

would have been valid if Minnesota Statutes 1945, Sections 376.10 to 376.37 had not been repealed by Laws of Minnesota 1949, Chapter 283, are validated.

Approved April 10, 1953.

CHAPTER 292—H. F. No. 1421

[Coded]

An act to establish a state forest to be known as the Chengwatana State Forest.

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

Section 1. [89.021] 30. **Chengwatana State Forest.** For the purpose of vesting and revesting the state with title to lands in the areas hereafter described which are suitable primarily for state use and development as a state forest, for growing, managing, and harvesting timber and other forest crops and for the establishment and development of recreational areas and for the protection of watershed areas, and the preservation and development of rare and distinctive species of flora native to such areas, there is hereby established as a state forest all lands and waters now owned by the state or hereafter acquired by the state within the areas, in the townships and sections described as follows, to be known as the Chengwatana State Forest.

Township 39, Range 19, all of the lands in Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and 31 lying west of the Kettle River and the St. Croix River. Township 39 Range 20, all of Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36. Township 40, Range 20 all that part of Sections 14, 23, and 24 lying south of the Kettle River, all of Sections 25, 26, 35, and 36.

All lands now owned by the state or hereafter acquired by the state within the boundaries of the above described areas are hereby withdrawn from sale and established as a state forest, to be governed, operated, managed, and controlled on forestry principles.

Approved April 10, 1953.

CHAPTER 293—H. F. No. 1464

An act relating to the conciliation and small debtor's court in the city of Duluth; amending Laws 1927, Chapter 17, Sec-

tion 3, Sections 4 and 6 as amended, and Section 16; and repealing Laws 1927, Chapter 17, Section 7.

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

Section 1. Laws 1927, Chapter 17, Section 3, is amended to read:

Sec. 3. **Sessions, jurisdiction.** The sessions of said conciliation court shall be held in said city of Duluth, at some suitable place to be provided by the city council of said city. The jurisdiction of said court shall be co-extensive with the corporate limits of the city of Duluth and the towns of Midway, Herman, Canosia, Rice Lake, Lakewood, Duluth, Solway, Grand Lake, Fredenberg, Gnesen, Normanna and Alden in the county of St. Louis and State of Minnesota and said jurisdiction shall be limited to actions in which the person, firm or corporation named therein as defendant is a resident of either the aforesaid city or towns.

Sec. 2. Laws 1927, Chapter 17, Section 4, as amended by Extra Session Laws 1937, Chapter 67, Section 1, is amended to read:

Sec. 4. **Jurisdiction; subject matter; amount.** Said conciliation judge 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 does not exceed \$100.

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 do not exceed \$100.

Sec. 3. Laws 1927, Chapter 17, Section 6, as amended by Extra Session Laws 1937, Chapter 67, Section 2, is amended to read:

Sec. 6. **Personal receiverships.** *Subdivision 1. Receiver, appointment; when allowed.* The said conciliation court shall have jurisdiction upon the petition of *any debtor residing within the territorial jurisdiction of said court* to appoint the probation officer of the municipal court of the city of Duluth as personal receiver to receive the personal earnings and income of the debtor and distribute the same to the petitioner and to his creditors in such proportion as may be determined by the court in accordance with the provisions of this act. Provided, however, that said debtor, at the time of the filing of the petition, shall (1) be in the employ of another person, firm or corporation for wages or salary, or on a commission basis, or any combination of wages, salary or commissions, (2) have debts which he is unable to pay, (3) have no income other

than that which arises from his current wages or salary, (4) own no property or assets, except such as are exempt from execution under the laws of this state, and (5) a reasonable probability exists that all indebtedness to his creditors can be liquidated within a period of 18 months.

Subd. 2. Probation officer, clerk, duties; petition. *The said probation officer shall confer with the debtor to determine whether said debtor meets all requirements of Subdivision 1 hereof and if so satisfied he shall assist said debtor in the preparation of his petition to the court. Said petition shall be in such form as may be approved by the court and shall be accompanied by an assignment executed in duplicate by the petitioner and in form satisfactory to the court of all the wages, salary and commissions of the petitioner then earned and unpaid and thereafter to be earned to the said probation officer pending the hearing on said petition, and to his successor, if any, after said hearing. In case the petitioner shall leave his employment and accept new employment with a different employer, he shall immediately notify his personal receiver to that effect and shall execute a new assignment of his wages, salary or commission, as the case may be, in favor of the personal receiver, and shall file the same with the clerk of the conciliation court. The said clerk shall give written notice to the employer named in the assignment of any order of the court appointing a personal receiver. One copy of the assignment shall be filed with the said clerk and the duplicate thereof shall be mailed by the said clerk to the employer of the petitioner. Said petition of the debtor shall be verified by the petitioner and shall disclose his assets, his personal earnings and income; the names, ages and relationship of those dependent upon him for support; the names of those, if any, who are contributing to the support of his family and the amounts received monthly from each; and the names of all of his creditors and the amounts of their respective claims, and whether said claims are disputed or not, and such other information as the court shall require. The petition shall be filed with the said clerk.*

Subd. 3. Hearing; creditors' rights. Upon the filing of such petition, the court shall fix a date for a hearing thereon and shall cause notice of such hearing to be given by mail to all the creditors named in the petition not less than 10 days prior to the date of said hearing. At said hearing the court shall fix the proportion of the personal earnings and income of the said debtor which shall be set aside for the use and benefit of the creditors, hear and adjudicate the claims of the creditors and determine the amounts which said personal receiver shall pay to each of the said creditors on a pro rata basis, and the court,

[at] the same time, shall fix the amount which the petitioner shall be entitled to have set apart for him out of the funds coming into the possession of the personal receiver pursuant to any such assignment of wages, salary or commissions. All creditors *named in the petition for such personal receivership* shall, during the pendency of the same, be estopped from bringing or maintaining any proceeding in garnishment, attachment, or in aid of execution in the municipal court of the city of Duluth, or in any other court, so long as the said debtor shall not default in the payment to the personal receiver of such amounts as may have been ordered by said court. The said conciliation court shall have the power at any time, for cause shown, to terminate any such personal receivership. Such proceedings may be dismissed on the petition of the debtor, the personal receiver, or upon the court's own motion, if it shall appear that the debtor is not entitled to the benefits of this act, or that the proceeding is collusive, or not in good faith, or that *the* debtor has deceived, or has attempted to deceive the court about any fact material in said proceedings, or in case it shall appear that the financial involvement of the petitioner is, or may be such, that no reasonable probability exists that the mutual interests of the petitioner and his creditors will be benefited by the continuance of such proceedings. *The provisions of this section*, however, shall not be construed to prevent any creditor from bringing or maintaining proceedings in garnishment, or recovering judgment against said debtor, nor to prohibit the levy under a writ of attachment or execution upon the property of said debtor, other than that which may be in the possession of said personal receiver. The bringing or maintaining of any proceeding in garnishment, attachment, or in aid of execution in violation of *the provisions of this section* shall be construed as a contempt and the said conciliation court is hereby vested with the same power and jurisdiction as the municipal court to punish therefor. The certificate of the clerk of the municipal court of the city of Duluth, under the seal of such court, stating that such proceedings are pending in the said conciliation court and giving the date the petition was filed shall be sufficient warrant for any court to stay proceedings by way of garnishment, attachment, or in aid of execution pending before it at the date of the filing of the petition under this act and to dismiss such proceedings thereafter brought.

Subd. 4. Rule making authority. The judge of the conciliation court may provide, by rule, for notice to such creditors as are recited in the petition of the debtor, the authentication and adjudication of claims, the time and manner of payments by the debtor, or by his employer under an assignment, the

distribution of the fund and all other matters necessary or proper to carry into effect the jurisdiction conferred by this section.

Subd. 5. Receiver, bond, duties, supplies. The official bond of the said probation officer shall be conditioned upon the fulfillment of the trust as such personal receiver. Said personal receiver shall make such reports as the court may require and shall be provided with the necessary books, blanks, stationery, postage and other expense for the execution of his duties in the same manner as other expenses incident to the court are provided for.

Subd. 6. Filing fee. Upon the filing of the petition and assignment executed by the petitioner, the said petitioner shall pay to the clerk of the said conciliation court as a filing fee therefor the sum of \$1 for each creditor named in the petition.

Subd. 7. Payment of wages to receiver. Upon receipt of notification of the pendency of proceedings under this act from the clerk of the conciliation court, the employer of any person filing a petition and making an assignment as herein provided shall pay to the personal receiver named by the court, as the same may become due and payable, all the wages, salary or commissions of such person covered by said assignment. Payment by an employer under any such assignment shall be deemed payment in all respects as if received by said employed person. Provided, however, that nothing therein contained shall be construed as requiring such employer to pay to the said personal receiver any money held by such employer under a garnishee summons, valid upon its face, unless and until the same shall be released, or the garnishment proceedings discharged by the court wherein the same are pending. The provisions of Minnesota Statutes 1949, Sections 181.05, 181.06, 181.07 and 181.08, shall not apply to any assignment of wages, salary or commissions made pursuant to this act.

Subd. 8. Secured or unlisted creditors. Nothing herein contained shall be construed as to deprive a creditor holding security from pursuing his rights under the instrument giving him such security, but such creditor shall not have the right, unless he shall file with the clerk of the said conciliation court his consent in writing to a suspension of the enforcement of his security during the pendency of such personal receivership, to participate in any fund under the provisions of this act. Any person claiming to be a creditor of any person filing a petition under this act who has not been listed as such in the petition shall have the right to intervene and prove his claim as though the same had been listed. A creditor having a lien at the time of the filing of any petition under this act by virtue

of proceedings in garnishment, attachment, or in aid of judgment again the salary, wages or commissions of any petitioner hereunder shall have the right to have his claim allowed in proceedings under this section, but, as a prerequisite thereto, he must release his lien.

Subd. 9. Subsequent receivership, availability. A debtor in any such personal receivership proceedings may not again avail himself of the benefits of this section until three years have elapsed from the date of the dismissal or discharge of such proceedings.

Sec. 4. Laws 1927, Chapter 17, Section 16, is amended to read:

Sec. 16. **Counterclaims, judgments, transfer of cases, pleadings, process, rules.** *Subdivision 1. Jurisdiction, counterclaims; transfer of cases; judgments.* In case the amount in the controversy claimed in the counterclaim on the part of the defendant *exceeds* the sum of \$100 and the judge, after a hearing thereon, is satisfied that said counterclaim is in good faith, said court shall immediately cause an entry of the fact to be made of record and cease all further proceedings in the case and shall enter an order directing the clerk to transfer the case to the municipal court proper for trial upon the issues presented by the original claim and the counterclaim. The said municipal court, upon the payment to the clerk thereof of the entry or filing fee of the said municipal court by either of the parties thereto, shall proceed in the cause to final judgment and execution, according to law, the same as if said action had originally been commenced in the said municipal court, and the costs shall abide the event of the suit. If, however, the amount in controversy claimed in the counterclaim of the defendant is \$100 or less, or, if said judge is of the opinion that the counterclaim, if any, in excess of \$100, is not in good faith, he shall retain jurisdiction and 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 and effect 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 such 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 10 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, 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.

Subd. 2. Pleadings; ancillary process. 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.

Subd. 3. Rules. The conciliation court shall be subject to the direction of the judge thereof, but the judges, assistant judge and conciliation judge of the said municipal court may prescribe rules as to procedure, methods of producing evidence, general conduct of the case and the trial thereof, under the provisions of this section, and for carrying out all of the provisions of this act.

Sec. 5. Laws 1927, Chapter 17, Section 7, as amended by Extra Session Laws 1937, Chapter 67, Section 3, is hereby repealed.

Approved April 10, 1953.

CHAPTER 294—S. F. No. 34

[Coded]

An act relating to the name to be used by a public official.
Be it enacted by the Legislature of the State of Minnesota:

Section 1. [205.83] **Name of public official.** Every person heretofore or hereafter elected to public office may use the name given in his affidavit of candidacy or petition of candidacy in transacting official business in the ensuing term of office.

Approved April 10, 1953.
