

CHAPTER 491

CONCILIATION COURTS

491.01 CONCILIATION AND SMALL DEBTORS COURTS.

History of courts of conciliation. 1 MLR 107, 546.

Minneapolis court of conciliation in operation. 2 MLR 491

Constitutionality of conciliation courts; right of trial by jury. 6 MLR 161.

Social aspects of Minneapolis courts. 6 MLR 259.

491.03 PROCEDURE.

Overruling 212 M 610, 3 NW(2d) 673, it is now held that the proper method of reviewing the judgment of the municipal court of Duluth rendered on removal from the conciliation court is certiorari. Where a claim of defendant stated in the answer to a complaint in an action begun in the conciliation court of Duluth, and on appeal tried de novo in the municipal court, it need not be formulated to comply with the ordinary rules of pleading a counter-claim unless the plaintiff so requests by proper motion. Warner v Anderson, 212 M 376, 7 NW(2d) 7.

491.06 APPEAL.

Certiorari is the proper remedy to review the judgment of municipal court rendered on removal from conciliation court. Ridgeway v Vaughan, 187 M 552, 246 NW 115; Warner v Anderson, 213 M 376, 7 NW(2d) 7.

The right of removal in the losing litigant from conciliation to municipal court where a trial by jury may be had satisfied the constitutional guaranty; and that the appellant must deposit five dollars to cover costs on appeal is not an unreasonable restriction. A requirement to give a bond to abide the decision of the court and pay any judgment rendered is an unconstitutional requirement. Flour City Fuel v Young, 150 M 452, 185 NW 934.

On appeal from the conciliation court of the city of Duluth to the municipal court, although the statute governing such appeals requires that the address of the parties shall be shown in the original demand or proof of service, the appeal is proper if the addresses are shown in the proof of service only. Duff v Usiak, 215 M 33, 9 NW(2d) 319.