

CHAPTER 283—H. F. No. 113.

An act to amend Section 7602 of Chapter 76 of the General Statutes of Minnesota for 1913, relating to appeals from justice court.

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

Section 1. Procedure for appeals from decision of justice court and fee to be paid on appeal.—That section 7602, general statutes of Minnesota for 1913, be and the same is hereby amended so as to read as follows:

Section 7602. No appeal shall be allowed unless the following requisites are complied with within ten (10) days after judgment is rendered:

1. An affidavit shall be filed with the clerk of the district court of the county wherein the cause was tried, stating that the appeal is made in good faith and not for the purpose of delay.

2. A bond shall be executed by the party appealing, his agent or attorney, to the adverse party in a sum sufficient to secure such judgment and costs of appeal, with sufficient surety to be approved by the clerk of the district court, conditioned that the appellant shall prosecute his appeal with effect and abide by the order of the court therein.

3. The party appealing shall serve a notice upon the opposite party, his agent or attorney who appeared for him on the trial, specifying the ground of appeal generally as follows: That the appeal is taken upon questions of law alone or upon questions of both law and fact. Such notice shall be served by delivering a copy thereof to the person upon whom service is made, or by leaving a copy at his residence; provided that if any party has appeared by attorney, service upon such attorney may be made in the manner provided in section 7744, subdivision 1, General Statutes of Minnesota for 1913, and the original notice, with proof of service thereof, shall be filed with the clerk of the district court to which the appeal is taken, within ten (10) days after such service is made, and thereupon such clerk shall immediately give notice in writing by registered mail to the justice of the peace before whom the cause was tried.

4. The party appealing shall pay to the clerk of the district court, for the use of the justice before whom the cause was tried, the sum of two dollars, (\$2.00) which is hereby fixed as his fee for making the return, which sum shall be paid to the justice by said clerk upon filing the return of the justice in the office of the clerk, and thereupon it shall be the duty of the clerk to cause an entry of such appeal to be made upon the calendar of the next general term of the district court occurring more than twenty (20) days after the filing of such notice of appeal.

Approved April 17, 1917.