

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.

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

Section 1. Minnesota Statutes 1953, Section 202.011, is amended to read :

202.011 Municipal. Subdivision 1. **Time held.** As hereinafter provided, a primary municipal election for the purpose of nominating municipal elective officers may be held in any city of the first class on the second or third Tuesday in March of any year in which a general municipal election is to be held for the purpose of electing municipal officers.

Subd. 2. **Date.** Not less than 60 days after April 25, 1955, the governing body of any city of the first class may, by a majority vote of all the members of such body, adopt a resolution fixing and establishing the second or third Tuesday in March for the holding of such primary municipal election in any year in which a general municipal election is to be held in such city. If and when the governing body of any such city adopts a resolution fixing and establishing the time of the holding of a primary municipal election, as provided for in this section, the city clerk or other officer of such city charged with the duty of keeping the minutes and records of the governing body of such city, shall forthwith file a duly certified copy of such resolution with the secretary of state, and another duly certified copy of such resolution with the register of deeds of the county in which such city is located; and thereupon, the time fixed and established by such resolution for the holding of such primary municipal election shall become fixed, and no power shall thereafter exist in the governing body of any such city to change the time of the holding of such primary municipal election unless the authority to make such change is thereafter conferred upon such governing body by an act of the legislature, or by an amendment to the charter of such city duly ratified and accepted by the qualified electors of such city, in accordance with the constitution of the state of Minnesota, Article 4, Section 36, and all applicable acts thereunto enabling.

Approved April 22, 1955.

CHAPTER 734—H. F. No. 1796

[Not Coded]

An act relating to the salary and clerk hire of the clerk of the district court in certain counties; amending Laws 1949, Chapter 620, Section 1, as amended.