

H. F. No. 623.

CHAPTER 396.

Repealing
chapter 415,
special laws
of 1881.

An act repealing an act entitled "an act granting swamp lands to aid in the construction of the main line of railroad of the Little Falls & Dakota Railroad Company."

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

SECTION 1. That an act entitled "an act granting swamp lands to aid in the construction of the main line of railroad of the Little Falls & Dakota Railroad Company," approved March 3, 1881, being chapter four hundred fifteen (415), Special Laws of Minnesota, 1881, be and the same is hereby repealed, and the grant therein made and not already earned is hereby forfeited; *provided, however*, that nothing herein contained shall affect or limit the powers or duties of any officer or officers of this state authorized by any law of this state, or contemplated by any measure now pending before the legislature of this state, which shall hereafter become a law, to settle or adjust any matter now in dispute between the state, or the land commissioner thereof and the Northern Pacific Railway Company, relative to the rights of said Company to lands for the construction of the western twenty seven and seven-tenths (27.7) miles of railroad already constructed on the route prescribed by the said Chapter 415.

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

Approved April 10, 1901.

H. F. No. 671.

CHAPTER 397.

Amendment
of chapter 53,
special laws
of 1891, re-
lating to Du-
luth municipal
court.

An act to amend sections 46 and 47, of chapter fifty-three (53), of the Special Laws of Minnesota, for the year eighteen hundred and ninety-one (1891), the same being an act entitled "an act to confirm and continue the present municipal court of the City of Duluth, in the county of St. Louis, in the State of Minnesota; to enlarge the jurisdiction of said court, and to regulate the practice and procedure thereof."

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

SECTION 1. That section forty-six (46) of chapter fifty-three (53) of the Special Laws of Minnesota, for the year 1891, be and the same is hereby amended so as to read as follows:

"Section 46. Appeals. In any cause 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, if he so elect, cause the same to be removed by appeal from said municipal court to the district court of the county of St. Louis, and 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 said municipal court to said district court except as herein modified. Orders of 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 herein provided for shall be one-half of the time for doing the same act now provided in case of appeals from the district court to the supreme court, except that the said time shall in no case be less than two days. Bond to perfect said appeals to said district court shall be in a sum of not less than one hundred (100) dollars. In civil actions in appeals to said district court, if the appeal be from an order, supersedeas bond 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 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. The clerk of the municipal court shall collect a fee of one (1) dollar for certifying and returning the record to the district court, and a fee of one (1) dollar for receiving and docketing such appeal shall be paid to the clerk of said district court, which said fees shall be paid by the party appealing, and may be taxed by him if successful as a disbursement; the clerk of the district court shall also receive one (1) dollar for the remittitur and certifying and returning the records and proceedings on appeal to the clerk of said municipal court to be paid and taxed by the party obtaining the same, and which fees shall cover all charges of said respective clerks subsequent to taking such appeal, except as otherwise herein provided. The judges of said district court shall sit together as an ap-

Appeals
from
municipal
court.

Non-appeal-
able orders.

In civil
actions.

Fees of mun-
icipal and
district court
clerks.

pellate court. Said appeals may be brought on for hearing at any special term upon eight 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. Appeal 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. Upon said appeal to said district court, either party may submit typewritten briefs in addition to oral argument, 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 determinations 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] provided for in which supersedeas bond has been given, the municipal court shall issue no transcript of its judgment, if judgment has been already entered, until the appeal has been determined and remittitur received from said district court. The successful party from any such appeal shall be entitled to tax his actual disbursements, and in addition thereto, the sum of ten (10) dollars as statute costs of such appeal. In case of any appeal to said district court herein provided for, the clerk of said district court, shall, 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 said appeal, and after receipt thereof, said municipal court clerk, shall, upon written request of the party entitled thereto, enter judgment.

Appeals to
Supreme
court.

Rules for
municipal
and district
court.

SEC. 2. That section 47 of said chapter fifty-three (53) of said Special Laws of 1891, be and the same is hereby amended so as to read as follows: Section 47. "No judgment rendered in said 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 action 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 and receive on demand a transcript of such judgment duly certified and file the same in the office of the clerk of the district court 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 the filing such transcript, to the same extent as a judgment of said district court, and shall thereafter, so far as relates to the enforcement of the same, against the real estate of the judgment debtor and personal property of the judgment debtor beyond the counties of St. Louis, Lake and Cook, 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 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, 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 transcripts 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.

Judgments
and writs
of execution.

Jurisdiction.

SEC. 3. That section 51, of said chapter fifty-three (53) of said special laws of 1891, be and the same is hereby amended so as to read as follows:

Salaries of
judge and
court
officers.

Section 51. "The salary of the judge of said municipal court shall be three thousand (3,000) dollars per annum. The salary of the clerk of said municipal court shall be fifteen hundred (1500) dollars per annum, and the salary of the first deputy clerk of said court shall be nine hundred (900) dollars per annum, and that of any other deputy clerks eight hundred (800) dollars per annum each. The salary of the official stenographic reporter of said court shall be one thousand (1,000) dollars per annum. The city attorney shall receive a salary of six hundred (600) dollars per annum, exclusive of the salary paid said officer by the common council of said city. The salary of each of said officers shall be payable from the city treasury of the city of Duluth in monthly installments and neither of said officers shall receive any other fee or compensation for his services.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 11, 1901.

H. F. No. 706.

CHAPTER 398.

Repealing
chapter 285,
special laws
of 1883.

An act to repeal chapter two hundred and eighty-five (285) of the special laws of eighteen hundred and eighty-three (1883), entitled "An act regulating the compensation of the county commissioners of Pope county."

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

SECTION 1. That chapter two hundred and eighty-five (285) of the special laws of eighteen hundred and eighty-three (1883), entitled "an act regulating the compensation of the county commissioners of Pope county," be and the same is hereby repealed.

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

Approved April 13, 1901.