

**PUBLIC HIGHWAYS AND PRIVATE ROADS (EXCERPT)**

**Act 283 of 1909**

**229.11 Appeal; affidavit; bond; fees; procedure; certification of judgment; costs; stay of proceedings.**

Sec. 11. Any party in interest may appeal from the determination of the jury or commissioners in any proceedings under this chapter to the circuit court for the county, within 30 days, by filing with the township clerk an affidavit made by himself, his agent or attorney, stating that the determination is not in accordance with the just rights of the party, as the person making the affidavit verily believes. The party shall file with the clerk within the time a bond running to the township supervisor for the benefit of all other parties in interest, conditioned that the appellant will prosecute his appeal with all due diligence, and that if a judgment is rendered against him in the circuit court he will pay the judgment, including all costs with interest thereon. The bond shall be in a penalty sufficient to secure the costs and damages and with 1 or more sufficient sureties, who shall justify their responsibility in writing and under oath indorsed on the bond. The appellant shall pay to the township clerk the sum of \$1.00 for making his return on appeal, and a sum of \$3.00 as clerk and entry fee to be paid by the township clerk to the clerk of the circuit court. The appeal shall be heard before the judge of the circuit court, and a jury of 6 freeholders selected by the parties from the regular panel under the direction of the circuit judge, in the manner jurors are selected in civil causes, or if the parties desire, by 3 commissioners to be appointed by the circuit judge. The county clerk shall act as clerk of the court the same as in other causes, and the proceedings as far as applicable shall be according to the ordinary course of civil procedure. The judgment and determination on appeal shall be certified back to the township clerk for any further proceedings that may be required by the statute. In case of more than 1 appeal they shall be heard together as 1 cause. Costs may be awarded by the circuit court and collected the same as on appeals from district court. On perfecting the appeal all proceedings shall be stayed and no further steps taken until the determination or dismissal of the appeal. Costs shall not be awarded against any party, except those who actually appeal or defend the appeal.

**History:** Add. 1913, Act 335, Eff. Aug. 14, 1913;—CL 1915, 4457;—CL 1929, 4072;—CL 1948, 229.11;—Am. 1972, Act 375, Imd. Eff. Jan. 9, 1973.