

county commissioners shall have power and authority to remove any dam rendered useless by the construction of said new dam.

**Sec. 9. Modification; awards and assessments.** The board of county commissioners shall have the right at any time during the pendency of any proceedings for an improvement conducted pursuant hereto, or at any time within 90 days after the final order of the court on the last of all appeals from such proceedings, or if there be no appeals therefrom within 90 days after the period of limitations for such appeals has run, to set aside any or all awards or assessments and abandon all such proceedings as to any or all lands affected when it shall deem it for the best interest of the county to do so.

Approved April 8, 1949.

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CHAPTER 329—H. F. No. 713

[Not Coded]

*An act validating deeds to real property within this state heretofore given by a trustee appointed in another state.*

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

**Section 1. Validation of deeds executed by a trustee appointed by a court of another state.** All deeds to real property within this state, heretofore given by a trustee appointed by a court in another state and given pursuant to a power of sale provided in the trust instrument or will, or where the sale was confirmed by a court of such state, are hereby declared to be in all respects legal and valid conveyances. This act shall not apply to any action now pending.

Approved April 8, 1949.

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CHAPTER 330—H. F. No. 819

*An act relating to the procedure and jurisdiction of conciliation courts; amending Minnesota Statutes 1945, Sections 491.03 and 491.04.*

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

Section 1. Minnesota Statutes 1945, Section 491.03, is amended to read :

491.03. **Procedure.** *Subdivision 1.* Any person having a claim within the jurisdiction of the municipal court may appear before the conciliation judge and there state his cause of action without pleadings and without formality. If such cause of action is within the jurisdiction of the municipal court, the judge shall enter the same upon his docket and 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 the 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.

*Subd. 2.* Action in the 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 plaintiff and the name and place of residence of defendant, and a brief statement of the amount and nature of the claim and the time when the same accrued. The clerk, when requested, shall draw up the claim and when so subscribed and verified immediately file the same, and set down the same for hearing before the judge at a time certain as soon as possible and not more than ten days from the date of the filing, and 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 the judge at that time, and in case he so fails to appear judgment will be taken against him for the amount of relief so claimed. The judge may, by order, require all cases brought to the court to be so begun before the clerk. At the time so set the judge shall hear the statements of the respective parties, and use his best endeavor to have the parties settle their controversy then and there by agreement.

*Subd. 3.* The judge 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. The written agreement shall provide that all the parties 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 the 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 the judge shall be docketed by the clerk of the municipal court in the same manner and enforced as the judgment of the municipal court, but the 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 the municipal court, either in a lump sum or in instalments in such amounts, and at such times, as to the judge, under all circumstances of the case, may seem just and reasonable, or the judge may retain jurisdiction for the collection and satisfaction of the judgment, without execution.

*Subd. 4.* 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 \$100 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 the court to take possession of such property immediately, and to hold same subject to the further order of the court, without the giving of any bond.

Sec. 2. Minnesota Statutes 1945, Section 491.04, is amended to read:

491.04. **Jurisdiction; judgment.** In case the parties brought before the conciliation court, in the manner provided in this chapter, do not agree upon the judgment to be entered, then, in case the amount in controversy, whether the claim of the plaintiff or a counter-claim on the part of the defendant, exceeds the sum of \$100, and the judge is satisfied the counter-claim is in good faith, the case shall be forthwith dismissed and dropped from the docket, without prejudice, but if the amount involved in controversy be \$100 or less, or if the judge is of the opinion that the counter-claim, if any, therein in excess of \$100 is not in good faith, he shall retain jurisdiction and proceed summarily to hear and determine the cause and to enter judgment on his docket. The conclusion of the judge as to the good faith of any counterclaim shall be final and conclu-

sive on all parties for the purposes of the jurisdiction of the court. In case such judgment is not removed, by demand of either party, to the municipal court within five days after the entry thereof, as provided in this chapter, and the judgment remains unsatisfied, the judgment, on order of the judge shall be docketed in the municipal court by the clerk and shall thereupon be, and be enforced as, the judgment of the municipal court, or the judge may retain jurisdiction for the collection and satisfaction of the judgment by payment to him, but no execution shall issue from the conciliation court.

By its terms, the judgment may provide for its satisfaction by payment into court, either in a lump sum or in instalments and in such amounts and at such times as to the judge may under the circumstances of the case seem just and reasonable.

The conciliation court shall be subject to the direction of the judge thereof, but the judges of the municipal court may prescribe rules as to procedure, methods of producing evidence, and general conduct of the case, and the trial thereof, under the provisions of this section, and for carrying out all the provisions of this chapter.

Approved April 8, 1949.

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#### CHAPTER 331—H. F. No. 1029

*An act relating to the salary of chief of police in a city of the first class and repealing Minnesota Statutes 1945, Section 436.03.*

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

Section 1. **Repeal.** Minnesota Statutes 1945, Section 436.03, is hereby repealed.

Approved April 8, 1949.

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#### CHAPTER 332—H. F. No. 1054

*An act relating to capital losses for income tax purposes; amending Minnesota Statutes 1945, Section 290.16, Subdivision 9.*