

CHAPTER 221.

H. F. No. 407.

An act authorizing and regulating appeals from the allowance in whole, or in part, by the village council of claims against any of the villages in the State of Minnesota.

Villages,
Claims
against.

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

SECTION 1. Whenever any claim is allowed in whole or in part by the village council of any village in the State of Minnesota, no order or warrant shall be issued in payment of such claim, or any part thereof, until the expiration of ten (10) days from the date of such allowance.

Stay of ten
days in pay-
ment of
warrant.

At any time during the ten (10) days named in this section, any five (5) taxpayers of said village may file with the village recorder of said village a notice in writing, signed by each of said five taxpayers, which notice shall state in effect that the persons signing said notice appeal to the district court of the county within which said village is located, from the allowance of said claim, which notice shall specify the claim and the date of its allowance, and the amount allowed. Upon filing such notice, no order or warrant shall issue for the payment of such claim or any part of same until the district court of said county shall dispose of said appeal.

Appeal to
district
court.

SEC. 2. It shall be the duty of the recorder of said village, upon receipt of said notice, forthwith to file the same in his office, and forthwith to file with the clerk of the district court of said county a certified copy of said claim as made out by said claimant, and also of the action of the village council thereon, and also a copy of said appeal. Upon filing said return and copies, the district court shall be deemed to have acquired jurisdiction of said subject matter and the parties thereto, and may compel a further return or an amended return to be made to the same extent as in civil actions in said court; and in the same manner as in cases of any appeal from a judgment of a justice of the peace. Said parties signing said notice of appeal shall pay to said recorder at the time of filing said notice of appeal the sum of fifty cents for making said return.

Duty of
recorder and
district
court.

SEC. 3. After said return has been filed with the clerk of said district court, said claimant or said parties signing said appeal, or any of same, may bring on for hearing the matter of said claim at any general term of said court in the same manner and under the same rules of procedure as any other matter pending in said district court, or the same

Hearing.

may be considered by said court at any special term or at chambers by consent of the parties interested therein. Said court may direct pleading to be made and issues to be joined in said matter should said court deem the same advisable or proper.

SEC. 4. Upon the hearing of said cause the validity of said claim and the amount thereof shall be passed upon and adjudicated.

Action of
court.

In said district court said claimant shall be considered as the plaintiff in said action, said village shall be considered as the defendant in said action, and said parties taking said appeal shall be named appellants.

Costs and disbursements may be taxed and allowed between said plaintiff and said appellants, the same as in any other action pending in said court, but no costs or disbursements shall be allowed or taxed, in any event, against said village. In the event said claim or any part of same is allowed by said court, then the amount of said claim allowed shall be entered as a judgment, as in other suits pending in said district court, against said village, and the process of said court may issue for the collection thereof in favor of said claimant or plaintiff.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 10, 1901.

H. F. No. 409.

CHAPTER 222.

Legalizing
foreclosure
sales.

An act legalizing certain mortgage foreclosure sales heretofore made.

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

SECTION 1. Every mortgage foreclosure sale heretofore made under a power of sale in the usual form contained in any mortgage executed under the laws of the State of Minnesota, and recorded in the office of the proper register of deeds, of real property within the limits of this state, is, together with the record of such sale, legalized and made valid and effective to all intents and purposes as against the following objection, namely:

First—That the notary public in taking the acknowledgment to any power of attorney authorizing the foreclosure of any mortgage failed to attach the proper notarial seal thereto.

SEC. 2. The provisions of this act shall not affect any action now pending in any court of this state.