

elsewhere in this state, are allowed under the general statutes of the state now or hereafter in force:

And in all cases where a village is situated in more than one county the justices of the peace and constable of such village shall have and possess all the powers and jurisdiction conferred by this act in each of the counties in which such village is situated and shall file their bonds in each of said counties.

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

Approved March 9th, 1895.

CHAPTER 54.

H. F. No. 98.

An act to amend chapter thirteen (13) of the general statutes of eighteen hundred and seventy-eight (1878) as amended by chapter twenty-three (23) section one (1) of the general laws of eighteen hundred and eighty-one (1881) and to repeal certain provisions of said chapter thirteen (13), relating to roads, cartways and bridges, and to repeal certain provisions thereof.

95 C 54
Amendment 68-M - 207
relating to 71-NW 382
roads, cart- 73-NW 620
ways and
bridges.

95 C 54
71-M 42
78-M 31
80-NW 836

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

SECTION 1. That section sixty-two (62) of chapter thirteen (13) of the general statutes of eighteen hundred and seventy eight (1878), as amended by chapter twenty-three (23), section one (1), of the general laws of eighteen hundred and eighty-one (1881), is hereby amended so as to read as follows, viz:

“Sec. 62. Any person who shall feel himself aggrieved by any determination or award of damages made by the supervisors of any town or towns or by the commissioners of any county, either in laying out, altering or discontinuing, or in refusing to lay out, alter or discontinue any highway or cartway, or any taxpayer or legal voter of any county through which such road or highway or any part thereof, which is to be laid out, altered, changed or vacated may or shall pass, may within thirty days after the filing of such determination or award of damages, appeal to the district court of the county from such determination or award of damages by filing in the office of the clerk of the court of such county a bond in the sum of not less than two hundred and fifty (250) dollars with good and sufficient sureties to be approved by the judge of such district court or the county commissioners or the county auditor of the county conditioned to pay all costs arising

Appeal from
award of super-
visors.

from such appeal in case the determination of the supervisors or county commissioners, as the case may be shall be sustained, and by the service of a written notice on the chairman of the board of supervisors or county commissioners as the case may be, signed by the party taking the appeal or his attorney. A copy of such notice shall be filed in the office of the county auditor of such county and also in the office of the town clerk of each town in which such highway or cartway proposed to be laid out, altered or discontinued may be situated.

Notice—
grounds of ap-
peal.

Such notice shall briefly state the grounds on which such appeal is taken, and whether it is brought in relation to damages assessed or in relation to laying out, altering or discontinuing or refusal to lay out, alter or discontinue any highway or whether it is brought to reverse entirely the decisions of the board of supervisors or board of county commissioners or any part thereof, if the latter, what part, and all matters referred to in the notice of appeal.

Jury trial.

Unless the parties otherwise agree the matters in such appeal shall be tried before a jury as other actions in said court are tried, and the court or jury, as the case may be, shall re-assess the damages, unless the determination of the matters tried in said court shall render such re-assessment unnecessary, but the rule for re-assessing damages and determining the matters involved in such appeal shall be based upon the same principles as the supervisors or county commissioners were required to adopt in originally determining the same; and upon final judgment being rendered therein, the clerk of said district court shall file a certified transcript in the office of the county auditor of such county if the appeal was taken from the action of the county commissioners, and in the office of the town clerks of all towns affected by such determination if the appeal was taken from the action of any board of supervisors. If the determination of the board of supervisors or commissioners appealed from be affirmed, or if the amount of damages allowed be reduced in said district court, the party appealing shall pay all costs and disbursements incurred in said district court; but if the amount of damages allowed be increased, or if such determination shall be altered, modified or reversed in said court, otherwise than as to the amount of damages, such costs and disbursements shall be paid by the town or county, as the case may be, such costs and disbursements to be taxed and adjusted as in other cases in said court, and judgment entered therefor in like manner. Such appeal shall be entered upon the calendar of said district court

for trial, at the next general term thereof occurring more than twenty days after the appeal is perfected.

SEC. 2. Sections fifty-nine (59) sixty (60) and sixty-one (61) of said chapter thirteen (13), of the general statutes of Minnesota of eighteen hundred and seventy-eight (1878), are hereby repealed.

Laws repealed.

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

Approved Feb. 19th, 1895.

CHAPTER 55.

H. F. No. 46.

05 C 55

An act to amend section forty-nine hundred and sixty-six (4966) of the general statutes of eighteen hundred and ninety-four (1894) being section twelve (12) of chapter sixty-five (65) of the general statutes of eighteen hundred and seventy-eight (1878), relating to the requisites of summons issued by justices of the peace.

To amend Sec. 00
4966 G. S. 1894.

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

SECTION 1. That section forty-nine hundred and sixty-six (4966) of the general statutes of eighteen hundred and ninety-four (1894) being section twelve (12) of chapter sixty-five (65) of the general statutes of eighteen hundred and seventy-eight (1878) be amended so as to read as follows:

Summons in
justice court.

Every summons or process issued by a justice of the peace shall run in the name of the State of Minnesota, be dated on the day it is issued, be signed by the justice issuing the same, be directed to the sheriff or constable of the proper county commanding the officer to summon the defendant to appear before such justice at the time and place expressed in such summons not less than six (6) nor more than twenty (20) days from the date thereof to answer to the complaint in a civil action, contain a statement of the amount claimed by the plaintiff, be entirely filled and have no blank, either in date or otherwise, at the time of its delivery to an officer to be served. Every summons which is issued and delivered to an officer that does not comply with the provisions of this act shall be void, and the justice shall not acquire jurisdiction of the person or thing by service thereof.

SEC. 2. All acts or parts of acts, inconsistent with this act, are hereby repealed.

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

Approved March 25th, 1895.