

*to be inebriates or insane, to United States Veterans Bureau neuro-psychiatric hospitals, in certain cases.*

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

**Section 1. Commitment of inebriate or insane persons.**—That Section 9 of Chapter 344, General Laws, 1917, be and the same hereby is amended so as to read as follows:

“Sec. 9. If the person examined is found to be an inebriate or insane the judge shall issue duplicate warrants committing him to the custody of the superintendent of the proper state hospital or to the superintendent or keeper of any private licensed institution for the care of inebriates or insane persons; *provided that, if the person so examined and found to be an inebriate or insane is also found to be a veteran of the Spanish-American War, the Philippine Insurrection, the Boxer Rebellion or the World War, the judge may issue duplicate warrants committing him to the custody of the superintendent or other proper officer or authority in charge or control of any United States Veterans Bureau Neuro-psychiatric hospital in this state in which such person will be received and his custody accepted.*”

Approved March 24, 1925.

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CHAPTER 90—S. F. No. 551.

(Not in G. S. 1923)

*An act to amend Section 7, Chapter 263, Session Laws 1917, as amended by Chapter 262, Session Laws 1923 and Chapter 285 Session Laws 1921, and Section 5 and 7 of Chapter 263 of the Session Laws 1917 relating to a Court of Conciliation and small debtor's court for the City of Minneapolis.*

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

**Section 1. Removal of cause to municipal court for trial by court or jury. Procedure.**—That Section 7 of Chapter 262, Session Laws of 1923, be and the same is hereby amended so as to read as follows:

**Sec. 7. Removal of cause to municipal court for trial by court or by jury.**—(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 jury* but no case shall be so removed unless within five days after such judgment is rendered, and after the clerk shall have mailed notice of the entry of such 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 things, to-wit:

(1) **File an affidavit.**—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.

(2) **Serve a written demand.**—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 are served with such notice.

(3) **Pay fee.**—Pay to said Conciliation Judge the sum of *two (\$2.00) dollars when said demand for removal is for trial by Court and five (\$5.00) dollars when a jury is demanded, for fees* 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 removal upon them file a written request therefor with the Judge of Conciliation Court and pay to the Judge the sum of Three (\$3.00) dollars for a jury fee. If a jury is not demanded as above provided the jury shall be deemed to have been waived by both parties.*

**File papers with clerk.**—(b) Within *ten (10) days* after all said things have been done said Conciliation Judge shall deposit said *two (\$2.00) dollars if a Court case and five (\$5.00) if a jury case* with the Clerk of the 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 trial with a notice that such demand will be made.

**Judgment stayed.**—(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 at that 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, but such case may with the consent of the parties be tried without a jury. *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.*

**Costs allowed on appeal.**—(d) If the judgment creditor remove said case and the final judgment rendered is not increased in his favor, at least ten (\$10.00) dollars 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 of ten (\$10.00) dollars either by reducing the judgment in his favor in that amount, or if the amount found in his favor be less than ten (\$10.00) dollars 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: *to the judgment debtor, when judgment is rendered in his favor upon the merits five (\$5.00) dollars.* There shall be no appeal from said Municipal Court or any action brought there on removal from said Conciliation Court, but in such case the judgment of said Municipal Court shall be final.

Approved March 24, 1925.

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#### CHAPTER 91—S. F. No. 223

*An act fixing the salary and compensation of county officers and their expenses and clerk hire, in all counties in this State now or hereafter having not less than forty-one nor more than forty-three congressional townships, whole or fractional, and now or hereafter having a population of not less than twenty-five thousand inhabitants nor more than thirty thousand inhabitants, according to the last Federal census, and repealing all acts and parts of acts inconsistent herewith.*

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