

**HIGHWAY OBSTRUCTIONS AND ENCROACHMENTS; USE OF HIGHWAY BY PUBLIC
UTILITIES (EXCERPT)
Act 368 of 1925**

247.176 Trespass action; trial and verdict.

Sec. 6. The trial of said action may be adjourned for not to exceed 10 days. The jury shall specify in their verdict, if they find the defendant guilty of causing or maintaining the encroachment as charged, and the extent thereof, and if the existence of the highway has been denied, they shall also specify, if they find a highway to exist, whether it be such by public use or by having been regularly laid out and established as a public highway. In the trial of any cause involving the existence of any highway, the burden of proof shall be upon the contestants to show that the same has not been regularly laid out and established as a public highway, or has not become such by public use.

History: 1925, Act 368, Eff. Aug. 27, 1925;—CL 1929, 4046;—CL 1948, 247.176.

Former law: See section 4 of Ch. 7 of Act 283 of 1909, being CL 1915, § 4404.