

No district, when first formed, shall contain more than four hundred male voters, *provided*, however, that where two voting machines are used in any election district, the said districts, when so framed shall contain no more than six hundred male voters.

And the council or town board shall so divide, consolidate, and re-arrange the districts from time to time that the number of voters in each shall be substantially equal, and not exceed four hundred.

All such changes shall be made by resolution adopted at least six weeks before the next ensuing election, and sixty days posted notice thereof shall be given before the change shall take effect.

Polls to be kept open until 9 o'clock p. m.—Sec. 2. That Section 252 of Revised Laws, 1905, of the state of Minnesota, be and the same is hereby amended so as to read as follows:

252. Hours for opening and closing polling places—In towns and villages the polls shall be kept open from 9 o'clock a. m. until 5 o'clock p. m., in cities of the fourth class, from 6 o'clock a. m. until 7 o'clock p. m., and in all other cities from 6 o'clock a. m. until 9 o'clock p. m.

No adjournment or intermission whatever shall be had until the polls are closed, all the votes counted, and the result publicly announced; but this shall not be construed to prevent any temporary recess for taking meals or other necessary purposes, provided, the board remains in session and not more than one member thereof is absent at the same time.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 27, 1909.

CHAPTER 126.—H. F. No. 542.

An act to create an additional judge for the District Court of the Eleventh Judicial District, and to provide for holding terms of said District Court at the City of Virginia, County of St. Louis, in said district, and for adjourning said terms to the Village of Hibbing, in said county, in certain cases.

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

Terms of district court at Virginia, St. Louis county.—Section 1. General terms of the district court for the county of St. Louis are hereby established to be held in the city of Virginia, in said county, on the fourth Tuesday of January, April,

July and October in each year, for the trial of all actions and proceedings, civil and criminal, with the same force and effect as though held at the county seat of said county; and said terms shall be in addition to the general terms of said district court held at the county seat of said county, as now provided by law.

Provided, that all proceedings for the registration of title to real estate shall be tried at the county seat of said county.

Provided further, that all other actions involving the title to real estate shall be tried at the county seat of said county, except that by written consent of all the parties thereto, any such action may be tried at the said city of Virginia.

Provided further, that no officer having in his custody any of the public records of St. Louis county shall be required to produce any of such records at the trial of any action herein provided for, except at the county seat, save on an order of said court providing for the immediate return of any such records to the proper office.

Special terms—When held.—Sec. 2. Special terms of said district court shall also be held at said city of Virginia at least once in each month, for the hearing of such matters as are usually heard at special terms and at chambers in the district courts.

Officers of court.—Sec. 3. There shall be at all times at least one deputy sheriff of said county, and at least one deputy clerk of said district court, resident at said city of Virginia, and their appointment shall be made, and their salaries shall be fixed, and paid, in the same manner as other deputy sheriffs, and deputy clerks of district court, in said county.

But the office of said deputy sheriff and the office of said deputy clerk at Virginia shall not in any sense be considered or deemed to be the office of the sheriff or the office of the clerk of said court for any purpose except for the performance of their respective official duties relating solely to proceedings tried, or to be tried, at said city of Virginia, or at the village of Hibbing, except that marriage licenses may be issued by said deputy clerk.

Commissioners to furnish adequate accommodations.—Sec. 4. It is hereby made the duty of the board of county commissioners of said county of St. Louis, to furnish adequate accommodations for the holding of the said court at said city of Virginia, proper offices for said deputies, and a proper place for the confinement and maintenance of prisoners at said city.

And said county shall also reimburse the clerk of said court and his deputy herein provided for, and the county attorney and the district judges of said district for their travelling expenses actually and necessarily incurred in the performance of their respective official duties.

Grand and petit jurors.—Sec. 5. Grand and petit jurors for each of said general terms shall be selected, drawn and summoned in the same manner in all respects as for the general terms of said court held at the county seat of said county.

Appeals.—Sec. 6. All appeals from municipal courts and from justices of the peace, shall be heard and tried at said city of Virginia, in all cases when the court appealed from is, by the usual route of travel, situated nearer to the said city of Virginia than it is to the county seat of said county.

Provided, that by consent of the parties, any such appeal may be tried at the county seat of said county.

Trial of criminal causes.—Sec. 7. All persons bound over to the district court, charged with a criminal offense, by any justice of the peace or municipal court, situated nearer to the said city of Virginia than to the county seat of said county, shall be tried at said city of Virginia.

Also all criminal offenses committed in cities, villages, townships, or unorganized territory, situated nearer to said city of Virginia, by the usual traveled route, than to the county seat of said county shall be tried at said city of Virginia.

Trial of civil actions.—Sec. 8. All civil actions brought in the district court of said county against any party whose place of residence, by the usual routes of travel, is situated nearer to the said city of Virginia than to the county seat of said county, shall be tried at the terms of Court to be held in said city of Virginia, unless the place of trial shall be waived by the defendant.

And for the purpose of determining the place of residence of a corporation, the location of its principal office in said county shall govern.

What civil cases may be tried.—Sec. 9. Any party wishing to have any civil cause commenced by him in said court, tried at the said city of Virginia, shall, in the summons issued therein, in addition to the usual provisions, print, stamp or write thereon the words "to be tried at the city of Virginia"; and in all cases where any summons contains such specifications, the case shall be tried at said city of Virginia, unless the defendant shall have the place of trial fixed at the county seat, as hereinafter provided.

If the place of trial designated in any summons is not the proper place of trial, as specified in this Act, the cause shall nevertheless be tried at such place, unless the defendant, in his answer in addition to the other allegations of defense, shall plead the location of his residence, and demand that such action be tried at the place of holding said court nearest his residence, as herein provided; and in any case where the answer of the defendant pleads such place of residence, and makes such demand of place of trial, the plaintiff, in his reply, may admit or deny such allegations of residence, and if such allegations of residence

be not expressly denied, such cause shall be tried at the place so demanded by the defendant, and if the allegations of residence be so denied, then the place of trial shall be determined by the court on motion.

If there are several defendants, residing at different places in said county, the trial shall be at the place upon which the majority of such defendants unite in demanding, or, if the numbers are equal, at the place nearest the residence of the majority.

Nothing in this act contained, however, shall be construed to abridge the power of the court, for cause shown, to change the place of trial of any such action or proceeding, civil or criminal.

Papers to be filed and kept.—Sec. 10. After the place of trial of any cause is determined, as provided in this Act, all papers, orders and documents pertaining to said cause, and filed in Court, shall lie filed and kept on file at the place where such cause was tried, or is to be tried.

In all actions tried at the city of Virginia, the clerk of said court, as soon as final judgment is entered, shall cause such judgment to be docketed in his office in Duluth; and when so docketed the same shall become a lien on real estate, and have the same effect as judgments entered in causes tried at the county seat.

Provided, that in all actions tried at said city of Virginia, involving the title to real estate, upon final judgment being entered, all the papers in said cause shall be filed at the clerk's office at the county seat, and the final judgment or decree recorded therein.

Powers of judges—Adjournment may be taken.—Sec. 11. The judges of the district court shall have full power and authority to make all such rules, orders and regulations as are necessary to carry out the provisions of this act.

The judge or judges holding any of said terms at said city of Virginia, may also, in his, or their, discretion, adjourn the same to some suitable place in the village of Hibbing, in said county, to be designated in the order of adjournment, for the trial of any cause or causes, civil or criminal, pending for trial at said term.

Provided, that no such adjournment shall be made unless the said village of Hibbing shall have previously, without expense to the county of St. Louis, provided suitable rooms for the holding of such term, and a proper place for the confinement of prisoners during the session of any such adjourned term.

Four judges to be elected in the eleventh judicial district.—Sec. 12.—There shall be elected in the eleventh judicial district of said state four judges of the district court of said district, any one or more of whom shall have, and exercise, the powers of the

said court, as now prescribed by law relative to the present judges of said court, except as otherwise provided by this act, and all laws now in force, whether general or special, as to the qualifications, election, canvass of votes, oath and terms of office, and commencement of such term, compensation, jurisdiction, duties, authority, and powers of the present judges of the district court, shall apply to all the judges of said court, and their successors shall be elected, and vacancies in their offices shall be filled, as now provided in relation to the present judges of the said district court.

Provided, however, that the present judges of the said district court shall be judges of the said court for the unexpired terms for which they were elected.

The governor to appoint immediately.—Sec. 13. That immediately upon the passage of this Act, the governor of the state shall appoint a competent person to be one of the judges of the said district court, who shall immediately thereafter qualify and enter upon the duties of said office, and shall hold the said office until a successor shall have been elected and qualified, which said successor shall be elected at the first general election that occurs more than thirty days after the passage of this act.

To act in joint session.—Sec. 14. The said judges, or any two or more of them, may act in joint session for the trial or determination of any matter before the court, including the trial of jury cases, and when so acting, the judge senior in office, or if neither be senior in office, the judge senior in age, shall preside, and the decision of the majority shall be the decision of the court.

If, however, the judges so acting together shall be evenly divided in opinion, the opinion of the presiding judge shall prevail. Process may be tested in the name of any one of the said judges.

Division of business.—Sec. 15. The said judges, or a majority of them, may divide the business of the said court between the said judges, and may otherwise regulate said business by rules, or otherwise; and each of the said judges may separately try court or jury cases during the same term, or at the same time.

Sec. 16. All laws and parts of laws inconsistent with this act are hereby repealed.

Sec. 17. This act shall take effect, and be in force, from and after its passage.

Approved March 29, 1909.