

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1897.

H. F. No. 10.

CHAPTER 46.

Sureties on appeal bonds.

*An act providing for exception to sufficiency of sureties in appeal bonds in all cases tried upon appeal from justice court, and the proceedings thereafter.*

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

Exception to sufficiency of sureties.

SECTION 1. In all cases tried upon an appeal from the judgment of justice of the peace the respondent or appellee may at any time after allowance of appeal and prior to the commencement of the term at which such case is to be tried upon appeal, give written notice to the appellant, or his attorney who appears in the appeal proceedings, that he excepts to the sufficiency of the sureties upon the appeal bond.

Justification before court.

SEC. 2. The sureties may for the purpose of justification attend before the judge of the court to which the cause is appealed at such time not less than two (2) nor more than ten (10) days after service of such notice of exception, at such place as may be designated by the appellant in a written notice served at least two (2) days prior to such justification.

Failure to justify.

SEC. 3. If any surety fails to appear or justify, another may within two (2) days be offered, and if he justifies may be accepted. One adjournment for such purpose may be had.

Duty of judge.

SEC. 4. If the old or new sureties justify to the satisfaction of the judge he shall indorse his approval upon the bond. If they do not so justify then the judge shall order that the judgment of the justice be affirmed.

SEC. 5. All acts and parts of acts inconsistent with this act, whether contained in a general or special act, are hereby repealed.

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

Approved March 9, 1897.