal from the decision of such board to the district court in the same county by causing a written notice of such appeal to be filed in the office of the county auditor within thirty days after the decision appealed from was made. If upon the trial on the appeal in the district court, such appellant shall not recover more than the amount allowed by the commissioners, with interest thereon from the date of the decision appealed from, such appellant shall pay costs; but in no event shall such appellant recover any costs other than disbursements against the county. And when the claim of any person against a county shall be allowed in whole or in part by the board of county commissioners, no order shall be issued in payment of such claim or any part thereof until the expiration of thirty days from the date of the decision; and the county attorney may in any case, and if the amount allowed exceeds twenty-five dollars he must, upon the request of three tax payers of the county, unless he is clearly of the opinion that the allowance is just and probably would not be reduced, on behalf of and in the name of such county, appeal from the decision of such board to the district court in the same county, by causing a written notice of such appeal to be filed in the office of the county auditor with-

in thirty days after the date of the decision appealed from; and thereafter no order shall be issued in payment of any part of such claim until the judgment of the district court in the proceedings shall be certified and filed in the office of the county auditor. If upon the trial on the appeal in the district court the claimant shall recover less than the amount allowed by the commissioners, with interest thereon from the date of the decision appealed from, such claimant shall pay the costs; but in no case shall such county be liable for costs other than disbursements. When any such notice of appeal shall have been filed as aforesaid, the district court shall have jurisdiction of the parties and of the subject matter of the proceeding and may compel a return to be made in the same manner as in case of an appeal from a judgment of a justice of the peace.

SEC. 2. That section 18 of said chapter 7 be amended so as to read as follows:

Sec. 18. Upon an appeal being taken as provided in the last preceding section, the county auditor must without any fee or charge for such service, within ten days thereafter, file in the office of the clerk of the district court in the same county, a certified copy of the claim and a transcript from the record in the auditor's office of the action of the commissioners thereon, with a copy of the notice of appeal and the date of the filing thereof in his office. In case of an appeal by a claimant, the county auditor must immediately notify the county attorney thereof; and in all cases it shall be the duty of the county attorney to attend to and protect and defend the interest of the county. The proceedings shall in all cases be in order for, and shall be put upon the trial calendar among the issues of fact for trial at the next general term of the district court in the county holden after ten days from the date of the appeal; and on or before the second day of such term, the court must direct an issue of fact to be made up in a brief form of pleading as in civil actions, and thereon the proceedings shall be tried, all questions of law arising on the case being summarily heard and determined upon the same pleadings; the issues of fact must be tried as other issues of fact are tried in the same court, and judgment rendered and perfected as in civil actions; but no execution shall issue thereon, except for the collection of a counter claim, or the collection of costs

Certificate of
claim to be filed
without fee

and disbursements, in case of a judgment therefor against a claimant. Any question of law arising in the proceeding and actually decided by the district court, may be reviewed by an appeal from the judgment to the supreme court, as in civil actions, within thirty days after the actual entry of the judgment; if no appeal be taken within that time, then a certified copy of the judgment must be filed in the office of the county auditor, and if an appeal be taken to the supreme court, the determination of that court must be certified to the district court and judgment entered in accordance therewith, and that judgment certified to and filed in the office of the county auditor. In all of which cases, after a certified copy of the judgment is filed in the office of the county auditor, orders shall be drawn on the county treasury in payment of any judgment in favor of a claimant; and execution may issue out of the district court for the collection of any costs against a claimant. *Provided*, That in any case where costs are awarded against a claimant, and there is any allowance on the claim in his favor, the amount of such costs shall be deducted from such allowance; and in any case of an appeal the county may in the district court interpose as a counter claim any demand which the county has against such claimant and have execution for the collection of any judgment in its favor.

Judgments—how
paid

Approved March 10th, 1862.