

## CHAPTER 11—H. F. No. 463

[Not Coded]

*An act relating to the conciliation and municipal courts of the City of Minneapolis; amending Laws 1917, Chapter 263, Sections 1, 2, 3, 4, 5, as amended; and Laws 1951, Chapter 527, Section 1, and repealing Laws 1917, Chapter 263, Section 8.*

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

Section 1. Laws 1917, Chapter 263, Section 1, is amended to read :

**Section 1. Municipal court; conciliation judge.** A judge of the municipal court for the City of Minneapolis in addition to the present judges of said court, and having the same powers and qualifications as said judges, shall be elected at the next general election, after the passage of this act and every six years thereafter, as by law provided for the election of judges of said court. His term of office shall commence on the first Monday in January after his election and shall continue for a period of six years and until his successor is elected and qualified. The salary of said judge shall be the same and paid in the same manner as that of the other judges of said municipal court.

*One or more judges of the municipal court of the City of Minneapolis shall serve as conciliation judge of such court for such periods and in such order of rotation as the judges may determine.*

Sec. 2 Laws 1917, Chapter 263, Section 2, is amended to read :

**Sec. 2. Appointment; election.** Within ten days after the passage of this act, the governor shall appoint a suitable and legally qualified person to serve as such judge of the municipal court of the City of Minneapolis until the election and qualification of such judge as provided in section 1 of this act. Any vacancy in the position of such judge shall be filled in like manner by appointment of the governor until the next general election thereafter.

**Sec. 3. Office abolished; successor deemed municipal judge.** The office of conciliation judge of the municipal court of the City of Minneapolis as such is abolished. The person who holds that office at the time this act takes effect is deemed and shall hold the office of municipal judge until the expiration of his present term and the election and qualification of his successor. At this election and all subsequent elections the person seeking the office of municipal judge created by this abolition

of the office of conciliation judge shall be designated on the ballots for both primary and general elections as "Municipal Judge."

Sec. 4. Laws 1917, Chapter 263, Section 3, as amended by Laws 1929, Chapter 242, Section 1, Laws 1935, Chapter 145, Section 1, and Laws 1943, Chapter 148, Section 1, is amended to read:

**Sec. 4 Powers; cost; procedure; personnel; removed.**  
The conciliation judge shall have all the powers of a court of conciliation and exercise all the special powers conferred by this act. The conciliation court shall be open every day, except Sundays and holidays, at such hours as may be fixed by rule, for hearing and determining controversies submitted in accordance with the provisions of this act. When said judge is not acting as such conciliation court he shall act as a regular judge of the municipal court. No costs shall be taxed to either party in conciliation court except that the plaintiff, upon commencing any action in such court shall pay to the clerk thereof the sum of \$1 as a filing fee, and costs in said action, which costs shall be borne by the losing party. In any case where the plaintiff therein subscribes to and files with the clerk an affidavit that he has no money or property and is unable to pay said filing fee, no such fee shall be required. Upon the filing of such affidavit the clerk may receive and file such action, without the prepayment of any fee therefor while the same is pending in conciliation court. If such plaintiff prevails in his claim against the defendant, the amount of the filing fee shall be taxed, allowed, and inserted in the judgment against the defendant, and paid to the clerk of the conciliation court by such plaintiff out of any money recovered by him under the judgment. 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 refuse to include any disbursements, except the filing fee, if same appears just and proper under the circumstances. The clerk and court officers of the municipal court shall be respectively, ex-officio clerk and court officers of the conciliation court, but shall not 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 the conciliation court. All fees so charged by the clerk shall be collected by the clerk as costs, accounted for, and paid to the treasurer of the City of Minneapolis 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. 5. Laws 1917, Chapter 263, Section 4, as amended by Laws 1921, Chapter 285, Section 1, Laws 1923, Chapter 262, Section 1, and Laws 1935, Chapter 145, Section 2, is amended to read:

Sec. 5. **Actions; hearing, settlement; docketing; jurisdiction.** 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 \$150 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. 6. Laws 1917, Chapter 263, Section 5, as amended by Laws 1923, Chapter 262, Section 2, is amended to read:

**Sec. 6. Jurisdiction; trial; appeal; findings; rules. (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 \$150 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 be \$150, or less, or if said judge is of the opinion that the counterclaim, if any, therein in excess of \$150, 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. 7. Laws 1951, Chapter 527, Section 1, is amended to read:

Sec. 7. **Number of judges.** There shall be elected in the City of Minneapolis six municipal judges, any one or all of whom may perform the duties and exercise the powers of the court as prescribed by law. Each of the present judges of the municipal court of the City of Minneapolis, shall continue as judges thereof for the term for which they were elected.

Sec. 8. **Repeal.** Laws 1917, Chapter 263, Section 8, is hereby repealed.

Approved February 11, 1953.

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## CHAPTER 12—H. F. No. 32

*An act relating to a name for a certain state park; amending Minnesota Statutes 1949, Section 85.177.*

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

Section 1. Minnesota Statutes 1949, Section 85.177 is amended to read:

85.177 **Helmer Myre State Park.** The commissioner of conservation is authorized to acquire by gift, purchase, or condemnation the following described lands in the County of Freeborn and State of Minnesota, said lands being known as Big Island in Albert Lea Lake;