

all laws and local ordinances relating to the health, morals, comfort and general welfare of women and children.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1919.

CHAPTER 111—S. F. No. 468.

An act to amend subsection one of section 6147, General Statutes, 1913, relating to the contents of the certificate required to be subscribed and acknowledged by persons desiring to form a corporation, with regard to the name of such corporation, the general nature of its business and the principal place of transacting the same.

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

Section 1. "State bank" to be used in case of incorporation of banks.—That subsection one of section 6147, General Statutes 1913, be and the same is hereby amended so as to read as follows:

1. The name, the general nature of its business, and the principal place of transacting the same. Such name shall distinguish it from all other corporations, domestic or foreign, authorized to do business in this state, and shall contain the word "company," "corporation," "bank," "association," or "incorporated." *In the case of a state bank the name shall contain the words "state bank."*

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1919.

CHAPTER 112—S. F. No. 694.

An act to amend Chapter 200 of the special laws of the State of Minnesota for the year 1876, and Chapter 92 of the special laws of the year 1881, and acts confirmatory and amendatory thereof, by adding a provision for a department of the municipal court of the city of Stillwater to be known as the court of conciliation.

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

Section 1. Conciliation court for Stillwater.—Chapter 200 for the special laws of the state of Minnesota for the year 1876, and chapter 92 of the special laws of 1881, and all acts confirmatory and amendatory thereof, shall be amended by adding the following sections thereto:

There shall be organized in the municipal court of the city of Stillwater, Washington county, Minnesota, a department to be known as the court of conciliation, by the judges and other officials of said municipal court, and be conducted by them in addition to their present duties as officers of said municipal court.

The judge of said municipal court, when sitting in said court of conciliation, shall be styled Conciliation Judge. The special municipal judge shall act as conciliation judge in all cases of absence or disability of the municipal judge.

Sec. 2. Powers of conciliation judge.—Said conciliation judge shall have all the powers of a court of conciliation and exercise all the special powers conferred by this act. Said conciliation court shall be open every day except Sundays and holidays as such hours as may be fixed by rule with at least two regular terms per month, for the hearing and determining of controversies submitted to such court in accordance with the provisions of this act. No costs shall be taxed to either party in said court, but 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 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, while the same is pending in said conciliation court, except that a fee of ten per cent shall be deducted by the clerk of said court from all sums collected in proceedings of said court to be turned into the treasury of the city of Stillwater to cover expense of blanks and record books. 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. 3. Who may appear before said court and whose actions may be commenced.—Where action does not exceed \$25.00.—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 shall enter the same upon his docket and shall immediately summon defendant, orally or by telephone or by registered 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 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 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 plaintiff and the name and place of residence of 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 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 three weeks 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 times 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 desires, may also hear any witness 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 before said judgment is so docketed the judgment creditor shall pay to the clerk of the municipal court a fee of one dollar, 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 the 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 twenty-five (\$25.00) dollars 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. In case of a collection of a claim or the delivery of personal property the party for whom collection is made shall pay to the clerk of court, for the benefit of the city of Stillwater, ten per cent of the account collected or of the value of the property delivered.

Sec. 4. Procedure for dismissal.—(a) In case the parties brought before the conciliation court, in the manner provided in this act, do not agree upon the judgment to be entered, then in case the amount in controversy, whether the claim of the plaintiff or a counterclaim on the part of the defendant exceeds the sum of twenty-five (\$25.00) dollars, and the judge is satisfied, said counterclaim is in good faith, said case shall be forthwith dismissed and dropped from the docket without prejudice; but if the amount involved in controversy be twenty-five (\$25.00) dollars or less, or if said judge is of the opinion that the counterclaim, if any, therein in excess of twenty-five (\$25.00) dollars is not in good faith, he shall retain jurisdiction and shall 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 conclusive on all parties for the purposes of jurisdiction of said court. In case such judgment is not removed by demand of either party to said municipal court within five days after the entry thereof, as provided in this act, and said judgment remains unsatisfied, said judgment, on order of said judge, shall, upon payment of the fee of one (\$1.00) dollar as hereinbefore provided, be docketed in the said municipal court by the clerk and shall thereupon be, and be enforced as the judgment of said municipal court, or said judge may retain jurisdiction for the collection and satisfaction of said judgment by payment to him, but no execution shall issue from said conciliation court.

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

(c) The conciliation court shall be subject to the direction of the judge thereof, but the judges of said 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 act.

Sec. 5. Failure on the part of defendant to appear.—In case the defendant duly summoned as provided in section 4 of this act, shall fail to appear at the time set for hearing, the conciliation judge may hear the plaintiff and enter a judgment by default, or

he may fix a later date for such hearing in accordance with what seems reasonable and just to said judge under the circumstances. Due notice shall be served on defendant by mail, or telephone, or written notice as provided in this act, for the purpose of this hearing of the time of said postponed hearing, or that judgment has been entered against him by default. If judgment by default is entered, the judgment debtor may appear before said judge within ten days after the date of such notice of judgment, and upon showing to said judge good cause therefor and paying to said judge for the benefit of plaintiff the sum of two (\$2.00) dollars shall have said judgment set aside. The judge shall then hear said cause at once, if plaintiff is also present, or set same for hearing as soon as possible after notice is given to both parties in the manner provided in this act. If the judgment debtor fails to appear within ten (10) days after notice of such default judgment or fails to appear at such second date set for hearing in either case judgment by default shall stand, or be entered as the case may be, and shall be as to its terms and method of enforcement as provided in section 5 of this act. If the plaintiff fails to appear at the time set for any hearing the action may be dismissed, or continued at the discretion of the judge. Nothing in this act shall be construed to limit the power of the court at its discretion to relieve against mistake, inadvertence, surprise or excusable neglect as now provided by law.

Sec. 6. Removal of cause to municipal court for trial by jury and procedure for same.—(a) Any person aggrieved by the judgment rendered by said conciliation judge, under section 5 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, 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 said 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 with said Judge a bond executed by the party demanding the removal, his agent or attorney, to the adverse party in a sum sufficient to secure the amount of such judgment, and costs in such municipal court with sufficient surety to be approved by said conciliation judge, conditioned that the party so removing same shall prosecute said case with effect in said municipal court and abide the order of the court therein and pay any judgment that may be rendered against him therein.

2. 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.

3. Serve on the opposite party a written demand 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 is served with such notice.

4. Pay to said conciliation judge the sum of five (\$5.00) dollars for costs and fees for the jury as provided in chapter 92 of the special laws of 1881, in said municipal court.

(b) Within three days after all of said things have been done said conciliation judge shall deposit said five (\$5.00) dollars with said jury fee with the clerk of said 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.

(c) When said papers are so filed in said municipal court said judgment shall thereby be vacated and said case shall be there pending and shall be by the clerk set down for trial by jury on a day to be designated by the municipal judge, not more than ten days from filing of said appeal, and shall stand for trial without service of any notice or trial or note of issue whatever, except that at 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.

(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

(\$5.00) dollars in case the judgment so removed was five (\$5.00) or less, and said final judgment aside from costs is not reduced from the judgment at least three (\$3.00) dollars; ten (\$10.00) in case the judgment so removed was ten (\$10.00) dollars or less, and said final judgment aside from costs is not reduced at least five (\$5.00) dollars; fifteen (\$15.00) dollars in case the judgment so removed was more than ten (\$10.00) dollars, and said final judgment aside from costs is not reduced at least ten (\$10.00) dollars. There shall be no appeal from said municipal court on any action brought there on removal from said conciliation court, but in such case the judgment of said municipal court shall be final.

Sec. 7. Not prevent action by any person in any court.—Nothing in this act shall prevent any person from commencing or prosecuting an action in any court as now provided by law.

Sec. 8. Acts in conflict repealed.—All acts, or parts of acts, in conflict with any of the provisions of this act are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after April 1, 1919.

Approved March 27, 1919.

CHAPTER 113—H. F. No. 119.

An act to amend Section 4750, General Statutes 1913, relating to classifications and qualifications of engineers.

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

Section 1. Classification and qualifications of engineers who must be citizens of the United States.—That section 4750 of General Statutes 1913, be amended so as to read as follows:

4750. Engineers shall be divided into four classes: (1) chief engineers; (2) first-class engineers; (3) second-class engineers; (4) special engineers.

To entitle them to licenses they shall be qualified as follows:

1. A chief engineer shall be at least twenty-one years of age, a citizen of the United States, or who has declared his intention to become a citizen, be of such habits and have had such experience as to justify the belief that he is competent to take charge of all classes of steam boilers and steam machinery, and before receiving a license he shall take and subscribe an oath that he has had at least five years' actual experience in operating such boilers and machinery.

2. A first-class engineer shall be at least twenty-one years of age, a citizen of the United States, or who has declared his intention to become a citizen, be of such habits and have had such experience as to justify the belief that he is competent to take charge of all classes of steam boilers and steam machinery of not more than three hundred horse power. Before receiving a license he