

"10311. Every person who shall wilfully burn or set on fire—

1. A vessel, car, or other vehicle, or building, structure, or other erection, which shall be at the time insured against loss or damage by fire, with intent to prejudice the insurer thereof;

2. A vessel, car or other vehicle, or a building, structure, or other erection, under circumstances which would not amount to arson in the first or second degree; or

3. Any machinery, vehicle, pile or parcel of boards, timber, or other lumber, any stack of hay, grain, or other vegetable product, severed from the soil, whether stacked or not, or any standing grain, grass, *timber*, or other standing product of the soil—

Shall be guilty of arson in the third degree, and punished by imprisonment in the state prison for not more than seven years."

Approved April 11, 1935.

CHAPTER 145—H. F. No. 539.

An act to amend Laws 1917, Chapter 263, Section 3, as amended by Laws 1929, Chapter 242, Section 1; and to amend Laws 1917, Chapter 263, Section 4, as amended by Laws 1921, Chapter 285, Section 1, and as amended by Laws 1923, Chapter 262, Section 1; 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. Powers of Conciliation Court.—Laws 1917, Chapter 263, Section 3, as amended by Laws 1929, Chapter 242, Section 1, is hereby amended so as to read as follows:

"Section 3. Said Conciliation Judge shall have all the powers of a Court of Conciliation, and shall exercise all the special powers conferred by this act. Said Conciliation Court shall be open every day except Sundays and Holidays at such hours as may be fixed by rule for the hearing and determining of controversies submitted to such Court in accordance with the provisions of this act. When said judge is not acting as such Conciliation Court, under this act, he shall act as a regular judge of said Municipal Court. No costs shall be taxed to

either party in said court *except that the plaintiff, upon commencing any action in said Conciliation Court, shall pay to the clerk thereof the sum of 50 cents as a filing fee, and costs in said action, which said costs shall be borne by the losing party; provided, that in any case where the plaintiff therein shall subscribe to and file with the said Clerk an affidavit to the effect that he has no money or property, and is unable to pay said filing fee, no such fee shall be required to commence said action. The filing of such affidavit shall be proper authority for said clerk to receive and file such action without the prepayment of any fee therefor while the same is pending in the said Conciliation Court; provided, however, that if any such plaintiff shall prevail in his claim against the defendant, the amount of the filing fee shall be taxed and allowed and inserted in the judgment against the defendant, and shall be paid to the clerk of the said Conciliation Court by any such plaintiff out of any money recovered by him under said judgment, provided, however, that the judge may include in the settlement and judgment such actual disbursements of the prevailing party as are now allowed by law in civil actions and as may seem to him just and proper, or he may refuse to include any disbursements, except the said filing fee, if same shall appear just and proper under the circumstances. The clerk and court officers of said Municipal Court shall be respectively ex-officio clerk and court officers of said Conciliation Court, but neither said clerk nor any of said officers shall charge any fee for filing, or serving any paper in a case brought under the terms of this act, except the filing fee herein provided, while the same is pending in said Conciliation Court.*

All fees so charged by the clerk shall be collected by the clerk as costs, and by him accounted for and paid to the City Treasurer of said city on the first Monday of the month following. Causes in said court shall be conducted by the parties without attorneys, but a removal to the Municipal Court as provided in this act, may be taken through an attorney-at-law."

Sec. 2. Appearance in Conciliation Court.—Laws 1917, Chapter 263, Section 4, as amended by Laws 1921, Chapter 285, Section 1, and as amended by Laws 1923, Chapter 262, Section 1, is hereby amended so as to read as follows:

"Section 4. Any person having a claim within the jurisdiction of said municipal court may appear before said conciliation judge and here state his cause of action without pleadings and without formality. If such cause of action is within the jurisdiction of said municipal court, the judge,

upon payment of the filing fee therefor, shall enter the same upon his docket and shall immediately summon the defendant, orally or by telephone, or by registered or unregistered United States mail, or by personal service of written summons, as provided by law for service of summons in the district court, stating the amount and nature of the claim, and by such summons shall require the defendant to appear before said judge in person, and not by attorney, or if a corporation, by officer or agent, and not by attorney, at a time certain at as early a date as the circumstances of all the parties will permit, and specifying that if he does not so appear judgment will be taken against him by default for the same or relief demanded.

Action in said conciliation court may also be commenced by the plaintiff appearing before the Clerk thereof, and subscribing to and verifying a claim, which claim shall contain the name and place of residence of the plaintiff and the name and place of residence of the defendant and a brief statement of the amount and nature of said claim and the time when the same accrued. The clerk when requested shall draw up said claim and when so subscribed and verified shall *upon the payment of the filing fee therefor*, immediately file same, and set down the same for hearing before said judge at a time certain as soon as possible and not more than *ten* days from said date of said filing and shall immediately notify the defendant in one of the methods above recited of the name and residence of plaintiff and the nature and amount of his claim and requiring defendant to appear personally before said judge at said time, and in case he so fails to appear judgment will be taken against him for the amount of relief so claimed. Said judge may by order require all cases brought to said court to be so begun before said clerk. At the time so set said judge shall hear the statements of the respective parties, and shall use his best endeavor to have said parties settle said controversy then and there by agreement.

The judge, if he so desire, may also hear any witnesses produced by either party. If the parties agree on a settlement of the controversy, the judge shall reduce such settlement to writing in his docket. Said written agreement shall provide that all the parties shall abide the judgment to be entered thereon without removal or appeal or further litigation, and may be signed by all the parties thereto, but whether or not so signed said settlement when so agreed upon and so entered and countersigned by the judge shall have all the force of a judgment of a court of record, and if so ordered by said judge shall be docketed by the clerk of said municipal court in the same manner and enforced as the judgment of said municipal

court, but said judge, in case of a money judgment may by its terms provide for the satisfaction of the same by the payment of the same into said municipal court, either in a lump sum or in installments in such amounts and at such times, as to said judge, under all circumstances of the case, may seem just and reasonable, or said judge may retain jurisdiction for the collection and satisfaction of the judgment without execution.

In case the controversy is as to the ownership or possession, or as to both the ownership and possession, of personal property where the value of same does not exceed the sum of \$75.00 and the action is commenced by the plaintiff filing (as herein provided) with the clerk, a sworn statement as to his ownership, or right of possession, or both, of such property, the court in its discretion may, by order, direct the officer of said court to take possession of such property, immediately, and to hold the same subject to the further order of the court, without the giving of any bond whatever."

Approved April 11, 1935.

CHAPTER 146—H. F. No. 698.

An act to amend Mason's Minnesota Statutes of 1927, Section 1442-30, relating to the payment of retirement allowances to employees in cities of the State of Minnesota having over 50,000 inhabitants.

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

Section 1. Retirement allowances in certain cities.—Mason's Minnesota Statutes of 1927, Section 1442-30, is hereby amended so as to read as follows:

"1442-30. No disability or service allowance shall be granted to any employee who may become eligible for retirement as provided in this act until the said employee, or one authorized to act in his behalf, shall have filed with the retirement board, in such form as may be prescribed by said board, an application for such allowance; no installment or installments of any such allowance shall be paid for any period prior to the effective date of retirement.

The pension board shall be allowed a period of 60 days from and after the filing of the application within which to approve the same and compute the amount of service or disa-