

legal poor settlement, as provided for in subdivision 2 hereof, shall return or be returned to the political subdivision from which he has been removed or departed for a period of at least 90 days after such removal or departure. Any person who shall voluntarily return and applies for support or relief within said ninety day period, and any official of any county, city or township who shall remove any poor person in violation of the order of any court of this state determining said poor person's settlement shall be guilty of a misdemeanor."

Approved March 17, 1939.

CHAPTER 69—H. F. No. 562

An act prohibiting the printing and circulating of documents simulating legal process and providing a penalty for violating the act.

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

Section 1. Printing and circulating certain documents prohibited.—Any person who, not being otherwise authorized by law to do so, drafts, prepares, prints, multigraphs, mimeographs, typewrites, writes, or otherwise transcribes or duplicates, for sale, gift, distribution or other disposal, or who circulates, gives away, distributes, publishes, or offers for sale any paper or document, or any blank form of paper or document which, when the blanks thereof have been filled in, simulates or is intended to simulate a summons, complaint, writ, final or other notice, or legal, judicial or court process of any kind, shall be guilty of a misdemeanor.

Sec. 2. Nothing herein contained shall prohibit the printing, publishing, giving away, sale, circulation or distribution of blank forms of legal documents for use by attorneys at law.

Approved March 18, 1939.

CHAPTER 70—H. F. No. 397

An act creating courts of conciliation and small debtors courts in the village of Hibbing and city of Chisholm in the county of St. Louis and State of Minnesota, and defining the jurisdiction thereof and the practice and procedure therein.

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

Section 1. Powers of Judges of Municipal Court in certain villages and cities.—The judges of the municipal courts of the village of Hibbing and city of Chisholm after the passage and enactment of this act, shall be and have the powers of judges of conciliation courts with the powers and duties hereinafter specified.

Sec. 2. To be judges and clerks of Conciliation Courts.—The judges of the municipal courts of the village of Hibbing and the city of Chisholm and the clerks of said courts shall be the judges and clerks respectively of said conciliation courts.

Sec. 3. Jurisdiction of Courts.—Said conciliation courts shall have jurisdiction to hear, try, and determine civil actions and proceedings as follows:

First: Of an action arising on contract for the recovery of money only, if the sum claimed, exclusive of interest and costs, does not exceed \$50.00.

Second: Of an action for damages for injuries to the person, or to real property, or for taking, detaining or injuring personal property, if the damages claimed, exclusive of interest and costs, does not exceed \$50.00.

Third: The jurisdiction of the conciliation court in the village of Hibbing shall be co-extensive with the corporate limits of the village of Hibbing and the town of Stuntz; and the jurisdiction of the conciliation court in the city of Chisholm shall be co-extensive with the corporate limits of the city of Chisholm and the town of Balkan.

Sec. 4. Limitations.—Said conciliation courts, however, shall not have jurisdiction to try or hear:

First: Any criminal action;

Second: Any action where the title to or possession of real estate is involved, including actions relating to forcible entries and unlawful detainers;

Third: To any action not within the jurisdiction of the municipal courts of the village of Hibbing and the city of Chisholm.

Sec. 5. Sessions of Court.—Said conciliation courts shall be open every day except Sunday and holidays and such hours as may be fixed by rules of said courts.

Sec. 6. Trials, etc.—Causes of action in said conciliation courts may be conducted, presented and tried by the parties to

said action or their authorized agents. For the purpose of this section, the word "agent" shall mean, any attorney at law licensed to practice law in this state or any person regularly in the employ of a party to said action authorized in writing by said party, to proceed, defend, compromise or settle the claim in issue, or any member of a joint partnership or officer of any corporation.

Sec. 7. Fees.—The plaintiff, upon commencing any action in either of said conciliation courts, shall pay to the clerk thereof the sum of one dollar for the use and benefit of the village or city in which such court is located, which sum shall be in payment of the filing fee, and in addition, shall pay the officers or constables fee for the service of the summons upon the defendant, which sum shall be paid to the clerk of said court and by him to the officer or constable making the service. Provided, however, 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 entry fee, no such fee will 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 entry 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 for the use and benefit of the said village or city by any such plaintiff out of any money recovered by him under said judgment.

Sec. 8. Subdivision 1. Commencement of actions.—Any person having a claim within the jurisdiction of either of said conciliation courts may commence an action in the court having jurisdiction thereof by appearing before the clerk thereof and subscribing to and certifying 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 nature and amount of said claim and the time when the same accrued.

Subdivision 2. Clerk to draw claims.—The clerk, when requested, shall draw up said claim and when so subscribed to and verified, shall, upon the payment of the entry fee therefor, immediately file the same, if said claim be within the jurisdiction of said court, and set down the same for hearing before said judge at a time certain not less than seven days and not

more than 12 days from the date of the service of the summons upon the defendant. The clerk shall give to the person signing the claim a memorandum of the time and place set for the hearing. Said memorandum shall state that if the claim is supported by witnesses, books of account, or documents, they should be produced at the hearing, and also, in the case of an unliquidated claim the amount of damages must be proved by the plaintiff at the hearing whether the defendant defends or not.

Subdivision 3. Clerk to have process served.—The clerk shall thereupon cause to be served upon the defendant, a summons signed by the clerk which shall set forth the title and venue of the action and shall read substantially as follows:

“To (here insert name of defendant)

(Here insert name of plaintiff) asks judgment in this court against you for (here insert amount claimed in dollars and cents) upon the following claim (here insert the nature of the claim and the time when the same accrued.)

“The court will give you a hearing upon this claim at (here insert the location of the courthouse and the room therein, as may be necessary) at (here insert the hour) o'clock in (here insert “forenoon” or “afternoon” as the case may be, on (here insert the date, including the day of the week, as may be prescribed by general or special order of the court.)

“If you deny the claim, in whole or in part, to avoid judgment being entered against you by default, you must do both of the following things:

“1. Notify the clerk of this court not later than (here insert the date, including the day of the week, of the second day before the day set for hearing) of your full and specific defense of said claim. In doing this you may appear before the clerk in person, or by authorized agent, and state your defense orally, or in writing, or you may mail the same to him before the date last mentioned.

“2. You must also appear at the time set for hearing upon the claim.

“If your defense is supported by witnesses, account books, receipts or other documents, you should produce them at the hearing. Subpoenas for witnesses, if requested, will be issued by the clerk without fee.

"If you admit the claim, but desire time to pay, you must not later than (here insert the date, including the day of the week, of the second day before the day set for hearing) notify the clerk of your desire for time to pay, and you must also appear at the hearing and show your reason for desiring time to pay.

"If the plaintiff above named owes money to you, for any reason whatsoever, you may file said claim with the clerk of court either as a part of your defense or in addition to any other defense which you may have.

Date: Signed
 Clerk of Conciliation Court
 of St. Louis County,
 Minnesota."

Subdivision 4. Service of process.—The summons shall be served upon the defendant by the court officer of said court or by any constable, police officer, or sheriff of said county in the same manner as provided by law for the service of a summons in the said municipal courts.

Subdivision 5. Filing of answer.—If the defense to the claim is presented to the clerk in writing it shall be filed by said clerk as the answer in the case. If said defense is stated to the clerk, orally, he shall forthwith reduce the same to writing and place it in the files of the case, where it shall be deemed the answer. Such answer shall state fully, but in concise and untechnical terms and form, what parts of the claims are contested, and the grounds for such contest.

Subdivision 6. May file counterclaim.—The defendant, within the time for answering, may in the manner provided in this section, claim any set-off or counterclaim. Upon the making of such claim by the defendant, the clerk shall give notice by mail to the plaintiff, similar to that provided in subdivision 3 of this section and shall postpone the hearing of the original claim until the time set for hearing the defendant's claim, and shall notify the parties accordingly; the defendant's claim shall be answered by the plaintiff in the manner provided in subdivision 5 of this section and the penalties upon defendants provided herein shall apply to plaintiffs in respect to claims by a defendant. The original claim, and the claim of set-off or counterclaim, shall be deemed one case and no additional entry fee shall be required. In the event that the

counterclaim exceeds the sum of \$50.00, the action shall be transferred to the municipal court upon payment of a filing fee of one dollar, by the defendant to the clerk of the conciliation court for the use and benefit of the village or city in which such court is located. In the event that the one dollar filing fee be not paid, then the counterclaim shall be dismissed and action proceed as though no counterclaim had been interposed. Said action shall then proceed in all respects as though commenced in the municipal court, excepting that the clerk of said conciliation court shall have served on the plaintiff notice of the counterclaim as above provided.

Subdivision 7. Amendments.—The court may at any time allow any claim or answer to be amended.

Sec. 9. Continuances.—The court may, for cause, grant to either party a continuance of the hearing to a definite date in the future.

Sec. 10. Subdivision 1. Trial of action.—At the time set for hearing, the 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 shall also hear any witnesses produced by either party. The parties and witnesses shall be sworn; but the court shall conduct the hearing in such order and form and with such methods of proof as it deems best suited to discover the facts and to determine the justice of the case. If the parties agree upon a settlement of the controversy, the judge shall cause the clerk to reduce such agreement to writing. Said written agreement shall contain the terms of the settlement and may be signed by all the parties thereto, but whether or not so signed said settlement when agreed upon and countersigned by the judge and entered upon the judgment docket of the clerk shall have all the force of a judgment of a court of record. In case of a judgment for the recovery of money only, said judgment may by its terms provide for the satisfaction of the same by the payment into the said conciliation court, either in a lump sum, or by installments in such amounts and at such times, as to said judge, under all the circumstances of the case, may seem just and reasonable. Said conciliation judge may retain jurisdiction for the collection, satisfaction or modification of the terms of said judgment, or, he may, on application therefor and payment of one dollar. filing fee to the clerk of the municipal court for the use of the village or city in which said court is located order that a transcript of such judgment shall be issued by the clerk of the said conciliation court to the

municipal court proper and that such judgment shall be docketed by the clerk of the municipal court in the same manner and enforced as the judgment of said municipal court; provided, however, that before any transcript of judgment shall issue from the said conciliation court to the said municipal court proper, the said conciliation judge shall, if necessary, modify the terms of said judgment so as to have the transcript show a judgment for a specific sum.

Subdivision 2. Court to decide case if parties do not agree.—In case the parties brought before the said conciliation court, in the manner provided in this act, do not agree upon the judgment to be entered, the court shall proceed summarily to hear and determine the cause of action and cause judgment to be entered on the docket of the clerk. Said judgment shall have all the force of a judgment of a court of record. In case of a judgment for the recovery of money only, said judgment may by its terms provide for the satisfaction of the same by the payment of the same into the said conciliation court, either in a lump sum or by installments, in such amounts and at such times, as to said judge, under all the circumstances of the case, may seem just and reasonable. In case judgment is not removed by demand of either party to the said municipal court within ten days after the entry thereof, as provided in this act, and said judgment remains unsatisfied, said conciliation judge may retain jurisdiction for the collection, satisfaction or modification of the terms of said judgment in the said conciliation court, or, he may, on application therefor and payment of one dollar filing fee to the clerk of the municipal court, order that a transcript of such judgment shall be issued by the clerk of the said conciliation court to the municipal court proper and that such judgment shall be docketed by the clerk of the said municipal court in the same manner and enforced as the judgment of the said municipal court, provided, however, that before any transcript of judgment shall issue from the said conciliation court to the municipal court proper, the said conciliation judge shall, if necessary, modify the terms of said judgment so as to have the transcript show a judgment for a specific sum.

Subdivision 3. Formal pleadings unnecessary.—Except as herein otherwise provided, no formal pleading shall be necessary and the hearing and disposition of all such claims shall be informal, and with the sole object of dispensing speedy justice between the parties. No proceedings in garnishment or attachment may be brought or maintained in the said conciliation court and no execution shall issue from said court.

Subdivision 4. Court to prescribe rules of procedure.—The conciliation court shall be subject to the direction of the judge thereof, who may prescribe rules as to procedure, methods of producing evidence, general conduct of the case and the trial thereof, under the provisions of the section, and for carrying out all of the provisions of this act.

Sec. 11. Subdivision 1. Default judgments.—The defendant in any action, unless the court shall otherwise order, shall be defaulted unless he shall not later than the second day before the day set for hearing personally, or by his authorized agent, state to the clerk of the court, orally, or in writing, his full and specific defense to the claim, and unless he shall also appear in person at the hearing. In case the defendant, duly notified or summoned as provided in this act, shall fail to state his defense to the said clerk, orally, or in writing, and shall fail to appear at the time set for the hearing, the conciliation judge may, except in the case of an unliquidated claim for damages, without formal proof on the part of the plaintiff, order that judgment shall be entered by default, if the said judge is satisfied upon examination of the return of service, that service of the summons has been made in the manner provided by law for the service of a summons in the municipal court, and that the actual service of such summons upon him has been made. If the judge is not so satisfied he shall forthwith fix a later date for such hearing, notify the plaintiff of the same and shall direct that the clerk issue a notice of such postponed hearing and that the same be served upon the defendant by the method heretofore recited in this act. In the case of an unliquidated claim for damages the amount of damages must be proved by the plaintiff at the hearing whether the defendant defends or not. When judgment by default is entered against a defendant, due notice of the same shall be given by him by mail or written notice by the clerk. If the defendant appears and the plaintiff does not appear at any time set for hearing, the judge may dismiss the claim for want of prosecution, or enter a finding upon the merits for the defendant. The court may at any time, upon motion, and after such notice, by mail or otherwise, as it may order, for cause shown vacate any judgment entered under the provisions of this act for want of actual notice to a party, for error, or for any other cause shown that the court may deem sufficient, and 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.

Subdivision 2. Force and effect of judgments.—If judgment by default be entered, said judgment shall have all force of a judgment of a court of record, and the clerk of the conciliation court, on application therefor and upon payment of one dollar, filing fee to the clerk of the municipal court, by the judgment creditor, shall issue a transcript of judgment from the said conciliation court to the municipal court proper, where said judgment shall be docketed by the clerk of the municipal court in the same manner and shall be enforced as the judgment of the said municipal court. Provided, however, that no judgment by default shall by its terms provide for the satisfaction of the same by the payment of money into court, either in a lump sum, or by installments.

Sec. 12. Costs and disbursements.—Upon the entry of judgment in said conciliation court, the judge thereof may allow the actual disbursements to be taxed and inserted in the judgment there entered and upon transcribing said judgment to the municipal court the filing fee in the municipal court shall be added to and made a part of said judgment.

Sec. 13. Subdivision 1. Aggrieved party may have jury trial in municipal court.—Any party aggrieved by the judgment rendered by said conciliation judge may have the case removed to the said municipal court for trial by jury, or by the court without a jury, but no case shall be so removed unless within ten days after such judgment is rendered, and after the clerk shall have mailed notice of the entry of 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 shall expire; the party so removing same shall do the following things, to-wit:

First. Serve upon the opposite party a written demand for a trial of the cause in the municipal court, said demand to be served in the manner now provided by law for the service of a summons in the said municipal court and file with the said clerk of the conciliation court such original demand with proof of service thereof. Such original demand or proof of service shall show the office address of the attorney for each party, that has such attorney, and the addresses of all parties to the action:

Second. Pay to the clerk of the said conciliation court the sum of one dollar.

Subdivision 2. Removal to Municipal court.—Within ten days after compliance with the foregoing provisions of this

section the clerk of the said conciliation court shall deposit the said one dollar with the clerk of the municipal court for the use and benefit of the village or city in which said court is located and shall file with the said clerk of the municipal court all of the files in such action together with a copy of such judgment, and the cause shall be tried in the said municipal court as though originally commenced therein, and the claim of the plaintiff and the answer of the defendant appearing in the files shall stand as the complaint and answer respectively in such action.

Subdivision 3. Proceedings stayed.—When said papers are so filed in the said municipal court, said judgment of the conciliation court and all proceedings thereunder shall be stayed pending said appeal. Said cause shall then be tried in the said municipal court, and, without the service or filing of any notice of trial or note of issue whatever, shall be by the clerk placed on the calendar of civil causes of the term next ensuing; provided, however, that said appeal shall be effected at least four days before the opening day of said term. All causes so appealed shall be disposed of in the same manner as other causes on the civil calendar of the said municipal court; provided, however, that when any cause so removed from the conciliation court is called for trial and the party so appealed does not appear the stay shall be vacated and the appeal dismissed.

Subdivision 4. Jury Trials.—If either of the parties shall demand a jury, said demand shall be made in the manner and at the time by law provided by demanding a jury in the said municipal court. If a jury is not so demanded the same shall be deemed to have been waived by both parties.

Subdivision 5. Attorneys fees.—The prevailing party upon such appeal shall be awarded an attorney's fee by the said municipal court in the sum of five dollars if a trial be had in said municipal court upon the merits and in the sum of five dollars upon a dismissal of said appeal after the same shall have appeared upon the calendar for trial, the said attorney's fee to be in addition to the disbursements now allowed to be taxed and inserted in the judgment under the provisions of this act. If the judgment of the conciliation court be reversed or modified, the party in whose favor such reversal or modification is made, shall, for the purpose, of this section, be deemed to be the prevailing party. If the judgment of the conciliation court be affirmed without modification, the respondent upon such appeal, whether plaintiff or defendant, shall, for

the purpose of this section, be deemed to be the prevailing party.

Sec. 14. Special Municipal Court Judges.—In case absence, sickness or other disability of said conciliation judge shall prevent him from performing the duties of his office, as hereinbefore provided, or if said judge shall be prevented from performing said duties as conciliation judge by reason of the trial of cases or other duties in the municipal court, then the special municipal court judge may perform the duties of said conciliation judge during his absence or disability.

Approved March 18, 1939.

CHAPTER 71—S. F. No. 29

An act to repeal Session Laws 1935, Chapter 207, said chapter relating to classification and sentencing of criminals.

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

Section 1. Law repealed.—That Chapter 207, Session Laws 1935 be, and the same hereby is repealed.

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

Approved March 18, 1939.

CHAPTER 72—S. F. No. 410

An act creating exemptions of the moneys, rights, interests and annuities of teachers in "Retirement Deposit Fund Associations" organized under Chapter 343, Session Laws of 1909 and acts amendatory thereof.

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

Section 1. Certain moneys and credits of teachers exempt from execution, etc.—All moneys deposited by a teacher or member or deposited by any other person or corporation, municipal or private, to the credit of such teacher or member in a corporation organized as a "Teachers Retirement Fund Association" under Chapter 343 of the Session Laws of 1909 or acts amendatory thereof, and all moneys, rights and in-