

Sec. 3. Commissioner of Agriculture to enforce acts.—The Commissioner of Agriculture is authorized, if upon investigation he is satisfied that the laws of the state, *relative to any laws now or hereafter to be placed within his jurisdiction*, have been violated, to cause to be instituted in his own name as Commissioner or in the name of the state, actions in the proper court, to secure punishment of the guilty party; and if the party complained against is a corporation, to secure the cancellation of their authority and the annulment of their corporate existence, if a domestic corporation; or, if a foreign corporation, the forfeiture of their license to do business in this state.

Sec. 4. Attorney General to advise Commissioner.—The attorney general is hereby required to assign a deputy to act as advisor for the Commissioner of Agriculture, and to institute and maintain the actions herein provided for, when sufficient evidence is available to warrant the institution of such proceedings.

Sec. 5. Commissioner to publish information.—*The Commissioner of Agriculture is also authorized to publish, from time to time, such marketing or other information as may be deemed necessary to the welfare of agriculture, and to that end he shall have authority to investigate marketing or other conditions relating to agriculture in this and in other states, and to make said investigations public in such manner as shall in his judgment be most effective.*

Sec. 6. Biennial report.—The Commissioner shall biennially, on or before the second Tuesday in December in each even numbered year, submit to the Governor and the legislature a report of his department with such recommendations and suggestions as the interests of agriculture and foods and marketing conditions require.

Sec. 7. Inconsistent acts repealed.—All acts and parts of act inconsistent with this act are hereby repealed.

Sec. 8.—This act shall take effect and be in force from and after May 31st, 1923.

Approved April 13, 1923.

CHAPTER 262—H. F. No. 219.

An act to amend Section 4 Chapter 263 Session Laws 1917, as amended by Chapter 285 Session Laws 1921 and Sections 5 and 7 of Chapter 263 of the Session Laws 1917, relating to a court of conciliation and small debtors court for the city of Minneapolis.

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

Section 1. Jurisdiction of conciliation court.—That Section 4, Chapter 263, Session Laws 1917, as amended by Chapter 285 Session Laws 1921, be and the same 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 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 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 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 *Seventy-Five Dollars* (\$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."

Sec. 2. Procedure for dismissal.—That Section 5 of Chapter 263, Session Laws 1917 be and the same is hereby amended so as to read as follows:

"Section 5. (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 counter-claim on the part of the defendant exceeds the sum of \$75.00 and the judge is satisfied said counter claim is in good faith, said case shall be forthwith dismissed and dropped from the docket without prejudice, but if the amount involved in controversy by \$75.00, or less, or if said judge is of the opinion that the counterclaim, if any, therein in excess of \$75.00, 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 the 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 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. 3. Removal of cause to municipal court for trial by jury
—Procedure.—That Section 7 of Chapter 263 Session Laws 1917 be and the same is hereby amended so as to read as follows:

"Section 7. (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, 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 jury fee in said municipal court.

(b) Within three (3) days after all of said things have been done said conciliation judge shall deposit said \$5.00 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.

(c) When said papers are so filed in said municipal court said judgment shall be thereby vacated and said case shall be there pending and shall be by the clerk set down for trial on the first 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 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, *but such case may with the consent of the parties be tried without a jury.*

(d) If the judgment creditor remove said case and the final judgment rendered is not increased in his favor, at least ten dollars (\$10.00) 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 dollars (\$10.00) either by reducing the judgment in his favor in that amount, or if the amount found in his favor be less than ten dollars (\$10.00) 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. 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. 4. The provision of this act shall not apply to or affect any action or proceeding now pending.

Approved April 16, 1923.