

struction of such station or stations thereon, and imposing certain duties upon the sheriff.

Approved April 22, 1955.

CHAPTER 732—H. F. No. 1793
[Not Coded]

An act amending Laws of Minnesota 1921, Chapter 525, Section 7, as amended by Laws 1929, Chapter 346, Section 4, pertaining to the conciliation court of the city of Saint Paul.

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

Section 1. Laws of Minnesota 1921, Chapter 525, Section 7, as amended by Laws 1929, Chapter 346, Section 4, is hereby amended to read:

Sec. 7. **Actions removable to municipal court.** Removal of cause to municipal court for trial and procedure.

(a) Any person aggrieved by the judgment rendered by said conciliation judge, under section five of this act, and who is entitled to a jury trial under the constitution, may have the case removed to said municipal court for trial by jury or by the court without a jury, but no case shall be so removed, unless within *ten* days after such judgment is rendered, and after the clerk shall have mailed notice of the entry of said 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 will expire) the party so removing same shall do the following, to wit:

(1) File with said judge a bond executed by the party demanding the removal, his agent or attorney, to the adverse party in a sum sufficient to secure the amount of such judgment, and costs in such municipal court with sufficient surety to be approved by said conciliation judge, conditioned that the party so removing same shall prosecute said case with effect in said municipal court and abide the order of the court therein and pay any judgment that may be rendered against him therein.

(2) File with said conciliation judge an affidavit of the remover, his agent or attorney, stating that said removal is made in good faith and not for the purpose of delay.

(3) Serve on the opposite party a written demand for trial by court or jury of such removal in the manner now provided by law for the service of summons in said municipal

court and file with said judge such original demand with proof of service thereof. Such original demand or proof of service shall show the office address of the attorney of each party, that has such attorney, and the residence address of the party so removing, if he has no attorney, and the residence address of each of the opposite parties who is served with such notice.

(4) Pay to said conciliation judge the sum of one dollar and fifty cents (\$1.50), when said demand for removal is for trial by court; three dollars and fifty cents (\$3.50) when a jury of six is demanded, or five dollars and fifty cents (\$5.50) when a jury of 12 is demanded for fees and costs in said municipal court. If the moving party fails to demand a jury and the adverse party or parties or any of them desire a trial by jury, they shall within five days from the service of the demand for the removal upon them, file a written request therefor with the judge of conciliation court and pay to the judge for a jury fee the sum of two dollars (\$2.00) if a jury of six is desired, or four dollars (\$4.00) if a jury of 12 is desired. If a jury is not demanded as above provided the jury shall be deemed to have been waived by both parties.

(b) Within ten days after all of said things have been done said conciliation judge shall deposit said \$1.50 if a court case or said \$3.50 if a case for a jury of six, or said \$5.50 if a case for a jury of 12, with the clerk of said municipal court and file with said clerk all of said papers together with a copy of said judgment and a certificate setting out in general terms the claims of the parties thereto before him and the issues tried, and the case shall be tried in said municipal court upon said issues so certified or upon such others as may be stipulated by the parties or ordered by the municipal court or such issues as either party shall demand in writing at the opening of the trial, and a copy of which he has served on the opposite party at least five days before the trials with a notice that such demand will be made.

(c) When said papers are so filed in said municipal court said judgment of the conciliation court and all proceedings thereunder shall be stayed pending said appeal and said case shall be pending in the municipal court and shall be by the clerk set down for trial on the first court or jury trial day at the foot of the calendar of said day, occurring not less than ten days after the papers are so filed in said municipal court, and shall stand for trial without service of any notice of trial or note of issue whatever, except that at least nine days prior to said trial day said clerk shall mail to each party and each attorney in said case whose address appears in said demand for removal or whose address is known, notice that

said case is so set down for trial; provided, that if at any time before said jury trial day the parties in any case shall file a written stipulation waiving trial by jury, or if jury trial be waived by oral agreement in open court on the day of trial said clerk shall thereupon set said case for trial by the court on the first court trial day occurring not less than ten days thereafter, and the said case shall then stand for trial without service of any notice of trial or note of issue, save that the clerk shall mail a notice to the parties, and in the manner, above set forth.

(d) When said case is called for trial and the party so appealing appears for trial, the court shall then enter an order vacating the judgment of the conciliation court and said case shall proceed to trial; in case the party so appealing does not appear the stay shall be vacated and the appeal dismissed. If the judgment creditor remove said case and the final judgment rendered is not increased in his favor, at least ten dollars (\$10.00) over the former judgment, he shall recover no costs in said municipal court, and there shall be entered against him in the judgment, an attorney's fee in favor of the adverse party ten dollars (\$10.00) either by reducing the judgment in his favor in that amount, or of the amount found in his favor be less than ten dollars (\$10.00) by an affirmative judgment against him for the difference. If the judgment debtor remove said case and final judgment is rendered against him, he shall pay the adverse party in addition to the amount and costs, an attorney's fee to be entered and included in the judgment as follows, viz: five dollars in case the judgment so removed was five dollars or less, and said final judgment aside from costs is not reduced from the judgment at least three dollars; ten dollars in case the judgment so removed was ten dollars or less and said final judgment aside from costs is not reduced at least five dollars; fifteen dollars in case the judgment so removed was more than ten dollars, and said final judgment aside from costs is not reduced at least ten dollars. There shall be no appeal from said municipal court on any action brought thereon removal from said conciliation court but in such case the judgment of said municipal court shall be final.

Approved April 22, 1955.

CHAPTER 733—H. F. No. 1794

An act relating to primary municipal elections in cities of the first class; amending Minnesota Statutes 1953, Section 202.011.