

of duration. Provided, however, that the proceedings to obtain such renewal shall be taken within six months after the passage of this act. And provided further, that this act shall not affect any pending litigation, nor to apply to any corporation whose charter has been declared forfeited by any court of competent jurisdiction in this State.

Sec. 2. Proceedings legalized.—That when such steps are taken to renew the corporate existence of such co-operative association, such proceedings shall relate back to the date of the expiration of said original corporate period, and when said period is extended as provided by this act, any and all corporate acts and contracts done, performed, made and entered into after the expiration of said original period shall be and each is hereby declared to be legal and valid.

Approved February 11, 1927.

CHAPTER 16—S. F. No. 43

An act to amend Chapter 366, General Laws 1925 relating to license to operate itinerant carnival and similar enterprises.

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

Section 1. Licenses to operate carnivals, etc.—That Section 5 of Chapter 366 General Laws 1925, be and the same is hereby amended so as to read as follows:

“Section 5. Nothing in this act shall be construed as in any way abrogating or detracting from the provisions of *Chapter 428, Session Laws for 1923*, but said act shall be and remain in force and effect; *provided further that in cases where a city of the third class and a city of the fourth class are contiguous, either municipality may issue such license without the consent of the other.*”

Approved February 11, 1927.

CHAPTER 17—S. F. No. 44

An act creating a court of conciliation and small debtors court in the City of Duluth in the County of St. Louis and State of Minnesota, providing for an additional judge of the municipal court of said city therefor, and defining the jurisdiction, practice and procedure therein.

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

Section 1. Conciliation Court established in Duluth. Election of judges.—A judge of the municipal court for the city of

Duluth, in the county of St. Louis and State of Minnesota, in addition to the present judges and assistant judge of said court, and having the same powers and qualifications as said judges, shall be elected at the next general municipal election, after the date this act shall become effective and every four (4) years thereafter, in the manner provided by law for the election of the judges and assistant judge of said court. His term of office shall commence on the second (2nd) Monday next succeeding his election at twelve (12) o'clock noon, and shall continue for a period of four (4) years and until his successor is elected and qualified. The salary of said judge shall be the same and paid in the same manner as that of the assistant judge of said municipal court, but he shall act as a court of conciliation, as hereinafter provided, and for convenience, he may be designated as conciliation judge.

Sec. 2. Judge to be appointed by governor.—Within ten (10) days after the date this act shall become effective, the governor shall appoint a suitable and legally qualified person to serve as such conciliation judge of the municipal court of the city of Duluth, until the election and qualification of such judge as provided in section one (1) of this act. Any vacancy in the position of such conciliation judge shall be filled in like manner by appointment of the governor until the next general municipal election thereafter. The judge that is to act as such conciliation court shall be elected so to act, and the candidates for such place shall be designated on all ballots both for primary and general elections as "Conciliation Judge for the Municipal Court."

Sec. 3. Sessions of court—jurisdiction.—The sessions of said conciliation court shall be held in the said city of Duluth, at some suitable place to be provided by the city council of said city. The jurisdiction of said court shall be co-extensive with the corporate limits of the city of Duluth and the townships of Midway, Herman, Canosia, Rice Lake, Lakewood and Duluth in the county of St. Louis and State of Minnesota and said jurisdiction shall be limited to actions in which the person, firm or corporation named therein as defendant is a resident of either the aforesaid city or towns.

Sec. 4. Jurisdiction of court.—Said conciliation court shall have jurisdiction to hear, try and determine civil actions and proceedings as follows:

First: Of an action arising on contract for the recovery of money only, if the sum claimed does not exceed fifty (\$50.00) dollars; provided, however, that said conciliation court shall have jurisdiction to hear and determine any cause of action arising on contract for the recovery of money only which may be submitted to the court for adjudication by consent of the

parties pursuant to the provisions of section six (6) of this act, if the sum claimed does not exceed two hundred and fifty (\$250.00) dollars.

Second: Of an action for damages for injuries to the person, or to real property, or for taking, detaining or injuring personal property, if the damages claimed, or, in replevin, the value of the property in controversy, does not exceed fifty (\$50.00) dollars.

Sec. 5. **Limitations.**—The jurisdiction of said conciliation court, however, shall not extend:

First: To any criminal action.

Second: To an action which may arise under chapter seventy-six (76) of the General Statutes of Minnesota for 1923 and the amendments thereto, relating to forcible entries and unlawful detainers.

Third: To any civil action not within the jurisdiction of the municipal court of the city of Duluth.

Sec. 6. **Powers in certain cases.**—The said conciliation court shall have jurisdiction upon the application of the debtor in any action pending before the said court to appoint a trustee to receive that portion of the personal earnings and income of the debtor as may be fixed by the court and such additional sums as the debtor may voluntarily pay or assign to said trustee, who shall distribute the money pro rata among the creditors having claims against the debtor at the time of application.

Said application of the debtor shall disclose his assets; his personal earnings and income; the names, ages and relationship of those dependent upon him for support; names of those, if any, who are contributing to the support of his family and the amounts received monthly from each; and the names of all of his creditors and the amounts of their respective claims, and whether said claims are disputed or not.

Upon the filing of such application the court shall fix a date for a hearing thereon and shall cause notice of such hearing to be given by mail to all of the creditors named in the application not less than ten (10) days prior to the date of said hearing. At said hearing the court shall fix the proportion of the personal earnings and income of the said debtor which shall be set aside for the use and benefit of his creditors, hear and adjudicate the claims of the creditors and determine the amounts which said trustee shall pay to each of the said creditors. All creditors appearing and consenting to such trusteeship shall, during the pendency of the same, be estopped from bringing or maintaining any proceeding in garnishment, attachment, or in aid of execution in the municipal court of the city of Duluth, or in any other court, so long as the said debtor shall not default in the payment to the trustee of that portion of his per-

sonal earnings and income ordered by the court to be paid or assigned to said trustee at such regular intervals as may be fixed by said court. The said conciliation court shall have the power at any time, for cause shown, to terminate any such trusteeship. This provision, however, shall not be construed to prevent any creditor who shall not have consented to the arrangement for a trusteeship from bringing or maintaining proceedings in garnishment, or recovering a judgment against the said debtor, nor to prohibit the levy under a writ of attachment or execution upon the property of the said debtor, other than that which may be in the possession of said trustee. The bringing or maintaining of any proceeding in garnishment, attachment, or in aid of execution in violation of this provision shall be construed as a contempt and the said conciliation court is hereby vested with the same power and jurisdiction as the municipal court to punish therefor.

The judges of the municipal court, assistant judge and conciliation judge, may provide, by rule, for notice to such creditors as are recited in the application of the debtor, the authentication and adjudication of claims, the time and manner of payments by the debtor, the distribution of the fund and all other matters necessary or proper to carry into effect the jurisdiction conferred by this section.

The court shall designate as trustee, to serve without additional compensation as such trustee, the clerk of the municipal court of the city of Duluth, or the manager of the free legal aid bureau or welfare department of the said city. If the official bond of such officer shall be conditioned upon the fulfillment of the trust as such trustee, no additional bond shall be required. If not, such trustee shall execute to the city of Duluth for the use and benefit of said city and all persons injured by failure to observe its conditions a penal bond in the sum of one thousand (\$1,000.00) dollars, with such sureties as the council of the city of Duluth may approve, conditioned that he will pay over to all persons on demand all moneys to which they may be entitled which may have come into his hands in virtue or by reason of his office as such trustee. Such bond shall be filed in the office of the auditor of said city and the reasonable cost of such bond shall be paid by said city.

Said trustee shall make such reports as the court may require and shall be provided with the necessary books, blanks, stationery, postage and other expenses for the execution of his duties in the same manner as other expenses incident to the court are provided for.

The provisions of this act, so far as relating to trusteeships, shall apply only to debts created or contracted subsequent to the passage and publication of this act.

Sec. 7. Practice and procedure.—Whenever any debtor in any action pending before the said conciliation court shall make it appear to the said court in his application for the appointment of a trustee under and pursuant to the provisions of section six (6) of this act, that he has no property or assets, except such as are exempt from execution under the laws of this State and that his only income arises from his current wages or salary, the court shall fix a date for a hearing, give notice to all creditors named in said application, as heretofore provided in section six (6) of this act, and if the said court at said hearing finds that the statements set forth in the said application are in all respects true, then said court may appoint a trustee for such debtor, and in addition thereto, may order that all creditors named in the application, whether consenting or not, shall be estopped from bringing or maintaining any proceedings in garnishment, attachment, or in aid of execution in the municipal court of the city of Duluth, or in any other court, during the pendency of such trusteeship or so long as the said debtor shall not default in the payment to the trustee of that portion of his personal earnings and income ordered by the court to be paid or assigned to said trustee at such regular intervals as may be fixed by the said court. The court shall give due notice of such order to all creditors concerned. The bringing or maintaining of any proceeding in garnishment, attachment, or in aid of execution in violation of this provision shall be construed as a contempt and the said conciliation court is hereby vested with the same power and jurisdiction as the municipal court to punish therefor.

Sec. 8. Equal powers with other judges. Compensation for action as Municipal Judge.—The judge of the said conciliation court shall have all the powers of the other judges of the said municipal court, but shall not be required to act as judge in the municipal court proper of said city, unless directed to do so because of the inability to serve of one of the other judges. In case the said conciliation judge does hold court in the municipal court proper, he shall receive ten (\$10.00) dollars per day for each and every day court is so held by him, in addition to the salary herein provided. The conciliation judge may practice in the municipal court proper and act as attorney in any case to be tried in said court, except one in which he sits, or is expected to sit, as the presiding judge. The said conciliation judge, however, shall not practice before said court, nor sit as presiding judge, in any case removed from the said conciliation court, to the said municipal court on appeal.

Sec. 9. Sessions of court.—Said conciliation judge shall exercise all the special powers conferred by this act. Said conciliation court shall be open every day except Sundays and holidays at such hours as may be fixed by rule and may be open for at

least one (1) evening in each week, to be fixed by rule, for the hearing and determining of controversies submitted to such court in accordance with the provisions of this act.

Sec. 10. Clerk and employees.—The clerk and court officers of the said municipal court shall be respectively ex-officio clerk and court officers of the said conciliation court. The clerk of the said municipal court, with the consent and approval of the judges, assistant judge and the conciliation judge of the municipal court, shall have the power to appoint one (1) deputy clerk to serve as chief clerk of the conciliation court. The salary of said deputy clerk shall be the same and shall be paid in the same manner as that of the first deputy clerk of the said municipal court. The clerk of the said municipal court, may, with the consent and approval of the said judges, assistant judge and conciliation judge of the said municipal court and the city council of the city of Duluth, appoint one (1) or more additional deputy clerks of said court, to act as deputy conciliation clerks of said court. The city council shall fix the compensation of the additional deputy or deputies so appointed.

Sec. 11. Conduct of causes.—Causes in the said conciliation court shall be conducted by the parties or their agents. For the purposes of this section the word "agent" shall mean an attorney at law or a person specially authorized in writing to prosecute or defend the claim, or one of a number of partners or joint plaintiffs acting for all, or any officer, manager, or local manager of a corporation acting for it.

Sec. 12. Fees and disbursements.—The actual cash disbursements of the prevailing party for the entry fee, mailing fees and witness fees shall be allowed as costs and shall be included in the settlement and judgment of the prevailing party. Except as in this act otherwise provided, no other costs shall be allowed to either party. The court, however, shall have power in its discretion to award costs not exceeding ten (\$10.00) dollars, exclusive of such cash disbursements, or in addition thereto, against any party, whether the prevailing party or not, who has set up a frivolous or vexatious claim or defense, or who has made an unfair or misleading answer, or who has otherwise sought to hamper a party in court in securing a speedy determination of the matter in controversy upon its merits, and to enter judgment therefor, or set off such costs against damages or costs, as justice may require.

Sec. 13. Commencement of action—fees.—The plaintiff, upon commencing any action in the said conciliation court, shall pay to the clerk thereof the sum of one (\$1.00) dollar for the use and benefit of the city of Duluth, which sum shall be in full for all costs and fees of said court and clerk and the police officers of said city, up to and including the entry of judgment, except

as in this act otherwise provided. Provided, however, that in any case where the plaintiff therein shall subscribe to and file with the said clerk an affidavit to the effect that he has no money or property and is unable to pay said entry fee, no such fee will be required to commence said action. The filing of such affidavit shall be proper authority for said clerk to receive and file such action without the prepayment of any fee therefor while the same is pending in the said conciliation court. Provided, however, that if any such plaintiff shall prevail in his claim against the defendant, the amount of the entry fee and mailing expense shall be taxed and allowed and inserted in the judgment against the defendant and shall be paid to the clerk of the said conciliation court for the use and benefit of the said city of Duluth by any such plaintiff out of any money recovered by him under said judgment.

Sec. 14. (a) Same.—Duties of clerk.—Any person having a claim within the jurisdiction of the said conciliation court may commence an action in the said court by appearing before the clerk thereof and subscribing to and certifying a claim, which claim shall contain the name and place of residence of the plaintiff and the name and place of residence of the defendant and a brief statement of the nature and amount of said claim and the time when the same accrued. If the said claim involves more than three (3) items, the plaintiff shall deliver to the clerk a list of such items, numbered consecutively, which list shall be attached to and made a part of said claim. If the clerk deems the statement of the claim insufficient to make a prima facie case, the court, at the request of the plaintiff, shall decide whether such claim shall be received. Subpoenas for witnesses, if requested, shall be issued by the clerk, without fee.

(b) The clerk, when requested, shall draw up said claim and when so subscribed to and verified, shall, upon the payment of the entry fee therefor, immediately file the same, and set down the same for hearing before said judge at a time certain not less than seven (7) days and not more than twelve (12) days from the date of said filing. The clerk shall give to the person signing the claim a memorandum of the time and place set for the hearing. Said memorandum shall state that if the claim is supported by witnesses, books of account, or documents, they should be produced at the hearing, and also, in the case of an unliquidated claim the amount of damages must be proved by the plaintiff at the hearing whether the defendant defends or not.

(c) The clerk shall thereupon mail to the defendant at the address supplied by the plaintiff, by registered mail, return receipt requested, the mailing expense being prepaid by the plaintiff, a notice signed by the clerk, which, after setting forth

the title and venue of the action shall read substantially as follows:

“To (here insert name of defendant.)

(Here insert name of plaintiff) asks judgment in this court against you for (here insert amount claimed in dollars and cents) upon the following claim: (here insert the nature of the claim and the time when the same accrued.)

“The court will give you a hearing upon this claim at (here insert the location of the courthouse and the room therein, as may be necessary) at (here insert the hour) o'clock in the (here insert “forenoon” or “afternoon” as the case may be) on (here insert the date, including the day of the week, as may be prescribed by general or special order of the court).

“If you deny the claim, in whole or in part, to avoid judgment being entered against you by default, you must do both of the following things:

“1. Notify the clerk of this court not later than (here insert the date, including the day of the week, of the second day before the day set for hearing) of your full and specific defense to said claim. In doing this you may appear before the clerk in person, or by authorized agent, and state your defense orally, or in writing, or you may mail the same to him before the date last mentioned.

“2. You must also appear at the time set for hearing upon the claim.

“If your defense is supported by witnesses, account books, receipts or other documents, you should produce them at the hearing. Subpoenas for witnesses, if requested, will be issued by the clerk, without fee.

“If you admit the claim, but desire time to pay, you must not later than (here insert the date, including the day of the week, of the second day before the day set for hearing) notify the clerk of your desire for time to pay, and you must also appear at the hearing and show your reason for desiring time to pay.”

(d) The defendant may also be served with such notice in the same manner as provided by law for the service of a summons in the district court, if the court shall so order. The clerk shall attach to the original verified claim the receipt for the registered mail notice, or other evidence of service. Notice shall be valid when refused by the defendant and therefore not delivered. If the notice is returned undelivered, without refusal by the defendant, or, if in any other way it appears that notice has not reached the defendant, the clerk shall issue at the mailing expense of the plaintiff, such other and further notice as the court may order.

(e) If the defense to the claim is presented to the clerk in writing it shall be filed by said clerk as the answer in the case. If said defense is stated to the clerk, orally, he shall forthwith reduce the same to writing and place it in the files of the case, where it shall be deemed the answer. Such answer shall state fully, but in concise and untechnical terms and form, what parts of the claims are contested, and the grounds for such contest. Demurrers and dilatory pleas are prohibited.

(f) The defendant, within the time for answering, may in the manner provided in this section, claim any set-off or counter-claim. Upon the making of such claim by the defendant, the clerk shall give notice to the plaintiff, at the mailing expense of the defendant, similar to that provided in paragraph (c) of this section and shall postpone the hearing of the original claim until the time set for hearing the defendant's claim, and shall notify the parties accordingly. The defendant's claim shall be answered by the plaintiff in the manner provided in paragraph (c) of this section and the penalties upon defendants provided herein shall apply to plaintiffs in respect to claims by a defendant. The original claim, and the claim of set-off or counter-claim, shall be deemed one case and no additional entry fee shall be required.

(g) The court may at any time allow any claim or answer to be amended.

Sec. 15. **Trial of actions.**— At the time set for hearing, said judge shall hear the statements of the respective parties, and shall use his best endeavor to have said parties settle said controversy then and there by agreement. The judge shall also hear any witnesses produced by either party. The parties and witnesses shall be sworn; but the court shall conduct the hearing in such order and form and with such methods of proof as it deems best suited to discover the facts and to determine the justice of the case. If the parties agree upon a settlement of the controversy, the judge shall cause the clerk to reduce such agreement to writing. Said written agreement shall contain the terms of the settlement and may be signed by all the parties thereto, but whether or not so signed said settlement when agreed upon and countersigned by the judge and entered upon the judgment docket of the clerk shall have all the force of a judgment of a court of record. In case of a judgment for the recovery of money only, said judgment may by its terms provide for the satisfaction of the same by the payment into the said conciliation court, either in a lump sum, or by installments in such amounts and at such times, as to said judge, under all the circumstances of the case, may seem just and reasonable. Said conciliation judge may retain jurisdiction for the collection, satisfaction or modification of the terms of said judgment,

or, he may, on application therefor, order that a transcript of such judgment shall be issued by the clerk of the said conciliation court to the municipal court proper and that such judgment shall be docketed by the clerk of the municipal court in the same manner and enforced as the judgment of said municipal court, provided, however, that before any transcript of judgment shall issue from the said conciliation court to the said municipal court proper, the said conciliation judge shall, if necessary, modify the terms of said judgment so as to have the transcript show a judgment for a specific sum.

In case the controversy is as to the ownership or possession, or as to both ownership and possession, of personal property, where the value of the same does not exceed the sum of fifty (\$50.00) dollars and the action is commenced by the filing, in the manner herein provided, with the clerk, a sworn statement as to the ownership, or right of possession, or both, of such property, the court, in its discretion, may, by written order, direct a court officer of said court to take possession of such property immediately, and hold the same subject to the further order of the court without the giving of any bond whatever, but a copy of said written order shall be served upon the defendant at the time of the taking of possession of said property by the said court officer. The defendant, however, may repossess said property by furnishing a bond in such amount as the court may fix, not to exceed the value of the property taken, and with such sureties as the court may approve. Said bond shall be conditioned that the property shall be delivered to the plaintiff, if delivery be adjudged, or payment of the value thereof as determined by the court, and for the payment by such defendant of all damages and costs adjudged against him in the action. Upon the approval by the court of such bond, the court officer shall deliver the property to the defendant, indorse the fact upon the bond as his return thereon and file the same in the office of the clerk of the said conciliation court.

Sec. 16. (a) In case the parties brought before the said conciliation court, in the manner provided in this act, do not agree upon the judgment to be entered, then in case the amount in the controversy claimed in the counterclaim on the part of the defendant, exceed the sum of fifty (\$50.00) dollars and the judge, after a hearing thereon, is satisfied that said counterclaim is in good faith said court shall immediately cause an entry of the fact to be made of record and cease all further proceedings in the case and shall enter an order directing the clerk to transfer the case to the municipal court proper for trial upon the issues presented by the original claim and the counterclaim. The said municipal court, upon the payment to the clerk thereof of the entry or filing fee of the said municipal

court by either of the parties thereto, shall proceed in the cause to final judgment and execution, according to law, the same as if said action had originally been commenced in the said municipal court, and the costs shall abide the event of the suit. If, however, the amount in controversy claimed in the counterclaim of the defendant is fifty (\$50.00) dollars or less, or, if said judge is of the opinion that the counterclaim, if any, in excess of fifty (\$50.00) dollars, is not in good faith, he shall retain jurisdiction and shall proceed summarily to hear and determine the cause of action and cause judgment to be entered on the docket of the clerk. Said judgment shall have all the force of a judgment of a court of record. In case of a judgment for the recovery of money only, said judgment may by its terms provide for the satisfaction of the same by the payment of the same into the said conciliation court, either in a lump sum, or by installments, in such amounts and at such times, as to said judge, under all the circumstances of the case, may seem just and reasonable. In case judgment is not removed by demand of either party to the said municipal court within ten (10) days after the entry thereof, as provided in this act, and said judgment remains unsatisfied, said conciliation judge may retain jurisdiction for the collection, satisfaction or modification of the terms of said judgment in the said conciliation court, or, he may, on application therefor, order that a transcript of such judgment shall be issued by the clerk of the said conciliation court to the municipal court proper and that such judgment shall be docketed by the clerk of the said municipal court in the same manner and enforced as the judgment of the said municipal court, provided, however, that before any transcript of judgment shall issue from the said conciliation court to the municipal court proper, the said conciliation judge shall, if necessary, modify the terms of said judgment so as to have the transcript show a judgment for a specific sum.

(b) Except as herein otherwise provided, no formal pleading shall be necessary and the hearing and disposition of all such claims shall be informal, and with the sole object of dispensing speedy justice between the parties. No proceedings in garnishment or attachment may be brought or maintained in the said conciliation court and no execution shall issue from said court.

(c) The conciliation court shall be subject to the direction of the judge thereof, but the judges, assistant judge and conciliation judge of the said municipal court may prescribe rules as to procedure, methods of producing evidence, general conduct of the case and the trial thereof, under the provisions of the section, and for carrying out all of the provisions of this act.

Sec. 17. Default judgments.—The defendant in any action, unless the court shall otherwise order, shall be defaulted unless he shall not later than the second (2nd) day before the day set for hearing personally, or by his authorized agent, state to the clerk of the court, orally, or in writing, his full and specific defense to the claim, and unless he shall also appear in person at the hearing. In case the defendant, duly notified or summoned as provided in section fourteen (14) of this act, shall fail to state his defense to the said clerk, orally, or in writing, and shall fail to appear at the time set for the hearing, the conciliation judge may, except in the case of an unliquidated claim for damages, without formal proof on the part of the plaintiff, order that judgment shall be entered by default, if the said judge is satisfied upon examination of the receipt for the registered mail notice, or the return of service, if service of the notice has been made in the manner provided by law for the service of a summons in the district court, that the defendant has actually been notified of such hearing by registered mail, or that the actual service of such notice upon him has been made. If the judge is not so satisfied he shall forthwith fix a later date for such hearing, notify the plaintiff of the same and shall direct that the clerk issue a notice of such postponed hearing and that the same be served upon the defendant by one of the methods heretofore recited in section fourteen (14) of this act. In the case of an unliquidated claim for damages the amount of damages must be proved by the plaintiff at the hearing whether the defendant defends or not. When judgment by default is entered against a defendant, due notice of the same shall be given him by mail or written notice by the clerk. If the defendant appears and the plaintiff does not appear at any time set for hearing, the judge may dismiss the claim for want of prosecution, or enter a finding upon the merits for the defendant, or the action may be continued at the discretion of the court. The court may at any time, upon motion, and after such notice, by mail or otherwise, as it may order, for cause shown vacate any judgment entered under the provisions of this act, for want of actual notice to a party, for error, or for any other cause shown that the court may deem sufficient, and nothing in this act shall be construed to limit the power of the court at its discretion to relieve against mistake, inadvertence, surprise or excusable neglect as now provided by law.

If judgment by default be entered, said judgment shall have all force of a judgment of a court of record, and the clerk of the conciliation court, on application therefor by the judgment creditor, shall issue a transcript of judgment from the said conciliation court to the municipal court proper, where said judgment shall be docketed by the clerk of the municipal court in the

same manner and shall be enforced as the judgment of the said municipal court. Provided, however, that no judgment by default shall by its terms provide for the satisfaction of the same by the payment of money into court, either in a lump sum, or by installments.

Sec. 18. Costs and disbursements.—Whenever a transcript of any judgment of the said conciliation court is filed in the municipal court proper, as hereinbefore provided, costs in favor of the judgment creditor shall be, without notice to the judgment debtor, taxed and allowed by the clerk of said municipal court and inserted in said judgment by said clerk, as follows:

1. When the amount of the judgment of the said conciliation court, exclusive of disbursements, does not exceed twenty-five (\$25.00) dollars, the sum of two (\$2.00) dollars and fifty (50c) cents.

2. When the amount of the judgment of the said conciliation court, exclusive of disbursements, exceeds twenty-five (\$25.00) dollars, the sum of five (\$5.00) dollars.

Sec. 19. (a) Appeals—procedure.—Any party aggrieved by the judgment rendered by said conciliation judge may have the case removed to the said municipal court for trial by jury, or by the court without a jury, but no case shall be so removed unless within ten (10) days after such judgment is rendered, and after the clerk shall have mailed notice of the entry of judgment to each of the parties thereto, which notice shall be mailed immediately and shall specify the day on which the time for removal of said cause shall expire; the party so removing same shall do the following things, to-wit:

First. Serve upon the opposite party a written demand for a trial of the cause in the municipal court, said demand to be served in the manner now provided by law for the service of a summons in the said municipal court and file with the said clerk of the conciliation court such original demand with proof of service thereof. Such original demand or proof of service shall show the office address of the attorney for each party, that has such attorney, and the addresses of all parties to the action.

Second. Pay to the clerk of the said conciliation court the sum of one (\$1.00) dollar.

(b) Within ten (10) days after compliance with the foregoing provisions of this section the clerk of the said conciliation court shall deposit the said one (\$1.00) dollar with the clerk of the municipal court for the use and benefit of the city of Duluth and shall file with the said clerk of the municipal court all of the files in such action together with a copy of such judgment and the cause shall be tried in the said municipal court as though originally commenced therein, and the

claim of the plaintiff and the answer of the defendant appearing in the files shall stand as the complaint and answer respectively in such action.

(c) When said papers are so filed in the said municipal court, said judgment of the conciliation court and all proceedings thereunder shall be stayed pending said appeal. Said cause shall then be tried in the said municipal court, and, without the service or filing of any notice of trial or note of issue whatever, shall be by the clerk placed on the calendar of civil causes for the term next ensuing, provided, however, that said appeal shall be effected at least four (4) days before the opening day of said term. All causes so appealed shall be disposed of in the same manner as other causes on the civil calendar of the said municipal court, provided that when any cause so removed from the conciliation court is called for trial and the party so appealing does not appear the stay shall be vacated and the appeal dismissed.

(d) If either of the parties shall demand a jury, said demand shall be made in the manner and at the time by law provided for demanding a jury in the said municipal court. If a jury is not so demanded the same shall be deemed to have been waived by both parties.

(e) The prevailing party upon such appeal shall be awarded an attorney's fee by the said municipal court in the sum of ten (\$10.00) dollars if a trial be had in the said municipal court upon the merits and in the sum of five (\$5.00) dollars upon a dismissal of said appeal after the same shall have appeared upon the calendar for trial, the said attorney's fee to be in addition to disbursements now allowed to be taxed and inserted in the judgment under the provisions of this act. If the judgment of the conciliation court be reversed or modified, the party in whose favor such reversal or modification is made, shall, for the purposes of this section, be deemed to be the prevailing party. If the judgment of the conciliation court be affirmed without modification, the respondent upon such appeal, whether plaintiff or defendant, shall, for the purpose of this section, be deemed to be the prevailing party. There shall be no appeal from the said municipal court but in such case the judgment of the said municipal court shall be final.

Sec. 20. Municipal judges to act in certain cases.—In case absence, sickness or other disability of said conciliation judge shall prevent him from performing the duties of his office, as hereinbefore provided, the senior judge of the said municipal court shall himself act or designate one of the other judges of said court to perform the duties of such conciliation judge during his absence or disability.

Sec. 21. Not to prohibit proceedings in other courts.—Except as otherwise specifically provided in sections six (6) and seven (7) herein, nothing in this act shall prevent any person from commencing or prosecuting any action in any court as now provided by law.

Sec. 22. Provisions separable.—The sections and provisions of this act are separable. If any section or provision of this act shall be held unconstitutional by any court all other sections and provisions shall nevertheless be and remain in full force and effect. It shall be the duty of the city attorney of the city of Duluth, in the event that the constitutionality of this act, or any section or provision thereof, shall be attacked in any proceeding before any court, to appear and defend against the same.

Sec. 23. Inconsistent acts repealed.—All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

Sec. 24. Effective June 1, 1927.—This act shall take effect and be in force from and after June 1, 1927.

Approved February 11, 1927.

CHAPTER 18—S. F. No. 470

An act to legalize all publications made by a legal newspaper that has entered into a contract for purchase or consolidation with another legal newspaper in the same county in this State and the contract of consolidation has been subsequently rescinded but in the meantime the consolidated paper has been published and continued as required by statute and said newspapers again separate, and to legalize said newspapers.

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

Certain publications legalized.—In all cases where two newspapers published in any county in this state which have in all respects for several years prior to the 1st day of July, 1926, conformed to the requirements defining a legal newspaper, and within eight months prior to the passage of this act entered into a contract for the consolidation of such newspapers to be published under a different name but in the same town and locality where formerly published and on the same day of the week, and said contract so far progressed that said newspapers were in fact published under the new name in all respects in a legal manner on the same day of the week and in the same city and county and the legal notices and other publications being published in either or both of said newspapers are continued in the new publication