

CHAPTER 597—S.F.No.1946

An act relating to justice and municipal courts; requiring the filing of a notice of appeal to district courts in such courts; amending Minnesota Statutes 1969, Section 532.38.

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

Section 1. Minnesota Statutes 1969, Section 532.38, is amended to read:

532.38 JUSTICE AND MUNICIPAL COURTS; NOTICE OF APPEAL; REQUISITES. No appeal shall be allowed unless the following requisites are complied with within ten 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 543.17 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 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 \$2, 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 20 days after the filing of such notice of appeal.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

The party appealing shall file a copy of the notice required by clause (3) with the clerk of the court from which such appeal is taken within three days of the service of such notice on the opposite party, his agent or attorney as provided by such clause (3).

Approved May 27, 1971.

CHAPTER 598—S.F.No.2027

An act relating to highways; the preservation of section or quarter section corners; amending Minnesota Statutes 1969, Section 160.15, Subdivision 5.

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

Section 1. Minnesota Statutes 1969, Section 160.15, Subdivision 5, is amended to read:

Subd. 5. **HIGHWAYS; SECTION AND QUARTER SECTION CORNERS; CONTENTS OF CERTIFICATE.** The certificates shall be on sheets of durable paper material, which sheets shall be in size ~~11 8 1/2~~ by 11 inches with a margin at the left for binding of ~~one and one-half~~ inches. The certificates shall be substantially in the following form: "I hereby certify that on the _____ day of _____ I found the _____ corner of _____ which was evidenced by _____, and I further certify that to perpetuate the location of such corner, I did at the exact location thereof place a permanent marker consisting of _____. I further certify that I established _____ reference or witness monuments consisting of _____ which reference or witness monuments are located in the manner following: _____ Dated at _____ this _____ day _____, 19____.

Title.

contain the following:

- (a) Identification of section, or quarter section corner.
- (b) Description of monument removed.
- (c) Description of replacement monument.

Changes or additions indicated by underline, deletions by ~~strikeout~~.