

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

Approved February 24, 1871.

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## CHAPTER LXXII.

*An Act to amend Title fourteen, of Chapter sixty-five, of the General Statutes, as amended by an act entitled "An Act to amend Title fourteen, of Chapter sixty-five, of the General Statutes, relating to jurisdiction of Justices in criminal cases and the proceedings therein," approved March ninth, one thousand eight hundred and sixty-seven.* March 1, 1871.

- SECTION 1. Amendment to Section one hundred and forty-nine (149), Chapter sixty-five (65), General Statutes. Parties on conviction may appeal on giving sureties.
- Amendment to Section one hundred and fifty (150), Chapter sixty-five (65), General Statutes. Justice to allow appeal, when—trial in District Court.
2. When act to take effect.

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

SECTION 1. That section one hundred and forty-nine, of chapter sixty-five, of the general statutes, as amended by section two, of an act entitled, an act to amend title fourteen, of chapter sixty-five, of the general statutes, relating to jurisdiction of justices in criminal cases, and the proceedings therein, approved March ninth, one thousand eight hundred and sixty-seven, be so amended as to read as follows:

Sec. 149. The person charged with and convicted by any such justice of any such offense may appeal from the judgment of such justice to the district court; *Provided*, That no appeal shall be allowed in any case unless the following requisites are complied with within ten days after such conviction, viz:

Parties on conviction may appeal on giving sureties.

*First*—The person so appealing shall enter into a recognizance with one or more sufficient sureties to be approved by such justice, conditioned to appear before the district court on the first day of the general term thereof, next to be holden in and for the same county, and abide the judgment of said court therein, and in the meantime to keep the peace and be of good behavior.

*Second*—The party appealing shall serve a notice upon the county attorney of the county, or in case of his absence from the county, or in case there is no county attorney, on the clerk of the district court of said county, specifying generally the grounds of his appeal as follows, to wit: That the appeal is taken upon questions of law alone, or upon questions of fact alone or upon questions of law and fact.

SEC. 2. That section one hundred and fifty of said chapter as amended by section three of said act, be so amended as to read as follows:

Justice to allow appeal, when—  
trial in District Court. —

Sec. 150. Upon a compliance with the foregoing provisions the justice shall allow the appeal and make an entry of such allowance in his docket, and all further proceedings on the judgment before the justice shall be suspended by the allowance of the appeal. The justice shall thereupon make a return of all the proceedings had before him and cause the complaint, warrant, recognizance, original notice of appeal, with proof of service thereof, and return, and all other papers relating to said cause and filed with him, to be filed in the district court of the same county, on or before the first day of the general term thereof next to be holden in and for said county. And the complainant and witnesses may also be required to enter into recognizances with or without sureties in the discretion of the justice, to appear at said district court at the time last aforesaid, and to abide the order of the court therein. Upon an appeal on questions of law alone the cause shall be tried in the district court upon the return of the justice; on an appeal taken upon questions of fact alone, or upon questions of both law and fact, the cause shall be tried in the same manner as if commenced in the district court.

When not to take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 1, 1871.