

sation shall be calculated with reference to the wage the workman was receiving from the person by whom he was immediately employed at the time of the injury.

(3) The employer shall not be liable or required to pay compensation for injuries due to the acts or omissions of third persons not at the time in the service of the employer, nor engaged in the work in which the injury occurs, except as provided in Section 31 (4291), or under the conditions set forth in Section 66J.

(4) *Whenever any sub-contractor fails to comply with provisions of Section 4288, General Statutes 1923, the general contractor, intermediate contractor or sub-contractor shall be liable for all compensation benefits to employes, of all subsequent sub-contractors engaged upon the subject matter of the contract, and injured on, in, or about the premises. Any person paying such compensation benefits under the provisions of this paragraph shall be subrogated to the rights of the injured employe against his immediate employer; or any person whose liabilities for compensation benefits to the employe is prior to the liability of the person paying such compensation benefit. The liabilities arising under this paragraph may be determined by the industrial commission."*

Sec. 2. Effective July 1, 1929.—This act shall take effect and be in force from and after July 1, 1929.

Approved April 19, 1929.

CHAPTER 253—S. F. No. 699

An act to establish a Municipal Court of the Village of Hibbing, St. Louis County, Minnesota.

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

Section 1. Title of Act.—The act entitled "An act to establish a municipal court in the village of Hibbing, St. Louis county, Minnesota" to read as follows:

Sec. 2. Jurisdiction—Civil.—There is hereby established in the village of Hibbing, in the county of St. Louis, a municipal court for the transaction of all business which may lawfully come before it. Said court shall be a court of record, and shall have a clerk and a seal, and shall have jurisdiction to hear, try and determine civil

actions at law, where the amounts in controversy do not exceed one thousand (1,000) dollars. It shall have jurisdiction to hear, try and determine actions for the enforcement of all liens against personal property wherein the amount or amounts in controversy do not exceed one thousand (1,000) dollars. It shall not have jurisdiction of actions for divorce, nor of any action where the relief asked for in the complaint is equitable in its nature except as herein expressly provided; nor cases involving the title to real estate except in actions of forcible entry and unlawful detainer; nor for false imprisonment, libel, slander, malicious prosecution, criminal conversation or seduction, or upon a promise to marry; and when in any cause pending in said court a counter claim in excess of one thousand (1,000) dollars or an equitable defense or ground for equitable relief is interposed, or whenever it shall appear from the pleadings or upon the trial of any cause that the title to real estate is involved, except in actions of forcible entry and unlawful detainer, the said court shall immediately cause an entry of the facts to be made of record, and cease all further proceedings in the cause, and order the clerk to certify and return to the district court in and for the county of St. Louis, a transcript of all entries made in the record relating to the cause, together with all process and papers relating to the cause, and the clerk shall within ten (10) days after being so ordered make such certificate and return; and thereupon said district court shall proceed in the cause to final judgment and execution the same as if said cause had been commenced in said district court, as near as may be, and the costs shall abide the event of the action; provided, the clerk of said municipal court shall not make said certificate or return, until the costs chargeable by the clerk in favor of the village have been paid.

Sec. 3. Criminal jurisdiction—Power to fix bail—Power to punish for contempt.—Said court shall have jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases under the General Laws of the State of Minnesota, arising or triable in the county of St. Louis, and cognizable before a justice of the peace, or arising under the ordinances, regulations, or by-laws of said village of Hibbing, and said court shall have the power to fix bail in all cases where bail is allowed to be given under the laws of this state; and in all such cases the person required to give bail may in lieu thereof deposit in said court a sum of money—legal tender of the United States—equal to the amount of the bail so fixed. Said court shall have power to punish for contempt of court by a fine not exceeding one hundred (\$100.00) dollars or by imprisonment for a period not exceeding eighty-five (85) days.

Sec. 4. Judges—Tenure, qualifications and duties.—There shall be two judges of the municipal court of the village of Hibbing,

who shall be men learned in the law, residents of the village of Hibbing, and duly admitted to practice law in the state of Minnesota, the one to be known as the municipal judge, and the other to be known as the special municipal judge. Said judges shall be elected at such time and for the terms provided by Chapter 4, Laws of Minnesota, for 1925. Said municipal judge shall open and hold court every morning, except Sunday and holidays, for the hearing and disposition, summarily, of all complaints made of offenses committed within the county. There shall be general terms of the said municipal court, for the trial of civil actions, held on the second Tuesday of each month, and at such other time as the court from time to time may by rule prescribe. The municipal judge shall preside at all terms and sessions of the court, except in matters in which he is disqualified or interested or necessarily absent, or is biased or prejudiced, or is otherwise engaged in his duties as such judge. The special municipal judge shall act with the municipal judge in any case or matter where the municipal judge requests it. The municipal judge shall not practice law in said court, nor shall he or any clerk or deputy clerk, or other officer of said court, except the special municipal judge, prepare or draw any pleadings or other papers in any civil action in said court, except such as they are directed to do by law, nor shall they institute for another any civil action in said court. The special municipal judge of the municipal court is authorized to practice law in the said court, but he shall not sit or act as judge in any matter or case or proceeding wherein he may be or has been interested directly or indirectly, as counsel or otherwise.

Sec. 5. **The compensation of judges.**—The salary of the municipal judge shall be such sum as the village council may designate, except as hereinafter provided, which shall be payable in equal monthly installments. The municipal judge shall have thirty days' vacation each year on full pay and it shall be taken at such time or times as he may arrange with the special municipal judge. The salary of the special municipal judge shall be ten dollars (\$10.00) per day for each day necessarily spent in presiding as such special judge in said court, and when he spends less than a day, he shall be paid only in proportion to the time so spent; but for services in any one day he shall be allowed for at least one-half of a day's salary, though the time necessarily spent may have been less than one-half of a day, which salary of the special judge shall be payable monthly, upon statement to be by him filed with the village recorder. Where the special judge presides in said court and is allowed and paid for the time spent the amount so allowed shall be deducted from the salary of the municipal judge as hereinafter named, except where the special municipal judge presides along with the municipal judge, at his request, or any time when the said municipal judge is on his

vacation or is necessarily engaged in the trial of other cases in said court, or is attending other official duties of his said office, or where the said municipal judge is disqualified by law from presiding in such matters, or is interested, biased or prejudiced, or is sick, disabled or incapacitated from attending to the duties of his office.

Sec. 6. Practice and procedure.—The municipal court shall have full power and authority to issue all process, civil and criminal, necessary or proper to carry into effect the jurisdiction given to it by law, and its judgments and its other determinations, and it shall have and possess all the powers usually possessed by courts of record at common law, subject to modifications of the statutes of this state, applicable to courts of record, except that it shall not have jurisdiction to issue writs of HABEAS CORPUS, QUO WARRANTO, NE EXEAT, MANDAMUS, prohibition or injunction. All process except as herein otherwise provided, shall be attested in the name of the judge, and be issued under the seal of the court and signed by the clerk, who shall be styled "Clerk of the Municipal Court of the Village of Hibbing, Minnesota" and the forms of process may be prescribed by the court by rule or otherwise and any form so prescribed shall be valid and sufficient and such form may be changed by the court from time to time, at its discretion, in order to meet the requirements of law and the style of court hereby created. Process may be directed for service to any police officer or constable of the Village of Hibbing, or to the sheriff or any constable of said St. Louis county except as herein otherwise provided.

Sec. 7. Same.—The municipal court shall be held in the village of Hibbing at some suitable place to be provided therefor by the village. Its judge shall see that the criminal laws of the state, and the ordinances, laws, regulations and by-laws of said village, are observed and executed, and for that purpose shall open his court every morning (Sundays and legal holidays excepted), and proceed to hear and dispose of, in a summary manner, all causes which shall be brought before him by the police officers of the village or otherwise, either with or without process, for violations of the criminal laws of this state, committed within the county of St. Louis, or of the ordinances, laws, regulations or by-laws of said village. The clerk of said court shall keep a record of all its proceedings, and enter all orders, judgments and sentences under the supervision of the judge, and issue commitments and executions as well as all other process.

Sec. 8. Same.—The municipal court shall hold regular terms for the trial of civil actions, on the second (2nd) Tuesday of every month, which terms shall continue from day to day, with such adjournments as to the court may seem proper, until the business

of each term shall be finished; and the court may by rule or order appoint such terms to be held oftener or upon other days than the days above mentioned. All civil actions and proceedings in said court shall be commenced and conducted as prescribed by the statutes regulating the commencement, pleading, practice and procedure in the district courts of this state, as far as the same may be applicable, except however, as in this act otherwise provided. The time within which any act is to be done shall be one-half of the statutory period prescribed in district court proceedings provided, that no such period shall be less than three (3) days; that two days' notice of taxation of costs shall be given; notes of issue shall be filed at least three (3) days before the term and notices of trial shall be served at least four (4) days before the term; the time within which motions for new trials and appeals may be made or taken shall be the same as in the district court; the practice and proceedings in actions of forcible entry and unlawful detainer shall be the same as in the justice court, except that the summons shall be issued by the clerk and the judge in his discretion may fix return days for such actions, other than the regular terms days of said court. All the general laws of the State of Minnesota, not inconsistent with the provisions of this act, relative to forcible entries and unlawful detainers shall apply to said municipal court. The notice required for the taking of depositions to be used in said court shall be the same as in the district courts of this state; defaults may be opened and judgments and orders set aside or modified for good cause shown and on such terms as the court may deem equitable in the same manner and within the same time as in the district courts of this state. The summons in this court shall be served in the same manner as prescribed by statute for service of summons in district court in all cases or claims where this court has jurisdiction.

Sec. 9. Security for costs—costs.—Said court shall have authority to provide that the plaintiff in any civil action in which a justice of the peace would have jurisdiction, and when the amount is beyond the jurisdiction of a justice of the peace when the plaintiff is a non-resident of this state, shall, by bond, recognizance, or deposit of money with the clerk, give security for costs in such sum as the court may designate; when the plaintiff in any cause shall neglect or refuse to give such security when so ordered, within a time to be designated by the court, the court may dismiss such cause at the cost of said plaintiff. Costs are allowed to the prevailing part, in actions determined in said municipal court, as follows: To the plaintiff, upon a judgment in his favor of fifty dollars or more in an action for the recovery of money only, when no issue of law or fact is joined, five dollars; when issue is joined, ten dollars; in all other actions, five dollars. To the defendant, upon discontinuance or dismissal, five dollars; upon a judgment in his favor

upon the merits, five dollars; and if the amount of plaintiff's claim be fifty dollars or more, ten dollars. In all cases the prevailing party shall be allowed his disbursements.

Sec. 10. Clerks and deputies—process.—The clerk of said municipal court, and his deputies, shall be appointed by the judge thereof, who may remove any of them at pleasure. The clerk and deputies of said court shall be paid such salary as may be fixed by the village council, to be paid in equal monthly installments. Every clerk and deputy shall give bond to the state, in at least the sum of one thousand (\$1,000) dollars, to be approved by the appointing judge, conditioned for the faithful discharge of his official duties, and for the payment as required by law or by order of the court of all moneys coming into his hands. All process shall be tested in the name of the judge, be signed by the clerk, issue under the seal of the court, and be directed for service to any police officer, court officer, marshal or constable of the village or county, to the sheriff of the county, or all of them. No judge or other officer of such municipal court, excepting the special municipal judge, shall prepare or draw any pleadings or other papers in any civil actions in said court, nor shall they institute, for another, any civil action in such court.

Said clerk shall be present in court by himself or deputy, unless absent from sickness, or by consent of the judge. He may swear all witnesses and jurors and administer all other oaths and affidavits and take acknowledgments. He shall keep minutes of all proceedings and enter all judgments, orders and sentences, issue commitments, as well as other writs and process, and make up and keep the records of the court under the direction of one of the judges, and when a judge is not present, adjourn court from day to day. He shall tax all costs and disbursements allowed in every action, subject to review by the judges, and do all other acts and things necessary or proper to the enforcing and carrying out of the jurisdiction of the court.

Sec. 11. Clerk to receive and pay over fines, etc.—The clerk shall receive all fines, deposits, penalties, and other moneys paid into court, and keep general accounts thereof. Upon filing the weekly reports provided for hereinafter, he shall pay to the village treasurer for the use of the village all sums then in his hands, received for filing fees, service fees, fines for violations of statutes, ordinances and by-laws of the village, from forfeitures and other moneys which may have come into his hands, except moneys deposited as bail or moneys paid into court by a garnishee or by any party offering judgment in a civil action.

Sec. 12. Weekly report of clerk.—On Monday of each week the clerk shall file with the treasurer of the village a verified report, showing:

1. The names of all persons convicted in such court during the preceding week, and the nature of the offense.
2. The fine or other punishment imposed upon each.
3. The amount paid by each, and the amount of cash deposited in lieu of bail, since his last report.
4. The total amount of money received from all sources during the same period.
5. The names of all persons discharged from jail by order of the court.

Sec. 13. Attachment—practice and procedure.—Any creditor desiring to proceed by attachment in said court, may at the time of commencing the action, or thereafter and while the action is still pending, by himself, his agent or attorney, make and file with the clerk an affidavit similar to the affidavit, required by law in an application for a writ of attachment in district court, and also cause to be filed with the clerk a bond, with sufficient sureties, to be approved by the judge and similar to the bond required on like applications in district court. In all respects, save as in this act otherwise provided, the issuance and service of the writ and other proceedings thereon shall be similar, as near as may be, to the issuance and service of such writ and proceedings in district courts. Writs of attachment may be directed to any police officer or constable of the village of Hibbing, or to the sheriff or any constable of said St. Louis county.

Sec. 14. Replevin—practice and procedure.—In any action to recover the possession of personal property, the statutes governing the commencement, pleading, practice and procedure in the district court of this state shall govern so far as the same may be applicable, except, however, as in this act otherwise provided. The court shall, however, in such cases approve the bond required in such actions, which bond shall be similar to the bond required in district court.

Sec. 15. Same.—The defendant may except to the sufficiency of the plaintiff's sureties within the same time and in the same manner as in proceedings of claim and delivery of personal property in the district court and when defendant so excepts, the same proceedings shall be had as in like actions in district court, except that the jurisdiction of sureties shall be had before the judge of said munic-

ipal court or the special judge thereof and no other. The qualifications of sureties shall be the same as required for sureties in like actions in district court.

Sec. 16. Garnishments—practice and procedure.—Proceedings against garnishees may be instituted in the same manner as in district courts except as herein otherwise provided; the summons may be served either by any officer authorized by this act to serve process or by any person not a party to the action, at any place within the state of Minnesota; and the summons may be made returnable at any term of said municipal court which may be named therein, not less than 10 nor more than 20 days. The disclosure of the garnishee may be taken, and all further proceedings had, in the same manner as if the proceedings were in the district court. The minimum indebtedness and recovery, however, shall be the same as in justice courts.

Sec. 17A. Service on non-residents of county.—In any case where property is garnisheed or attached within the county of St. Louis, service on the defendant may be made anywhere within the state; and when so actually served within the state there shall be no need for publication thereof. The defendant, however, shall be entitled to his rights of change of venue or place of trial under the provisions of this act.

Sec. 17. Calendar of causes.—The clerk or the reporter of the court, shall, prior to each term of the court, make up a calendar of the causes which will come up for trial or for any disposition before the court at such term, adopting such arrangement as the judge may direct; and the court shall direct the order of trial, and other disposition of causes.

Sec. 18. Juries—fees.—In any civil action in which a jury shall be demanded by one of the parties thereto, the jury shall consist of six (6) jurors, unless the demand shall specify a jury of twelve (12) jurors, and if a jury of twelve (12) shall be demanded, the party making such demand shall pay to the clerk of said court on the first day of the term at which such action is set for trial, a jury fee of three (\$3.00) dollars, said jury fees to be for the use and benefit of the said Village of Hibbing; and unless a jury is demanded upon the calling of the calendar upon the first day of the first term at which the same is set for trial, it shall be considered to be, and the same shall be, waived, and said action tried by the court.

Sec. 19. Trials shall be conducted as in District Court—General Laws apply.—Trial by jury in said municipal court shall

in all respects, be conducted as in the district courts of this state, and all laws of a general nature applicable to jury trials in said district courts shall apply to said municipal court; except, however, as in this act otherwise provided.

Sec. 20. Challenges—each party entitled to three preemptory challenges.—When a jury of six (6) is to be drawn to try any civil action, twelve (12) jurors shall be called for examination by the parties to said action, and each party shall be entitled to three (3) preemptory challenges.

Sec. 21. Number of jurors to be drawn for each general term.—Twenty-four (24) jurors shall be drawn for each general term of said court, and shall be summoned to appear at said court at such time as the court shall direct to attend and serve as jurors for the trial of actions in said court, and shall so remain in attendance unless excused by the court until the jury cases for such term are concluded and they are finally discharged for the term by order of the court.

Sec. 22. Selection of jurors.—The president of the village council, and the village recorder, or in the absence or disability of either, the officer authorized to perform his duties, shall meet with the judge or clerk of the municipal court at the village recorder's office on the second Monday in February, May, August and November of each year, and there shall select one hundred (100) voters of the village, as jurors of said court, when required and drawn as such during the ensuing three months and until their successors are chosen. Their names shall be listed and the list certified by the officers selecting them, and the clerk shall place such names written on separate slips, in a box or wheel. No person shall be required to serve as such juror during more than one quarter in any one year.

Sec. 23. Penalty for failure to answer jury summons.—If any person duly drawn or summoned to appear in said court as juror neglects to so attend without sufficient excuse, he shall pay a fine not exceeding thirty (\$30.00) dollars, which shall be imposed by the court, or be imprisoned until such fine is paid, not exceeding thirty (30) days.

Sec. 24. Compensation of jurors.—Jurors summoned and attending as aforesaid in said municipal court shall be entitled to like compensation as jurors in the district courts as fixed by the General Statutes of Minnesota, to be paid out of the village treasury upon the certificate of the clerk of said municipal court, issued to him at the time of his discharge.

Sec. 25. Optional right of appeal to district court at Hibbing and to supreme court.—In any case in which a judgment or order shall be rendered in said municipal court and from which any party is entitled to appeal, such party may at his option cause the same to be removed by appeal from said municipal court to the district court of the county of St. Louis, sitting at the village of Hibbing, Minnesota, or to the supreme court of the state of Minnesota, upon the same grounds and in like manner, and upon like proceedings and with like effect as now or hereafter may prevail in case of appeals from the said district court to the supreme court of the said state; and all laws of a general nature relating to appeals from the district court to the supreme court of the said state, shall, as far as possible, apply to and govern such appeals from the municipal court to the said district court and appeals from the municipal court to the supreme court of said state, except as herein modified. Orders of the said municipal court of the character of non-appealable orders of the district court shall be non-appealable. The time for doing any act relative to the appeals from the said municipal court to the district court or to the supreme court herein provided for shall be the same as now provided in case of appeals from the district court to the supreme court.

Sec. 26. Bond on appeal to district court.—Bond to perfect such appeals to said district court shall be in the sum of not less than one hundred (\$100.00) dollars. In civil actions in appeals to said district court, if the appeal be from an order, supersedeas bonds shall be in such sum and with such sureties as the judge making the order directs and approves, and if from a judgment, shall be in double the amount of such judgment. No stay of proceedings shall arise in any case appealed to said district court unless a supersedeas bond be given. Said bonds shall conform to the form and conditions of the corresponding bonds given upon appeals to the supreme court from the district court.

Sec. 27. Fees of clerk on appeal to district court.—The clerk of the municipal court shall collect from the party appealing a fee of one (\$1.00) dollar for certifying and returning the record to the district court, which fee shall be paid upon filing the notice of appeal, and a fee of one (\$1.00) dollar for receiving and docketing such appeal shall be paid to the clerk of the district court by the party appealing, and both fees may be taxed by him if successful as a disbursements; the clerk of the district court shall also receive one (\$1.00) dollar for the remittitur and certifying and returning the record and proceedings on appeal to the clerk of the said municipal court to be paid and taxed by the party obtaining the same, which fees shall cover all charges of said respective clerks in connection with and subsequent to taking such appeal, except as otherwise herein provided.

Sec. 28. How conducted in the district court.—One or more judges of said district court shall sit at the village of Hibbing as an appellate court. Said appeals may be brought on for hearing at any special term upon eight (8) days' notice by either party after said record shall have been returned and briefs shall have been served, or service thereof waived, and such appeals shall be heard upon the record, one typewritten copy of which shall be furnished by the appellant for the use of each of the judges of said court.

Sec. 29. Appeals from decision of district court to supreme court.—Appeals from the decision of the said district court to the supreme court may be taken in the same manner and upon like proceedings as now provided for appeals from the district court to the supreme court except that the record as returned to said district court together with all orders and proceedings therein had upon said appeal, shall stand in place of the settled case.

Sec. 30. Briefs on appeal—rules—powers of district court.—Upon said appeal to said district court, either party may submit typewritten briefs in addition to oral arguments, and if submitted, a copy thereof shall be furnished for each of said judges. Said district court and said municipal court may make such rules not inconsistent with this act and the laws of this state as will govern their courts respectively and facilitate the dispatch of business relating to said appeals. Said district court so constituted upon such appeal shall have power in civil cases to affirm, reverse or modify, the judgment or order appealed from, and in case of reversal may order a new trial. Upon such determination by said district court unless appeal be taken therefrom to the supreme court, the case shall be by said district court remanded to the said municipal court for the performance by it of the requirements of such determination. After any appeal to the district court herein provided for in which a supersedeas bond has been given, the municipal court shall not issue a transcript of its judgment, if judgment has been already entered, until the appeal has been determined and remittance has been received from said district court.

Sec. 31. Costs and disbursements—duties of clerk of district court.—The successful party upon any such appeal shall be entitled to tax his actual disbursements, and in addition thereto, the sum of ten (\$10.00) dollars and statute costs of such appeal. In case of any appeal to said district court, herein provided for, the clerk of said district court, shall, with the remittitur transmit to the clerk of said municipal court, the record theretofore transmitted to him by said municipal court clerk, and in addition and attached thereto, the order and proceedings or certified copies thereof, had

on appeal, and after receipt thereof, said municipal court clerk shall, upon written request of the party entitled thereto, enter judgment.

Sec. 32. Judgment to become lien on real estate when—Judgments no lien upon real estate until transcript is filed in district court—Executions may issue against personal property of debtor—Control of district court against real estate.—No judgment rendered in said municipal court shall attach or become a lien upon real estate until a transcript shall be filed in the district court as hereinafter provided for; but writs of execution thereon in civil actions may issue upon the entry of judgment against the personal property of the debtor, returnable within thirty (30) days. Every person in whose favor a judgment is rendered in said municipal court may on payment of all costs, if any, remaining unpaid receive on demand a transcript of such judgment duly certified and file the same in the office of the clerk of the district court at the county seat of the county of St. Louis, who shall file and docket the same as in the case of transcript of judgment from courts of justices of the peace, and every such judgment shall become a lien upon the real estate of the debtor from the time of filing of such transcript to the same extent as a judgment of the said district court, and shall thereafter, so far as related to the enforcement of the same, against the real estate of the judgment debtor and personal property of the judgment debtor beyond the county of St. Louis, Minnesota, be exclusively under the control of said district court, and be carried into execution by its process the same as if entered in said district court. The clerk of the said municipal court shall note on the record that such transcript has been given; but said municipal court may at any time thereafter take proceedings to enforce such judgment against the personal property of the judgment debtor, the same as if such transcript had not been issued, and the judges thereof are hereby vested with all the powers and jurisdiction in relation to the examination of debtors and otherwise now vested in said district court and the judges thereof. In case of the satisfaction, or partial satisfaction of any judgment in said municipal court wherein a transcript of said judgment has been issued by the clerk of the said municipal court and filed with the clerk of the said district court, it shall be the duty of the party who executes the instrument of satisfaction or partial satisfaction to execute the same in duplicate and both the original and duplicate copies of such instrument of satisfaction or partial satisfaction shall be delivered to the said office of the clerk of the district court and such original instrument of satisfaction or partial satisfaction shall be filed in the said office of the clerk of the district court and it shall be the duty of the said clerk of the district court to mail or deliver the duplicate copy of such instrument of satisfaction or partial satisfaction, or a certified copy of the same, to the clerk of the said municipal court, who shall thereupon file the same in his office.

Sec. 33. Duties of clerk—execution may be had although transcript issued—satisfactions—jurisdiction and powers with relation to examination of debtors.—The clerk of said municipal court shall note on the record that such transcript has been given; but said municipal court may at any time thereafter take proceedings to enforce the judgment against the personal property of the judgment debtor, the same as if such transcript had not been issued, and the judges thereof are hereby vested with all the powers and jurisdiction in relation to the examination of debtors and otherwise now vested in said district court and the judges thereof, and upon the satisfaction or partial satisfaction of any judgment in said municipal court wherein a transcript of said judgment has been issued it shall be the duty of the clerk of the municipal court to give to the judgment creditor a certified copy of the instrument of satisfaction or partial satisfaction which shall be filed in the district court and such satisfaction or partial satisfaction entered upon the docket thereof, and upon the satisfaction or partial satisfaction of any such judgment in the district court by proceedings upon such transcript or otherwise it shall be the duty of the judgment creditor to file a certified copy of the instrument of satisfaction or partial satisfaction or a duplicate thereof, in said municipal court.

Sec. 34. Court reporter—duties.—The judge of said court may employ and appoint a stenographic reporter to make in shorthand writing a true record or report of the proceedings and evidence taken upon the trials of issues of fact in said court and of all examinations held therein, and, when required by the court or either of the parties to such trial or examination to transcribe such record and report into longhand, and to perform such other stenographic or clerical work in connection with the court as the judge shall direct. Said reporter shall take and subscribe an oath similar to the oaths required of the reporter in the district courts of this state, and file same with the village recorder. The judge shall have the power to remove said reporter at any time and appoint another in his place.

Sec. 34A. In addition to such salary as the village council may fix, the reporter may charge for a transcript of his record, ordered by any person other than the judge, eight cents per folio thereof, and two cents per folio for each manifold or other copy thereof, when so ordered that it can be made with such transcript.

Sec. 35. Court officers.—The judge of said court may appoint a court officer to serve its process and other papers, and preserve order under its proceedings and otherwise perform and carry out the orders of the court. Such officer so appointed shall have all the power of constables under the statutes of this state as well as the common law. Said judge shall also, in his discretion, employ such

deputy court officers as may be needed to attend the sessions of the court, and when required serve process and other papers issued by said court in the course of its proceedings, and carry out the orders of the court. The compensation of said officers shall be fixed by the village council. Such court officer and deputy court officers shall furnish bond to the village in the sum of one thousand (\$1,000.00) dollars each, for the faithful performance of their duties.

Sec. 36 Change of venue.—The defendant in any civil action begun in said court of the village of Hibbing may have a change of venue therefrom to another municipal court within the county of St. Louis if said court be the municipal court within said county nearest his place of residence, by making a demand in writing therefor within the time allowed for answering, accompanied by an affidavit by himself, his agent or attorney, stating definitely his place of residence and the location of the nearest municipal court thereto within the said county of St. Louis. Said demand and affidavit, with proof of service thereof upon plaintiff's attorney, shall be filed with the clerk of the municipal court of the said village of Hibbing within fifteen (15) days from the date of its service, and thereupon the place of trial shall be changed to the municipal court within said county nearest the residence of the defendant without any further proceedings.

Provided that in any action commenced in said municipal court wherein the amount in controversy is in excess of five hundred dollars (\$500.00) any defendant residing without the corporate limits of the village of Hibbing and nearer to another municipal court which would have jurisdiction of said action if it were not in excess of five hundred dollars (\$500.00) may have same removed to the district court nearest to the place of his residence, by making demand in writing therefor within the time allowed for answering, accompanied by an affidavit by himself, his agent or attorney, stating definitely his place of residence and the location of the nearest district court thereto within the said county of St. Louis. Such demand and affidavit, with proof of service, thereof upon the plaintiff's attorney, shall be filed with the clerk of the municipal court of the said village of Hibbing within fifteen (15) days from the date of its service, and thereupon the place of trial shall be changed to the district court within said county nearest the residence of the defendant without any further proceedings.

Sec. 37. Provisions severable—effective July 1, 1929.—The various provisions of this act shall be severable, and if any part or provisions shall be held to be invalid, it shall not be held to invalidate any other part or provision thereof.

This act shall take effect from and after July 1, 1929.

Approved April 19, 1929.