

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

Section 1. Minnesota Statutes 1953, Section 69.29, as amended by Laws 1957, Chapter 26, is amended to read :

69.29 **Unfit persons rejected.** Each firemen's relief association may exclude all applicants for membership who are not physically and mentally sound so as to prevent unwarranted risks for the association. Additional requirements for entrance fees and annual dues for membership in the association may from time to time be prescribed in the bylaws of the association. Each firemen's relief association may exclude from active membership all members who reach 65 years of age regardless of the provisions of Minnesota Statutes, Sections 197.45 to 197.48. *When such members who have reached 65 years of age have been so excluded from active membership in the relief association, they shall be retired and receive a service pension as provided in this chapter.*

Approved March 20, 1957.

CHAPTER 181—H. F. No. 1310

[Not Coded]

An act relating to transfer of civil actions from district court to municipal court in any county having a population exceeding 550,000.

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

Section 1. **Hennepin county.** This act applies to all counties now or hereafter having a population exceeding 550,000.

Sec. 2. **Definitions.** Subdivision 1. For the purposes of this act the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Transferable action" means any civil action heretofore or hereafter commenced in the district court which is within the subject matter jurisdiction of the consenting municipal court on the date of the order for transfer. It includes such a civil action even though the defendant never has resided in the county and the summons was served outside of the county.

Subd. 3. "Consenting municipal court" means any municipal court located within the county from which appeals may be taken directly to the Supreme Court of this state and

which has on file with the clerk of the district court at the time of the transfer order a then effective consent to accept jurisdiction of transferable actions signed by a majority of the judges of that court.

Sec. 3. Transfer of civil actions to municipal court.
Subdivision 1. At any time after the filing of a trial note of issue and prior to trial of a transferable action, any judge of the district court of his own motion or on ex parte motion of any party, may issue an order to show cause why the action should not be transferred to a designated consenting municipal court. At least 15 days prior to the return date, the clerk of district court shall mail copies of that order to counsel for all parties to the action and this mailing is sufficient service of the order.

Subd. 2. Prior to the return date, any party who objects to the transfer shall serve on all other parties and file his objection stating his reasons for objecting. If an objection is timely filed by any party, transfer shall not be ordered. If no objection is timely filed, all parties are deemed to have consented to the transfer and any judge of the district court may order the action transferred to the designated transferee court for all further proceedings.

Subd. 3. On written consent of counsel for all parties, a transfer order may be entered without issuance of an order to show cause.

Sec. 4. Delivery of papers upon transfer of civil actions. Upon filing of a transfer order, the clerk of district court shall deliver to the clerk of the transferee court all papers filed in the action including the transfer order and a copy of all docket entries, and shall pay to said clerk the filing fee or appearance fee for any party who theretofore has paid that fee in district court, the fee to be in the amount normally payable in the transferee court, exclusive of any law library fees. Any excess over the law library fees and the fees so paid to the transferee court shall be retained by the clerk of district court as payment for his services.

Sec. 5. Note of issue in district court, effect. The district court trial note of issue shall be effective to place the action on the general term calendar of the transferee court for trial. A party must demand a jury trial and pay to the clerk of the transferee court the requisite jury fee within the time and in the manner specified in any trial notice issued by the transferee court; otherwise he waives jury trial. If a proper demand is not so made or if the proper jury fee is not so paid, this waiver is effective even though the party or another party

previously has demanded jury trial in the district court in a trial note of issue or otherwise.

Approved March 20, 1957.

CHAPTER 182—S. F. No. 205

An act relating to the foreclosure of mortgages on real property, amending Minnesota Statutes 1953, Section 580.30.

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

Section 1. Minnesota Statutes 1953, Section 580.30 is amended to read:

580.30 Mortgages, when reinstated. In any proceedings for the foreclosure of a real estate mortgage, whether by action or by advertisement, if at any time before the sale of the premises under such foreclosure the mortgagor, the owner, or any holder of any subsequent encumbrance or lien, or any one for them, shall pay or cause to be paid to the holder of the mortgage so being foreclosed, or to the attorney foreclosing the same, or to the sheriff of the county, the amount actually due thereon and constituting the default actually existing in the conditions of the mortgage at the time of the commencement of the foreclosure proceedings, including insurance, delinquent taxes, if any, upon the premises, interest to date of payment, cost of publication and services of process or notices, attorney's fees not exceeding \$100, together with other lawful disbursements necessarily incurred in connection with the proceedings by the party foreclosing, then, and in that event, the mortgage shall be fully reinstated and further proceedings in such foreclosure shall be thereupon abandoned.

Approved March 20, 1957.

CHAPTER 183—S. F. No. 544

An act relating to exemption from attendance in court or before any commission or officer or referee thereof of members, officers or attorneys employed in the Legislature; amending Minnesota Statutes 1953, Section 3.16.

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

Section 1. Minnesota Statutes 1953, Section 3.16, is amended to read: