

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

247.175 Trespass action; pleadings and trial.

Sec. 5.

The declaration in such action shall follow the order required by section 1 of this chapter, in describing such encroachment. The defendant may plead denying the encroachment in whole or in part, and may also deny the existence of a highway where such encroachment is claimed to be, but otherwise the legal existence of the highway shall not be questioned on the trial, and the fact of such encroachment, and where the true line of the highway is, shall only be tried.

History: 1925, Act 368, Eff. Aug. 27, 1925 ;-- CL 1929, 4045 ;-- CL 1948, 247.175

Former Law: See section 3 of Ch. 7 of Act 283 of 1909, being CL 1915, § 4403.